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**Submission by the National Commission on Violence
against Women**

**National Commission on Violence against Women
(Komisi Nasional Anti Kekerasan terhadap
Perempuan/Komnas Perempuan)**

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A. Methodology and Consultation Process

1. This report is prepared by the National Commission on Violence Against Women (Komnas Perempuan), an independent body with a mandate to develop conducive conditions for eliminating all forms of violence against women and fulfilling the women's human rights.
2. For this report, Komnas Perempuan has consulted with civil society organizations, NHRIs and related ministries.

B. Progress on Human Rights Conditions and Implementation of UPR's Recommendations in Indonesia

1. Sexual Violence

Komnas Perempuan records an increase of 11% of sexual violence of total 8.837 cases in 2020 and 2021 reported to service providers and Komnas Perempuan, particularly within personal relation domain. There was 1.721 online sexual violence cases reported directly to Komnas Perempuan in 2021, almost a double from the number of cases reported in 2020. Whilst the reports are increasing sharply, the strengthening of capacity to response is pivotal. Komnas Perempuan appreciates the GoI's response to eliminate sexual violence through ratifying several regulations on the Prevention and Handling of Sexual Violence¹ (PPKS) in educational institutions, the workplace, and government institutions as well as formulating an Inventory List of Problems of the Sexual Violence Bill. Online sexual violence has also arisen² with several variety of sexual violence's forms and types. **Recommendations:** (1) In cooperation with stakeholders, the GoI intensifies public educations or campaigns on sexual violence; (2) The GoI supports more ministries/institutions and private sector to adopt policies on PPKS; (3) Ministries/institutions oversee implementation and conduct periodic and measurable evaluations on PPKS; (4) the parliament to immediately ratify the Bill on Sexual Violence in fulfilling the rights of victims to justice and remedy.

¹ In 2019 the Directorate General of Education at the Ministry of Religion issued Directive No. 5494 concerning Guidelines for the Prevention and Handling of Sexual Violence at Islamic Religious Universities (PPKS). This directive has become a legal umbrella for State Islamic Religious Universities (PTKIN) to make PPKS policies in their respective campuses. Up till 2021, 24 out of the 58 PTKIN campuses, which have received the Rector's Directive, have developed PPKS Standard Operating Procedures (SOPs). In 2021, the Ministry of Education, Culture, Research and Technology issued Ministerial Regulation No. 30 of 2021 concerning Guidelines for the Prevention and Control of Sexual Violence in Higher Education. In 2021, the Director Generals of Christian, Catholic, Hindu and Buddhist Guidance formulate PPKS SOPs with Komnas Perempuan. The State Civil Service (BKN) has also issued a Circular from the Head of BKN No. 10 of 2021 regarding the Prevention and Handling of Harassment and Bullying within the BKN.

² In 2020, cases of gender-based cyber violence increased by 920% (based on reports from 120 institutions), with a 300% increase in direct complaints to Komnas Perempuan, CATAHU 2021.

2. Gender-based Torture

Indonesian Criminal Code has yet to regulate explicitly acts of torture³ and thus, many cases of torture has not appropriately and adequately responded, even more so cases of gender based torture.⁴ Torture practices and inhumane punishments are persisting against women prisons,⁵ as well as against women with mental disorder in psychiatric hospitals and rehabilitation centres.⁶ Capital punishment is still applied, and as in local regulation in Aceh (Qanun Jinayat) corporeal punishment is adopted.⁷ Komnas Perempuan is particularly concerned that the enactment of Qanun Jinayat risks women victims of rape to be caned because they are considered to have committed adultery. **Recommendations:** (1) The GoI adopts a law which recognizing the act of torture according to CAT and the criminalizes sexual and gender based torture and inhuman punishment; (2) The State withdraws all punishments that are contradictory to human rights principles; (3) The Government takes effective steps to submit a regular periodic report on implementation of CAT and expedite the ratification of OPCAT; (4) support the establishment of National Preventive Measures⁸

3. Harmful Practices (FGM/C and Dangerous Practices in the Name of Tradition)

Till now, some harmful practices traditions against women are still persisting, including FGM/C⁹ and forced marriages. Prevention has been ineffective due to the vague regulation to prohibit the practices that resulted in doubtfulness amongst law enforcers to handle the reported cases utilizing possible interpretation of criminal law.

Recommendations: (1) The GoI intensifies activities to increase awareness and adopt

³ Indonesia has ratified CAT in 1998 by Law No. 5 of 1998 concerning the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) however the implementation report (meant to be completed in 2012) has yet to be conducted.

⁴ Komnas Perempuan recorded cases of rape against women detainees and against female family member of detainees of which cases the later cases is trialed as simply fornication case

⁵ Findings of Komnas Perempuan's monitoring in cooperation with the National Commission on Human Rights, National Commission on Child Protection, Ombudsman, and the Victims and Witness Protection Agency.

⁶ Komnas Perempuan's report, 2019. <https://komnasperempuan.go.id/laporan-pemantauan-ham-detail/laporan-pemantauan-komisi-nasional-anti-kekerasan-terhadap-perempuan-hukuman-tanpa-kejahatan-dimensi-penyiksaan-dan-daur-kekerasan-terhadap-perempuan-dengan-disabilitas-psikososial-di-lokasi-serupa-tahanan-rsj-dan-pusat-rehabilitasi>

⁷ The punishment of caning is legitimized by Qanun Number 11/2002 regarding Shari'a Law, Qanun Number 12/2003 regarding Alcohol, Qanun 14/2003 regarding Khalwat which is reinforced by Qanun Number 6/2014 regarding Jinayat.

⁸ The NPM has been initiated 5 years ago through the cooperation of Komnas Perempuan the National Commission on Human Rights, National Commission on Child Protection, Ombudsman, and the Victims and Witness Protection Agency

⁹ In 2017-2018 FGM/C was still carried out in 17 regencies in 10 provinces, see Komnas Perempuan Study (2021), <https://komnasperempuan.go.id/siaran-pers-detail/siaran-pers-komnas-perempuan-hari-internasional-menentang-pelukaan-dan-pemotongan-genital-perempuan-p2gp-6-februari-2021>. while for forced marriage, the Academic Manuscript of the TPKS Bill (2020) states that Komnas Perempuan received complaints from two cases of forced marriage in numerous areas throughout 2020.

policies which prohibit all forms of harmful traditional practices, including FGM/C, in coordination with other stakeholders, and community and religious leaders; (2) The GoI develops programs and studies related to harmful practices in the name of traditions which harm women, and promotes gender equality and justice.

4. Virginty Test

There is a regulation for the army to abolish the hymen examination of prospective soldiers of the Women's Army Corps (KOWAD) and to candidate of bride.¹⁰ However, this policy has yet to be adopted to the military in general military institutions. **Recommendation:** The GoI ensures the prohibition for virginty testing and other discriminatory policies in the recruitment of prospective woman soldiers and advances the gender equality within security sector agenda.

5. Child Marriage

The policy of granting marriage dispensation has contributed to the high number of child marriage though the GoI has increased the age marriage for girl. In 2021, it is still recorded 59.709 cases of child marriage dispensation.¹¹ Meanwhile, polygamy, prohibition to inter-religious marriage and inequality of inheritance rights for women still exist. Recommendations: (1) The GoI to amend the Marriage Law which includes (a) abolition of polygamy; (2) guarantees of equal inheritance rights for women; and (d) the choice to make civil marriage available to all women.

6. Access to Justice

Komnas Perempuan commends GoI for issuing the policies and guidelines with gender justice perspective to fulfil victim's rights to justice and recovery at court and attorney levels.¹² There is also Law on Legal Aid for the Poor although it still prioritize suspects/defenders over victims and difficult to be accessed by women, persons with disabilities and indigenous people.¹³ There is no specific guideline for the victim's rights during investigation of VAW at police level. Also, women victims

¹⁰ Regulation No. KEP/9220/XI/2020 of 23 November 2020 on Technical Guidance for Examinations and Health Tests

¹¹ CATAHU 2020, the number of child marriages increased significantly by almost 300% (from 23,166 to 64,211 cases). This means that so far there have been many marriages of girls aged 16-19 years.

¹² Supreme Court Regulation (*Perma*) No. 3 of 2017 concerning Guidelines for Judging Cases of Women in Conflict with the Law. The Attorney General of the Republic of Indonesia issued Guidelines No. 1 of 2021 concerning Access to Justice for Women and Children in Handling Criminal Cases, Law No. 16 of 2011 concerning Legal Aid for the poor. Article 1 paragraph 2 of the Legal Aid Law defines that those who need legal assistance are people living in poverty, as evidenced by a letter of poverty.

¹³ The Legal Aid Organisations also still have trouble gaining verification and accreditation to obtain legal aid funds. There are currently 524 accredited Legal Aid Organisations (2019).

still find financial challenge in obtaining *visum et repertum*.¹⁴ **Recommendations:** (1) The National Police formulates an internal policy for regulating the appropriate procedure in investigating the women's cases; (2) Improve implementation of Legal Aid Law and other regulations and guideline to promote better access of justice for women victims of violence; (3) The GoI issues a *visum* free-of-charge policy for women victim; (4) Revise the Criminal Procedure Code which guarantees the rights of victims in the criminal justice system;

7. Women Migrant Workers: Legal Protection Challenges and Layered Vulnerabilities during the COVID-19 Pandemic

The GoI has issued various policies to protect migrant workers¹⁵ from violence.¹⁶ However, the implementation of these policies including the Indonesian Migrant Workers Protection Act, has not been optimal.¹⁷ Meanwhile, the Job Creation Law undermines the protections guaranteed in Law on Migrant Worker Protection, of which are increasingly needed due to the impact of the COVID-19 pandemic to the vulnerability and gender-based violence to WMW.¹⁸ **Recommendations (1)**

¹⁴ The handling victim's cases is not funded equally with the handling cases of suspects/defenders. The Attorney General issued Regulation No. 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice, however the perspective of interpretation has not yet pro women who are victims of violence, including in cases of domestic violence. In addition, the implementation of Government Regulation No. 39 of 2020 concerning Reasonable Accommodations for Persons with Disabilities in the Justice System is not evenly distributed in the country.

¹⁵ Law No. 12 of 2017 concerning Ratification of the ASEAN Convention Against Trafficking in Persons, Especially Women and Children; Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers (UU PPMI) which comprehensively ensures fulfilment of rights and protection. In year 2019 Constitutional Court has decide to secure substantive protection for Indonesian Migrant Workers, article 54 paragraph (1) letters a and b, Article 82 letter a and Article 85 letter a of the PPMI Law was judicially reviewed by the Indonesian Manpower Placement Company Organization (ASPATAKI). However, the Constitutional Court of the Republic of Indonesia decided to reject the applicant's application of case No. 83/PUU-XVII/2019 in its entirety..

¹⁶ During 2017-2020, Komnas Perempuan's CATAHU recorded 699 cases of women migrants and 816 cases of trafficking in persons.

¹⁷ Draft Government Regulation concerning the Placement and Protection of Migrant Trading Vessels and Crews of Migrant Fishing Vessels, as well as Draft Presidential Regulation concerning the Duties and Authorities of the Manpower Attaché. Government Regulation No. 5 of 2021 concerning the Implementation of Risk-Based Business Licensing.

¹⁸ The Job Creation Law has the potential to undermine the framework for the protection of human rights, including in the management of labour migration, due to loosening of supervision and licensing (P3MI - Minister of Manpower of the Republic of Indonesia Regulation No. 10 of 2019 on Procedures for Issuance of License of Indonesian Migrant Workers Placement Agency) which is one of the causes of the chaos of exploitation and violence against Indonesian migrant workers. Indonesian migrant worker women experience difficulties in accessing health services in the work destination country, especially undocumented migrants. In addition to being vulnerable to being exposed to Covid-19, Indonesian migrant worker women are vulnerable to facing increased workloads, loss of vacation time, withholding of salary payments, loss of work which consequently decreases family welfare conditions, as well as risk of facing gender-based violence including exploitation, sexual harassment and trafficking of persons. Source: <https://komnasperempuan.go.id/kabar-perempuan-detail/dampak-undang-undang-cipta-kerja-terhadap-perempuan-pekerja-migran-indonesia>. The Job Creation Law is partially annulled by Constitutional Court that demanded the parliament and executive to improve the protection of constitutional rights.

Accelerate the implementation of the regulations of the Migrant Workers Protection Law; (2) Expand online social safety programs for migrant workers and their families who are affected by Covid-19; (3) revise Job Creation Law as mandated by Constitutional Court to better protect rights of workers, including of migrant workers.

8. Sexual and Reproductive Health Rights of Vulnerable Groups

The GoI has issued Sexual and Reproductive Health Right regulations and guidelines concerning Sexual and Reproductive Health, including services for pregnant women, safe abortion and Family Planning.¹⁹ However, the implementation of these regulations and guidelines has not been optimal, especially during the Covid-19 pandemic²⁰, in particular the safe abortion services for rape victim.

Recommendations for the Indonesian Government: (1) Provide equitable access to health services for pregnant women in vulnerable groups, including during disasters; (2) ensure comprehensive sexual and reproductive health education is included in the national education curriculum including for women and girls with disabilities ; (3) empower primary health services (*puskesmas*) knowledge on sexual and reproductive health; (4) strengthen safe abortion and post-abortion services particularly for rape victim.

9. Discriminatory Laws and Regulations and Multiple Discriminations

9.1. Discriminatory Laws and Regulations

- Komnas Perempuan has recorded the decreasing number of discriminatory policies in the name of morality and religion that hinder the fulfilment of social and cultural rights especially for women, from 421 policies in 2016 to 305 policies by the end of 2021. However, in year 2021 only there were another 20 discriminatory policies

¹⁹ The fulfilment of SRHRs for pregnant women is regulated by the Minister of Health Regulation (*Permenkes*) No. 97 of 2014 concerning Health Services for Before Pregnancy, Pregnancy, Childbirth, After Pregnancy, Implementation of Contraceptive Services, and Sexual Health Services; Law No. 16 of 2019 concerning Amendments to Law No. 1 of 1974, by increasing the minimum of age for marriage for women from 16 years to 19 years as an effort to reduce the number of child marriages; and Minister of Health of the Republic of Indonesia Regulation No. 3 of 2016 concerning Training and Implementation of Abortion Services for Medical Emergency Indications and Pregnancy Due to Rape. The SRHR guidelines issued include, Guidelines for the Implementation of Reproductive Health Services for Adults with Disabilities, as mandated by Law No. 36 of 2009 concerning Health and Law No. 8 of 2016 concerning Persons with Disabilities; and Midwifery Modules and Teaching Materials for Reproductive Health and Family Planning.

²⁰ Access to childbirth services is constrained during the Covid-19 pandemic. Consultation Meeting with Civil Society for the Komnas Perempuan Draft UPR Report, Jakarta, Komnas Perempuan, 29 November 2021. SPEK HAM (Women's Solidarity for Humanity and Human Rights), Samsara, members of SWAG and the United Nations Population Fund (UNFPA) stated that sharp curettage services are still being used even though the method is more psychologically damaging and expensive and results in trauma and pain. They also highlighted the importance of expanding abortion services, abortion telehealth services and safe use of drugs in services. Regulations related to abortion still have major challenges in terms of implementation and designation of facilities and requirements.

issued that are controlling women body issued by local authorities.²¹

Recommendations: (1) GoI to set clear targets and time frame to accelerate the revision or withdrawal of discriminatory policies which directly and indirectly impact women's access social and cultural rights; (2) GoI to equip local governments and parliaments with the capacity to implement a women's rights perspective and due diligence principle in carrying out the State's obligations towards human rights.

9.2 Religious Minorities

Discrimination towards adherents of minority religions and followers other than the 6 legally recognized religions by the State remains and leads to various discriminations. For example, the indigenous persons and religious minorities especially those labelled heretic has no adequate access to civil administration services. The violence-based intolerance still occurred i.e. the attacks to the Ahmadiyya community.²² So is obstacle in establishing house of worship.²³ GKI Yasmin's congregation was asked to agree to relocate as a result of 'negotiation' between the objecting party and the central church facilitated by the local government despite the Supreme Court's decision to grant the right to build a church in the original area.²⁴ Women of the respective groups are facing specific impacts due to their gender, including on protection in marriage and on sexual violence committed during the intolerant acts.

Recommendations: The GoI to issue policies to firmer acknowledge other than 6 existing legally recognized religions and to ensure that adherents to minority religions ad faiths can easily access to all civil administration services (birth certificates, identity cards, etc); (2) The GoI to revise the Joint Regulation of Minister of Home Affairs and Minister of Religion concerning the establishment of the worship buildings to ensure equality in enjoying the rights of any religious groups, and (3) to revoke the joint directive regarding Ahmadiyya to deter religious based discrimination and violence against the respective group.

²¹ These facts show that the government has prohibited discriminatory policies, however the number of discriminatory policies is still quite high. Delays in responding to discriminatory regional government regulations (*Perda*) can be seen in the Indonesian Government's report to the CEDAW Committee (2019). It is stated that 114 regional government regulations are considered discriminatory against women, 3 legislations have been revised, 9 legislations have been revoked, while other legislation is still being reviewed. Furthermore, in response to the LoI from the CEDAW Committee (2021), the Indonesian Government stated that "The Minister of Health has identified regional government regulations that are inconsistent with national government regulations and are intolerant/discriminatory, and which need to be revised. There are 85 regional government regulations that are still in effect, 1 has been revised, 8 have been revoked, and 28 are still under review. The regional government regulations, among other things, relate to immoral acts, and the regional government regulation on education, culture, public order, agrarian affairs, as well as women and children."

²² Regarding the Ahmadiyah's case, most cases reported in the previous reporting cycle are yet to be resolved while there was a case of 3 Jehovah's Witnesses students who were unable to continue to the next stage 3 years in a row because of their beliefs.

²³ Ahmadiyah mosque is located in Sintang, West Kalimantan Province.

²⁴ The Indonesian Christian Church (GKI, *Gereja Kristen Indonesia*) Yasmin - the Protestant congregation in West Java. By local and centre province the relocation is considered to be best solution for the case in facing the protest by intolerant groups.

9.3. Sexual Minorities

Komnas Perempuan record number of cases of LBT women who were deprived of their homes as a result of their sexual orientation and gender identity, which hinder their access to education, work, and health services²⁵. Hence, the policy from Directorate for Public Administration of Ministry of Home Affairs to affirm the rights of transgender to have their ID card is commendable as it is necessary to be able to access public services.²⁶ **Recommendations:** (1) The State takes more corrective steps to address the root causes, factors, and impacts of discrimination and violence against sexual minority groups; (2) The State guarantees equal access to education, employment, and other public services for social minority groups.

9.4. Elderly Women

Demographic statistic shows that the elderly population is increasing in which elderly women is higher than elderly men.²⁷ Komnas Perempuan's Annual Notes (CATAHU 2020) recorded that 43 of 45 cases of violence against elderly were perpetrated by their family members, and in the context of the Covid-19 pandemic, elderly have met barriers in accessing health and social services.²⁸ **Recommendations:** (1) The Government integrates the need for protection, empowerment and welfare of the

²⁵ Throughout 2017-2021 there were at least 4 cases of discriminatory regulations against LBT includes (a) the Karawang District Head Circular which stipulates restrictions on activities by LGBT group, as well as prohibiting business actors to give opportunities of work to the group, (b) the Pariaman City District Regulation directly states that transwomen are prohibited from carrying out activities in public places and are subject to a fine of Rp1,000,000 or approximately EUR 61,5, (c) The Cianjur Regency Regulation on the Prevention and Control of Deviant Sexual Behavior has multiple interpretations targeting the LGBT group and equating it with sexual crimes, (d) the Bireuen Regency Government policy regarding standardization of coffee shops/cafes and restaurants, some of which contained distinctions and restrictions on human rights of women and sexual minorities, for example explicitly prohibiting the provision of labor to those considered as transwomen. This policy of the Bireuen Regency Government has resulted in cases of persecution of seven North Acehese who are considered transwomen (January 2018). It started with raids at several salons in Lhoksukon Village and Pantan Labu Village, Kamboe Aye District, North Aceh Regency. The North Aceh Police, *Sharia* Police (Wilayahul Hisbah/WH) and Public Order Agency (Satpol PP) as well as a number of local people arrested the seven residents.

²⁶ Perkumpulan Suara Kita reported more than 480 transgender person have had their ID card since the policy was issued.

²⁷ UN, World Population Prospects. The 2020 National Economic Survey (Susesnas) shows that the number of elderly people increased by 2.74% and now reaches 9.92% or around 26,000,000 (26 million) people, with 10.43% elderly women and 9.46% elderly men, as many as 9.89% elderly living alone, more of whom are women (14.3%) than men (5.06%). In the last five years, the number of working elderly people has tended to increase, specifically 65.5% elderly men and 38.28% elderly women. The Central Bureau of Statistics (BDS) projects that in 2035 the total population of Indonesia will reach 301 million, with around 16.5% or 49.6 million, being elderly.

²⁸ This is due to the limited technological and economic skills to have an up-to-date mobile phone and to buy internet data. Various surveys on the ownership and use of mobile phones/devices show very limited ownership and usage of mobile phones by middle-aged and elderly people. For example, a Nielson survey (2014) noted that mobile phone ownership was only 15% for the age group 65, with the same going for the age group of 55-64.

elderly in regional budgets, regulations and policies and (2) provides affirmation to the special needs of the elderly who become disabled.

9.5. Women with Disabilities

Komnas Perempuan's monitoring (2021) found that in remote areas of East Nusa Tenggara, Papua, West Papua, and other provinces, many women with disabilities do not have identity cards, thus impacting the accuracy of disability disaggregated data as a reference for the policies and programs.²⁹ Komnas Perempuan monitored that many cases of violence experienced by women with disabilities, especially sexual violence are unresolved because the victims find difficulties in providing evidence and identifying perpetrators.³⁰ Komnas Perempuan also learns that around half of female patients at mental health center in Abepura-Papua are women victims of violence. **Recommendations:** (1) Provide the better access to administration services for persons with disabilities (2) Ensure the strengthening of service provider agencies in assisting women and girls with disabilities who are victims of sexual violence in accessing justice and preventing them from experiencing prolonged psychological effects.

10. NHRI: Komnas Perempuan Institution

Komnas Perempuan, as a National Human Rights Institution with a specific mandate to eliminate all forms of violence against women and promote women's human rights, always strives to increase its independence and capacity in carrying out its mandates, including through revisions to its legal status. The cases reported to Komnas Perempuan have risen dramatically of 220% from 1,353 cases in 2016 to 4,322 cases in 2021, equivalent to 12 cases per day. With the increasing number and complexity of cases of VAW, as well as the need to provide comprehensive interventions, the increasing support for Komnas Perempuan's capacity is imperative.³¹

Recommendation: The GoI to support Komnas Perempuan's independence and to provide greater resources to support the institution to carry out its role as a NHRI with the specific mandate.

²⁹ This is because families feel ashamed and still do not understand the importance of civil registration and access to public administration services which are available but not yet disability friendly.

³⁰ In all cases of violence against women with disabilities, it is evident that women with intellectual disabilities are the most vulnerable group with 47% of women with disabilities experiencing gender-based violence. With the high number of cases of violence that occur against women with disabilities, there is an observed risk of infection in the reproductive organs.

³¹ Komnas Perempuan is currently operating with 15 Commissioners, 1 Secretary General and is only supported by 45 staff, with quite a small budget compared to other NHRIs.

11. The Pandemic and Women

A study conducted by Komnas Perempuan shows the increasing number of cases during the pandemic, and the impact of pandemic aggravates the chronic problems in services for women victims of violence.³² Policies have been installed to address the problems of data accuracy and limited resources allocated for services.³³ However, the community based organizations has difficulty in accessing the support and the economic assistance programs for women victims has been criticized for reinforcing gender pattern.³⁴ **Recommendations:** The GoI strengthen Covid-19 long term recovery policies with affirmation programs for women in vulnerable groups (disabilities, elderly, women with HIV/AIDS and other social stigmas, and minority groups); (2) Ensure the continuation and increasing of support for services institutions fulfilling access to justice and recovery for women victims of violence with provision of better access to the support for community based services³⁵ and monitoring of the programs.

³² Cases of violence against women reported directly to Komnas Perempuan experienced an increased by 68% in 2020 and 80% in 2021. The pandemic has exacerbated chronic problems in services for women victims of violence due to cuts in the working hours of service institutions, changes from offline services to online services and Covid-19 health protocol rules. These include a) availability and accesses to safe housing, b) access to online services while women have limited access to information and technology, and c) access to justice when women victims are required to pay for a COVID-19 test in order to obtain valid *visum et repertum* results, required as evidence of violence. Access to services for women victims has also seen a decline in quality as many service institutions provided by civil society do not have sufficient resources to switch services to online-based services, to comply with health protocol rules and at the same time have to deal with the Covid-19 virus which can have an impact on themselves, their families and their co-workers.

³³ IN 2021, Ministry of Home Affairs and Ministry of Finance has allocated special budget to be coordinated by MoWE for services for women and children victims of violence. The allocation has been distributed to various regions, with different amount according to the criteria, and can be also utilized to improve data collection.

³⁴ To reduce the impact of Covid-19 on women and vulnerable groups, the Government provides a variety of aid through social programs and economic assistance aimed directly at women from poor families or those living in rural areas as well as through digital literacy programs for women and raising awareness of gender equality in the home. It is commendable for the National Government's initiative to provide assistance to transgender people to obtain identity cards needed to access social security assistance programs and vaccines.

³⁵ Including but not limited to safe houses, Covid-19 requirements for service access, support for accessing online services and social assistance, and financial support for service provider CSO institutions.

³⁶ Komnas Perempuan studies 15 cases of criminalization against WHRD. Komnas Perempuan defines it as "criminal accusation or counterclaims, or acts against the law by the party being sued and or by people who have a series of interest relations directed at a woman or a group of women who are in the process of fighting for their rights or the rights of others, in a series of legal facts." In 2015-2021, there were 87 cases of intimidation, criminalization and violence against WHRD. As a comparison to 5 cases in 2009, in 2020, Komnas Perempuan recorded 36 cases of attacks and violence against WHRDs..

12. WHRD

Cases of criminalization against WHRDs have increased sharply in 2018-2020³⁶. Prevention initiatives have been carried out by multiple parties³⁷, however the State does not have a specific policy for (women) human rights defenders protection. Two challenges were identified a) the perpetrators are state and non-state actors and b) the legal inadequacy in responding to sexual violence cases. **Recommendations:** (1) The State immediately issues policies on protection to WHRDs, including freedom of speech and provision of support for recovery; (2) The police to cease criminalizing WHRDs and prevent all forms of violence against WHRDs and dutifully convicts both state and non-state actors perpetrating violence against WHRDs.

13. Women, Disasters and Refugees

The implementation of policies related to disasters³⁸ is challenging due to a) the lack of volunteers in IDP's camps with a strong perspective on the needs of vulnerable and island-based groups as found in East Nusa Tenggara³⁹; b) the emergence of new issues i.e trafficking, single parents as victim of VAW; c) disabled person; d) lack of trauma healing for volunteers. We also received report of a number of violence against women cases and discrimination experienced by refugee women.⁴⁰ Refugees do not have equal access to adequate health services for economic and administrative reasons as well as limited legal protection for those under unregistered marriage. **Recommendations:** (1) GoI improves and better implements guidelines for disaster management with gender lens, conducts psychosocial services as well as provides capacity building for volunteers; (2) strengthen coordination of relevant Ministries/Institutions and international cooperation in providing safe and comfortable evacuation space for women and vulnerable groups; (3) Ratifies the 1951 Refugee Convention to protect refugees, including women refugees; (4) Reviews the

³⁶ Komnas Perempuan studies 15 cases of criminalization against WHRD. Komnas Perempuan defines it as "criminal accusation or counterclaims, or acts against the law by the party being sued and or by people who have a series of interest relations directed at a woman or a group of women who are in the process of fighting for their rights or the rights of others, in a series of legal facts." In 2015-2021, there were 87 cases of intimidation, criminalization and violence against WHRD. As a comparison to 5 cases in 2009, in 2020, Komnas Perempuan recorded 36 cases of attacks and violence against WHRDs..

³⁷ Initiative steps taken by KHAM, Komnas Perempuan and the Witness and Victim Protection Agency (LPSK) in the form of monitoring (and documenting) the situation of human rights defenders, and protection of WHRDs, efforts to change laws and policies that better protect human rights defenders, including WHRDs. In 2021, Komnas HAM issued Standard Norms and Regulation No. 6 concerning Human Rights Defenders.

³⁸ Law No. 24 of 2007 concerning Disaster Management and Presidential Regulation No. 17 of 2018 concerning the Implementation of Disaster Management in Certain Circumstances.

³⁹ Monitoring on 23-24 April 2021 in East Nusa Tenggara.

⁴⁰ 1 case of sexual harassment, 1 cases of sterilization without consent, a case related to the right to health where 2 women refugees were detained a denied access to health care. One of them became pregnant and was deported. Cases are reported by SUAKA

implementation and revision of the Presidential Regulation No. 125 of 2016;⁴¹ (5) Increases women refugee's participation in every process of policy making.

14. The Death Penalty

Komnas Perempuan continuously supports the abolition of the death penalty,⁴² both in the law and on the existing cases of death row,⁴³ particularly it disproportionately affects women of poor community. The Directorate General of Corrections (2021) noted that 10 Indonesian women out of 386 individuals are in the death row both in Indonesia and overseas.⁴⁴ **Recommendation:** a) GoI conducts a moratorium on the death penalty in Indonesia and reviews cases of death row prisoners related to the fulfilment of the right to an honest and fair trial as well as reforms policies against the death penalty, b) annuls death penalty through revision of criminal law.

15. Women and Agrarian Conflicts and Natural Resource Conflicts

Infrastructure development could cause a rift in social cohesion between citizens who are for and against.⁴⁵ These conditions are worsened by the Omnibus Law which reduces public participation and complaint mechanisms. These conflicts result in poverty, the loss of women's knowledge resources, the loss of sovereignty of food

⁴¹ Policy on Handling Refugees from Overseas to ensure the protection of women refugees are better regulated and strengthen national regulations related to the management of refugees in Indonesia using a human rights approach and a gender perspective.

⁴² There are five arguments regarding the urgency of the abolition of the death penalty, including: 1) the potential to target innocent people. Legal systems and courts in various countries including Indonesia still allow innocent people to be punished; 2) Vulnerable, poor and minority groups are frequently targeted due to their limited access to justice; 3) The impact does not always contribute to the reduction in crime rates or provision of a deterrent effect; 4) Contradicts the most fundamental human rights, specifically the right to life; and 5) Violent forms of torture and acts of degrading dignity. Monitoring Report on the Impact of the Death Penalty on Migrant Workers and Their Families, "Repeated Deaths; The Struggle of Women Migrant Workers Sentenced to Death and Their Families to Seize the Right to Life", 2016, p. 3.

⁴³ Komnas Perempuan advocates for the release of Mary Jane Veloso and Merry Utami from death penalty. In MJV case, Komnas Perempuan held meetings with the government, experts and victim assistance organizations to explore legal opinions for the MJV case, both outside and within the judiciary. Also, meeting in August 2021, with the Ministry of Foreign Affairs, Ministry of Law and Human Rights and the Office of the Presidential Staff to ensure the MJV testimony process on trafficking case in the Philippines can be carried out online in Indonesia.

⁴⁴ A source from KontraS (the Commission for Disappeared Persons and Victims of Violence) in a Consultation Meeting with Civil Society for the Komnas Perempuan Draft UPR Report, Jakarta, Komnas Perempuan, 29 November 2021, stated that the people sentenced to death wait in line for execution, which usually takes a very long and uncertain time, the schedule for the death penalty is unpredictable, prompting death row prisoners to receive multiple sentences. This results in a double sentence for death row prisoners. If Indonesia still does not want to abolish the death penalty, the treatment for those sentenced to death can at least be more humane and the Government can at least also ratify the OP ICCPR.

⁴⁵ The Agrarian Reform Consortium noted that there were 30 agrarian conflicts, 17 of which were caused by the construction of the National Strategic Project (PSN). The projects rely heavily on infrastructure development which has impacts to environmental deterioration and contribute to natural resource and spatial planning conflicts.

and medicines and has the consequent domestic violence. Conflicts stem from law disobedience, impunity, supremacy of corporations/investors, negligence to indigenous communities' rights in development, and disconnection of central and regional policies.⁴⁶ Women are less involved in conflict resolutions and the National Action Plan for the Protection and Empowerment of Women and Children During Social Conflict (RAN P3AKS) does not cover conflict resulted from agrarian or natural resources dispute. **Recommendations:** (1) GoI ensures the fulfilment of constitutional rights in infrastructure development; (2) ensures women's participation in granting development permits, planning and complaint mechanisms, and (3) integrates natural resource, agrarian, and spatial caused social conflicts into the RAN P3AKS.

16. Femicide

Komnas Perempuan (2021)⁴⁷ shown that cases of femicide treated as homicide in general⁴⁸ and disaggregated data⁴⁹ is not available from the Central Bureau of Statistics and the Police.⁵⁰ Komnas Perempuan's media study on 97 coverages of femicide affirms the need to extend the study in relation to the effort to eliminate

⁴⁶ Procedurally, the due diligence of granting permits related to development is not complied with, including fulfilling the right to information and public participation for affected women. The pattern of violence occurs in multiple spaces, both in work and living spaces, and in social spaces and personal spaces.

⁴⁷ ⁴⁰ Based on online media monitoring 2015-2020.

⁴⁸ The Indonesian Criminal Code (KUHP) (1) General Homicide (Article 228); (2) Homicide is Accompanied or Preceded by Other Crimes (Article 339 of the Criminal Code); (3) Premeditated Homicide (Article 340 of the Criminal Code); (4) Crime of Persecution that Causes Death (Article 351 Paragraph 3; Article 353 Paragraph 3; Article 354 Paragraph 2; Article 355 Paragraph 2); (5) Neglect that Causes Death (Article 306 Paragraph 2 of the Criminal Code); (6) Rape that Causes Death (Article 291 Paragraph 2 of the Criminal Code); (7) Homicide of Children (Girls) (Article 342 of the Criminal Code); (9) Law No 23 of 2004 on the Elimination of Domestic Violence (the PKDRT Law) as a general homicide case and the Criminal Code places women as victims of domestic violence that causes the victim's life to be lost. Article 5 of the PKDRT Law prohibits domestic violence by means of: physical violence, psychological violence, sexual violence, or neglect of the household. Domestic violence that causes death is equivalent to a criminal act of homicide (Article 338 of the Criminal Code) or planned serious maltreatment (Article 352 Paragraph 2); (9) Law No. 40 of 2008 concerning the Elimination of Race and Ethnic Discrimination; (10) Child Protection Law; (11) Law No. 36 of 2009 concerning Health, Abortion and Homicide of the Fetus (Abortion) Article 75; (11) Article 45a of the Child Protection Law also prohibits anyone from having an abortion on a child who is still in the womb, except for reasons and procedures that are justified in accordance with the provisions of the legislation. Also regulated in Articles 346, 347, 348 and 349 of the Criminal Code.

⁴⁹ Including age, education, occupation, sexual orientation and motive for homicide

⁵⁰ Data from the Indonesian National Police (Polri), in this case the Criminal Investigation Agency (Bareskrim) for the last five years (2015-2019) shows that the number of death cases has decreased. In 2015 there were 1,491 cases recorded, which then decreased to 1,292 in 2016, decreasing again in 2018 to 1,024 cases, with a further decrease in 2019 to 964 cases. Even so, the total number of death cases still stands at around 1,000 cases a year, throughout 2015-2019. However, the police data collection on death has not been carried out in a disaggregated manner, specifically gender, age, disability, sexual orientation and motive for homicide. Classifying the data is important to see the number of femicide, various motives and their types.

gender based violence against women and ensuring victim's access to justice.⁵¹

Recommendations: (1) GoI to ensure that data is disaggregated by sex, relations of victims-perpetrators, perpetrator's age, victim's education and homicide motive, (2) to integrate femicide in the Bill on Criminal; (3) to equip law officers with gender perspective and (4) to integrate femicide as an achievement indicator of Gender Development Index and SDG Goal 16.1.

17. Gross Human Rights Violations

Progress in resolving gross violation of human rights is yet to be seen. Seven cases of human rights violations⁵², and three cases of gross human rights violations in Aceh⁵³ have been submitted to the Attorney General in 2017-2018, have yet to reach legal settlements. There is limited and partial support for any mechanisms for resolving cases of human rights violations, including for the Aceh Truth and Reconciliation Commission (KKR Aceh),⁵⁴ and as seen in the delay to allocate budget for immediate reparations of victims of conflict, amongst whom are women victims of sexual violence.⁵⁵ The recommendations of the East Timor case have not yet been followed up⁵⁶ although there was case tried through the Ad Hoc Human Rights Court in 2002.⁵⁷ The advocacy to ratify Convention on the Protection of All Persons from Enforced disappearance is also in stagnation. In Papua, the conflict in Nduga (2018) has yet to

⁵¹ Starting from online media coverage throughout 2020, as many as 97 cases of femicide were observed, spread across 25 provinces. From the 97 cases of femicide that were mapped: 1. Personal Relationships: 58% of the perpetrators were the husband or partner of the victim. Otherwise, the perpetrator was a sibling or infidel partner; 2. Community domain: perpetrators of rape by multiple perpetrators and femicide; 3. Victims: women who work in the sex industry, therapists and songwriters and femicides carried out with aggression and sadism. Forms of femicide sadism: hitting (with bare hands or using a blunt object), stabbing (once or many times or dozens of times), strangling, slashing and entrapment. Femicide is also carried out in combination with other forms of violence. Victims can also experience beatings and other forms of violence.

⁵² The events of 1965/1966, the mysterious shootings (Peter in 1982-1985), the enforced disappearances of activists in 1997-1998, the Trisakti, Semanggi I and II shootings in 1998, Talangsari 1989, the May 1998 riots and the Wasior Wamena incident in 2000-2003.

⁵³ The case of Jambu Keupok, Simpang KKA and the case of Rumah Geudong.

⁵⁴ The Aceh Qanun mandate No. 13 of 2013 concerning the Aceh Truth and Reconciliation Commission has not been fully supported by the Aceh Government, including at the national level. This can be seen from the low support for work operations such as finance. The recommendations of the ACEH TRC for urgent recovery for 104 women victims of the 245 recommended victims have not been followed up so far.

⁵⁵ This recommendation has been supported by the Directive of the Governor of Aceh No. 330/1209 of 2020 concerning Determination of Reparations Urging the Recovery of Victim's Rights to Victims of Human Rights Violations.

⁵⁶ Until now, the stolen children (girls) who live with their adoptive families have experienced violence, do not know where their families are, are isolated, and have not been identified.

⁵⁷ In mid-November 2021, Komnas Perempuan submitted a policy recommendation to the Government to support the ratification of the Convention on Enforced Disappearances. The policy recommendation emphasises the impact of forced disappearances experienced by women and the families of the victims, is a serious problem that lasts in the long term and must be handled through effective mechanisms and in accordance with human rights principles. Furthermore, the ratification is a part of the Government's responsibility, which has already been recommended by the Indonesian House of Representatives in 2009, including in order to search for 13 activists which disappeared between 1997-1998.

be resolved adequately with new problems including intensifying violence and IDPs issues have arisen. Special autonomy regulation for the recovery of Papuan indigenous women victims of conflict and human rights violation has not been implemented. **Recommendations:** (1) GoI seeks and support thoroughly alternatives and solutions for victim recovery; (2) ratifies the Convention on Protection of All Persons from Enforced Disappearance, the Rome Statute, and revises Law No. 26 of 2000 on Human Rights Courts; (3) supports establishment of National Truth and Reconciliation Commission; (4) issues the regulations to prosecute gender-based violence cases in relation to gross violations of human rights; (5) support the implementation of special autonomy regulation for the recovery of Papuan indigenous women victims of conflict and human rights violation.

18. Women and Terrorism

Komnas Perempuan welcomes the National Action Plan for Countering Violent Extremism that Leads to Terrorism and the issuance of the Guidelines on the Protection of Children from Radicalism and Criminal Acts of Terrorism⁵⁸ to better prevent radicalism including by involving women as brides of terrorist.⁵⁹ Komnas Perempuan notices the contribution of incomplete conflict settlement and recovery to encourage the formation of radical ideas.⁶⁰ **Recommendations:** (1) GoI to provide capacity building and empowerment of women who are vulnerable to radicalism indoctrination and exploitation; (2) to carry out comprehensive conflict resolutions

⁵⁸ Ministry of Women's Empowerment and Child Protection Regulation Number 7 of 2019. Both National Action Plan on Countering Violent Extremism that Leads to Terrorism (RAN PE) and the National Action Plan for the Protection and Empowerment of Women and Children in Social Conflicts (RAN P3A-KS) can serve as the basis for preventing and protecting women from the dangerous acts of radicalism and terrorism in Indonesia. Therefore, it is important for the Ministry of Women's Empowerment and Child Protection, the Ministry of Home Affairs and the Coordinating Ministry for Human Development and Culture to oversee the implementation of the three policies above. Consultation Meeting with Civil Society for the Komnas Perempuan Draft UPR Report, Jakarta, Komnas Perempuan, November 29 2021.

⁵⁹ Throughout 2016, there were at least two cases of arrests of two terrorism suspects in the Greater Jakarta and Bali areas. In 2017, there was an arrest of a woman suspected of being a terrorist in the Special Capital District of Jakarta. In 2018, a suicide bombing involving all family members of the perpetrators in the city of Surabaya occurred. In 2019, suicide bombings involving women again occurred in Medan, North Sumatra, where this year there were also two arrests related to plans for criminal acts of terrorism in North Sumatra and Maluku. In 2021, bombings involving women again occurred in South Sulawesi, where this year there were also several arrests of women suspected of acts of terrorism in East Java, Papua, and the Special Capital District of Jakarta. The following news trends that have appeared on a national scale show the position of women as vulnerable groups of indoctrination resulting in involvement in criminal acts of terrorism initiated by those closest to them. Also see the publication on "Don't Let Women Become Tools of Terrorism, Don't Let Terrorism Ruin Our Sense of Security" - compiled by Adriana Venny, Khariroh Ali, Magdalena Sitorus, Indriyati Suparno, and Yuniyanti Chuzaifah (2018) and published on the Komnas Perempuan Press Release page. Serial Bombings May 13-14 2018. (komnasperempuan.go.id/siaran-pers-detail/pernyataan-sikap-komnas-perempuan-merespon-aksi-pengeboman-beruntun-13-14-mei-2018)

⁶⁰ Victims of conflict experience prolonged trauma. Post-conflict handling only lasts for a few months to a year at most, and is often not a concern and is not optimal in handling problems caused by conflict trauma, which are prolonged in nature working paper in formulating the Roadmap Framework on "Fulfilment of Women's Constitutional Rights in Context of Conflict in Indonesia 2025-2045" Komnas Perempuan, 2021.

and strengthen peace education in educational institutions; (3) proved adequate resources for continuous periodical and thematic studies with gender sensitivity on this issue in order to develop more effective programs to prevent and countering violent extremism.