
**Committee on the Elimination of
Discrimination against Women
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**Concluding comments of the Committee on the Elimination of
Discrimination against Women: Indonesia**

Combined second and third periodic report

262. The Committee considered the combined second and third periodic report of Indonesia (CEDAW/C/IDN/2-3) at its 377th meeting, on 2 February 1998 (see CEDAW/C/SR.377).

263. In introducing the reports, the representative stated that in terms of Indonesia's State ideology, the *Pancasila*, and the 1945 constitution, as well as the Basic Guidelines of State Policy of 1978, Women's right to equality was explicitly guaranteed. However, the de facto situation is that women remain unequal to men in terms of rights and opportunities because of a combination of traditional and cultural practices and certain laws that are contrary to the spirit, if not the letter, of the principle of equality. The view that the man is the head of the family and the woman the manager of the household reflects this.

264. The Government of Indonesia established a national machinery in 1978, well before its ratification of the Convention in 1984. In its current form, the national machinery consists of a State Ministry for the Role of Women, which operates at both the national and provincial levels and has responsibility for policy formulation, coordination, consultation, advocacy, monitoring and evaluation of the status and of the role of women in development.

265. The representative reported that in 1994 the State Ministry had established a Planning and Foreign Affairs Unit to enhance its coordinating and advocacy capacity. Its research and outreach work was being facilitated through the establishment of Women's studies centres at institutions of higher learning. Also, as a first step in engendering the national development plan, the Government had developed a profile of the status and role of women in all sectors of development. The representative noted that, in spite of that progress, the national machinery was still underresourced, both financially and in terms of human resources.

266. As a follow-up to the Beijing Conference, the Government had launched a national movement - the Outlook of Harmonious Gender Partnership between Men and Women in the Family, Society and Development - with a view to inculcating values of equality in the citizenry. It had also translated the Platform for Action and the Convention into local languages. However, the representative reported that the particular focus of the Government was on the four core areas of poverty eradication, education, health and empowerment.

267. In the sphere of political decision-making, the representative noted that even though there were no legal barriers to Women's participation, it remained low because of traditional attitudes. The Government intended to address the situation through consultation with different sectoral ministries, institutions, non-governmental organizations and political parties.

268. Indonesia did not yet have specific laws and regulations relating to trafficking in women, but it was proposing to undertake the rehabilitation of women victims. Likewise, it was also proposing to deal with the specific issues of Women's human rights within the general context of human rights violations through the newly established independent National Commission on Human Rights. There was no specific framework for dealing with violence against women. Prostitution was formally banned by the Government, but since its practice through the ages had proved very difficult to eradicate, the Government of Indonesia had taken steps to localize prostitution, that is, to leave the practice only within specifically authorized areas. The Government was also making efforts to rehabilitate women involved in prostitution.

269. Indonesia was a source of considerable migrant labour for her neighbours and the Middle East. The majority of those workers were women, mostly from rural backgrounds. They tended to face problems, including violation of rights, such as torture and rape. The Government had established a computerized system to monitor the mobility of women overseas and was intensifying the pre-departure training of women.

270. The representative stated that Indonesia would be taking concrete measures to revise gender-discriminatory legislation, to ratify United Nations human rights treaties and to sensitize the courts with regard to sexual offenders. Equal rights to inheritance between women and men had been established in a Supreme Court judgement in 1960 and polygamy had been outlawed. However, the prevalence of socio-cultural values and traditional norms reduce the impact of the legal framework.

271. The representative reported that the current economic crisis affects both women and men, although the Government has taken measures at both the central and regional levels to provide for equal access to employment for disadvantaged women, in addition to existing efforts to encourage entrepreneurship and access to resources such as land and credit.

272. Finally, the Government intends to pursue its commitment to the advancement of women on different fronts and has set itself goals and deadlines, including the reduction of the maternal mortality rate by the end of 2018 and the near eradication of illiteracy by 1999. The Government intends to enhance the status and role of women in development as it seeks to achieve a just and prosperous society.

Concluding comments of the Committee

Introduction

273. The Committee notes with satisfaction the combined second and third periodic reports of Indonesia, which are frank, detailed and demonstrate a desire to move the Women's agenda forward.

274. Nonetheless, the Committee expresses disappointment that change has not taken place as fast as it should have in Indonesia and that many of the problems that have been identified during consideration of the State party's initial report remain unresolved.

275. The Committee appreciates the Government's efforts to address the large number of questions posed by the pre-session working group. The additional information provided by the delegation in the oral presentation raises a series of further questions.

Positive aspects

276. The Committee notes with satisfaction that the Convention forms part of the domestic law of Indonesia and has been cited before courts in discrimination cases.

277. The Committee is pleased to learn that the Indonesian Government has addressed the implementation of the Beijing Platform for Action through the introduction of an Indonesian National Action Plan.

278. The Committee expresses approval of the fact that Indonesia has established a Ministry for the Role of Women in the 1970s, even before its ratification of the Convention. The creation of Women's studies centres is also considered to be a significant achievement by the Government.

279. The Committee is pleased to note the role of Women's non-governmental organizations in Indonesia, which have a history of strong and effective action.

280. The Committee recognizes the success of the Government's family planning programme. The Committee views this as an example of the Government's ability to take highly effective steps to improve the situation of women. However, some concern is expressed that the focus of the programme is so predominantly upon women, and Committee members emphasize the need also to take into account men's responsibility for family planning.

Factors and difficulties affecting the implementation of the Convention

281. The Committee notes the current economic crisis in Indonesia and urges the Government not to allow it to become a justification for failing to implement the Convention.

282. The Committee is convinced that the existence of cultural attitudes that confine women to the roles of mothers and housewives presents a great obstacle to the advancement of women. Policies and programmes developed on the basis of those stereotypes limit Women's participation and entitlements, thereby impeding implementation of the Convention. The Committee expresses the view that cultural and religious values cannot be allowed to undermine the universality of Women's rights. It also stated its belief that culture is not a static concept and that the core values in Indonesian society are not inconsistent with the advancement of women.

283. The Committee notes Indonesia's failure to collect data on certain issues that are crucial to the well-being of women, such as the prevalence of violence against women. Without such data, neither the Government nor the Committee can accurately monitor the situation of Women's equality in Indonesia and the Committee could not offer recommendations as to what measures might be taken to combat the problem.

Principal areas of concern

284. The Committee is very concerned at the existence of laws that are not in accordance with the provisions of the Convention. It notes that discrimination against women exists in laws regarding:

(a) Family and marriage, including polygamy; age for marriage; divorce and the requirement that a wife obtain her husband's consent for a passport;

(b) Economic rights, including ownership and inheritance of land; access to loans and credits; entitlement to social, health and other benefits in the labour sector and the requirement that a wife obtain her husband's consent for night employment;

(c) Health, including the requirement that the wife obtain her husband's consent with regard to sterilization or abortion, even when her life is in danger.

285. The Committee also expresses concern that there is no clear definition of discrimination modelled on article 1 of the Convention in the constitution or other national laws.

286. The Committee is pleased to note the eradication of discrimination at the *de jure* level in a number of areas, including inheritance, but it remains concerned about how equal the situation actually is in practice and how many women benefit from the application of civil law.

287. The Committee was informed that Muslims may choose whether Islamic or civil law is to be applied to them. However, the Committee is concerned as to who decides this issue, and to what extent Muslim women are able to choose to have civil law applied to their affairs rather than Islamic law.

288. The Committee expresses concern that marriages between partners of different religions are prohibited *de facto* in certain regions of Indonesia.

289. The Committee expresses great concern about existing social, religious and cultural norms that recognize men as the head of the family and breadwinner and confine women to the roles of mother and wife, which are reflected in various laws, Government policies and guidelines. It is unclear what steps the Government is proposing to take to modify such attitudes, which present a serious obstacle to the advancement of women in Indonesia. Traditional gender stereotypes are also perpetuated in formal education; and textbooks have not been revised to eliminate such stereotypes.

290. The Committee expresses concern that the full implementation of the Indonesian national plan of action, which represents Indonesia's follow-up to its commitments at the Fourth World Conference on Women, might be impeded by prevailing religious and cultural norms that constitute the backdrop to Indonesia's legal and policy efforts towards Women's equality.

291. The Committee is concerned about Women's low rates of participation in education, as well as the high level of illiteracy among women, especially in the rural areas. It notes that education is a basic human right and that while the State has made some efforts to facilitate the education of poor but gifted children, the Committee remains concerned about the access to education of all children, including those from minority groups.

292. The Committee is concerned that the information provided demonstrates that women are still employed in lower-paid and lower-skilled work. It notes with concern that the predominant view appears to be that married women might provide supplemental income for a family, but that there is very little emphasis on the right of women to develop a career of their own.

293. The Committee is seriously concerned about the lack of adequate laws to address violence against women, as well as the lack of systematic sex disaggregated data collection and documentation on the extent, forms and prevalence of violence against women in Indonesia.

294. The Committee is gravely concerned about information it has received with regard to violations of Women's human rights in East Timor.

295. The Committee is concerned that the information provided on the situation of women in areas of armed conflict reflects a limited understanding of the problem. The Government's remarks are confined to the participation of women in the armed forces and do not address the vulnerability of women to sexual exploitation in conflict situations, as well as a range of other human rights abuses affecting women in such contexts.

296. The Committee notes the information on the situation of migrant women, which has been presented in the form of a supplement to the report. However, the Committee remains concerned that this does not include discussion of reports of the death as a result of mistreatment and abuses of Indonesian migrant women abroad, as well as cases of trafficking for the purposes of prostitution. It is concerned that the Government lacks the mechanisms to respond to abuses of Indonesian women abroad.

297. The Committee is gravely concerned about reported cases of coercion in the course of the implementation of the family planning programme. The Committee points out that such coercion contravenes the Government's obligations under the Convention to ensure Women's reproductive rights to freedom of choice and informed consent with respect to methods of family planning.

298. The Committee is concerned that limited information has been provided on the problem of HIV/AIDS. There is no data on the extent of the problem, rates of increase or any sex-disaggregated data. The Committee is particularly concerned that the problem of HIV/AIDS is being attributed to women in prostitution. Concern is also expressed about programmes designed to clean the city streets of prostitutes whenever there is a major international event in Jakarta. Information provided to the Committee by other sources suggests that women taken off the streets have been subjected to forced vaginal examinations.

299. The Committee is seriously concerned about the extent of unemployment amongst women, particularly those from female-headed households, in the light of the current economic crisis. It is also concerned about wage disparities between female and male workers, job-segregation in the workforce, with women disproportionately occupying low-skilled and low-paying jobs, as well as Women's unequal access to social security, employment and health benefits.

300. The Committee is concerned that not enough is being done to address the issue of prostitution and trafficking in women as envisaged in article 6 of the Convention. It is also concerned that not enough is being done to assist these women through socio-economic and health programmes and that preventive measures and re-socialization efforts are aimed principally at prostitutes and do not address male clients.

Suggestions and recommendations

301. The Committee recommends that, in its next report, the Government of Indonesia fully describe the results of all measures to implement the Beijing Platform for Action as described in the Indonesian National Plan of Action and the Outlook of Harmonious Gender Partnership between Men and Women in the Family, Society and Development. The Committee also recommends that the Indonesian Government take account of the Committee's remarks on religious and cultural values and their effect on the implementation of these initiatives.

302. The Committee recommends that the Government take appropriate measures to mitigate the negative impact that the current economic crisis may have on women in Indonesia, particularly in the areas of education, health and employment.

303. The Committee urges the Government to collect, as a matter of priority, data on the extent, causes and consequences of the problem of violence against women in Indonesia. The Committee also emphasizes the need for the gender sensitization of authorities, including the judiciary, law enforcement officers, lawyers, social workers, health professionals or others who are directly involved in combating violence against women.

304. The Committee recommends that the Government give priority to hastening the pace of progress on Women's issues in Indonesia. The Committee urges the Government to take stronger measures to address the contradiction that currently exists between the Government's stated commitment to the principles contained in the Convention and the actual situation facing women in Indonesia.

305. The Committee recommends that in Indonesia's fourth periodic report efforts be made to consolidate the written replies with other parts of the presentation, to avoid overlap and to enable the Committee to spend more time in dialogue with the State party. The Committee also requests that the report pay particular attention to the priority areas identified in the questions of the Committee.

306. The Committee requests that in its next report, the Government of Indonesia provide information about government-supported Women's studies programmes and centres. The Committee also requests information on Government efforts to revise textbooks to reflect values of gender equality.

307. The Committee urges the Government to take immediate steps to eradicate the practice of polygamy in Indonesia and to change the other discriminatory laws identified by the Committee in paragraph 284 above.

308. The Committee recommends that the Government take steps to ensure that women in Indonesia have the right to free choice of spouse as provided for in article 16, subparagraph 1 (b), of the Convention.

309. The Committee recommends that appropriate measures be taken to ensure that women in East Timor are not subject to violations of their human rights.

310. The Committee recommends that the Government address the issue of trafficking in women and prostitution, in accordance with article 6 of the Convention, and establish, *inter alia*, socio-economic and health programmes to assist women in this context.

311. The Committee requests the wide dissemination in Indonesia of the present concluding comments in order to make the people of Indonesia, and particularly its government administrators and politicians, aware of the steps that have been taken to ensure de facto equality for women and the further steps required in this regard. It also requests the Government to continue to disseminate widely, and in particular to Women's and human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and the Platform for Action.