Gender in Global Agreements and National Arguments:
The Indonesian Experience

By Lynda Kurnia Wardhani
December 2019

A thesis submitted for the degree of Doctor of Philosophy of
The Australian National University

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Statement of Original Work

I, Lynda Kurnia Wardhani, declare that this thesis is an original work.

Signed:__________________ Date:________________________

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Abstract

As the largest Muslim majority nation and third largest democracy in the world, Indonesia has a remarkable history of activism by women. In earlier times, anti-colonial resistance movements included a number of prominent women leaders. Indonesia is the home of Kartini, a renowned international feminist, Megawati Sukarnoputri who was its first woman president, and Puan Maharani as the first female speaker of parliament. Moreover, the first administration of President Joko Widodo contained the largest number of female ministers holding strategic positions in Indonesian history. The ministry handling women’s affairs has gone through a breakthrough when it was named Ministry of Women’s Empowerment with Khofifah Indar Parawansa as its Minister.

As a UN member country, Indonesia has ratified all major gender-related treaties, particularly the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and has publicly accepted the responsibility to put gender equality principles into national law and consistent practice.

This thesis concentrates on the challenges of implementing gender-related treaties in Indonesia and seeks to discover why gender inequality remains prevalent despite the existing agreed and ratified covenants. Notwithstanding some notable achievements, real life is not always fair to Indonesian women. Indonesia’s maternal morbidity and mortality rates remain high, violence against women is common in both public and private spheres, access to reproductive health services is still limited, and women are underrepresented in key areas of political and public life. Moreover, discriminatory and gender-biased laws undermine women’s livelihoods.

The attempt to analyse these contradictions focuses on international scholarly literature supplemented by primary research interviews undertaken in Indonesia. It aims to examine the ratification and adaptation process of treaties related to gender in Indonesia, to assess the approaches of the government and non-governmental sectors in implementing laws and regulations to promote gender equality and women’s empowerment, and to identify the obstacles and challenges to realising those goals.
The interviews with government officials, representatives of international organisations, NGO staff, gender experts as well as religious and community leaders, suggest that Indonesia’s ratification of gender-related treaties is simply a political action aimed at maintaining the nation’s international reputation. Implementation is another story. Policy ratification doesn't translate into program implementation. Moreover, critical barriers to gender equality and women’s empowerment arise from deep and strongly defended cultural stereotypes differentiating women and men. Cultural and traditional values as well as religious beliefs too often serve to entrench patriarchy.

Indonesia has consistently failed to fulfil the expectations and obligations of the treaties in its domestic legal development due to the strength of patriarchy and the weakness of all reform efforts. Politicians have failed to implement the gender laws they have enacted. Instead they lean on existing social, cultural, and religious justifications to lock women into disadvantageous situations.

Unlike other failures in policy implementation in the Indonesian government, efforts to realise gender equity are given less attention compared to other national efforts such as combatting corruption and improving infrastructure. There is no way to progress other than to unite and to continue efforts to eliminate gender inequality and discrimination through true implementation of gender-related treaties. The national government has a key role in rejecting the structure of patriarchy by strengthening oversight and monitoring of national legal instruments. This requires enormous change at all levels of the state system and cultural structure where gender inequality is entrenched.
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Chapter 1. Introduction

Indonesia has ratified the major gender-related treaties particularly the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and has taken responsibility for putting gender equality principles into practice. Even though there is a remarkable change in the advancement of women's conditions in Indonesia, gender inequality is still significantly inherent in the state system and social and cultural structure.

1.1. Background

In order to get a better understanding of the terms and concepts used in this thesis, the definitions of the main terminologies discussed are as follows:

- **Gender** refers to the social attributes and opportunities associated with being female and male and the relationships between women and men and girls and boys, as well as the relations between women and those between men (Bunch, 1990, Charlesworth, 1995, Seager, 2009).

- **Gender-related treaties** are commitments made in declarations, plans of action, conventions and resolutions pertaining to women having the main aim of achieving gender equality.

- **Gender equality** refers to the achievement of equal rights, responsibilities, and opportunities of women and men as well as girls and boys.

- **Gender equity** means fair treatment of both women and men, according to their respective needs. This may include equal treatment or treatment that is different but which is considered equivalent in terms of rights, benefits, obligations, and opportunities.

- **Gender inequality** refers to the disparity between individuals due to gender.
- **Women's rights** are entitlements and freedoms claimed for women and girls of all ages in many societies.

- **Women's movement** refers to a series of campaigns for reforms in women-related issues such as reproductive rights, domestic violence, maternity leave, equal pay, voting rights, sexual harassment, and sexual violence.

- **Women's empowerment** is a critical aspect of promoting gender equality with a focus on identifying and redressing power imbalances and giving women more autonomy to manage their own lives (Bunch, 1990, Achmad, 2000, Blackburn, 2004, Amiruddin, 2006, UNFPA, 2009a).

- **Feminism** refers to movements aimed at establishing and defending equal political, economic, and social rights as well as equal opportunities for women.

- **Gender mainstreaming** is a globally accepted strategy for promoting gender equality.

Women's issues have become an issue of moral concern in the United Nations (UN) since the 1970s (Pietila and Vickers, 1994). The half century since the founding of the UN has seen many promises made to women. After the Second World War, the UN issued a series of covenants related to and focusing on gender that countries have to ratify.

Despite many gender-related treaties, compared with men, women are still much more likely to be poor, malnourished, and illiterate. They usually have less access to medical care, property ownership, credit, training and employment. Across the world, they are far less likely to be politically active and far more likely to be the victims of domestic violence (Robinson and Bessell, 2002, Sadli, 2002a, Utomo, 2005, Humana People to People, 2012).

Implementing gender-related treaties remains a global challenge. The implementation of gender-related treaties should tend to accelerate the demise of all remaining obstacles to the advancement of women. Economic growth should go
along with gender-sensitive policies as well as equitable human and social development programmes that guarantee ecological security.

Women should be in a position to seek and to achieve self-knowledge and awareness; guaranteed legal rights and access to productive resources, education, and training; as well as enhanced self-esteem, self-confidence and above all self-determination.

The following table shows the main gender-related treaties.

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The Charter of the UN was signed on 26 June 1945, in San Francisco, at the conclusion of the UN Conference on International Organisation, and came into force on 24 October 1945 |
| 1948 | Universal Declaration of Human Rights (UDHR)  
The Universal Declaration of Human Rights was adopted and proclaimed by the UN General Assembly Resolution 217 A (III) of 10 December 1948 |
The International Convention on the Prevention and Punishment of the Crime of Genocide was adopted by Resolution 260 (III) A of the UN General Assembly on 9 December 1948, entry into force on 12 January 1951 |
| 1949 | Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others  
The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others was approved by the UN General Assembly Resolution 317 (IV) of 2 December 1949, entry into force on 25 July 1951, in accordance with Article 24 |
| 1951 | Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (C100)  
C100 Equal Remuneration Convention 1951, Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, date of adoption on 26 June 1951, date of coming into force on 23 May 1953 |
| 1952 | Convention on the Political Rights of Women (CPRW)  
Convention on the Political Rights of Women (1952), opened for signature and ratification by General Assembly Resolution 640 (VII) of 20 December 1952, entry into force on 7 July 1954, in accordance with Article VI |
| 1957 | Convention on the Nationality of Married Women  
Convention on the Nationality of Married Women, opened for signature and ratification by General Assembly Resolution 1040 (XI) of 29 January 1957, Entry into force on 11 August 1958, in accordance with Article 6 |
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<th>YEAR</th>
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| 1958 | Convention concerning Discrimination in respect of Employment and Occupation (C111)  
| 1962 | Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages  
     | Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, opened for signature and ratification by the UN General Assembly Resolution 1763 A (XVII) of 7 November 1962, entry into force on 9 December 1964, in accordance with Article 6 |
| 1966 | International Covenant on Civil and Political Rights (ICCPR)  
     | The International Covenant on Civil and Political Rights, adopted and opened for signature, ratification and accession by the UN General Assembly Resolution 2200A (XXI) of 16 December 1966, entry into force on 23 March 1976, in accordance with Article 49 |
| 1966 | International Covenant on Economic, Social and Cultural Rights (ICESCR)  
     | The International Covenant on Economic, Social, and Cultural Rights, adopted and opened for signature, ratification and accession by the UN General Assembly Resolution 2200A (XXI) of 16 December 1966, entry into force on 3 January 1976, in accordance with Article 27 |
| 1979 | Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)  
     | Convention on the Elimination of All Forms of Discrimination Against Women, opened for signature on 18 December 1979, adopted by the UN General Assembly, described as an international bill of rights for women, it came into force on 3 September 1981 |
| 1984 | Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT)  
     | The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the “Torture Convention”) was adopted by the UN General Assembly on 10 December 1984 (resolution 39/46). The Convention entered into force on 26 June 1987 after it had been ratified by 20 States. |
| 1989 | Convention on the Rights of the Child (CRC)  
     | Convention on the Rights of the Child, adopted and opened for signature, ratification, and accession by the UN General Assembly Resolution 44/25 of 20 November 1989, entry into force on 2 September 1990, in accordance with Article 49 |
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<td>Declaration on the Elimination of Violence Against Women (DEVAW)</td>
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<td>Declaration on the Elimination of Violence Against Women, proclaimed by the UN General Assembly Resolution 48/104 of 20 December 1993</td>
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<td>1993</td>
<td>Vienna Declaration and Platform for Action on Human Rights</td>
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<td>The Vienna Declaration and Platform for Action was adopted by the World Conference on Human Rights on 25 June 1993, A/CONF.157/23 (12 July 1993)</td>
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<td>1994</td>
<td>Programme of Action of International Conference on Population and Development (ICPD)</td>
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<td>The 115-page Programme of Action on Population and Development was finalised by 179 States taking part at the International Conference on Population and Development (ICPD), held in Cairo, Egypt, 5-13 September 1994, adopted by acclamation on 13 September 1994</td>
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<td>1994</td>
<td>General Assembly Resolution on Integration of Older Women in Development</td>
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<td>The General Assembly Resolution on Integration of Older Women in Development was adopted on the 94th plenary meeting of the UN General Assembly on 23 December 1994, A/RES/49/162</td>
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<td>1995</td>
<td>Beijing Declaration and Platform for Action (BPfA)</td>
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<td>1995</td>
<td>Agreements from the World Summit on Social Development (WSSD)</td>
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<td>1997</td>
<td>Agreements from the UN Conference on Environment and Development (UNCED) + 5</td>
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<td>1998</td>
<td>General Assembly Resolution on Crime Prevention and Criminal Justice Measures to Eliminate Violence Against Women</td>
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<td>The General Assembly Resolution on Crime Prevention and Criminal Justice Measures to Eliminate Violence Against Women was adopted by the UN General Assembly on 2 February 1998, A/RES/52/86</td>
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<td>1999</td>
<td>Agreements from the International Conference on Population and Development (ICPD) + 5</td>
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| 1999 | General Assembly Resolution on Traditional or Customary Practices Affecting the Health of Women and Girls  
The General Assembly Resolution on Traditional or Customary Practices Affecting the Health of Women and Girls was adopted by the UN General Assembly on 1 February 1999, A/RES/53/117 |
| 2000 | Millennium Development Goals (MDGs)  
Emanating from the Millennium Declaration, agreed on by all UN Member States at the UN Millennium Summit held in September 2000, the eight Millennium Development Goals bind countries to do more and join forces in the fight against poverty, illiteracy, hunger, lack of education, gender inequality, child and maternal mortality, disease and environmental degradation. The eight goal reaffirmed in Monterrey and Johannesburg, calls on rich countries to relieve debt, increase aid and give poor countries far access to their markets and technology. The Millennium Development Goals are a test of political will to build stronger partnerships. Developing countries have the responsibility to undertake policy reforms and strengthen governance to liberate the creative energies of their people. But they cannot reach the Goals on their own without new aid commitments, equitable trading rules, and debt relief. The Goals offer the world a means to accelerate the pace of development and to measure results |
| 2000 | General Assembly Resolution on Violence Against Women Migrant Workers  
General Assembly Resolution on Violence Against Women Migrant Workers, A/RES/54/138, 10 February 2000 |
| 2000 | General Assembly Resolution on Women in Development  
General Assembly Resolution on Women in Development, A/RES/54/210, 1 February 2000 |
The UN Security Council Resolution 1325 on Women, Peace, and Security passed unanimously on 31 October 2000. Resolution S/RES/1325 is the first resolution ever passed by the Security Council that specifically addresses the impact of war on women, and women’s contribution to conflict resolution and sustainable peace |
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| 2000 | General Assembly Resolution on Improvement of the Situation of Women in Rural Areas  
General Assembly Resolution on Improvement of the Situation of Women in Rural Areas was adopted by the General Assembly on 7 February 2000, A/RES/54/135 |
| 2000 | Agreements from the World Summit for Social Development +5 (WSSD+5) |
| 2000 | Convention Against Transnational Organised Crime (UNTOC)  
The UN Convention against Transnational Organised Crime, adopted by UN General Assembly Resolution 55/25 of 15 November 2000, entered into force on 29 September 2003, and is the main international instrument in the fight against transnational organised crime. The Convention is further supplemented by three Protocols, which target specific areas and manifestations of organised crime: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. Countries must become parties to the Convention itself before they can become parties to any of the Protocols. |
| 2000 | Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPACCRC)  
| 2000 | Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women, and Children, supplementing the UN Convention Against Transnational Organised Crime (UNTIP Protocol) |
| 2000 | Protocol Against the Smuggling of Migrants by Land, Sea, and Air supplementing the UN Convention Against Transnational Organised Crime (CTOCS) |
| 2000 | Agreements from the Special Session of the UN General Assembly on Beijing + 5 |
| 2002 | Review of Rio De Janeiro Conference + 10 |
| 2004 | Review of Cairo Conference + 10 |
| 2005 | Review of Copenhagen Conference + 10 |
| 2005 | Agreements from the High-Level Session of UN CSW on Beijing + 10 |
| 2007 | Bali Road Map on Climate Change |
Table 1: ... continued

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| 2015 | Sustainable Development Goals (SDGs)  
Transforming Our World: the 2030 Agenda for Sustainable Development |

The Sustainable Development Goals (SDGs) are a set of 17 aspirational Global Goals with 169 targets, spearheaded by the United Nations, through a deliberative process involving its 193 Member States, as well as global civil society. While acting as the Post 2015 Development Agenda, the 17 goals with 169 targets cover a broad range of sustainable development issues including ending poverty and hunger, improving health and education, making cities more sustainable, combating climate change, and protecting oceans and forests. Goal 5 relates to achieving gender equality and empowering all women and girls.

Source: Own data collection and analysis of documents

Over the years, issues concerning and of interest to women have taken on new forms and received varying treatments by the UN. The principle of equality between men and women was already recognised in 1945. A mandate to bring about equality between the sexes was already clear in the UN Charter, where ‘the Peoples of the United Nations determine to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women...’.

Article 1 of the Charter states further that ‘the Purposes of the United Nations are to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, and religion’ (United Nations, 1945, Pietila and Vickers, 1994).

The principle of equality of men and women was subsequently again recognised in the Universal Declaration of Human Rights. When the Declaration was adopted in 1948, it contained the words: ‘All human beings are born free and equal in dignity and rights.’ The second Article is even more specific: ‘Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language’ (United Nations, 1948).

Based on the principles of the Charter and the Universal Declaration of Human Rights, much work has been done to produce further, more binding, concrete and precise provisions on equality of the sexes. Originally, this work took place mainly in the International Labour Organisation (ILO), where the Conventions on Equal
Remuneration for Work of Equal Value, and Discrimination in Respect of Employment and Occupation, were adopted in the 1950s.

In the UN itself, during the 1940s and 1950s, women’s issues were debated only in bodies specifically concerned with human rights. In the 1950s and 1960s, women’s issues seen mainly within the context of human rights were discussed only in the Commission on the Status of Women (CSW) and the Third Committee of the UN General Assembly, which deals with social and humanitarian matters (Pietila and Vickers, 1994).

The first task of the CSW was to determine in which conditions and situations, all over the world, the most severe forms of discrimination against women occurred (Bunch, 1995).

Four fields, in particular, were found to give cause for concern:
- political rights and the possibility of exercising them;
- legal rights of women, both as individuals and as family members;
- access of girls and women to education and training, including vocational training; and
- working life.

In recent decades, recommendations and conventions have been prepared and adopted by the UN, UN Educational, Scientific and Cultural Organisation (UNESCO), and ILO in all four fields.

The subjects and history of the gender-related treaties mentioned in Table 1 are indeed a sad reflection on the central problems of women which still remain as we enter the 21st century, and on the important attempts made by the UN to redress them. Political rights for women, for instance, were in force in only 30 of the 51 countries which signed the UN Charter in 1945 (Tomasevski, 1993).

After 45 years since UN’s existence in 1945, partly prompted by the UN Convention on the Political Rights of Women, most countries have granted women the opportunity to participate in politics. By 1993, 104 countries had ratified the Convention and, in fact, countries where these rights still did not exist were rare.
Since most women everywhere still had nothing to say, however in the choice of their marriage partners or the age at which their marriages took place, in 1962 the Convention on Consent to Marriage, Minimum Age of Marriage and Registration of Marriages was adopted. At that time, women were mere commodities in the hands of their parents and families, who had full power to decide their fate. In many countries, women had no rights within marriage either; they could be abandoned at any time and thrown out of their homes and families (Robinson, 1998). The provision regarding obligatory registration of marriages was, therefore, necessary in order that the rights of the wife be officially recognised.

Efforts to prevent prostitution and exploitation of women through procurement provide a good example of attempts to solve a concrete, practical problem by means of international conventions (Pietila and Vickers, 1994). In 1949, the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others was adopted. It came into force in 1951 and, by 1988, had been ratified by 59 governments. The Convention commits signatories to the punishment of any person who procures or entices another into prostitution or who owns or manages a brothel, to the supervision of employment agencies with a view to preventing traffic in women, and to the provision of rehabilitation for the victims of prostitution.

In the 1970s, the perspective changed decisively, and the key role of women, especially in connection with efforts to relieve or solve problems in the fields of population and food issues, became more generally recognised. Throughout the 1970s, women’s issues came to the fore in several world conferences convened by the UN to study and adopt specific plans of action for the solution of major problems of world development (Pietila and Vickers, 1994).

By far the most important of the conventions on the status of women is CEDAW which was adopted in 1979 and entered into force in 1981 following ratification by the required 20 countries (Lindsey, 2008). It is a concise and comprehensive conclusion to the long process which has taken place within the UN system to incorporate the principles of women’s rights and equality between sexes in the provisions of international law. It includes, in their most precise form, all provisions aiming at the elimination of discrimination against women previously covered by separate
conventions. It also contains provisions covering issues omitted from earlier conventions.

In the 1980s, the International Development Strategy for the Third UN Development Decade focused its surveys on the role of women in relation to the key developmental issues in particular trade, agriculture, industry, energy, money, and finance, as well as science and technology. This was a decisive step forward in the way in which the women’s aspect of development has been perceived. In the 1990s, the UN’s development thinking has finally reached the point of the human being as the centre of development (United Nations, 1986, United Nations Development Fund for Women, 2003).


Of all the conferences, the ICPD had the most wide-ranging agenda. The ICPD Programme of Action established a historic global paradigm shift from a population control development approach to one that was both people-centred and rights-based. It is a unique document defining sexual and reproductive health and rights (Global Partners in Action 2009). ICPD was a milestone in the history of population and development, as well as in the history of women’s rights (UNFPA, 2009a).

While the focus in the early 1990s had been on major international conferences addressing specific topics, at the beginning of the 21st century, the pattern for promoting sustainable development changed with the adoption of the Millennium Declaration and the subsequent introduction of the Millennium Development Goals (MDGs).
The MDGs constitute a single, common framework which integrates the UN Millennium Declaration and the international development goals adopted at major international conferences held in the 1990s. However, surprisingly only eight goals instead of nine were presented, the goal on reproductive health being dropped. After lobbying by many governments, non-governmental organisations (NGOs) and others, world leaders at the September 2005 UN World Summit in New York nevertheless endorsed incorporating universal access to reproductive health into the MDGs (Campbell, 2006).

The MDGs list eight goals to be achieved by 2015 including ‘eradicate extreme poverty and hunger’, ‘achieve universal primary education’, ‘achieve gender equality’, ‘reduce child mortality’, ‘improve maternal health’, ‘combat HIV/AIDS’, and ‘ensure environmental sustainability’. Women’s empowerment and population issues are at the core of the achievement of MDGs, especially promoting gender equality (MDG 3), improving maternal health (MDG 5), and preventing HIV/AIDS (MDG 6). The MDGs, the ICPD, and the Beijing Platform for Action (from the Fourth World Conference on Women) converge in their affirmation of women’s human rights, including their reproductive rights, and the recognition that solving the world’s most pressing problems demands the full participation and empowerment of women (UNFPA, 2009b).

Substantial progress has been made regarding the MDGs. The world has already realised the first MDG of halving the extreme poverty rate by 2015. However, the achievements have been uneven. The UN Rio+20 Conference on Sustainable Development in Rio de Janeiro, June 2012, galvanised a process to develop a new set of Sustainable Development Goals (SDGs) which carry on the momentum generated by the MDGs and fit into a global development framework beyond 2015.

In July 2014, the UN General Assembly Open Working Group (OWG) proposed a document containing 17 goals to be put forward for the General Assembly’s approval in September 2015. This document set the ground for the new SDGs and the global development agenda spanning from 2015 to 2030 known as ‘Transforming Our World: the 2030 Agenda for Sustainable Development’ (SDGs Fund, 2016).
Countries which ratified covenants on gender have to implement the policies appropriately at the national level. Ratification itself is an act by which a State signifies an agreement to be legally binding by the terms of a particular treaty (United Nations, 1999).

However, implementation continues to be a challenge for most countries, particularly countries in the developing world. Many developing countries confronted with chronic economic problems are subject to such constraints as the debt burden, declines in commodity prices, reverse resource flows, structural adjustment conditionality, and general globalisation trends, all of which can put them at a disadvantage in the world economy.

The gender-related treaties discussed in this research are agreements commonly used by advocates to improve the lives of women. Those agreements comprise the main instruments already mentioned, mainly CEDAW, ICPD Programme of Action 1994, the Beijing Platform for Action of the Fourth World Conference on Women 1995, and the MDGs, replaced later by the SDGs. Implementing these agreements should be the minimum expected from countries in terms of both policy and services.

1.2. Women in Indonesia

1.2.1. History of Women's Movement and Development

In each period of history, the women’s movement in Indonesia has revealed its own dynamism.

1.2.1.1. Pre-Independence (before 1945)

Throughout its history, Indonesia has had women leaders who were famous for their wisdom and formidable queens who ruled over kingdoms for extended periods, including Tri Buana Tungga Dewi, who ruled the Kingdom of Majapahit in 1328-1351.

In the 19th century, a few well-known women participated actively in the fight against colonialism, among them, Cut Nyak Dhien, Cut Mutiah, Dewi Sartika,
Martha Christina Tiahahu, Nyi Ageng Serang and Rasuna Said (Setiadarma, 1988).

Cut Nyak Dhien was a leader of the Acehnese guerilla forces during the Aceh War which started on 26 March 1873. Following the death of her husband Teuku Umar, she led guerilla actions against the Dutch for 25 years. She was awarded the title of National Heroine of Indonesia on 2 May 1964.

Cut Mutiah is also another Indonesian national heroine from Aceh. She also fought against the Dutch together with her husband, Pang Nagroe. After the death of her husband, she led the rest of the troop to fight against the Marechaussée Corps in Alue Kurieng, Aceh.

Dewi Sartika was the leading figure and pioneer for the education for women in Indonesia. She founded the first school for women in Dutch East Indies. She was acknowledged as a National Heroine by the Indonesian government in 1966.

Martha Christina Tiahahu was a Moluccan freedom fighter and National Heroine of Indonesia. Daughter of a military captain, Tiahahu was active in military matters from a young age. She joined the war led by Pattimura in 1817 against the Dutch colonial government when she was 17. Tiahahu has also been honoured with two statues, one in Ambon and one in Abubu. Other namesakes include a warship, street, Moluccan social organisation, and a women’s magazine.

Nyi Ageng Serang is an Indonesian national heroine who helped her father to fight against the Dutch colonial government. At the beginning of Diponegoro War in 1825, Nyi Ageng Serang commanded the force on a stretcher to help Pangeran Diponegoro against the Dutch. She also became a war advisor. She fought in several areas including Purwodadi, Demak, Semarang, Juwana, Kudus and Rembang. She was also assigned to defend the area of Prambanan from the Dutch.
Rasuna Said was a well-known Minangkabau woman leader who was active in Indonesian nationalist politics. She was imprisoned for a period for her activities in the People’s Union (Sarekat Rakyat) and Indonesian Muslim Organisation (Persatuan Muslim Indonesia) by the Dutch in 1932 in Semarang, Central Java. After the proclamation of the Indonesian independence in 1945, she became a member of the Sumatra Representative Council (Dewan Perwakilan Sumatera).

In 1959, she was appointed a member of the Indonesian National Advisory Council (Dewan Pertimbangan Agung), a position she held until her death in Jakarta in 1965. Rasuna Said fought for equality between men and women. She was declared a National Heroine of Indonesia by President Soeharto in 1974. Her name is currently used as one of the main arteries of Jakarta.

An Indonesian national heroine, Raden Adjeng Kartini, was the first Indonesian feminist who fought for women’s rights to gain access and opportunity to education and not to be forced into marriage, work outside home, and step away from the traditional path. During Kartini’s era (1879-1904), a woman’s world only revolved around her family setting.

Kartini’s views were expressed in her letters to Rosa Abendanon-Mandri containing many philosophical understandings of her dreams about being a woman, her passionate feeling about intellectual development, as well as her will to overcome men’s domination over women’s lives (Hatmadji and Utomo, 2004).

Her letters were then compiled in a book entitled “Habis Gelap Terbitlah Terang” meaning “From Darkness to Light”. Kartini’s fight against feudalism and colonialism (the source of much suffering for Indonesian women) inspired the creation of women’s organisations, many of them based on religion, ethnicity or region.

During the colonial era, the struggle to improve the condition of women focused on the provision of education for women, which was felt to be a
prerequisite for national liberation (Parawansa, 2002). The other main issues uniting women activists of the time were their opposition to polygamy, and to restrictions on women’s activities in the public domain (Bianpoen and Mayling, 2000, Bainar, 1998, Mehra and Gupta, 2006).

As the number of women supporting endeavours to improve women’s role and status grew, their efforts were institutionalised in the first women’s organisation, Poetri Mardika. Established in 1912, Poetri Mardika was supported by the first independence organisation for men, Budi Oetomo (Parawansa, 2002).

In the spirit of national integration, a more broad-based umbrella organisation of 20 women’s groups was established at the first National Women’s Congress, which was held on 22-26 December 1928. The congress attracted the participation of 31 women’s organisations from all regions of Indonesia and passed an important resolution calling for improvements to women’s access to education and the provision of better information at the time of marriage on women’s divorce rights (Allen, 2007).

During this era, the ideal of the ‘good wife and mother’ was firmly entrenched in Indonesia; a good woman should be able to manage her family and home well. Thus, any effort to improve the condition of women necessarily involved improving their capacity to manage their responsibilities in the domestic domain.

‘Woman’ was regarded as synonymous with ‘wife’, as implicitly understood in the name change of the principal women’s federation in 1929 from Perikatan Perempuan Indonesia (Indonesian Women’s Association) to Persatuan Perkumpulan Isteri Indonesia, or PPII (Union of Indonesian Wives’ Association) (Wieringa, 1998). This organisation for wives openly published its support for nationalism, something the 1928 congress had not done.

In 1941, the National Women’s Congress announced its support for the demand by Indonesian political groups that a parliament be established as a
means to improve political representation. Universal education was supported by both sexes, as it was organised that women would be an important element in liberating the country from colonial rule and that educated women would be more likely to support the freedom struggle.

Since the two issues of women’s emancipation and national emancipation were closely related, and the women’s movement was supported by the independence movement, at this time women’s organisations received little, if any, support from the colonial regime (Amiruddin, 2006).

It was not until the period of Japanese colonisation (1942-1945) that an Indonesian women’s organisation was first supported by the ruling regime Fujinkai, established by the Japanese, and was the only organisation permitted under the regime. Its purpose was to disseminate colonial propaganda on Japan’s concept of a ‘Greater East Asia Co-prosperity Sphere’. Although all other women’s organisations were banned from carrying out public activities, many continued to operate clandestinely (Wieringa, 1998, Robinson and Bessell, 2002, Parawansa, 2002).

1.2.1.2. **Old Order Era under the Presidency of Soekarno (the 1950s)**

In 1945, the overwhelming national interest to defend Indonesia’s newly proclaimed independence deflected attention from women’s issues (Parawansa, 2002). Nevertheless, the National Women’s Congress continued to develop relationships with women’s organisations abroad. In time, the Indonesian government gained international recognition. Women’s political organisations were established, and wives’ organisations, including those associated with national defence institutions, flourished.

When Indonesia gained recognition as an independent country in 1949, the women’s movement was considered as an important part of the nationalist movement. However, it was not long before women’s issues became marginalised. In 1952, for example, the government promulgated Regulation No.19 permitting polygamy, despite the vigorous campaign women had
conducted against the practice for so many years. After the 1955 election, issues raised by the women’s movement were largely disregarded.

Nonetheless, the acceptance in 1957 of ILO Equal Remuneration Convention No.100 (1951) under Law No.80/1957, stipulating the principle of ‘equal wages for women and men for equal work’, could be interpreted as the government’s concern for women’s work conditions. Furthermore, the government allowed the development of women’s organisations as part of political parties.

One example was Gerwani, a communist-led mass organisation whose goals of countering colonialism, feudalism, imperialism and capitalism were supported by a membership of educated women with high political aspirations (Wieringa, 2001). Five members of Gerwani were elected to parliament as Communist Party (Partai Komunis Indonesia-PKI) representatives in the 1955 elections, as were five members of Muslimat, the women’s wing of the mass Islamic organisation, Nahdlatul Ulama (NU).

1.2.1.3. New Order Era under the Presidency of Soeharto (the 1970s)

Following the fall of President Soekarno in 1966, Indonesia experienced a period of very high inflation of 600 per cent. As a result of political and economic turmoil, women’s issues were once again pushed out of the public arena. The focus of Sukarno’s successor, President Soeharto, was on improving economic conditions.

The new government succeeded in its economic stabilisation policies, bringing inflation down to single-digit levels by 1969, and setting the preconditions for continued economic growth. Such success gave the government the power to be the most important agent of development.

As early as the second term of Soeharto regime, the 1973 Broad Guidelines on State Policy (Garis-Garis Besar Haluan Negara-GBHN) emphasised women’s contribution to the nation within the family context guiding the younger generation. As rapid population growth was regarded as a major
hurdle to economic development, women were made the target of a national family planning programme.

The 1978 GBHN took a broader view of women’s responsibilities, recognising the need for them to participate in all fields while still emphasising their paramount role within the family. As economic and social development progressed, the GBHN of 1983 and 1988 incorporated an expanded view of women’s rights, obligations and opportunities, acknowledging that women had a *peran ganda* (dual role) to fulfil.

One role remained firmly anchored within the family environment, while the other acknowledged and built on women’s potential in the economic and socio-political arenas, while still couched in terms of benefiting the family (Wageman, 2000).

The negative consequences for women of this ‘dual role’ were realised only at a later date when women became increasingly burdened with implementing government programmes, usually with no or limited financial resources to support them. Rising levels of education and broadening horizons led some women activists to resist the role assigned to them by the state.

This resulted in further accommodation being made in the 1993 GBHN: women were declared *mitra sejajar* (equal partners) in development, but remained constrained by male-imposed concepts of women’s *kodrat* (nature), *harkat* (dignity) and *martabat* (status).

During the New Order, the central government was so powerful that it was able to intervene in the activities of all other political agents. The largest and most powerful women’s organisations were those established and supported by the central government: the Family Welfare Movement (*Pembinaan Kesejahteraan Keluarga*-PKK), *Dharma Wanita* and *Dharma Pertiwi* (Indonesian Associations of Civil Servants’ Wives). These organisations were designed to encourage wives to further their husbands’ careers and were an important vehicle for government propaganda on development.
The PKK was set up in the 1970s with the support of Indonesia’s New Order government. Kardinah Soepardjo Roestam¹ was influential in the development of the PKK during the latter half of the decade. The PKK developed as a social organisation emphasising activities of particular interest to women. Local cells were established virtually everywhere in Indonesia, from the most remote village to the poorest urban neighbourhood.

Nurtured and sustained by the New Order government, these cells developed into a vast network encompassing most of Indonesia’s regions. The social programmes carried out under PKK auspices were aimed primarily at improving the standard of living of families and households in rural areas (Marcoes, 2002).

It is implicit that the government's vision was similar to that of the colonial regime: women's issues predominantly concerned their position as wives and mothers. State Ibuism policies on women did not address their advancement as such but rather improvement of their status within the family. Nevertheless, it was in this era that a regulation was first implemented requiring government officials to obtain the permission of both their first wife (in accordance with the 1974 Marriage Law) and their work supervisor to take a second wife, or face sanctions at work (Parawansa, 2002).

In 1978, in response to the UN's declaration of the Decade for Women (1975-1985), the government established the Ministry of Women’s Affairs. Its mission was to increase women’s capacity to manage their dual role (peran ganda) in the domestic and public spheres. The word ‘women’ was first used in the 1978 GBHN whereas the term ‘gender’ was not introduced until 1999.

In 1995, the effort to improve women’s capacity was strengthened further through Decree No.17/1995 issued by the Minister for Home Affairs. This instructed districts (kabupaten) and provincial governments to establish the

¹ Kardinah Soepardjo Roestam was influential in the development of the PKK during the latter half of the decade. Her husband was the Governor of Central Java from 1974 to 1983, Kardinah automatically became the Head of the Provincial Branch of the then still fledgling PKK programme. She became the National Head of the PKK when her husband was given the post of Minister for Home Affairs in 1983.
Women in Development Management Teams (*Tim Peningkatan Peranan Wanita-Tim P2W*).

*Tim P2W* were set up to coordinate the women’s programmes of the various government ministries and act as an extension of the Ministry of Women’s Affairs in the regions (as a ministry it had no formal representation in the regions). This was followed in 1996 by Presidential Instruction No.5/1996, which appointed the vice-governor of each province and the secretary of each district to chair *Tim P2W* (Parawansa, 2002).

The New Order government’s support for women was reflected in its ratification of several international conventions and agreements on women, including the UN Convention on Political Rights of Women (under Law No.68/1968) and CEDAW (Law No.7/1984).

It endorsed the resolutions of the International Conference on Social Development in Copenhagen in 1994, the ICPD in Cairo in 1994, and the Fourth World Conference on Women in Beijing in 1995 (Achmad, 2000).

Nevertheless, women remained firmly subordinate to men. Even though organising the domestic domain was held to be the task of women, they were not fully empowered to act even in household decision-making. Men were the beneficiaries of most government development programmes. While in the latter part of the New Order, women were given access to some of these programmes, the budgets allocated to them were very small compared with the overall budgets for programmes accessed mainly by men.

The productive activities of women were regarded as ‘side jobs’ to supplement the husband’s income, and the time spent on non-household activities was secondary to household tasks. In the domain of politics, female representation in the legislature did not reflect women’s actual advancement because most women politicians were appointed on the basis of their connections with prominent men (Alam, 2007, Baird, 2009).
Strong and sustained economic development did bring progress for women. For example, the success of family planning programmes freed women to enter the public domain, in retail and labour markets, while improvements to transport infrastructure increased their mobility.

Government programmes to reduce poverty led to a fall in the number of the poor and the maternal mortality ratio dropped from 549 per 100,000 mothers in 1986 to 308 in 1998. Life expectancy for women rose from 63 years in 1990 to 67 years in 1998, compared with an increase from 60 to 63 years for men.

Women’s participation in education began to catch up with that of men, particularly during the first nine years of schooling, which were compulsory for both girls and boys (Adioetomo, 2005).

The then National Family Planning Coordinating Board (Badan Koordinasi Keluarga Berencana Nasional-BKKBN), under the motto ‘small and prosperous family’, had a direct influence on family lifestyles. As the average number of children per family fell, women experienced better health and had more time for their own self-advancement and self-actualisation. When the first family planning programmes were introduced in the early 1970s, the total fertility rate was 5.61; by 1997 this had fallen to 2.78 (Utomo, 2005).

1.2.1.4. Reform Era under the Administrations of Habibie, Wahid, Megawati and Yudhoyono (the 1990s)

The monetary crisis in 1997 led to the collapse of many conglomerates that had dominated Indonesia’s economic activities since the mid-New Order. Micro, small and medium-scale economic units, whose endurance had been tested by hardship, received greater government attention. Freedom of speech encouraged people to express their opinions and aspirations, especially in urban areas.

Consequently, the number of NGOs representing women’s interests and demands has greatly increased (Parawansa, 2002).
Because of the hurdles they face in the public sector and formal politics, women have increasingly tended to bypass formal participation and channel their efforts into civil society and NGOs. Towards the end of the Soeharto regime, as the political climate became increasingly repressive, one significant group of women who were prepared to challenge the prevailing powers within the context of mainstream politics was the Indonesian Women’s Coalition (Koalisi Perempuan Indonesia-KPI).

Violence against women, an important issue in the Beijing Declaration, has become a rallying point for women. The impetus for this came partly from the May 1998 riots, in which Indonesian women of Chinese descent were the targets of widespread sexual abuse and gang rape (Oey-Gardiner, 2002). This led to the establishment of the National Commission on Violence Against Women, headed by Prof. Dr. Saparinah Sadli, also a senior member of the National Human Rights Commission.

A new approach based on gender analysis was introduced in the 1999 GBHN. This stated that ‘empowering women is achieved by improving women’s role and status in national life through national policy implemented by institutions that struggle for the actualisation of gender equality and justice’, and sets the goal to ‘improve the quality, role and self-reliance of women’s organisations by maintaining the value of integration and the historical value of women’s struggle in continuing to empower women and society’ (Robinson and Bessell, 2002).

The change of name in 1999 from Ministry of Women’s Affairs to Ministry of Women’s Empowerment heralded a renewed determination to achieve more equitable treatment for women in the family, society and nation (Parawansa, 2002). Among the challenges facing the Ministry are patriarchal social values embedded in such legislation as the Marriage Law, Law on Citizenship and Law on Population, particularly in the context of the national family planning programme (Wageman, 2000).
Religious teachings have strongly influenced society’s mindset and way of life in Indonesia. Unfortunately, many ulama (Muslim religious scholars), preachers and religious leaders have slightly enlightened views on gender (Achmad, 2010).

Significant changes to religious and secular women’s organisations in Indonesia have arisen as a consequence of political changes since 1998 - the ongoing social and political process known as reformasi (reform). The issues addressed by the new Islamic women’s organisations established only in the last two decades are quite different from traditional concerns of the older Islamic organisations.

Many of the once strictly social Islamic organisations are now also political institutions. The election of the leader of NU, Abdurrahman Wahid, as President in 1999, and of Amien Rais, Muhammadiyah’s representative, as Speaker of the People’s Consultative Assembly (Majelis Permusyawaratan Rakyat-MPR), pointed to the growing political power and influence of Islamic groups in Indonesia (Marcoes, 2002).

One of the most notable developments has been the entry of NU and Muhammadiyah into the political arena. Under the New Order, these had become principally social organisations with an Islamic background, although their combined membership totalled around 50 million. Since 1999, however, they have at times attained increased political power and influence. Consequently, the women’s organisations affiliated with the NU and Muhammadiyah-Muslimat, Fatayat and Aisyiyah-have also come to occupy important and potentially powerful positions.

The impetus for the new Islamic women’s organisations was discontent with the perceived inadequacy and inefficiency of the established organisations, and with the conservative outlook of their older members. The new organisations are more concerned with ‘modern’ issues such as domestic and public violence, reproductive health, political rights and equal access to
economic means. They address openly and directly the issue of justice for women in the public as well as domestic sphere.

The themes uniting these organisations are women’s empowerment and the advocacy of women’s rights within the context of Islamic teachings. This has necessarily meant addressing a number of complex and sensitive issues, such as public and domestic violence, women’s reproductive health and sexuality, and women’s equal access to economic resources and education. The new organisations have also made efforts to formulate less gender-biased and discriminatory interpretations of religious texts.

Those organisations include Organisation for the Development of Pesantren and Society (FN-P3M : Fiqh An-Nisa Perhimpunan Pengembangan Pesantren), Forum for the Study of Classical Islamic Texts (Forum Kajian Kitab Klasik Islam), Fatayat, Muslimat, Aisyiyah and Puan Amal Hayati. Many of the non-governmental Islamic women’s organisations established after the Reform Era are specifically addressing gender-related issues.

The new Islamic women’s organisations have succeeded in a relatively short period in establishing an open and public forum for discussion of women’s rights and empowerment, although the number of women reached through their programmes is limited.

The political transformation towards regional autonomy implemented since 1 January 2001 has the potential for great change in Indonesia. Decentralisation is intended to bring government closer to the people. One of the most positive trends has been a heightened awareness by people that they can and should participate in local governance. However, decentralisation provides a mixed bag of challenges and opportunities for Indonesian women.

Challenges include that women’s representation in public decision-making is generally still limited. In some areas, decentralisation has worryingly been accompanied by a revival of conservative religious interpretations of gender roles and discriminatory local customary laws. However, many local
governments have demonstrated the political will to adopt participatory policy-making processes, gender mainstreaming, and capacity development through training on gender issues for local government officials (Asian Development Bank, 2006).

The reinvigorated Women’s Ministry has been collaborating actively with women’s organisations, religious organisations, NGOs, professional associations, political parties and other institutions with an interest in women’s affairs. A major outcome was the National Plan of Action to empower women, running from 2000 to 2004. The plan covered five key areas: improving women’s quality of life, raising awareness of justice and equity issues nationwide, eliminating violence against women, protecting the human rights of women, and strengthening women’s institutions (Achmad, 2007).

1.2.2. Roles of Indonesian Women in the current Economic and Political Development

In spite of the ‘wife and mother’ role assigned to them during the New Order period, women have become politically active in increasing numbers since the end of Soeharto’s 32-year-reign.

On 23 July 2001, Megawati Sukarnoputri became Indonesia’s first woman president. For all the euphoria felt by women following Megawati’s rise to the presidency, experience elsewhere suggests that having a woman at the top – especially one not known for particular sensitivity to gender issues – is no guarantee that women’s issues will become a mainstream concern in public and civic life.

For this to happen, women would need to occupy more decision-making positions at all levels of government and the bureaucracy, with the authority to implement their decisions. As long as women decision-makers remain in a minority, they will have to continue to meet the demands and conform to the interests of men. Although Megawati had few followers among women activists, she went some way towards addressing their concerns by appointing two women to her cabinet. Rini Suwandi, a professional businesswoman, held
the usually male post of Minister for Trade and Industry, and Sri Rejeki Sumaryoto was the Minister for Women's Empowerment (Parawansa, 2002).

Despite her apparent lack of interest in women’s issues, in the division of responsibilities between President Abdurrahman Wahid and Megawati as his then Vice President, she was given responsibility for empowering women. On 25 October 1999, she announced the appointment of two vocal women activists to the cabinet, Erna Witoelar as Minister for Housing and Regional Development and Khofifah Indar Parawansa in the traditional women’s post of Minister for Women's Affairs. Erna’s portfolio broadened when she became Minister for Human Settlements and Regional Infrastructure, while Khofifah’s expanded when she renamed her office the Ministry of Women’s Empowerment.

The change of the Ministry of Women’s Affairs to Ministry of Women’s Empowerment was in line with the philosophy of the Ministry, and reflected the new age of democracy in Indonesia. It marked the end of women’s affairs being seen as issues restricted to wives and mothers; the approach is now to tackle the construction of gender in the Indonesian society that limits women’s rights to equity and equality. Another notable change was the transfer of the National Family Planning Coordinating Board to the Ministry of Women’s Empowerment, so that Khofifah became the chief of that board - the first time it had been headed by a woman.

In 2009, the Ministry of Women’s Empowerment changed its name into the Ministry of Women’s Empowerment and Child Protection with Linda Amalia Sari Gumelar as its Minister who previously was the Head of the Indonesian Women’s Congress.

In the past practice, there were two ministerial positions reserved for women, Minister for Women’s Affairs and Minister for Social Affairs.

In the 42 member cabinet of President Susilo Bambang Yudhoyono (Second United Indonesian Cabinet), women occupied 10 per cent with four female
ministers. In the 36 member cabinet of President Susilo Bambang Yudhoyono (First United Indonesian Cabinet), women occupied 11 per cent with four female ministers.

During President Joko Widodo’s Working Cabinet 2014-2019, women occupied 23.5 per cent with eight female ministers in the 34 member cabinet (previously 26 per cent with Khofifah Indar Parawansa as the Minister for Social Affairs). And in the 38 member cabinet of President Joko Widodo’s Onward Indonesia Cabinet 2019-2024, women occupy 13 per cent of ministerial or ministerial-equivalent positions with five female ministers.

Women’s political participation was very low in Indonesia’s New Order period. Recent years have seen changes, particularly after the 2009 elections. A 30 per cent quota\(^2\) was established for women in political party recruitment. As for political participation in 2004, women could occupy 11.8 per cent (65 of 550 members) in the parliament (Kompas, 2009) and could not meet the target of 30 per cent as stated in the Law on General Elections. Although limited, it is a step in the right direction and helps set an example and motivate others to be more involved in politics (Mulia, 2009).

In 2014-2019, the Indonesian parliament has seen an increase in women legislators to 17.32 per cent at the House of Representatives (Dewan Perwakilan Rakyat-DPR) and 26.51 per cent at the Senate (Dewan Perwakilan Daerah-DPD) (Shaleh, 2016). This increase reflects the success of the activities of the women’s movement during the campaign period. The movement advocated affirmative action, to achieve at least 30 per cent women’s representation in the parliament (UNDP, 2010).

In October 2019, Puan Maharani was elected the first female speaker of the House of Representatives (DPR). For the 2019-2024 period, there are 118

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\(^2\) In Law No.31/2002 on Political Parties, Law No. 12/2003 on General Elections, Law No.2/2008 on Political Parties and Law No.10/2008 on General Elections, a 30 per cent gender quota obligates every political party to include at least 30 per cent of women in political parties’ organisational structure at the national level, and to nominate at least 30 per cent of women as legislative candidates in an electoral district.
women out of 575 members in the Indonesian parliament, an increase of 3 per cent from 17.32 per cent to 20.52 per cent (IFES, 2019).

With increasing socio economic status and freedom of expression after the Reform Era, more and more Indonesian women were entering higher education, earning their own income and having the autonomy to choose where they would like to be enrolled for higher education or employment.

1.2.3. Gender Inequality in Indonesia

Since the beginning of Indonesia’s industrialisation in the 1970s, the number of working women in public and agricultural sectors as well as labour-intensive industries has grown exponentially (GlobeAsia, 2011). The productivity boom reverberating through the automotive, telecommunications, finance, arts, health and education fields has helped to encourage more Indonesian women to participate in work outside home.

According to an Indonesian psychologist, Kasandra Putrantom, of 4.8 million Indonesian students registered with institutions of higher learning in March 2011, nearly half were female. They want to apply what they have learned at school and university to the real world as well as being recognised and rewarded for their contribution. Women work to help their families, build self-confidence, and enjoy a better quality of life. Women tend to outperform their male colleagues in a variety of fields (Azmi et al., 2014, Burns, 2017, Monash, 2017).

Statistics have also shown that girls outperform boys at schools and universities. Not content to live in the shadow of men, Indonesian women are staking their claim to professional fulfilment. Motivated and educated, they are challenging their male counterparts and often outshining them (GlobeAsia, 2011).

Despite the improvements in opportunities for women as evidenced by increased school enrolment, literacy rates, college graduates and labour
participation, women are still under-represented mainly in the government, educational institutions, and industry.

Women in Indonesia are not well represented at high levels either in the government or private sector, similar to patterns occurring around the world. In Indonesia, women make up 20.52 per cent of the 575 members of Parliament despite legal requirements that stipulate women should comprise at least 30 per cent (Nugraheny, 2019). The numbers in the private sector are even more depressing. Of the 398 companies listed on the Indonesian Stock Exchange, only 4.77 per cent have women chief executive officers. Amongst the entrepreneurial class, women make up a mere 0.1 per cent (GlobeAsia, 2011).

Moreover, women still get lower returns for the same job or activity than men. Women-owned businesses tend to be smaller and have a harder time getting access to finance. Based on data from the Ministry of Women’s Empowerment and Child Protection, half of Indonesia’s population is female but on average they only receive 65 per cent of the emoluments received by their male counterparts.

However, women in Indonesia play a greater role in Micro, Small and Medium Enterprises (MSMEs). In 2015, among 600 MSMEs in Indonesia, 360 belong to women whereas 240 are owned by men (International Finance Corporation, 2016).

The banking sector fares slightly better, with women making up to 16 per cent of all directors. Of the hundreds of top fashion designers in Indonesia, half are women with national and international qualifications. Women are also prominently represented in the arts, making successful careers as singers, actors and filmmakers.

The following table could illustrate at a glance how women in Indonesia are still under-represented.
Table 2: Women’s Under Representation

<table>
<thead>
<tr>
<th>SECTOR</th>
<th>WOMEN</th>
<th>PERCENTAGE (per cent)</th>
<th>MALE</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parliament</td>
<td>118</td>
<td>20.52</td>
<td>457</td>
<td>575</td>
</tr>
<tr>
<td>Banking Sector</td>
<td>64</td>
<td>16.75</td>
<td>318</td>
<td>382</td>
</tr>
<tr>
<td>State’s Company</td>
<td>5</td>
<td>5.05</td>
<td>94</td>
<td>99</td>
</tr>
<tr>
<td>Public Company</td>
<td>222</td>
<td>11.81</td>
<td>1657</td>
<td>1879</td>
</tr>
<tr>
<td>Head of Regency</td>
<td>18</td>
<td>1.8</td>
<td>422</td>
<td>440</td>
</tr>
<tr>
<td>Cabinet Member</td>
<td>5</td>
<td>13</td>
<td>33</td>
<td>38</td>
</tr>
</tbody>
</table>


1.3. Gender-Related Treaties and Issues of Implementation in Indonesia

1.3.1. Gender-Related Treaties

International declarations and instruments that are commonly used by advocates for enhancing the lives of women are CEDAW, the ICPD Programme of Action 1994, the Fourth World Conference on Women 1995: Beijing Platform for Action with twelve critical issues, and the MDGs replaced by SDGs. International conference declarations and programmes of action are agreed on by consensus and therefore become the lowest common denominator of agreements between countries. Implementing these agreements should be the minimum expected from countries in terms of both policy and services.

There are significant articles in CEDAW 1979 such as Articles 1-6, 7-9, 10-14, 15 and 16. Articles 1-6 contain general provisions guaranteeing the equality of men and women and prohibiting discrimination based on sex. Articles 7-9 emphasise measures to ensure the equality of women in public and political life. Articles 10-14 relate to social rights such as the right of women to employment (Article 11), health care specific to women (Article 12), equality in other areas of economic and social life (Article 13) and women in agriculture (Article 14). Articles 15 talks about equality in civil matters and in matters related to the family. Article 16 deals with equality in matters of family law.
The chapters of the ICPD Programme of Action related to gender are IV, VII and VIII. Chapter IV covers gender equality, equity and empowerment of women, the girl child and male responsibilities and participation. Chapter VII relates to reproductive rights and reproductive health as well as human sexuality and gender relations. Chapter VIII raises the issues of health, morbidity and mortality.

There are twelve critical areas of concern in the Beijing Declaration and Platform for Action comprising:
- The persistent and increasing burden of poverty on women;
- Inequalities and inadequacies in and unequal access to education and training;
- Inequalities and inadequacies in and unequal access to health care and related services;
- Violence against women;
- The effect of armed or other kinds of conflict on women, including those living under foreign occupation;
- Inequality in economic structures and policies, in all forms of productive activities and in access to resources;
- Inequality between men and women in the sharing of power and decision-making at all levels;
- Insufficient mechanisms at all levels to promote the advancement of women;
- Lack of respect for and inadequate promotion and protection of the rights of women;
- Stereotyping of women and inequality in women's access to and participation in all communication systems, especially in the media;
- Gender inequalities in the management of natural resources and in the safeguarding of the environment; and
- Persistent discrimination against and violation of the right of girls.

There were eight goals to be achieved by all nations as stated in the MDGs: eradicate extreme poverty and hunger, achieve universal primary education, promote gender equality and empower women, reduce child mortality, improve
maternal health, combat HIV/AIDS, malaria and other diseases, ensure environmental sustainability and develop a global partnership for development. There were specific goals set to be achieved by 2015 in an effort to achieve the eight goals.

With the new global 2030 roadmap and SDGs, women have significant role in achieving the 17 goals and 169 targets. Goal 5 of the SDGs relates to achieving gender equality and empowering all women and girls. While the world aspires to achieve gender equality and women’s empowerment under the MDGs (including equal access to primary education between girls and boys), women and girls continue to suffer discrimination and violence in every part of the world. Gender equality is not only a fundamental human right, but a necessary foundation for a peaceful, prosperous and sustainable world. Providing women and girls with equal access to education, health care, decent work, and representation in political and economic decision-making processes will fuel sustainable economies and benefit societies and humanity at large (United Nations, 2016).

During the 49th Session of the CSW in 2005, a panel discussion brought up the linkages between the Beijing Platform for Action and the time-bound development goals contained in the MDGs which need to be explicitly addressed. The panel discussion was entitled “Addressing the linkages between the implementation of the Beijing Platform for Action and the outcome document of the twenty-third special session of the General Assembly and the internationally agreed development goals including those contained in the Millennium Declaration: progress, gaps and challenges”. The participants at the panel emphasised the importance of a rights-based approach to the achievement of the MDGs, in particular the protection and promotion of women’s human rights.

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3 The 2030 Agenda for Sustainable Development consists of 17 goals: (i) no poverty; (ii) zero hunger; (iii) good health and well being; (iv) quality education; (v) gender equality; (vi) clean water and sanitation; (vii) affordable and clean energy; (viii) decent work and economic growth; (ix) industry, innovation and infrastructure; (x) reduced inequalities; (xi) sustainable cities and communities; (xii) responsible consumption and production; (xiii) climate action; (xiv) life below water; (xv) life on land; (xvi) peace, justice and strong institutions; and (xvii) partnerships for the goals; and 169 targets. Source: www.sustainabledevelopment.un.org (accessed on 3 December 2019)
In this regard, attention was drawn to the contribution of CEDAW. Gender equality and women’s empowerment are goals in themselves, as well as an important means towards the achievement of all the internationally agreed development goals, including MDGs and then SDGs, and thus the goals could not be achieved without gender equality and women’s empowerment. In turn, progress in reaching the internationally agreed development goals contributes to the promotion of gender equality and women’s empowerment. Therefore, the integration of gender perspectives into all policies and programmes aimed at the implementation of the Goals was crucial.

1.3.2. Issues of Implementing Gender-Related Treaties in Indonesia

Indonesia has ratified the major international conventions that uphold principles of gender equality and the empowerment of women. These instruments include the UN Convention on the Political Rights of Women ratified by Law No. 68/1958, the CEDAW ratified by Law Number 7/1984 of which the Optional Protocol to CEDAW was signed by the Government in 2000, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1998, and the International Convention on the Elimination of All Forms of Racial Discrimination in 1999.


In regards to conventions on children, the Government ratified the Convention of the Rights of the Child in 1990, and signed the Optional Protocol to the

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4 See https://treaties.un.org/ accessed on 11 January 2017

The country has also committed itself to acting upon the recommendations of the 1992 Rio Declaration on Environment and Development, the 1993 Vienna Platform for Action on Human Rights, the 1994 Cairo Platform for Action on Population and Development, the 1995 Copenhagen Declaration on Social Development, the 1995 Beijing Platform for Action, the 2000 UN Millennium Declaration and the 2030 Agenda for Sustainable Development.

In terms of transnational organised crime, in 2000 Indonesia signed the UN Convention Against Transnational Organised Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organised Crime, and the Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention Against Transnational Organised Crime.

Indonesia has also ratified the International Covenant on Economic, Social and Cultural Rights by Law No.11/2005 and the International Covenant on Civil and Political Rights by Law No.12/2005. A list of gender-related treaties ratified, signed and agreed by Indonesia can be found in Chapter 4.

The Indonesian Government has ratified CEDAW known as the Bill of Rights of Women which officially states the fundamental or most important rights guaranteed by the State to women and stipulates efforts that State Parties must make with regard to the elimination of discrimination against women. Indonesia has produced relevant national laws on general elections, domestic violence and trafficking in persons.

However, a number of issues of discrimination against women are still pervasive. The Convention has not been maximally used as a legal framework for the formulation of policies in Indonesia. At the moment, a number of
applicable laws and regulations are still discriminatory against women. Moreover, the number of local regulations that are discriminatory against women is on the rise (CEDAW Working Group Initiative, 2007b).

There are still many pending issues for Indonesia including those identified by the CEDAW Committee, among others the low representation of women in political and public life, and large number of laws which are still discriminatory against women and gender-biased for example the Marriage Act of 1974 which denies women’s equal rights with men. In fact, the Law No.16/2019 concerning Amendments to Law 1 of 1974 concerning Marriage stipulates no distinction on the treatment of women and men in all social aspects of life (Republic of Indonesia, 2019).

In addition, other discriminatory by-laws have to be taken into account, including those in the province of Aceh. *Qanun Aceh* No. 6 of 2014 (known as the *Qanun Jinayat*) is the latest revision of Islamic criminal law implementation in Aceh (Aceh Special Region Province, 2014). The *Qanun Jinayat* restricts women’s rights in the conduct of their daily life as well as social and public life; imposes dress codes; restricts freedom of movement; and severely penalises those having sex outside of marriage. Moreover, Indonesia has to continuously combat human trafficking and sexual exploitation of women and girls.

The ICPD Programme of Action called for actions by all countries to empower men and women and to eliminate inequalities between them. These actions include promulgating, implementing and enforcing national laws and international conventions relating to gender equality and women’s empowerment that protect women from all forms of discrimination. Even though many measures have been taken to improve gender equality and equity as well as empowering women, the gender gap persists in almost all aspects of life.

The constraints to eliminate the discrimination against girls and women range from cultural obstacles to a lack of understanding of gender itself. In programme implementation, there is a misperception that gender
mainstreaming merely involves raising awareness of the basic disparities between men and women. A better understanding of the scope, practical application and adequate technical skills of gender mainstreaming remains a challenge. Harder and innovative efforts need to be taken further to fulfil the objectives of the ICPD Programme of Action (Republic of Indonesia, 2004a).

In regards to the implementation of the ICPD Programme of Action, Indonesia through the National Population and Family Planning Board (previously known as the National Family Planning Coordinating Board) has successfully translated the fourth chapter on gender equality, equity and empowerment of women as well as the seventh chapter on reproductive rights and reproductive health into policies and programmes which are more appropriate to the Indonesian culture and religious values. Indonesia has also promulgated a law on health, population and family development and has established a national committee on reproductive health in response to the ICPD Programme of Action.

Issues related to women’s health that relate to gender equality include the problem that women are still denied the individual right to choose contraception without agreement from their husbands. Single women also lack access to reproductive health and sexual health services, as well as contraception. Recently, activists have also raised alarm over Indonesia’s anti-abortion laws (Sagita and Lutfia, 2012).

The Fourth World Conference on Women in Beijing in 1995 was especially influential in encouraging governments' commitments to improve women’s status. President Soeharto endorsed the Beijing Declaration and Platform for Action by establishing Women’s Day (Asian Development Bank, 2002). In his first Women’s Day speech in December 1995, he called for a “national movement to reaffirm equal partnership between women and men”. Other responses included translation of the Beijing Platform for Action into Indonesian and a workshop in March 1996 organised by the Ministry of Women’s Affairs that reaffirmed the “equal partnership between women and men as the implementers of the results of the Fourth Conference”.
In regards to the MDGs, a renewed focus on gender issues is essential. The promotion of gender equality and the empowerment of women does not fall solely within the third MDG (MDG3). Knowing that women comprise more than half of the population, gender equality is vital to the achievement of each and every MDG (Asian Development Bank, 2006).

The Indonesian Government recognises a number of outstanding challenges in the efforts to reduce the gender gap and recommends four key policies and programmes to address them. There are improving women’s participation in the political processes and improving their public position; improving education and health services to improve women’s quality of life; revising legal instruments to protect women against violence, exploitation, and discrimination; and mainstreaming gender at all levels of government, particularly at the district/municipality level (National Development and Planning Agency, 2007).

Concerning the SDGs, Indonesia is fully committed to implementing the 2030 Agenda and has taken several measures inter alia (i) mainstreaming the SDGs into National Development Planning; (ii) finalising legal and institutional frameworks for national implementation; (iii) engaging all stakeholders, including government, academics, civil society as well as philanthropic organisations; and (iii) developing the national and sub-national action plan guidelines, the SDG database, as well as monitoring, evaluation and reporting mechanisms (Republic of Indonesia, 2015c).

Indonesia has been involved in the SDGs since their early conception in 2012 when former President Susilo Bambang Yudhoyono was appointed as Co-Chair of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda. Indonesia has expressed its strong commitment to the 2030 Agenda and the SDGs. President Joko Widodo’s nine national priorities in 2014-2019 and the country’s Medium-Term Development Plans align well with the SDGs.
The National Development Planning Agency performed a mapping exercise for the goals and targets of the national plan with the SDGs, finding that 108 out of 169 SDG targets are matched (UNDG, 2015).

As part of its commitment to the SDGs, Indonesia has submitted its first Voluntary National Reviews (VNR) in 2017. Since then, Indonesia has reassessed its national policies and agendas and once again submits its VNR in 2019 (National Development and Planning Agency, 2019).

The Government’s Medium-Term Development Plans 2010-2014 and 2015-2019 call for gender equality and women’s empowerment. They identify gender mainstreaming as a target through the Presidential Decree issued in 2000 and the Ministry for Women’s Empowerment Guidelines for Gender Mainstreaming in 2002. Those references remain significant in advancing efforts towards gender equality and women’s empowerment. Notable achievements include the production of gender-disaggregated statistics in some provinces, districts and sub-districts; the application of a Gender Analysis Pathway in a range of ministries, and an increasing number of gender issues included in annual development plans at the district level.

However, much remains to be done. There remains a fundamental lack of understanding of the benefits and importance of mainstreaming in policies and programmes. Gender issues are still viewed as primarily falling into the social sphere, as opposed to having direct economic consequences. Women’s empowerment divisions tend to be poorly staffed, under-resourced, and not appropriately placed within local government structures. Civil society organisations have a significant role to play in the promotion of gender equity.

The following table depicts provisions affecting gender relations in Indonesia’s national legislations.
### Table 3: Legislation on Key Issues Affecting Gender Relations

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Legal/Regulatory Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Marriage and Divorce</strong></td>
<td>Marriage Age: minimum marriage age of 19 years for males and 16 years for females; provision for marriage below minimum age is subject to judicial discretion and parental consent.</td>
</tr>
<tr>
<td>Marriage Law 1974 (Act No. 1), Article 31</td>
<td>Marriage Guardianship: free consent of marrying parties required for validity, unless religious law governing the parties directs otherwise.</td>
</tr>
<tr>
<td>Marriage Law Implementing Regulation 1975 (9/75)</td>
<td>Marriage Law 1974 defines as legal a marriage “solemnised according to the laws of the respective religions and beliefs of each of the parties”; parties under 21 years need parental permission.</td>
</tr>
<tr>
<td>Law on Religious Courts 1989</td>
<td>Marriage Registration: obligatory; the Marriage Registrar Office of Ministry of Religious Affairs is responsible for registration of Muslim marriages and the Civil Marriage Registrar Office of Ministry of Internal Affairs for all other marriages.</td>
</tr>
<tr>
<td></td>
<td>Polygamy: basis of marriage is considered monogamy, but Marriage Law does not prohibit polygamy for those religions that allow it (Islam, Hinduism, Buddhism); permitted with consent of existing wife or wives and judicial permission, by fulfilling conditions specified by law.</td>
</tr>
<tr>
<td></td>
<td>Obedience/Maintenance: law specifies that both spouses are equal and both are responsible for maintaining home and caring for children; obligation of permanent resident and domicile to be decided by both parties; husband as head of the family required to protect wife and provide according to his means and wife’s duty is to manage household</td>
</tr>
</tbody>
</table>
### Table 3: ... continued

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Legal/Regulatory Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Talaq</strong>², Marriage Law provides that divorce shall be carried out only before the Court of Law, after Court has endeavoured to reconcile the parties; husband married under Islamic law may submit letter notifying religious court of his intention to divorce and giving his reasons; if husband’s reasons accord with any of six grounds for judicial divorce outlined in Marriage Law and determines that reconciliation is not possible, court will grant session in order to witness divorce. Women are able to seek divorce on the basis of grounds prescribed by the law, particularly on evidence of neglect.</td>
<td>Judicial Divorce: either spouse may seek judicial divorce (preceded by reconciliation efforts by the judge)⁶</td>
</tr>
<tr>
<td><strong>Post-divorce Maintenance/Financial Arrangements:</strong> property acquired during marriage considered joint property, and Marriage Law only directs that division is according to the laws applicable to the parties; court may order alimony for children or maintenance for former wife (time periods and levels not specified)</td>
<td>Post-divorce Maintenance/Financial Arrangements: property acquired during marriage considered joint property, and Marriage Law only directs that division is according to the laws applicable to the parties; court may order alimony for children or maintenance for former wife (time periods and levels not specified)</td>
</tr>
<tr>
<td><strong>1974 Property Law</strong></td>
<td><strong>Child Custody and Guardianship:</strong> Marriage Law simply provides that in the case of a dispute over custody, the court shall render its judgment; father shall have the responsibility for maintenance expenses unless he is unable to bear such responsibility in which case Court may order the mother to share expenses.</td>
</tr>
<tr>
<td></td>
<td>“Conjugal property is owned jointly and in common,” but on divorce is shared based on respective laws; customary or religious laws may dictate a smaller share to the wife.</td>
</tr>
</tbody>
</table>

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⁵ *Talaq* is a practice based on traditional Islamic Law through which a man pronounces a declaration to divorce a woman.

⁶ Grounds for judicial divorce include: other spouse’s adultery, alcoholism, addiction to narcotics, gambling or “any other vice that is difficult to cure”; abandonment for 2 years without valid reason; cruelty or mistreatment endangering life; physical disfigurement or malady preventing performance of marital duties; sentencing to prison term of five years or more; constant disputes without hope of resolution.
Table 3: ... continued

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Legal/Regulatory Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Inheritance/succession</strong></td>
<td></td>
</tr>
<tr>
<td>Civil Code: non-Muslims Islamic Law: Muslims Judicial Decisions by the Supreme Court</td>
<td>Islamic Law dictates that women inherit less than men, and widowers receive a bigger share than widows. The Civil Code provides for equal inheritance. Customary Law depends on matrilineal or patrilineal societies</td>
</tr>
<tr>
<td><strong>Access to Land and Credit</strong></td>
<td></td>
</tr>
<tr>
<td>1960 Basic Agrarian Law No.5</td>
<td>Women are deemed to have land rights and may obtain title to land by registering land in their names. However, in practice implementation and enforcement of laws often discriminate against women.</td>
</tr>
<tr>
<td>The Civil Code</td>
<td>Article 108 stands in the way of married women from entering into contracts on their own behalf.</td>
</tr>
<tr>
<td><strong>Health and Reproductive Health</strong></td>
<td></td>
</tr>
<tr>
<td>Law on Population Development and the Development of the Prosperous Family (10/1992) renewed by the revised Law (52/2009)</td>
<td>Stipulates that family planning services be restricted to married women</td>
</tr>
<tr>
<td>Law on Health (23/1992) and the Criminal Code</td>
<td>Prohibits abortion and stipulates that ‘.....only in an emergency where the mother’s and baby’s lives are in danger can abortion be undertaken by competent health providers with proper authority further reiterated in Article 220 of the Criminal Code.’</td>
</tr>
<tr>
<td>A new Criminal Code has been proposed as an update which regulates sex outside marriage</td>
<td>Regulations practised by selected schools prohibiting married and pregnant girls from continuing their schooling.</td>
</tr>
<tr>
<td><strong>Labour and Social Protection</strong></td>
<td></td>
</tr>
<tr>
<td>1945 Constitution</td>
<td>&quot;Every citizen has the right to employment commensurate with human dignity&quot;</td>
</tr>
<tr>
<td>1981 Government Regulation</td>
<td>&quot;Employers shall not discriminate between women and men workers in determining the rates of remuneration for work of equal value&quot;</td>
</tr>
<tr>
<td>1984 CEDAW Ratification Act No. 7</td>
<td>Emphasises equality between men and women, the inalienable right to work, the need to eliminate discrimination against women in employment.</td>
</tr>
<tr>
<td>Labour Act 13/2003</td>
<td>Provides women with 2 days of leave per month, 1.5 months of leave each before and after childbirth and 1.5 months’ leave after miscarriage. It also provides time for women to breast feed during work hours and leave for men on the occasion of their wife’s delivery or in the event of their wife’s miscarriage.</td>
</tr>
</tbody>
</table>
Table 3: ...continued

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Legal/Regulatory Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>1964 Ministry of Manpower Regulations on Conditions of Health, Cleanliness and Lighting in Workplaces</td>
<td>Specify that employers must provide separate lavatories for men and women, as well as spacious restrooms.</td>
</tr>
<tr>
<td>Violence Against Women</td>
<td>Article 285: A person who “uses force or threat to compel a woman to have sexual intercourse with him outside marriage” will be guilty of rape and punishable for a maximum of 12 years’ imprisonment. Article 288: specifies that a man “in marriage” having carnal knowledge of a woman “not yet marriageable” will be punished with a maximum of 4 years’ imprisonment.</td>
</tr>
<tr>
<td>1915 Criminal Code, Royal Decree No.33 No. 23/2004 Elimination of Domestic Violence</td>
<td></td>
</tr>
<tr>
<td>Migration and Human Trafficking</td>
<td>While the law refers to human rights principles, overall it focuses only in a minor way on the protection of the rights of migrant workers; rather the emphasis is on placement and the trade and economic implications of migration. Based on discussions as part of the National Plan of Action for the Elimination of Trafficking in Women and Children; it focuses on countering and criminalising trafficking in persons, particularly women and children.</td>
</tr>
<tr>
<td>No. 39/2004 Placement and Protection of Indonesia’s Migrant Workers Law on Suppressing Crime of Trafficking in Persons No. 21/2007</td>
<td></td>
</tr>
<tr>
<td>Political Rights</td>
<td>Quota of 30 per cent given to women to be elected Women’s representation in the legislature, membership and leadership of political parties respectively should be at least 30 percent</td>
</tr>
<tr>
<td>Citizenship</td>
<td>Indonesian House of Representatives passed the law on citizenship, eliminating discrimination on ethnic, gender and marital status.</td>
</tr>
<tr>
<td>No. 90/2005 Law on Citizenship</td>
<td></td>
</tr>
</tbody>
</table>
Table 3: ...continued

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Legal/Regulatory Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender Mainstreaming</td>
<td>It is regarded as the key national policy for empowerment.</td>
</tr>
<tr>
<td>Presidential Instruction No. 9/2000 on Gender Mainstreaming in Development</td>
<td>Gender issues have been integrated into the National Medium Term Development Plans 2010-2014 and 2015-2019 which cover a variety of development sectors important to women. There are currently 29 Gender Mainstreaming Working Groups at the national level, 30 women’s bureaus at the provincial level, 230 women’s divisions at municipal level, and 304 Gender Focal Points functioning in 440 municipalities to provide</td>
</tr>
</tbody>
</table>

Source: Own data collection and analysis of documents

1.4. Justification of the Study, Research Objectives and Research Contribution

1.4.1. Justification of the Study

Gender-related treaties have high importance and distinctive characteristics as significant instruments consisting of strategic actions to be undertaken by the UN Member States to promote gender equality and women’s empowerment. There are currently 193 UN Member States including Indonesia.

In promoting gender equality and women’s empowerment, Indonesia has a strong commitment to adhere to the messages contained in the international agreements and declarations that promote the right of every woman, man and child to enjoy a life of equal opportunity. Those international instruments include the 1945 UN Charter, the 1948 Universal Declaration of Human Rights, CEDAW, the 1994 ICPD Programme of Action, the 1995 Beijing Platform for Action, and the MDGs replaced then by SDGs.

One of the major achievements of the 20th century was the development of a rich body of international law affirming the equal rights of all human beings. Building on the foundation of the 1948 Universal Declaration of Human

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Rights, numerous conventions, protocols and agreements have affirmed and expanded its principles. However, despite the many agreements embraced and treaties ratified, the reality is that in the early 21st century, women and other neglected groups, especially those whose lives are circumscribed by poverty and discrimination, are not able to exercise their fundamental human rights. All human rights instruments apply equally to all people, but the two conventions that provide the most explicit protection of the rights of women and girls are the 1979 CEDAW and the 1989 UN Convention on the Rights of the Child.

The UN conferences of the 1990s bolstered the framework for women’s human rights. In a historic declaration, the 1993 UN World Conference on Human Rights in Vienna for the first time confirmed women’s rights as human rights (UNIFEM, 2003). The platforms that emerged from ICPD 1994 and the 1995 Fourth World Conference on Women provide concrete action plans on women’s human rights. They form the basis for many national policy and legislative reforms.

Translating those powerful instruments into concrete change in the lives of women and girls depends on sustained and concerted action at the country level. Under international law, those agreements are more than rhetoric. They are collective obligations. They embody the principles that led to the formation of the community of countries known as the UN.

It is in this regard that this thesis attempts to explore Indonesia’s efforts in achieving gender equality by implementing internationally agreed gender-related conventions. It is the normal procedure of UN member countries to

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8 On December 10, 1948 the General Assembly of the UN adopted and proclaimed the Universal Declaration of Human Rights with resolution 217 A (III)
9 There are eight core international human rights conventions: the International Covenant on Civil and Political Rights (1966); the International Covenant on Economic, Social and Cultural Rights (1966); the International Convention on the Elimination of all forms of Racial Discrimination (1965); the Convention on the Elimination of All Forms of Discrimination Against Women (1979); the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (1984); the Convention on the Rights of the Child (1989); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990); and the International Convention on the Rights of Persons with Disabilities (2006). Years shown indicate adoption of a convention, not date of entry into force.
10 Of the various relevant protocols adopted, particularly relevant in the context of women’s rights is the Optional Protocol to the CEDAW entered into force in 2000
11 The ICPD and Beijing articulated the international consensus based on the foundation established by earlier international human rights instruments and standards
agree and ratify the international conventions. The implementation itself is another story as it has to confront traditional, cultural and religious values and norms. Indonesia has indeed manifested advances in meeting the aims of its women’s movement but still faces many hindrances in achieving gender equality.

However, in seeking to confront and achieve gender equality, Indonesia faces a very confusing situation. On one hand, it formally adheres to the international norms and conventions. On the other hand, it has to date been unable to fulfil its undertakings due to unavoidable social and political circumstances. Though government, non-government organisations, informal leaders and all related parties in society have made concerted efforts, bottlenecks still exist. The remedy to cure this disease is everyone’s responsibility to sort out. Culturally sensitive approaches are in fact critical for the realisation of human rights in general and women’s rights in particular.

Culture-inherited patterns of shared meanings and common understandings influence how people manage their lives, and provide the lens through which they interpret society. This thesis reveals that deep-rooted cultural beliefs sustain gender inequalities. For example, gender-based violence is perpetuated through social and cultural norms which some women may themselves reinforce and perpetuate.

Gender-related treaties aim to achieve gender equality and women’s empowerment in various fields. Countries must implement the gender-related treaties based on the decisions and recommendations of relevant UN Conferences and summits because it is their legal and moral responsibility as members of the UN, especially as in most cases the UN member countries support the objectives and in fact participated in the formulation of those decisions and recommendations.

With regard to the implementation of the ratified gender-related treaties, the government is primarily responsible at the national level and is accountable internationally, but the full participation of all components of society is required.
and essential in achieving success. The relevant minister holds the responsibility of promoting, providing direction, facilitating development and the use of relevant expertise, as well as acting as coordinator of overall implementation and reporting. All other relevant government bodies, civil society groups and NGOs are also responsible to contribute to this effort in accordance with their respective mandates, fields of interest as well as expertise and other resources.

Countries that have ratified or acceded to gender-related treaties are legally bound to put its provisions into practice. For example, countries that have ratified and acceded to CEDAW are also committed to submit national reports, at least every four years, on measures they have taken to comply with their treaty obligations under Article 18 of CEDAW to the Division for the Advancement of Women.

CEDAW is the only human rights treaty which affirms the reproductive rights of women and targets culture and tradition as influential forces shaping gender roles and family relations. It affirms women’s rights to acquire, change or retain their nationality and the nationality of their children. States parties also agree to take appropriate measures against all forms of traffic in women and exploitation of women.

Nevertheless, no such sanction is imposed on countries which do not implement the gender-related treaties. CEDAW itself doesn’t require any sanction on countries which fail to implement the Convention. The Convention however does oblige States Parties to submit to the Secretary-General a report on the legislative, judicial, administrative or other measures that they have adopted to implement the Convention within a year after its entry into force and then at least every four years thereafter or whenever the CEDAW Committee so requests. These reports, which may indicate factors and difficulties in implementation, are forwarded to CEDAW for its consideration.12

12 As far as international sanctions are concerned, there are three types of international sanctions: diplomatic sanctions – the reduction or removal of diplomatic ties, such as embassies; economic sanctions – typically a ban on trade, possibly limited to certain sectors such as armaments, or with certain exceptions (such as food and medicine); and military sanctions – such as military intervention.
Therefore, countries have the obligation to implement decisions and recommendations, and explore possible new strategies, approaches and methods. Furthermore, the preparation of overall progress reports must be done for submission by a Coordinating Minister specialising in gender matters to the President of the Commission on the Status of Women while comprehensive reports on specific areas, such as the education of women for example, should be reported by the Minister for Education as an integral part of the report to the President, and then to UNESCO as the UN Agency responsible for Gender Equality and Equity in education.

1.4.2. Research Objectives

The aim of this thesis encompasses the following objectives:
- To examine the ratification and adaptation process of treaties related to gender in Indonesia;
- To assess the efforts of the government and non-governmental sectors in implementing laws and regulations in Indonesia to promote women’s empowerment and gender equality; and
- To identify the obstacles and challenges to realising the above-mentioned goals

1.4.3 Research Contribution

The issue of gender in Indonesia has become a research interest for many leading scholars on gender research from different streams. Indonesia’s engagement with the UN, for example, has become the emphasis of Kathryn Robinson’s research on gender in Indonesia.


More and more research has been undertaken raising gender issues in Indonesia, including: women in Indonesian public life and women’s political participation (Blackburn, 1999; International IDEA, 1999; Mariyah, 2002; Robinson, 2001; Rhoads, 2012; UNDP, 2010); violence against women (Hayati, 2013; Idrus, 2008; Luhulima, 2005; RAN-PKTP, 2001; UNFPA, 2016); reproductive health and family planning (Beazley, 2003; Bennett, 2005; Hull, 2003; Sciortino, 1998; Solikhah, 2015; Utomo, 2004; Utomo, 2009); Islam, religion and reproductive health (Anshor, 2006; Hasyim, 2006; Keech-Marx, 2006; Kodir, 2007; Muhammad, 2006; Mulia, 2006; Obaid, 2005; Qibtiyah, 2012; Robinson, 2016; Yoshida, 2015); education and the labour force (Cameron, 2002; Deolalikar, 1993; Ford, 2003; Garcia, 2015; Gardiner, 1997; Hugo, 2002; Jones, 2002; Manderson, 1983; Schaner, 2016; Utomo, 2013; Worswick, 2001); as well as trafficking in women and children (Parjoko & Maesuroh 2004; Nexus Institute, 2016; Susilo, 2004) and many other gender-related issues.

Research on gender-related issues in Indonesia has a prominent role in helping related parties, particularly the government and non-government sectors, to shape a better environment in realising gender equality in all spheres. Such research has provided worthwhile references and a significant basis for formulating pro-gender policies and determining gender-based programmes.

However, as all gender policies and gender indicators are inter-related, an in-depth or integrated research approach towards the implementation of gender-related treaties is still limited in Indonesia, even though Indonesia has signed the major UN Conventions on women’s empowerment and donor agencies have implemented many gender and development projects in Indonesia. The impact of the implementation itself has not yet been thoroughly researched.
This research on “Gender in Global Agreements and National Arguments: The Indonesian Experience” aims to make a significant contribution related to gender issues and to fill the gap in understanding why gender inequality still strongly persists in Indonesia.

The contribution of this research will be as follows:

- To provide in-depth information on the implementation of gender-related treaties in Indonesia by explaining the ratification as well as the stages, processes and mechanisms of the adaptation of gender-related treaties in Indonesia; the obstacles and challenges to the implementation of gender-related treaties in Indonesia; and the actors involved in the implementation of gender-related treaties, both in the Indonesian Government and non-governmental sector;

- To address the gap in explaining why gender inequality still strongly persists in Indonesia; and

- To recommend policies for addressing effective implementation of gender-related treaties towards reducing gender inequality in Indonesia.

It is hoped that the handling of gender issue in Indonesia could be carried out comprehensively and holistically in an integrated manner to complete the mandate of the National Medium Term Development Plan 2020-2024 involving all related State Institutions mainly the Ministry of Women’s Empowerment and Child Protection, National Population and Family Planning Board, National Development Planning Agency, Ministry of Labour, Ministry of Health, and Ministry of Religious Affairs with respective NGOs.

1.5. **Overview of the Thesis**

In line with the above-mentioned objectives, this thesis consists of the following distinct but interrelated chapters:
Chapter 1 is the introductory chapter consisting of the background; a description of women in Indonesia; gender-related treaties and issues of their implementation in Indonesia; justification of the study, research objectives and research contribution; as well as an overview of the thesis.

Chapter 2 explains the development of gender terms over time, and the theories supporting the research. It also provides a brief history of the UN’s work on gender, world conferences on women, and international covenants on gender based on different perspectives.

Chapter 3 describes the design of the research and the methods employed. It discusses the realities of carrying out documentary analysis and conducting in-depth interviews with relevant respondents.

Chapter 4 analyses the role of government in the ratification and implementation of gender-related treaties in Indonesia. It also describes the evolution of the Ministry of Women’s Affairs, the Ministry of Women’s Empowerment, and the Ministry of Women’s Empowerment and Child Protection.

Chapter 5 reveals how non-governmental sectors play their roles in advancing the implementation of gender-related treaties in Indonesia.

Chapter 6 discusses critical case studies of domestic laws that evoke controversies in the society.

Chapter 7 describes to what extent gender-related treaties have impacted on the realisation of gender equity in Indonesia. It discusses the potential barriers and the facilitators.

Chapter 8 summarises the findings from previous chapters, discusses the implications of the research results, as well as drawing strong conclusions backed up by the discussion. It also offers possible ways out of the existing problems that might arise, presents and seeks to answer possible criticisms, and conveys further recommendations to the Indonesian government.
Chapter 2. Gender Matters and Gender-Related Treaties

The primary challenge facing women today is to maintain and increase the momentum of their participation and empowerment. There is good reason to believe that the process of women’s empowerment will continue to go forward. Many conditions and mechanisms for women’s empowerment have been established. Greater emphasis by policy-makers on people’s participation and growing gender awareness are creating a favourable climate for women to bring their concerns and perspectives onto the agenda. The great strides forward that women have made in empowering themselves are opening up more opportunities for women’s participation (Boserup, 1970, Hamilton, 1978, McNamara, 1979, Karl, 1995, Humana People to People, 2012).

All this can be seen in the increased numbers of women participating in their communities, in groups and organisations, in politics and public life, in development agencies and programmes, and in the transformative effect that this participation is having on structures and on redefining the local, national and international agendas.

2.1. From ‘Women in Development’ to ‘Gender and Development’

Women’s participation is not only essential to economic development, it will also have a transformative effect on the goals of both economic and social development. Women’s participation does not mean simply increasing women’s numbers or integrating them into existing development models; rather, it is part of the process of empowerment and a way to make development policies and programmes more people-centred.

Before the UN Decade for Women (1976-1985), development policies and programmes were considered to be gender-neutral: that is, they did not distinguish between men and women but were assumed to benefit automatically all people, women as well as men. Attention was given to women primarily as mothers and carers, or as a particularly ‘vulnerable’ group. Consequently, programmes directed at women were related mainly to nutrition, childcare, health and population, and aimed at improving family life and controlling women’s fertility. Programmes were also
welfare-oriented, designed to help women who were suffering from the worst ravages of poverty and malnutrition. Women's roles in agricultural and other forms of production were ignored (Hamilton, 1978, Tinker, 1987, Miller, 1992, Batliwala, 1993, Watkins, 1993).

Beginning with Ester Boserup, whose ground-breaking book, ‘Women’s Role in Economic Development’, was published in 1970, women researchers and activists began to make women visible as active participants in production, in the household and other sectors of the society. Studies revealed that women have often been victims of development programmes rather than beneficiaries, that many development programmes that were assumed to benefit everybody really benefited men only, and often had negative effects not only on women but on the whole community. The high rate of failure of development policies, programmes and projects is attributable at least in part to the neglect or lack of knowledge of women’s productive and reproductive roles (Boserup, 1970).

In the analysis of why development programmes ignore women, a number of factors have been identified: (i) development planning that is geared to the economic growth model of development; (ii) the elite-derived model which sees women as performing strictly domestic functions and men as performing all the economic and political roles; (iii) the class background of national leaders, which alienates them from poverty; and (iv) the general failure of the development process to provide all poor people, women or men, with power (Hollnsteiner and Badran, 1980). These underlying biases lead to the lumping together of the ‘targets’ of development into undifferentiated categories, such as the ‘poor’ or ‘disadvantaged’, without regard to different gender roles, needs and interests or to the effects of class and other socio-economic, cultural and political factors.

By the mid-1970s and the International Year of Women (1975), a new policy to ‘integrate women in development’ gained a footing among development agencies. It was assumed that the neglect of women could be remedied and their situation improved by including them in development projects and programmes. The integration of women in development is a central element in what is variously known as ‘the women in development’ (WID) approach used by development agencies.

As shown in Table 4, according to a framework drawn up by Caroline Moser, three WID policy approaches can be identified: equity, anti-poverty and efficiency, although, as she pointed out, there had never been a strict chronological development or separation of these approaches. In examining how these approaches attempt to meet women’s needs, this framework distinguishes practical gender needs and strategic gender needs, a concept developed by Maxine Molyneaux (1985). The term ‘practical gender needs’ refers to what women require in order to fulfil their roles and tasks, for example in knowing how to access childcare services. The term ‘strategic gender needs’, on the other hand, refers to what women require in order to overcome their subordination. The distinction is not always easy to make (Moser, 1993).

According to Moser (1993), ‘equity’ is the original WID approach and is concerned with unequal relations between women and men in the family and in the marketplace and with integrating women into paid work. Hence it places considerable emphasis on economic independence as synonymous with equity (Moser, 1993). The equity approach attempts to meet women’s practical gender needs for adequate income and their strategic gender needs for equality with men through top-down legislative interventions by government and development agency programmes.

‘Anti-poverty’ is identified as a second WID approach, which differs from the equity approach in that it links the economic inequality of women to poverty rather than to female subordination. Directed to the poorest of the poor, it targets low-income women for economic activity, usually small income-generating projects. The ‘efficiency’ approach, which emerged in the late 1980s in the wake of the debt crisis, and is still widely used today, aims to ensure that development is more efficient and effective through women’s economic contributions. Women’s participation is equated with equity for women (UNESCO, 2000, Asian Development Bank, 2003).

The efficiency approach assumes that women are an underused labour force which can be exploited at low cost and that women’s time is elastic and can be stretched to
include tasks that fall upon them as a result of declining social services (Grant et al., 2006). None of these WID approaches questions the model of development based on economic growth and determined by male policy makers and planners with little input from women.

Consequently, criticism of the integration or WID approach emerged in the late 1970s and early 1980s, particularly among feminist researchers and activists, on the grounds of its failure to challenge the prevailing development model, its view of women as an untapped labour source which could be used to stimulate economic growth and industrialisation, its focus on paid employment for women without taking into consideration the enormous amount of unpaid work women were already doing, its top-down interventions, and above all, its failure to include women’s perspectives in planning and policy making.

The initial attempts to promote the integration of women in development in the 1970s and 1980s through the establishment of women’s units within the specialised agencies of the UN and women’s bureaux or ministries at the national level were not, on the whole, very successful because of the limited financial and human resources allocated and their lack of power to change larger policies or to influence other ministries or agencies dealing with the economy and trade. Such units, frequently marginalised themselves, had the effect of marginalising women’s needs and concerns. Moreover, they led to the assumption that women’s needs and issues were being taken care of by these marginal units and projects, and therefore did not have to be considered in the mainstream of development programmes.

The evolution of policy on women and development reflects and is in turn reflected by what is happening at the grassroots. Many development agencies are gearing their programmes and projects to the empowerment of women through capacity building and through strengthening both women’s organisations and women’s participation in rural associations. Gender awareness activities for both women and men have also become an important part of some projects at the community level. Women’s participation in grassroots organisations is increasingly recognised as crucial to their empowerment and as a way for them to help shape development policies (Sahay,
1998). According to the former Secretary General of the United Nations, Mr. Boutros Boutros Ghali:

Given the importance of female leadership in community and grass-roots level organisations, non-governmental organisations have been identified as a key actor in empowering women, and in ensuring that an accurate knowledge of their true situation, of their actual and potential roles, and of obstacles to their economic participation, is reflected in the design of economy-wide policies (Sahay, 1998: p. 54).
Table 4: Different Policy Approaches to Third World Women

<table>
<thead>
<tr>
<th>ISSUES</th>
<th>WELFARE</th>
<th>EQUITY</th>
<th>ANTI-POVERTY</th>
<th>EFFICIENCY</th>
<th>EMPOWERMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>ORIGINS</td>
<td>Earliest approach: - residual model of social welfare under colonial administration - modernisation/accelerated growth economic development model</td>
<td>Original WID approach: - failure of modernisation development policy - influence of Boserup and First World Feminists on Percy Amendment of UN Decade for Women</td>
<td>Second WID approach: - toned down equity because of criticism - linked to redistribution with growth and basic needs</td>
<td>Third and now predominant WID approach: - deterioration in the world economy - policies of economic stabilisation and adjustment rely on women’s economic development</td>
<td>Most recent approach: - arose out of failure of equity approach - Third World women’s feminist writing and grassroots organisation</td>
</tr>
<tr>
<td>PERIOD MOST POPULAR</td>
<td>1950-70; but still widely used</td>
<td>1975-85: attempts to adopt it during the Women’s Decade</td>
<td>1970s onward: still limited popularity</td>
<td>Post-1980s: now most popular approach</td>
<td>1975 onward: accelerated during 1980s, still limited popularity</td>
</tr>
<tr>
<td>PURPOSE</td>
<td>To bring women into development as better mothers: this is seen as their most important role in development</td>
<td>To gain equity for women in the development process: women seen as active participants in development</td>
<td>To ensure poor women increase their productivity: women’s poverty seen as a problem of underdevelopment, not of subordination</td>
<td>To ensure development is more efficient and more effective: women’s economic participation seen as associated with equity</td>
<td>To empower women through greater self-reliance: women’s subordination seen as problem not only of men but also of colonial and neo-colonial oppression</td>
</tr>
<tr>
<td>NEEDS OF WOMEN MET AND ROLES RECOGNISED</td>
<td>To meet PGN in reproductive role, relating particularly to food aid, malnutrition and family planning</td>
<td>To meet SGN in terms of triple role-directly through state top-down intervention, giving political and</td>
<td>To meet PGN in productive role, to earn an income, particularly in small-scale, income-generating projects</td>
<td>To meet PGN in context of declining social services by relying on all three roles of women and elasticity of women’s</td>
<td>To reach SGN in terms of triple role-indirectly through bottom-up mobilisation around PGN as a means to</td>
</tr>
<tr>
<td>ISSUES</td>
<td>WELFARE</td>
<td>EQUITY</td>
<td>ANTI-POVERTY</td>
<td>EFFICIENCY</td>
<td>EMPOWERMENT</td>
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<tr>
<td></td>
<td></td>
<td>economic autonomy by reducing inequality with men</td>
<td>time</td>
<td>confront oppression.</td>
<td></td>
</tr>
<tr>
<td>COMMENT</td>
<td>Women are seen as passive beneficiaries of development with focus on their reproductive role; non-challenging, therefore widely popular especially with government and traditional NGOs</td>
<td>In identifying subordinate position of women in terms of relationship to men, challenging, criticised as Western feminism, considered threatening and not popular with governments</td>
<td>Poor women isolated as separate category with tendency only to recognise productive role; reluctance of government to give limited aid to women means popularity still at small-scale NGO level</td>
<td>Women are seen entirely in terms of delivery capacity and ability to extend working day; most popular approach both with governments and multilateral agencies</td>
<td>Potentially challenging with emphasis on Third World and women's self-reliance; largely unsupported by governments and agencies; avoidance of Western feminism criticism means slow, significant growth of under-financed voluntary organisations</td>
</tr>
</tbody>
</table>

PGN = Practical Gender Need
SGN = Strategic Gender Need

The unintended marginalisation of women in development programmes, projects, and units led development agencies to rethink women-in-development approaches in the 1980s and to develop new arguments emphasising the need to mainstream women: that is, to bring women from the margins into the centre of the main development programmes and of the institutions that deal with the economy.

The shift from the integration of women to mainstreaming since the mid-1980s has been accompanied by the shift in focus from women to gender. In contrast to the WID approach, this new approach is generally referred to as ‘Gender-and-Development’ (GAD). Gender is here understood as the socially defined and constructed roles of men and women (Karl, 1995). Unlike sex, which is biologically determined, gender roles change from one place and culture to another and across time.

For example, in nineteenth-century Europe, it was considered that only men were suited for office work, whereas by the mid-twentieth century, secretarial work in offices was considered a female occupation. The twentieth century has seen rapid changes in many places in what are considered male and female roles. The focus on gender looks at the roles and needs of both women and men at how these are interrelated, and thus lessens the risk of marginalising women.

There are some who see the GAD approach as having the potential to bring in women’s visions of development (Van den Hombergh, 1993). The Canadian Council for International Cooperation cited in van den Hombergh (1993) states that:

Gender and Development is emerging as a progressive approach to development from women’s perspectives and experiences. It is part of the larger work of creating an alternative development model, for a world view which moves beyond an economistic analysis to include environmental, sustainable and qualitative (personal, ethical and cultural) aspects in its definition of development. (Hombergh, 1993: p.57-60)

The GAD approach, however, like that of WID, does not in itself question the prevailing development paradigm. Its potential to do so depends on how it is interpreted and applied.

A number of strategies have been developed to bring women into the mainstream and to make gender a central focus of development programmes. This includes:
- strengthening women’s units, groups and organisations to ensure gender awareness, to act as pressure groups and to monitor the implementation of mainstreaming women;
- gender awareness and analysis training;
- building a critical mass of women inside development organisations; and
- lobbying and pressuring development institutions.

Although sometimes regarded as contrasting with each other, the strategies are complementary and can be applied in mutually interactive combinations. A mass of women inside development institutions supporting and supported by strong women’s non-governmental organisations and research groups can bring pressure to bear on policy makers and create a climate for gender awareness and analysis. The combination of strategies can enable women to participate in the mainstream and to empower themselves to determine the nature and goals of their participation. Openness to dialogue, collaboration, coalition-building and coordination are the keys to success.

The capacity of women’s units, bureaux, programmes and organisations has been strengthened in many places to enable them to pressure governments and development agencies to mainstream women. Such units have assumed a major part of the responsibility for raising gender awareness, carrying out gender training and monitoring the implementation of mainstreaming throughout the institution.

Gender analysis stresses the efficiency aspect of integrating women in development: production will be more efficient and projects will have a greater chance of succeeding if women are included. One of the most striking revelations of gender analysis is that women are performing many more tasks and working far more hours a day than men.

A methodology of gender analysis known as the Harvard method, developed by the World Bank, has been widely used, with various adaptations, in agencies such as the United States Agency for International Development (USAID), the Canadian International Development Agency (CIDA), the UN Development Programme (UNDP), and the Food and Agriculture Organisation (FAO). Harvard Method analyses
gender roles by concentrating on women’s and men’s activity profiles, and the differences in access to and control over resources. It also focuses on the roles of women and men and not on their different relations (FAO, 2014).

Various forms of gender analysis training are also in extensive use in governmental and non-governmental development agencies. Much of this analysis is based on case studies and project documents, fails to question the dominant development model, and uses a top down approach (Rao et al., 1991). Some methods of gender training, while focusing on the different but interrelated roles of men and women, also examine questions of equity and empowerment. The gender planning methodology developed by Caroline Moser, for example, looks at both the practical and the strategic gender needs of women in its analysis of development projects and programmes.

The concept of the empowerment of women as a goal of development projects and programmes gained wider acceptance in the 1990s. According to Kate Young (1993), the concept of empowerment, as used by development agencies, refers mainly to entrepreneurial self-reliance. On the other hand, an empowerment approach to development can also mean people’s participation in the policy making and planning processes that affect them.

A study entitled ‘Empowerment of Women in South Asia’ identifies two approaches commonly used by development agencies: empowerment through economic interventions to increase women’s economic status through employment, income generation and access to credit; and empowerment through integrated rural development programmes, in which strengthening women’s economic status is only one component along with education, literacy, the provision of basic needs and services, and fertility control.

These approaches are contrasted with those more generally used by women’s organisations and other NGOs: empowerment through awareness building, capacity building and organising women that leads to transformation of unequal relationships, increased decision-making power at home and in the community, and greater participation in the politics (Batiwala, 1993).
Some ideas of empowerment are also taking root in development programmes, and agencies are beginning to develop gender training frameworks that include the concept of empowerment. For instance, the UN Children’s Fund (UNICEF) is using the Women’s Empowerment Framework, developed by Sara Longwe of Zambia, as a tool to be used in its efforts to mainstream gender throughout UNICEF’s programme planning process and as a conceptual basis for gender-responsive assessment, evaluation and programming (United Nations Children’s Fund, 1993).

Based on ‘The Women’s Empowerment Framework’ of UNICEF, the core of the Women’s Empowerment Framework is its argument that women’s development can be viewed in terms of five levels of equality, of which empowerment is an essential element at each level. The levels are welfare, access, conscientisation, participation and control.

Welfare, the first level, addresses only the basic needs of women, without recognising or attempting to solve the underlying structural causes which necessitate the provision of welfare services. At this point, women are merely passive beneficiaries of welfare benefits.

Access, the second level, is essential for women to make meaningful progress. This involves equality of access to resources, such as education opportunities, land and credit. The path to empowerment is initiated when women recognise their lack of access to resources as a barrier to their growth and overall well-being, and take action to address this.

Conscientisation is a crucial point in the Empowerment Framework. For women to take appropriate action to close gender gaps or gender inequalities, there must be recognition by all involved that their problems stem from inherent structural and institutional discrimination. They must also recognise their own role in reinforcing the system that restricts their growth.

Participation is the point where women are taking decisions alongside men equally. To reach this level, however, mobilisation is necessary. By organising themselves
and working collectively, women will be empowered to gain increased representation, which will lead to increased empowerment and ultimately greater control.

*Control* is the ultimate level of equality and empowerment. Here, the balance of power between men and women is equal and neither party has dominance over the other. At this stage in the Empowerment Framework, women are able to make decisions over their lives, and the lives of their children, and play an active role in the development process. Furthermore, the contributions of women are fully recognised and rewarded.

Using the Empowerment Framework, development planners can determine whether a project or programme is at the welfare, access, conscientisation, participation or control level, and determine the point of intervention, to move women to higher levels of equality and empowerment.

2.2. From Liberal Feminism to Postmodernist Feminism

The present day feminist movement did not spring up in a vacuum. The seeds were planted by our mothers, grandmothers and great grandmothers who fought for women's rights as strong individual women, as part of movements for the right to vote or for education of women, as part of social reform movements, workers’ movements, independence and national liberation movements and other struggles. The feminist movement has pointed out the gap between legal reforms and the implementation of the law and has inspired research, writing and activism on the issue (Karl, 1995).

The diversity and richness of the new wave of feminism make it difficult to define. Most simply and basically, it can be said that the present day feminism is a struggle for the achievement of women’s equality, dignity and freedom of choice to control our lives and bodies within and outside home (Bhasin and Khan, 1993). It differs from earlier feminist or women's rights movements that it seeks more than equality or equal rights with men. The struggle was for the democratic rights of women. It included the right to education and employment, the right to own property, the right to vote, the right to enter parliament. In other words, earlier feminists fought for legal reform, for a legally equal position in the society (Talib, 2000, Syibly, 2007).
Feminism today seeks to root out the causes of women’s oppression, to empower women to participate in decision-making at all levels of society, and to transform society through the inclusion of women’s participation and perspectives. While in practice, there are many different kinds of feminism, attempts to classify it according to ideological streams, such as liberal, radical, socialist, Marxist and postmodern (Malhotra et al., 2002).

Feminism, then, is not simply one big global sisterhood, uniting women in their oppression as women across barriers of class, colour, race, religion or nationality. Nevertheless, feminists are attempting to find common ground to work on specific issues and the overall goal of women’s empowerment as part of a global women’s movement (Jain and Chacko, 2005, Harcourt, 2006).

Whilst feminist visions of a fairer, more just and humane world may at times be utopian, these are balanced by very concrete goals and practical strategies to empower women, particularly in specific situations. The new wave of feminism has been especially strong in starting at the grassroots and working on very particular problems at the local level. The organisation and mobilisation of women are thus central to feminist strategy (Dee and Volk, 2007). However, there is a recognition of the need to work at the policy-making level and to develop macro strategies as well.

While greater emphasis is now placed on bringing women and women’s issues and perspectives into the mainstream, maintaining strong women’s groups and networks is still considered a crucial strategy in the effort to change policy and to transform society. Unlike the earlier phases of the women’s movement, with their international organisations, headquarters and memberships, the new wave of the women’s movement comprises thousands of diverse groups and organisations, often without organic linkages. Networking has thus emerged as a strategy to link these many diverse efforts around the globe, breaking their isolation, promoting the exchange of ideas and experiences, as well as strengthening and supporting their work (Cook, 1994).

Many of the issues that feminist groups and organisations have put on the agenda, such as violence against women, reproductive rights, sexuality, child care,
recognition of the value of household work, discrimination in educational and job opportunities, customary attitudes and traditions, are not new, but had been taken up by women’s organisations in the first half of the twentieth century (Charmes and Wieringa, 2003). When it became apparent that despite gains in the field of women’s rights in politics and public life, deep-seated discrimination against women remained, groups and organisations took up what they perceived to be burning but neglected issues with renewed militancy. In the evolution of contemporary feminism, the focus has widened to include global concerns such as the economy, environment and sustainable development.

The feminist approach to birth control and family planning, places it in the framework of reproductive rights, women’s rights to control their own bodies and women’s overall health needs. As with the issue of health and reproductive rights, the feminist approach to violence against women places it in the global context of women’s lives. The increasing international dimensions of trafficking in women demand new approaches to forced prostitution, on which women’s organisations have been focusing attention since the early days of the equal rights and peace movements. With the growth of international sex tourism, the mail-order bride business and the recruitment of women migrants into prostitution, women’s organisations today are dealing with trafficking in women on a global level (Hidayah, 2010).

Action for women’s legal rights has also taken on new dimensions, and new women’s rights organisations and networks have emerged to respond to changing needs. Out of the realisation that the gains made in obtaining constitutional and legislative guarantees of women’s rights are not in themselves sufficient, women’s groups and organisations are taking up with renewed attention strategies to ensure the implementation of these guarantees, including legal literacy, legal action and counselling (Harcourt, 2006).

*All issues are women’s issues*, a feminist slogan, means that women’s groups and organisations organise around an extensive range of questions, including traditional practices and female genital mutilation, the environment, development, structural adjustment and debt crisis. Many urban women’s centres and grassroots women’s
groups, often concerned with day-to-day survival, are involved simultaneously with a whole range of problems women face.

Throughout history, religion has been one of the main vehicles for women’s participation in community life and society. Women's role in the world’s major religions today varies tremendously between and within religions. Some religious organisations are founded on fundamentalist principles which promote a traditional or even regressive social position for women, while others are welfare-oriented and charitable organisations, and still others are progressive and in the forefront of promoting women's rights.

Despite this diversity, women are focusing their attention on a number of common trends: the spread of religious fundamentalism, new interpretations of sacred teachings, and greater access to leadership roles. The rise of fundamentalism has been identified as a trend that may limit women’s participation in religious organisations and in society. Whilst women are a mainstay of Islamist movements, stirrings have been reported among Islamist women who question and criticise the secondary status of women in Muslim communities, and they blame men for oppressing women and limiting their activities (Mogadham, 1993).

A common trend in the combating of religious discrimination against women in the major religions is the study and reinterpretation of sacred scriptures and writings from a feminist or women’s perspective. It is not Islam that oppresses women, but people who have failed to understand the true intentions of Islam and who have misinterpreted its texts (Alatas, 1995).

2.3. Brief History of United Nations' Work on Gender

In order to ensure that programmes and activities of concern to women are given the necessary attention and priority, it is essential that women should participate actively in the planning and formulation of policies and programmes and in decision-making and appraisal processes in the UN (United Nations, 1985). The celebration of the then fiftieth anniversary of the UN in 1995 provided an occasion to review how women have worked in and around the UN to put women on its agenda, the
interlinkages of the UN with the global women’s movement, the mechanisms that the UN has established for the promotion of women, and how these mechanisms can be used in the struggle for gender equality.

Although women have become increasingly involved in UN conferences and parallel non-governmental activities since International Women’s Year (1975), women’s participation in world bodies goes back to the times preceding the founding of the United Nations (United Nations, 2001).

Even before the birth of the UN, women mobilised to influence its predecessor, the League of Nations. As early as the Paris Peace Conference in 1919, international women’s organisations lobbied to secure among others an article in the Covenant of the League of Nations that assured that posts in the League would be open to women as well as men (Miller, 1992). Throughout the history of the League, international women’s organisations, with their headquarters based mainly in London and Geneva, were able to form consultative bodies to lobby the League on a wide range of causes including social reform, women’s rights, and peace. Very few women actually participated in the work of the League itself because few women worked in international politics or the diplomatic service.

When women did obtain posts in the League, these were mainly in the fields of humanitarian and social affairs, following the traditional gender division of labour. It is not minimising women’s work in these fields to acknowledge that their exclusion from other sectors prevented them from making a wider contribution. The concept that women have different values and concerns from men provided a framework for women’s participation in the League. The identification of caring and cooperation as womanly values and women’s long history of humanitarian work helped secure a place for them in connection with the League’s social and humanitarian work. At the same time, they fostered an awareness of women as a group with specific needs that deserved attention from the international community (Pietila and Vickers, 1994, Stamatopoulou, 1995, Steady and Toure, 1995, Harcourt, 2006, United Nations, 2014).
Drawing the attention of the League of Nations to women’s civil and political rights was one of the main areas of work of the international women’s organisations. On the invitation of the Secretary General, women’s organisations provided statements on the status of women to the League Assembly in 1935 in which they pointed out, in particular, the gap between legal guarantees of equality and the inequalities found in practice, including discrimination in employment (Tomasevski, 1993). The important contribution of women to the League of Nations set the stage for more concerted activities to advance the status of women through the UN (UNFPA, 1995).

When the UN was formed in 1945 (United Nations, 1945), women representing national and international women’s organisations helped to create the climate and support needed to include the principle of equality between women and men in the UN Charter (Pietila and Vickers, 1994). The Charter states:

The Peoples of the UN determine to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women... (UN Charter, 1945: Preamble, p.1)

Eleanor Roosevelt was a leading figure at the founding of the UN its early years and presided over a commission established by the first General Assembly of the UN to draft the Universal Declaration of Human Rights. Together with Minerva Bernardino, a delegate from the Dominican Republic, they were among prominent women signatories of the Charter who worked for the explicit mention of women in this document.

During the drafting of the Declaration, the CSW successfully worked to ensure that the language of the document was inclusive of women. The Universal Declaration of Human Rights (United Nations, 1948), adopted in 1948, affirms that:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non self-governing or under any other limitation or sovereignty. (Universal Declaration of Human Rights, 1948: Article 2, p.3)
The CSW established in 1946 is an important mechanism for promoting the interests of women. A debate occurred at the time about whether or not the establishment of a commission specifically for women might lead to their marginalisation within the UN. On the other hand, it was felt that women risked being virtually ignored unless a body was mandated for their concerns. Composed of member states, the CSW played an important role throughout the history of the organisation in the promotion of women’s equality. A secretariat for women’s issues and to service the CSW was also set up within the UN: the Branch for the Advancement of Women, which was transformed into the division for the Advancement of Women (DAW) in 1988 (Steady and Toure, 1995, Annan, 2002, Witolear, 2005, Pillay, 2011, United Nations, 2014).

During the first decades of the UN, CSW focused on several major concerns of women: political and legal rights, access to education and training, work, and trafficking in women, an issue that international women’s organisations had already urged the League of Nations to address. By this time, women in many countries had attained the vote and were eager to ensure their right to participate in political life. Their participation was however restricted in many countries by lack of access to education. Moreover, women had entered the workforce in great numbers, and were facing discrimination in employment and pay (Hakim, 1991, ILO, 2000, Grant et al., 2006).

The ILO took up the issues of women workers, while the UNESCO addressed discrimination against women in education. As a result of these efforts, a number of international conventions were adopted (Pietila and Vickers, 1994).

The UN and its specialised bodies have a system-wide commitment to the advancement of women. UN bodies especially concerned with women include:

- FAO
- International Fund for Agricultural Development (IFAD)
- ILO
- International Research and Training Institute for the Advancement of Women (INSTRAW)
- UN High Commission for Refugees (UNHCR)
- UN Centre for Human Rights
UN Children’s Fund (UNICEF)
• UNDP
• UNESCO
• UN Environment Programme (UNEP)
• UN Population Fund (UNFPA)
• UN Fund for Women (UNIFEM)
• UN Industrial Development Organisation (UNIDO)
• UN Non-Governmental Liaison Service (UN-NGLS)
• UN Research Institute for Social Development (UNRISD)
• UN Volunteers (UNV)
• World Bank (WB)
• World Food Program of the UN (WFP)
• World Health Organisation (WHO)

The importance of NGOs was recognised by the UN when its mechanisms were put in place to establish consultative relations between the Economic and Social Council of the UN (ECOSOC) and international NGOs which are concerned with economic, social, cultural, educational, scientific, technological and human rights matters. The work of NGOs in relation to the UN is facilitated by the Conference of Non-Governmental Organisations in Consultative Status with the UN Economic and Social Council (CONGO) which was established in 1948. It fosters cooperation among NGOs and helps strengthen the relationship between the UN and NGOs (Peters and Wolper, 1995).

Consultative status entitles NGOs to participate as observers at intergovernmental meetings and submit their views and proposals. Many of the international NGOs have permanent representatives in New York, Geneva, Vienna and other cities where UN offices and agencies are located in order to follow meetings and monitor the UN on a daily basis. CONGO has set up a number of bodies in Geneva, New York and Vienna. These committees have established working groups on issues such as employment, peace, traditional practices, refugees, health, nutrition, girl child and development education (Stamatopoulou, 1995, UNFPA, 1995, Global Policy Forum, 2012).
Knowing that the UN is an organisation of governments, it is crucial for women and NGOs to work also at the national level in order to monitor and assist in the implementation of international agreements and lobby governments to take up matters of concern in the international arena (Global Policy Forum, 2012). NGOs can also demand augmentation of women in their country’s delegations and preparatory bodies for international meetings. Another important task at the national and local levels is building public awareness of existing international instruments and national plans of action for the advancement of women. Thus, for effectiveness, interlinking the local, national and international levels is crucial through three-way collaboration among committed women working in the UN, in government delegations and in NGOs (Pietila and Vickers, 1994, Blackwell, 2004).

While progress in advancing the rights of women in and through the UN was slow during the first twenty-five years of its existence, the groundwork in these years paved the way for an upsurge of activities in the 1970s, which was due to a combination of factors: more concerted efforts by international women’s non-governmental organisations; the support of women professionals within the UN, government offices and delegations; research on the neglect of women in development policies and programmes; and the stirring of the new wave of the women’s movement (Friedman, 1995, Wieringa, 1995, Antrobus, 2004, Harcourt, 2006).

Gender training within development organisations and the UN agencies aims to provide planners with an awareness of women’s and men’s interrelated and changing reproductive and productive roles, and equips the planners with tools designed to ensure that women are fully part of their programmes and projects. The emphasis of the training is frequently on the gender analysis of projects and programmes.

2.4. World Conferences on Women

As we are now in the 21st century, the momentum built up since the 1970s continues to give impetus to the work in and around the UN on gender equality. The 1990s presented new challenges and opportunities for women to build on the achievements and the lessons learned in the previous decades (Pietila and Vickers, 1994,
While UN conferences represented only the tip of the iceberg, the visible culmination of years of hard work and preparatory activities, they were the main landmarks of the effort to put women on the UN agenda. Major UN conferences in the first half of the 1990s include:

- **1992**: ‘UN Conference on Environment and Development’ (UNCED) with UNCED’s Agenda 21, Chapter 24 on “Global Action for Women towards Sustainable and Equitable Development”;
- **1993**: ‘World Conference on Human Rights’ with the Vienna Declaration and Platform for Action declaring its deep concern towards women all over the world who continue to be subjected to all forms of discrimination and violence;
- **1994**: ‘World Conference on Population and Development’ which recognised the empowerment of women as an integral part of development, the promotion of gender equality and equity, and rights to sexual and reproductive health;
- **1995**: ‘World Summit on Social Development’ in Copenhagen, four of its 10 commitments contain special reference to women and one of these four was specifically devoted to women’s dignity and worth as human beings as well as their equal participation and leadership in political, civil, economic, social and cultural life, and in development;
- **1995**: ‘Fourth World Conference on Women’ with the Beijing Declaration and Platform for Action covering twelve critical issues on women; and
- **1996**: ‘HABITAT II’ in Istanbul, one of its seven commitments was on ‘gender equality’ with five actions. One of those five actions is: formulating and strengthening policies and practices to promote the full and equal participation of women in human settlements planning and decision-making.

The International Women’s Year (1975) and the UN Decade for Women 1976-1985 were landmarks in the action of the organisation and constituted rallying points for the international mobilisation of women. The events that led to the declaration of International Women’s Year are described by Hilkka Pietilä and Jeanne Vickers in the book ‘Making Women Matter: The Role of the United Nations’ which gives an account of women’s participation in the United Nations, especially during the Decade for Women:
An oral tradition in the UN family says that the seeds of International Women’s Year came from Finland. A non-governmental organisation, the Women’s International Democratic Federation (WIDF), first proposed the declaration of a women’s year, and WIDF’s president then was a prominent Finnish parliamentarian, Hertta Kuusinen. Representing her organisation as an observer at the 1972 session of the UN Commission on the Status of Women, Ms. Kuusinen, together with a number of other NGO observers, drafted a proposal which she convinced the Romanian representative on the Commission to present. The Finnish government representative at that time, Helvi Sipillä, seconded the proposal and the Commission decided to recommend to the General Assembly the declaration of 1975 as International Women’s Year. Thus, International Women’s Year is one example of an NGO initiative taken up by the UN system—one which on this occasion exceeded all expectations, developing into a process with dimensions and repercussions such as the initiators had hardly dared to dream of. (Pietilä and Vickers, 1994: p.76)

International Women’s Year and the following Women’s Decade converged with the burst of energy and dynamism arising from both long-established and newly-formed women’s groups and organisations around the world. The International Women’s Year began to make an impact, even before it began: ‘Preparations for the World Population Conference (1974) were already well underway when the decision on International Women’s Year was taken, and - hard though it is to believe - gave no recognition to women’s role in population questions. This alarmed a number of NGOs and caught the attention of the new Assistant Secretary General (Helvi Sipilä).

Early in 1974, these NGOs, together with Ms. Sipilä’s Division for Social Development and Humanitarian Affairs, organised an unofficial preparatory meeting, the International Forum on the Role of Women in Population and Development (Pietila and Vickers, 1994). As a result, the World Population Conference of 1974 did make the link between women and population. Similar efforts by NGOs and committed women in government and the UN led the World Food Conference, held in Rome the same year, to recognise women as major food producers (FAO, 2014).

The decision to hold a World Conference on Women in Mexico City during the International Women’s Year (1975) was made only one year in advance. Although there was in consequence little time to prepare, a World Plan of Action was drawn up and adopted at the Conference, which was attended by representatives of 133 countries. The World Plan of Action, emanating from an intergovernmental body,
primarily addressed national governments and organisations within the UN system; it proposed actions and set targets for a ten-year period in a wide range of areas including political participation, education, health and employment.

The UN General Assembly approved the plan and declared 1976-1985 as the UN Decade for Women, with the special sub-themes of Equality, Development and Peace. The Decade gave a renewed impetus to governments, NGOs and the UN to work actively for the implementation of the Plan of Action.

Parallel to the World Conference on Women, an NGO meeting was organised in Mexico City in 1975. Called the International Women’s Year Tribune, it brought together 4000 participants, a gathering of NGOs around UN conferences that was unprecedented up to that time (Achmad, 2000). In hundreds of panel discussions and workshops, women debated the issues affecting their lives, and the excitement generated spun off in dozens of new initiatives such as MATCH International which links Canadian women’s groups with women’s groups in the developing countries and assists them in organisational development and fund-raising, and the International Women’s Tribune Centre (IWTC).

Although the Conference was considered a success, its impact was not immediately evident, and women’s issues continued to be largely ignored in both national and international decision making. For example, the Conference on Human Settlements and Economic Cooperation in 1976, the Water Conference and the Conference on Desertification in 1977, the Conference on Technical Cooperation Among Developing Countries and the Primary Health Care Conference in 1978, all failed to pay attention to women’s roles, in spite of their obvious relevance to women (Wolfensohn, 1995, UNFPA, 1995, Achmad, 2000, UN Women, 2015, Chandra-Mouli et al., 2019).

Towards the end of the 1970s, the World Conference on Agrarian Reform and Rural Development (WCARRD) in Rome was one of the first international conferences to acknowledge the importance of women. It declared that rural development based on growth with equity will require the full integration of women (Pietila and Vickers, 1994).
In 1980, halfway through the Decade for Women, a second UN Conference on Women was held, in Copenhagen, to review the implementation of the World Plan of Action and to develop it further for the second half of the Decade. While the Conference accomplished this objective, it was also marked by debate that reflected the approaches of the traditional political blocs (Achmad, 2000).

Market economy countries stressed equality between women and men as the key factor in the struggle to improve the latter’s status, while developing countries considered overall acceleration of economic and social development as the most important thing from the point of view of both women and men. Socialist states claimed held that equality between men and women was already a fact of life in those countries, and therefore emphasised the same political issues they stressed in all other UN forums.

General political issues came to the forefront, those same issues (such as Palestine, Zionism, and racial discrimination) which governments were disputing ad infinitum elsewhere. Big powers were playing their power game, while developing countries fought for more equitable international trade and a new international economic order (Pietila and Vickers, 1994).

Because of this situation, some women complained that the women delegates (who comprised 73 per cent of participants) were simply expressing the same views as male representatives of the various political blocs and that the Conference was ‘too politicised’. However, as the feminist activist and writer Charlotte Bunch (1982) stated:

The problem with the UN official conference in Copenhagen was not that it was ‘politicised’ but that it failed to consider issues from a feminist political perspective or even in terms of how they were specifically viewed or affected by women. (Bunch, 1982: p.213-221)

In this view, the Conference should have been an opportunity for women to bring forward their voices on major political questions and to give greater attention to specific concerns of women. Consequently, many women’s groups accelerated their efforts on the national level to ensure that governments reflect women’s concerns
and views, while others that had prioritised work at the grassroots also became concerned with influencing national and international policy-making.

On the other hand, the parallel NGO Forum in Copenhagen, which brought together 7000 women from North and South from both the long-established NGOs and newer feminist groups, provided the opportunity to discuss specific concerns (such as women and development, health and traditional practices) as well as to debate issues related to working with the UN (Global Policy Forum, 2012).

Related to the nature of women’s participation, there were questions about the integration of women in development: could or should women be integrated into the present models of development or should these models not be radically transformed? A quote in the daily Forum newspaper that ‘To talk feminism to a woman who has no water, no food and no home, is to talk nonsense’ implied that priority must be given to providing women with basic needs. Many feminists, on the other hand, responded that the empowerment of women through awareness building and involvement in decision making were key elements in enabling women to gain access to water, food, shelter and other basic needs (Boserup, 1970).

International women’s organisations played an important role in organising the parallel NGO meetings to the World Conferences on Women with the secretariats of the NGO Planning Committees based in New York. The NGO Committees on the Status of Women in New York and Vienna and the Sub Committee on the Status of Women in Geneva also continued their day-to-day work with the UN (Karl, 1995).

The UN Conference on Women at the end of the Decade for Women, and the parallel NGO Forum were held in Nairobi in 1985. The UN conference had two major objectives:

- to critically review and appraise the progress achieved and obstacles encountered in attaining the goals and objectives of the UN Decade for Women;
- to adopt the Forward-looking Strategies for the Advancement of Women to the Year 2000.
In preparation for the 1985 Conference on Women, a World Survey on the Role of Women in Development was carried out by the UN which, however, was hampered by the lack of statistics, especially on women’s unpaid work. This lack spurred the efforts to strengthen data collection and the disaggregating of data by sex at the international and national levels. A decision was taken to update the world survey every five years to provide comprehensive and regular data on women in all spheres of life.

The Nairobi Forward-looking Strategies for the Advancement of Women to the Year 2000 (FLS) were the result of a long process of preparation and government negotiation in the CSW. Women’s organisations contributed to it through collaboration and lobbying of their governments and through observer status at meetings of the Commission. Women were also alert to the need to follow and lobby the preparations of their governments (Pietila and Vickers, 1994).

In 1995, the UN Fourth World Conference on Women took place in Beijing, China. It reviewed progress made with regard to women’s issues during the previous two decades, subsequent to the proclamation of International Women’s Year in 1975 and of the UN Decade for Women (1976-1985), and followed earlier world conferences on women in Mexico City in 1975, in Copenhagen in 1980, and in Nairobi in 1985. At that time, the UN celebrated its 50th anniversary (Steady and Toure, 1995, United Nations, 2005, UN Women, 2015).

Created at the end of World War II under the terms of a special Charter which emphasised ‘the dignity and worth of the human person and the equal rights of men and women’, the UN and its agencies have been working ever since to advance the status of women as part of their global commitment to peace and disarmament, the promotion of human rights, and social and economic development (Wolfensohn, 1995, Achmad, 2000, Antrobus, 2004).

Over these decades, the approach to women’s issues has broadened from the adoption and implementation of legal instruments for achieving equal rights to include the full range of dimensions relating to women’s status, in spite of the many constraints hampering their participation in development programmes and in the

At the International Women’s Day on 8 March 2012, the President of the United Nations General Assembly, Nassir Abdulaziz Al-Nasser from Qatar, and Secretary-General Ban Ki-moon jointly proposed convening a Fifth UN World Conference on Women (5th WCW) in 2015 to be held in Qatar. In their announcement, they stated that convening such a world conference is important to look closely not only at the implementation of the Beijing Platform for Action but also at the emerging issues and the enormous changes taking place in the world which are having ‘both positive and other implications for women’.

Until the time of writing, the 5th WCW has not been held. Follow-up sessions to conduct reviews and appraisals of the implementation of the Beijing Platform for Action and to consider future actions and initiatives have been held every five years since 1995: in 2000 (23rd Special Session of the UN General Assembly to conduct the five-year review), 2005 (49th Session of the Commission on the Status of Women to conduct the 10-year review), 2010 (54th Session of the Commission on the Status of Women to conduct the 15-year review), and 2015 (Beijing+20 Session to review the Beijing Platform for Action in 2015) (UN Women, 2015).

2.5. International Covenants on Gender

The Universal Declaration of Human Rights proclaims: ‘All human beings are born free and equal in dignity and rights’ (United Nations, 1948). Yet women’s freedom, dignity, and equality are persistently compromised by law and by custom in ways that men’s are not (Peters and Wolper, 1995). For decades, women’s groups have focused on addressing women’s civil and political rights.

Organisations working at the grassroots level and on local, national and international policies have drawn attention to gender-based abuses, among them: inequality of opportunity in education, employment, housing, credit, and health care; rape and domestic violence; reproductive freedom; the under-valuation of childcare and


Perceived as part of the women’s rights movement and hence of a special-interest agenda, these issues have been considered marginal to international law’s more ‘serious’ responsibility for human rights.

The main instrument that emerged from the Decade for Women was CEDAW, also known as the Women’s Convention. Its origin can be traced to the Declaration on the Elimination of Discrimination against Women drawn up by the Commission on the Status of Women in 1963 (Pietila and Vickers, 1994). Adopted by the UN General Assembly in 1967, the Declaration aimed to ‘ensure the universal recognition in law and in fact of the principle of equality of women and men’, and suggested that measures be taken to abolish discriminatory laws and customs and to change public opinion, recognising the significant role of women’s organisations in this regard (Fraser and Kazentsis, 1992, Howard, 1995, Jain and Chacko, 2005, Danti, 2006, UNFPA and UN Development Fund for Women, 2007).

Following the Declaration, the CSW began to draft the CEDAW. The World Plan of Action, adopted in 1975, urged that high priority be given to the preparation and adoption of the Convention.

According to a report by the International Women’s Rights Action Watch (IWRAW), it never would have been drafted and adopted without the dedication of a group of Commission delegates, many of whom were also active in women’s organisations, who believed that the legal and human rights of women needed to be firmly defined and established internationally. Adopted by the UN General Assembly in 1979, the Convention was signed by some fifty countries at the opening ceremony of the 1980 Mid-Decade UN World Conference on Women held in Copenhagen, Denmark (Fraser and Kazentsis, 1992).

The Convention, which came into force as a treaty on 3 September 1981, sets principles and standards to achieve equality between women and men, and to eliminate discrimination against women in all spheres of life. Currently, 189 countries
- over ninety-five per cent of the members of the UN - are party to the Convention. One additional State has signed but not ratified the treaty, therefore it is not bound to put the provisions of the Convention into practice.\(^{14}\)

While signing the document only obliges countries to do nothing that contravenes its principles, ratifying the Convention obliges governments to pursue policies to eliminate discrimination against women as set forth in its specific articles. Governments that have ratified or acceded to the Convention are required to report on their progress in implementing it within one year after ratification and once every four years thereafter. However, a number of the parties to the Convention have ratified it with reservations.

The CEDAW Committee is the body to which the parties to the Convention must report. It comprises twenty-three members who are elected for four-year terms by the governments that have ratified the Convention.\(^{15}\) CEDAW Committee members serve in their personal capacities and not as representatives of their governments. CEDAW meets annually to review the government reports on the implementation of the Convention (Achmad, 2006).

The Women's Convention is thus a major instrument to improve the situation of women at the national level and can be used by NGOs to promote greater gender equality. Women's organisations can also play a role in monitoring the implementation of the Convention, assist their governments in reporting on it, and submit independent reports to CEDAW (Achmad, 2006, CEDAW Working Group Initiative, 2007c, UNFPA and UN Development Fund for Women, 2007).

Effective monitoring of the Convention's implementation and establishment of international standards of equality depend on deeper involvement of NGOs in the entire process. CEDAW Committee members have consistently requested independent information from NGOs on the legal and practical situation of women, especially on the situation of poor women, in ratifying countries, and on changes in laws and policies that conform to Convention principles. This information is crucial to

\(^{14}\) See http://www.un.org/womenwatch/daw/cedaw/states.htm
\(^{15}\) Ms. Sjamsiah Achmad from Indonesia was a member of the UN Committee on the Elimination of Discrimination Against Women from 2001 to 2004.

Information on the status of women and violations of their rights must be transmitted from local groups to national and international groups for presentation to CEDAW Committee members and then the results of the CEDAW reviews, including their suggestions and recommendations, need to be transmitted back again completing the circle.

Government reports are written within governments, by government officials, and they are often considered as an extra burden for the government (Karl, 1995). However, the reports can serve multiple purposes. In addition to meeting treaty obligations, they can also serve as needs assessments and guides for development planning and project design by the government, development aid donors and women's groups.

Simply helping the government find information sources becomes a useful entry point in the process. In some countries, women’s groups have put together coalitions to monitor and assist in government reporting. When a government knows it is being monitored by women’s groups and others, it may put on extra resources - staff, time or by hiring consultants - to meet reporting requirements. After it is completed, the report can serve multiple purposes both for the government and for NGOs (Republic of Indonesia, 2005, Achmad, 2006, CEDAW Working Group Initiative, 2007b, Swasono, 2007, Komnas Perempuan, 2007).

Another way NGOs in ratifying countries can demonstrate interest in the reporting process is to contact their national women’s bureau or foreign ministry to inquire about the status of the government’s current report or request a copy of the last report to CEDAW Committee. This puts the government on notice that NGOs are aware of the reporting system and interested in what the government is reporting (Asian Development Bank, 1999, Blackwell, 2004, Global Policy Forum, 2012).
If the report can be obtained from the government, it will serve as a useful tool for NGOs no matter what it says. If it is good, it will provide useful information. If it is incomplete or evasive, suggestions can be made for improving the next one. Such suggestions should be constructive, made with the understanding that governments can be analytical about obstacles to change or report progress, they can indicate that problems exist, but they will not criticise themselves in their own reports (CEDAW Working Group Initiative, 2007a, Koalisi Perempuan, 2012).

An even more important and effective way for NGOs to assist in the monitoring process is to put together a short independent NGO report on one or more of the major problems of women in the country and submit it to CEDAW directly or through IWRAW or other human rights groups. The Convention can either be examined, article by article, from women citizens’ points of view or by groups interested in a particular issue covered by the Convention such as education, health, and employment, and they can then document and describe the major problems for women pertaining to that issue or article (UNFPA and UN Development Fund for Women, 2007, Swasono, 2007).

Since CEDAW Committee members review numerous reports each year, and meet only once a year, they do not have time to read long, detailed NGO reports on each country. What CEDAW Committee members need - and what NGOs can provide - is short, concise, factual information on the most important areas of discrimination against women, or a particular group of women, in the ratifying country (Achmad, 2006).

2.5.1. Western Scholars’ Perspectives

Many scholars from different streams concentrate on women’s rights issues and international covenants on gender. One of the important Western scholars relevant to this study is Hilary Charlesworth, who focuses on international law especially covenants on gender. One of the concepts she has developed is that the gendered nature of the human rights system has to be recognised and transformed to achieve the advancement of women. Besides Hilary Charlesworth, there are many other notable Western scholars such as Catherine A. MacKinnon, Donna Sullivan, Elissavet Stamatopoulou, Natalie

Women’s human rights recognised by international law address the challenge of legal implementation of rights, address women by reference to their distinctive characteristics, their innate capacities, their needs, and their rights, particularly their rights under international law to be free from all forms of discrimination due to their status as women (Cook, 1994). The history of the movement for women’s human rights, the examination and explanation of existing international mechanisms, and critiques of the UN serve as the necessary background to the rest of the collection and respond to basic questions about definitions, origins, and applicability of women’s human rights (Stamatopoulou, 1995).

Temma Kaplan considers that the definition of human rights has changed to provide greater attention to daily material and physical needs, and that this has emerged from UN-sponsored world conferences on women in recent decades, including the conference in Beijing in 1995. Kaplan examines the local and international manifestations of a new orientation and the ways in which activists have used the concept of ‘women’s rights as human rights’ to redefine citizenship in terms of material reality and social justice (Kaplan, 2001).

Women’s rights, women’s legal status, laws, as well as women and violence have become the concern of MacKinnon (2006). Women, largely excluded from governments, have organised their own NGOs that have increasingly made grassroots civil society a factor to be reckoned with in international relations. Recognition that states per se are sometimes not the most immediate violators of women’s humanity (although they often collaborate in it) has required recognition, in turn, that other than state actors regularly perpetrate serious human rights violations.

According to MacKinnon, since states too often do not adequately represent women, whether by acts or failures to act within the sphere of their power and authority, women facing unresponsive official mechanisms, doctrines, and
authorities have sought, often through their own NGOs, to use the law for their own purposes, seeking perpetrator accountability directly through civil legal means. MacKinnon argues that state behaviour promotes and institutionalises male dominance to distinguish public from private, naturalise dominance as difference, hide coercion behind consent, and obscure sexual politics behind morality (MacKinnon, 1989).

The current legal system has not been designed by women or so that women could make it for women to effect global change in the pursuit of equality (Mackinnon, 2019).

Langley (1991) examined women's rights in international documents. The term ‘women's rights’ denotes those areas of human rights which have evolved since World War II to express the global community's commitment to the outlawing of sex-based discrimination. In an affirmative vein, those rights are also seen as part of an effort to promote the general norm of non-discrimination. Since human rights are, by nature, applicable to ‘all persons’, ‘every human being’, and ‘all members of the human family’, women are by definition, individually and collectively accorded protection under relevant regional and global human rights instruments (Langley, 1991).

According to Hilary Charlesworth, what the covenant makers have failed to see is that traditional human rights formulations are based on a ‘normative’ male model and applied to women as an afterthought. The delineation of rights deals with state agents acting on behalf of (or against) a polity largely defined by men. Hilary Charlesworth's central argument is that the current international human rights structure itself and the substance of many norms of human rights law create obstacles to the advancement of women (Charlesworth et al., 1991, Charlesworth, 1995).

Since the law-making institutions of the international legal order have always been, and continue to be, dominated by men, international human rights law has developed to reflect the experiences of men and largely to exclude those of women, rendering suspect the claim of the objectivity and universality of
international human rights law. Until the gendered nature of the human rights system itself is recognised and transformed, no real progress for women can be achieved (Charlesworth, 1995, Katjasungkana, 2008, Achmad, 2010).

International law has begun to recognise that the establishment of structures for the prevention of discrimination is as valuable as the legal censure of discrimination. The CEDAW is a major step toward laying out not only passive provisions forbidding discrimination but also active provisions as corrective language for remedying historical inequality. Conventional international rights instruments may, in fact, legitimise discrimination against women (Kaufman and Lindquist, 1995).

The use of gender-neutral language as a way to insist on absolute equality fails to recognise the great weight of women’s history, a history that makes it impossible for ostensible equality to mean genuine equality. Kaufman and Lindquist evaluate the gender-neutral language of CEDAW in light of many feminist critiques of the focus on ‘rights’ in the women’s movement. Rights language or gender-neutral provisions may not address problems that women, in telling their own stories, identify as salient.

Furthermore, as reiterated by Donna Sullivan, human rights work has traditionally been concerned with state-sanctioned or -condoned oppression, which takes place in the ‘public sphere’, away from the privacy to which most women are relegated and in which most violations of women’s rights take place. This focus has created an artificial legal and perceptual divide between crimes by state actors and those by non-state actors, whether individuals, organisations, or even unofficial actions by government agents (Sullivan, 1995, Sullivan and Whitehouse, 1996).

Sullivan argues that international human rights law and practice only faintly reflect the reality of the grave human rights abuses suffered by women. The exclusion of many violations of women’s human rights from the work of international institutions and non-governmental organisations has been
maintained by demarcations of public and private life and by international law defining state responsibility for violations by private persons (Sullivan, 1995).

The artificial distinction between the ‘public’ and ‘private’ spheres overemphasises the standing of states as unique actors in human rights law, when in fact most violations of women’s human rights are done by non-state actors. Among issues treated as private matters that cannot be regulated by international norms, violence against women and against women’s health is particularly critical (Sullivan, 1995).

States’ laws do not account for the diversity of regional or cultural communities within them (indeed, most of today’s nation states are artificial constructs of the nineteenth century or earlier); and therefore it may be desirable that groups with a common interest should surmount national or regional differences to agree on a collection of principles.

This kind of grassroots organising is necessary to the establishment of an international agenda that not only genuinely reflects women’s lives but that also recognises simultaneously cultural differences and the commonality of women as a group, a commonality that may transcend national boundaries (Toro, 1995). States’ codes are no more inherently contextual than international codes. Culture is not a static, unchanging, identifiable body of information but a series of constantly contested and negotiated social practices (Rao, 1995).

Recognising that it is not possible to separate the struggle for women’s human rights from the struggle for women’s equal rights, activists at the 1993 UN World Conference on Human Rights in Vienna proclaimed that it is no longer enough that existing human rights mechanisms merely be extended to women: women’s rights must be understood as human rights (Friedman, 1995).

We must understand gender-based abuses as human rights abuses. That understanding must lead to the transformation of prevailing concepts of human rights, breaking open the now-defunct categories. Although the transformation

Women should be involved in organising on local, national, regional and international levels around issues that affect their daily lives. As such - and unlike many other social movements in the world today - the women’s human rights movement is inherently diverse, created and led by women of many different cultures, countries, regions, ages, races, classes, and sexual orientation. Its vitality, and ultimately its power, lie in its capacity to affirm this distinctive variety and still find ways for women to connect with one another in order to make fundamental changes in their lives and the lives of other women (Friedman, 1995).

According to Rao, in UN debates, governmental declarations, newspaper editorials, and classrooms, the din of exhortation to greater sensitivity toward differences between cultural groups within countries has reached unprecedented levels. The notion of culture favoured by international actors must be unmasked for what it is: a falsely rigid, ahistorical, selectively chosen set of self-justificatory texts and practices whose patent partiality raises the question of exactly whose interests are being served and who comes out on top (Rao, 1995).

In her study of feminist activism at the League of Nations and the United Nations, Marilyn Lake analyses the implications for feminist strategy of the conceptual shift in the discourse on human rights from self-determination to non-discrimination, a shift in which feminists played a decisive role. Whereas the idea of self-determination allowed feminists to address sexual difference and the implications of women’s sexed embodiment (Lake, 2001).

Advocates of equality and non- discrimination on the other hand became caught up in a disavowal of sexual difference, a repression which inadvertently worked to consolidate men’s experiences and perspectives on the world as the ‘universal’ basis of the Universal Declaration of Human Rights (Lake, 2001).
In some countries, women have claimed rights as child-bearers and organised as mothers, and whereas European-based formulations of rights inscribed the individual’s right to ‘property’, indigenous women and men have struggled to achieve recognition of their collective ‘land rights’ (Grimshaw et al., 2001). Women’s rights campaigns and political mobilisations establish themselves through international networking, the historical context of women’s lives, political activism, processes of nation building, and the formalisation of international networks (Grimshaw et al., 2001).

The tensions between the concepts of Women’s Rights and Human Rights signal dilemmas central to women’s struggles over the last two centuries. As they fought for legal, civil and political rights, women have faced the challenge of discovering ways to claim equal rights with men while also defining women’s specific rights, and to join with men in their anti-imperialist and anti-capitalist struggles for human rights, while not forfeiting their interests and power as women (Grimshaw et al., 2001).

The transformation of human rights from a feminist perspective is crucial to addressing global challenges to human rights. Women’s issues are not separate but are neglected aspects of these global agendas (Bunch, 1995, Peters and Wolper, 1995, Kaplan, 2001, Grimshaw et al., 2001, UNPFA, 2008). One of the major issues that women’s human rights advocates have used to demonstrate how human rights law has excluded women - as well as the importance of women’s inclusion - is violence against women (Bunch, 1990).

Violence against women, discriminatory family law, restrictions of women’s reproductive rights, persecution on the basis of sexual orientation, and repressive cultural expectations are indeed global, and it is not hard to see these various forms of abuse and discrimination as part of a continuum of domination (Dorf and Perez, 1995, Watts and Zimmerman, 2002, UN Development Fund for Women, 2003, Osman, 2014, Garcia-Moreno and Amin, 2019).
The roads leading from the Vienna Conference (first held in 1819) to the 1995 Fourth World Conference on Women in Beijing and beyond demonstrate the need to articulate new agendas to deal with. The examination of women's rights as human rights may finally serve as a litmus test for the questions that human rights advocates and governments must face (Bunch, 1995, Friedman, 1995, Grimshaw et al., 2001, Kaplan, 2001, Wirajuda, 2008).

In terms of employment opportunities, women may be granted equality of employment under the law, but in most cultures, female workers are ghettoised into traditional 'female' jobs, and most work both outside and inside the home (Payan, 1995). Under such conditions, traditional concepts of 'equal pay' or minimum wage become nearly meaningless.

Even state promotion of female employment may not always be to the woman's advantage. Women's labour rights have historically been granted only in the service of the state's needs for workers and may be withdrawn when the socio-economy shifts (Seif, 1995). Women may be granted equal rights to freedom of expression but such freedom has little meaning for those women who have been denied education, cannot read or write, or are effectively silenced in other ways (Dowd, 1995).

There are many other sensitive issues related to women. The protection of women's reproductive health has not been a high priority in the value systems of governments and the laws they have created (Cook, 1995, Sciortino, 1998, Moore, 1999, Utomo, 2003a, Hull and Hull, 2005). While genital mutilation is generally considered primarily an African problem, cultural norms of sexual desirability in other regions encourage women to mutilate their bodies through poisonous breasts implants and other kinds of dangerous plastic surgery (Toubia, 1995, Baumgardner, 2014).

Genital mutilation, trafficking in women, dowry death, rape, domestic violence, and the frightening punishments for women who violate the dress code are all part of a global pattern of violence against women, a pattern supported by economic, employment, and educational discrimination; by sexual harassment; and by the demeaning representation of women (Mirhosseini,
The selective abortion of female fetuses in India, China, and elsewhere is a manifestation of the general devaluation of women (Millet, 1972, Richards, 2006, Fried et al., 2019).

Despite the progress being made in recent decades, many reforms have been only on paper, and much work needs to be done by all parties (governments, international organisations, women’s organisations, relevant NGOs, social and religious groups, individual women and men) to make equality a reality.

2.5.2. Role of Multilateral Organisations

Issues on women’s rights, gender mainstreaming and international covenants on gender have been always the concern of the UN and other multilateral organisations such as the European Union and the World Bank.

2.5.2.1 The UN

Many scholars have written about women and the UN in recent times, These include Tinker (1987), Charlesworth (1991), Chinkin (1991), Pietila (1994), Vickers (1994), Stamatopoulou (1995) and Lake (2001). Over the years, issues concerning and of interest to women have taken on new forms and received varying treatment by the UN System and its Specialised Agencies. Until the beginning of the 1970s, women’s issues were only marginal in comparison with the mainstream of UN activities.

From being only an issue of equality and human rights, the concern of women was finally recognised within the UN Decade for Women as being a central development issue. This was already a decisive change in attitudes and approaches towards women within the UN system. After the Nairobi Conference in 1985, the UN System really started to move vis-à-vis women’s issues and concerns (Pietila and Vickers, 1994, Steady and Toure, 1995, United Nations, 2005, Harcourt, 2006, Pillay, 2011). From that time, an actual breakthrough may well have taken place, one which is seen especially in the quality of approach to these issues. Now there is clearly a firm and definitive

2.5.2.2 The European Union

Many scholars emphasise the importance of gender mainstreaming and gender integration within the European Union such as Hoskyns (1996), Rossilli (1997), Booth (2002), Bennett (2002) and Shaw (2002).

Christine Booth and Cinnamon Bennett describe gender mainstreaming in the European Union through their article entitled 'Gender Mainstreaming in the European Union: Towards a New Conception and Practice of Equal Opportunities'. This article aims to contribute to the conceptualisation of mainstreaming gender equality promoted by the European Union. It explores the historical periodization of equal opportunities' delivery strategies and challenges the compartmentalisation of these developments (Booth and Bennett, 2002).

It suggests that equality policies can better be conceptualised in terms of a 'three-legged equality stool', which recognises the interconnectedness of three perspectives - the equal treatment perspective, the women's perspective and the gender perspective. Booth and Bennett argue that the gender perspective has been closely associated with strategies for mainstreaming gender equality.

2.5.2.3 The World Bank

It was not until 1994 that the Bank made a commitment to mainstreaming gender and development in an Operational Policy. At that time, with James Wolfensohn as President, the Bank made more commitments to promoting gender justice. At the 1995 Beijing Conference, Wolfensohn stated the following to the participants and feminist activists:

And as you leave Beijing, please know this: The World Bank stands with you. We will commit our finance and our energy as an advocate and a partner in the fight for equity. If you have ideas, share them with us. If you have initiatives where our experience or assistance can be relevant, let us know. You can count on us. Working together, we can realise the hopes and dreams we brought to this Conference-and thus go a long way toward achieving not only economic advance but also social justice (Wolfensohn, 1995).

In 1999, the World Bank formulated its concern to gender matters in its Operational Policy:

The Bank aims to reduce gender disparities and enhance women’s participation in the economic development of their countries by integrating gender considerations in its country assistance programme. To this end, the Bank assists its member countries to: ....design gender-sensitive policies and programmes.......; review and modify legal and regulatory frameworks.......; strengthen database.......; and obtain financing..... (World Bank, 1999: p.10)

This policy makes it clear that the Bank has a role to play in leading member countries to understand and take account of women’s interests and gender relations. It formulates specific strategies for the World Bank to follow in working with clients’ countries and governments (World Bank, 1999, World Bank, 2001).

In September 2001, the World Bank endorsed a new gender mainstreaming strategy paper. Mainstreaming gender and development requires that each and every programme and project of the World Bank must consider gender issues in its planning, implementation and outcomes. Where many of these policy initiatives unravel is in their implementation (Whitelum, 2003).

For example, the gender mainstreaming initiative is implemented by operations policy staff who review and make determinations on the project plans. However, project and programme plans and outcomes are the
responsibility of projects and programme staff; operational staff have a quality control role only. Given that these operational positions are institutionally marginalised, in reality, they exercise extremely little power to influence programme designs (Kardam, 1990, Razavi and Miller, 1995).

However, gender mainstreaming is still regarded as a rhetorical commitment. The World Bank has actually addressed women and gender issues and exposed the gap between their rhetoric and reality (Whitelum, 2003). The World Bank’s rhetorical commitment to women in development grew throughout the seventies and was expressed by Robert McNamara in 1979 in a paper titled ‘Recognising the Invisible Women in Development’.

The paper reflected the growing international concerns about women in both development process and outcome, as well as promoted the Bank’s commitment to women in development (McNamara, 1979). Yet by the late eighties, the rhetoric was not materialising in terms of policy or practice at the World Bank, causing it to continue to be the subject of much feminist criticism (Kardam, 1990, Razavi and Miller, 1995).

Nuket Kardam undertook a study of the World Bank’s Women in Development policy for the period of 1977 to 1987. She found that getting WID past the stage of rhetoric at the World Bank was difficult. She emphasised the following:

The research reveals that when the World Bank is part of a development activity in which different actors who are sensitive to WID issues participate, the likelihood of the consideration of women increases. So far, the World Bank has resisted a systematic adoption of WID policy, where WID is considered at all levels of agency activity (including policy negotiations with borrower governments, country and sector programmes, and projects). The resistance can be explained by a combination of factors related to the World Bank’s organisational ideology and structure. (Kardam, 1990: p,20).

Kardam’s research demonstrates that the adoption of Women in Development policy was not effectively institutionalised at the World Bank throughout the eighties and was far more dependent upon the sensitivity of individual staff to WID issues (World Bank, 2012).
2.5.3. Views of Leading Scholars on Gender in Indonesia

As described in Chapter 1, related research on gender in Indonesia has been done by many leading scholars such as Kathryn Robinson, Susan Blackburn, Evelyn Blackwood, Wendy Brown, Laurie Sears, Suzanne Brenner, Krishan Sen, Elizabeth Martyn, Sharon Bessell and Maila Stivens.

Indonesian scholars have been constantly looking for ways to bring feminism ideas into the mainstream. One approach has been set up through the establishment of the Convention Watch Working Group which aims to evaluate Indonesia’s implementation of CEDAW. Writings on Women’s Convention have been brought up by Sadli (2002), Irianto (2004), Achmad (2006) and Luhulima (2007).

One of the significant and illuminating scholars, Julia Suryakusuma, describes the New Order policy of domestication in Indonesia as ‘State Ibuism’ (Ibu being the Indonesian term for mother and for women). Much of the scholarship on the New Order and State Ibuism has focused on examining the conservative and authoritarian discourses propagated by the Indonesian state from the 1970s onward (Suryakusuma, 1996, Siegel, 1997, Brenner, 1998, Wieringa, 2001).

A widely cited government directive that formed the ideological basis of state programmes geared toward women delineated women’s five major duties: to be a loyal supporter for her husband, caretaker of the household, to produce future generations, to raise her children properly, and to be a good citizen (Sen and Stivens, 1998, Blackburn, 2004, Budianta, 2006, Chudori, 2010, GlobeAsia, 2011). Soeharto’s state planners insisted that women’s primary contribution to the nation was being a wife and a mother.

Policies enforced this vision of womanhood through mass state programmes, especially Dharma Wanita and PKK. Both groups were strictly controlled by the state, and were involved mainly in activities such as teaching rural women cooking, sewing, nutrition, and other ‘feminine’ skills (Blackwood, 1995,
The mass mobilisations of Dharma Wanita and PKK may have helped construct the broad category of middle-class women as a group distinct from others (presumably poorer) women. These were women dedicated to serving the nation-state as well as their families, and who had important feminine skills to teach their less fortunate sisters. Such a category, once constructed, can become a basis for identity and collective action. Ironically, then, the nation-state's endeavour to domesticate women may also have produced the middle-class woman as a social identity. Even women whose circumstances are technically not middle class may gravitate to such an identity (Figur, 2006, Gatra, 2007, Chudori, 2010).

Certainly, the category of middle-class women was not overtly politicised. The purpose of Dharma Wanita and PKK was to keep women out of politics. Yet, in an odd way, both groups also brought middle-class women into the public sphere by encouraging them to be active in their local communities, even if their activities always revolved solely around women's concerns, and by constantly invoking their obligations to the state. Dharma Wanita, PKK and state ideology have helped construct a gendered identity for middle-class women in a way that is de-politicised but somewhat public, in terms of having a duty to the broader society (Suryakusuma, 1996, Blackburn, 1999b, Blackburn, 2004, Agustina, 2009, Burns, 2017).

Not unlike the Dutch colonial government, the Soeharto regime's housewife/ibu policies were tinged with class ideology and a concern with appropriate capitalist development. Brenner argued that the state hoped to redefine the household as a private sphere, and moved economic production into the public sphere. The household, she claimed, was increasingly repositioned as a domain of consumption, inhabited by a bourgeois family (Brenner, 1998). Moreover, she contended, the domesticated, bourgeois woman is a method of social control:

Control over the morality and propriety of women's behaviour deflects attention from larger and potentially more divisive
social issues, such as those of class, ethnicity, and widespread political corruption. The propriety of women’s behaviour is presented as an issue that transcends all social, economic, or cultural divisions; the domesticated women and harmonious New Order family become the representations of a pan-Indonesian, class-blind social and moral order. (Brenner 1998: p.245)

As Brenner indicated, State Ibuism was not merely about control of women, but part of the New Order state’s effort to exercise control over Indonesian society as a whole. For instance, Dharma Wanita regulated the lives and sexual activities of both husbands and wives. The 1974 Marriage Law made polygamy illegal for civil servants, and in addition, Dharma Wanita required male civil servants to get permission from their superiors to divorce their wives. Dharma Wanita expected women to be faithful, supportive companions to men, who were supposed to be monogamous to their wives and obedient to the state. Suryakusuma asserted:

The state controls its civil servants, who in turn control their wives, who reciprocally control their husbands and their children and the wives of junior officials. The purpose is to propagate a conforming society, built around the nuclear family, instrumental to state power. (Suryakusuma 1996: p.100)

By emphasising women’s place in the household, the Indonesian state endeavoured to override alternative gender discourses and produce citizens gendered in a particular way, as well as to restructure the domestic and public spheres. The beginnings of the gendered state can be seen with the Dutch colonial state’s introduction of housewife/breadwinner ideology, and continue up to the present. But the gendered state reached its apotheosis with the New Order, during which the state utilised all its resources to construct properly gendered citizens through mass propaganda, institutions, bureaucracy, and organisations (Brenner, 1999, Suryakusuma, 2004, Suryakusuma, 2012).

Brown (1995) was insightful about the ways state power produces gendered, disciplined state subjects who are never outside of state discourses. But if that is always the case, given that modern states are often deeply engaged in regulatory practices regarding their subjects, then how do social movements and oppositional groups arise? Moreover, gendered identities have frequently been a basis for collective action of various kinds (Brown, 1995).
Here, it is worthwhile to consider Gal and Kligman's (2000) theorisation of the relationship between gender and the state as one in which the state's inhabitants interpret their constraining context, and respond in a variety of different ways. Just because an identity or social category has been produced by state power does not mean that it cannot be adapted and contested. Gendered state discourses and practices are indeed never total in their effects, and may even have unintended results or interact in unique ways with alternative discourses (Gal and Kligman, 2000).

In the past, scholars linked such gendered productions to the state's overriding concern with appropriate economic development. More recently, many have begun to see it as part of the New Order regime's relentless concern with control and stability. New Order practices are the logical conclusion of the politics of protection and regulation described by feminist scholar Wendy Brown in her depiction of the welfare state. The vilification of Gerwani pointed to a discourse identifying women with social chaos and uncontrolled sexuality. Women thus required regulation by their husbands, the state, and each other (Brown, 1995).

As Brenner (1998) noted, even in the more stable decades of the 1970s and 1980s, the severe social, economic, and ethnic inequities in Indonesia had explosive potential. In such an environment, the domestication of women and the family becomes not incidental but crucial to the establishment of order and stability. Furthermore, concern over women's behaviour and discipline distracts the public from dangerous political issues like religious differences or reform (Brenner, 1998).

Until Soeharto stepped down in 1998, the state strongly discouraged women or any other group from establishing organisations that were autonomous from the state. As late as 1993, a young female factory worker who had begun trying to organise her co-workers was abducted, tortured, and raped by assailants, most likely linked to the military, which has historically used thugs and vigilantes to terrorise dissenters. After the tumult of the 1960s and fearing the military and the police, many Indonesians strove to stay out of politics.
As Blackburn (1999) noted, the New Order by no means offered the security of known ways. It always harboured an element of arbitrariness and terror that made it dangerous not only for those who defied it but also for innocent bystanders who might be sacrificed to carry a message to those who resisted or might contemplate resistance (Blackburn, 1999b).

The legacy of state repression of independent women’s organisations during the New Order, coupled with the association of progressive or activist organisations with communism, is part of the reason that there is no mass women's movement in Indonesia today.

Given such a history, the vibrancy of women's groups in Indonesia today is surprising, despite - as noted - the absence of a mass movement. At least a hundred different women's organisations and NGOs throughout Indonesia work on issues ranging from domestic violence, to electing more women to the parliament, to educating women about voting rights, to advocating the rights of women who go overseas to work as domestic labourers. Muslim groups attempt to reinterpret Koranic texts and Islamic practices in ways that emphasise gender equality.

There are also NGOs lobbying on specific issues, issues that are highlighted in the gender-related treaties, such as micro-credit, training and research on women’s empowerment, reproductive health, education and migrant workers. Those NGOs are among others Sahabat Wanita (Initiative on women’s empowerment in entrepreneurship and micro-finance) concentrating on micro-credit, Jurnal Perempuan (Women’s Journal Foundation) concentrating on training and research on women’s empowerment, Yayasan Kesehatan Perempuan (Women’s Health Foundation) and Mitra Inti concentrating on women’s health and reproductive health, Kapal Perempuan (Alternative Education Circle for Women) concentrating on education, and Buruh Migran (NGO on Migrant Workers) concentrating on migrant workers, labour market, and imbalances in distribution of resources.
The NGOs in Indonesia who play an influential role in transmitting messages of the international recommendations to the community will be discussed in Chapter 5.

Indonesian activists frequently complain that many women's groups are too middle-class. Indeed, it is probably no accident that these movements draw members and staff largely from the university-educated middle-class. But simple explanations about affluent people being more likely to participate in activism are insufficient, because they posit a deterministic link between socio-economic status and political participation (Asian Development Bank, 1999, Whitelum, 2003, Blackwell, 2004, Global Policy Forum, 2012).

What is much more worthy of note is that middle-class women were one of the social categories most targeted by Dharma Wanita and PKK. Indeed, Wieringa (1988) contends that these organisations used middle-class women to subjugate poorer women, while keeping their own members in check as well (Wieringa, 1988).

Many of the current forms of women's organisations in Indonesia are direct descendants of State Ibuism (Rinaldo, 2002). Certainly, the constitution of contemporary feminist identities was bolstered by economic, social and political changes, such as the entry of larger numbers of university-educated women into professional jobs in the 1980s and 1990s. Additionally, the closing years of the New Order saw the growth of transnational feminist networks and the adoption of some features of feminist ideology by international organisations.

Robinson (1998) observes that toward the end of the regime, Indonesia’s engagement with international bodies such as the UN resulted in the implementation of a discourse of gender equity and rights within state policy. Robinson states that this adjustment helped launch new modes of social action and also empowered women activists by giving them leverage against the state (Robinson, 1998).
During the 1990s, the Indonesian government also established a number of women's studies research centres at state universities. It is not surprising that these developments would feed the growth of activism and produce women ready to lead organisations and act as self-identified feminists. However, they do not fully account for the numerous less-politicised middle and lower-middle class women who joined women's organisations during and since the reform period (Rinaldo, 2008, Schröter, 2011, Indonesian Feminist, 2013).

*Dharma Wanita* still exists, but is no longer mandatory and appears to be in serious decline. The PKK also remains, and is now known as the Family Welfare Empowerment Movement. There is evidence that though many local PKK branches are no longer functional, others have become somewhat more autonomous and are actively participating in community development (Marcoes, 2002).

The constitution of middle-class women's identity during the Soeharto era has significant implications for the current Indonesian women's movement. The legacy of State Ibuism can be seen as at the root of the two common critiques of the women's movement in Indonesia today: (i) a middle and upper-class bias; and (ii) a regional bias focusing on urban Java (Suryakusuma, 2012). As Blackburn (1999) observed, the longstanding aversion to politics as a male domain dies hard, and feminist women's groups have little experience in coordinated activity; rather they continue to be dominated by their history of ethnic, religious and personal differences compounded by their predominantly urban, middle-class base and lack of resources (Blackburn, 1999b).

The perception of middle-class domination of women's organisations is partly a legacy of the New Order's concentration on the control and development of the middle class. Although the New Order attempted to depoliticise the growing middle class, women grew restless under its restrictions, according to Blackburn. Especially better-educated middle-class young women chafed at the dominance of stuffy ‘wives’ organisations’. Lower-class women were deprived of any way of voicing their aspirations and grievances (Blackburn,
This group of educated, middle-class women thus began establishing independent women's organisations, some of which are still in existence.

Moreover, women's groups in Jakarta have depended on a relatively small group of women activists who have multiple organisational affiliations. This condition often rendered unused a bigger pool of middle and lower class women who had been awakened by the political climate of the crisis and were ready for activism when properly organised (Budianta, 2003).

These class issues are connected to the second major challenge for women's organisations in Indonesia, namely in overcoming a regional basis toward Java. This problem emerged partly from the close relationship between women's organisations and the state in the New Order era. Critics of the New Order often commented that it positioned Java as the central culture of Indonesia, to the exclusion of minorities. The Soeharto regime also developed Jakarta as the capital of government, media and entertainment, and business, ensuring that it would become the focus of national attention (Blackburn, 2004, Swasono, 2005, Hobson, 2007).

Furthermore, as a result of uneven development as well as population imbalances, the preponderance of Indonesia's middle and upper-class people are in Java. Independent organisations established by middle-class women seem to have inherited some of these same problems. Though the network of women's groups has become much more regionally diverse, in the first few years after 1998 women's groups were often accused of incorporating a Java/Jakarta bias into their work (International Institute for Democracy and Electoral Assistance, 1999, Budianta, 2003, Budianta, 2006, Indonesian Feminist, 2013).

Most attention and resources are still centred on Jakarta. The inordinate attention given to Jakarta occurs because many of the best-known women's groups, like other activists, are headquartered in Jakarta, the only Indonesian city that can provide them with a national and international platform. More recently, Jakarta-based women's groups have made significant moves to
establish branches in far-flung areas of the archipelago and/or to incorporate issues important to women in those areas. Local women's organisations and NGOs dealing with gender issues have also emerged on islands other than Java, such as Sulawesi and Sumatra (Marcoes, 2002, Antrobus, 2004, Martyn, 2005, Harcourt, 2006, Kuswandini, 2010).

The development of women's organisations thus occurs not only in Jakarta but also in villages even in remote areas. The existence of women's groups in villages constitutes a social network that could enhance the women's economic condition as well as the health quality of mothers and children such as through family planning programme (Hull and Hull, 2005, Utomo et al., 2006, Syarief, 2010).

While the importance of challenging regional or urban bias is obvious, it has become increasingly essential in the post-Soeharto era. A major component of the reform movement has been to make the central government more accountable. In response to such pressure, the government has allowed for greater regional autonomy, as an attempt to rectify the New Order's Java-centric policies.

However, according to Budianta (2003), the resulting intensification of local and regional cultural identities has proven somewhat problematic for women's organisations. Not only do major socio-economic disparities between various regions create difficulties in communication and understanding among activist groups, but local cultural identities may now compete with broader political affiliations (Budianta, 2003).

Even more complicated, the return of autonomy to regions does not necessarily advance women's democratic freedoms. Indonesian women in the twenty-first century are yet to see whether the shift towards local culture also means the return of patriarchal traditional customs that are more often justified by religious norms such as through the adoption of Syariah Laws by several provinces that restrict women through curfews or requiring them to wear headscarves (Budianta, 2003, Arimbi, 2006, Rinaldo, 2008, Robinson, 2008).
Thus it has become increasingly important for women's groups to be able to respond to the local problems produced by regional autonomy. To their credit, Indonesian women's organisations are also making serious efforts to deal with the issues provoked by regional autonomy and cultural differences, and many groups are particularly devoted to promoting religious pluralism (Hull and Adioetomo, 2002, Budianta, 2003). However, as products of a centralised state and possible beneficiaries of the construction of universalising categories such as women, many activists may lack experience dealing with these issues.

Yet the fact that these activists exist, and are contending with class, ethnic, and religious difference should be a source of optimism. Although gender hierarchy was fundamental to the post-colonial state in Indonesia as a means of controlling and domesticating a restive population, the gendering of the New Order regime may have had unexpected consequences.

The New Order promulgated particular notions of gender and family, reliant on a construction of male and female as binary opposites, belonging to separate spheres. Nevertheless, by establishing the social category of middle-class women, the state's mobilisation of women may have laid the groundwork for renewed women's movements in the 1990s and beyond (Budianta, 2004, Martyn, 2005, Kuswandini, 2010, The Jakarta Post, 2010c).

The leading scholars on gender in Indonesia have indeed made a great contribution through analysis and critiques of gender in the New Order era. However, relatively little detailed research has yet been conducted on gender in the reform period mainly under the presidency of Joko Widodo.
Chapter 3. Research Methodology

3.1. Research Procedure


The aim of the qualitative approach is to understand and describe meaningful social actions (Neuman, 1991: p.63; Creswell, 1994: p.5). Qualitative methods provide in-depth information (Creswell, 1994, United Nations Population Fund, 1995), as well as giving researchers an understanding of the issues from the respondents’ perspective and in the respondents’ own wording. Qualitative research is best used when the objectives of the research are exploration, insight, and empathy (Obermeyer, 1997, Ribbens and Edwards, 1998, Mayring, 2000, Mauthner et al., 2002, Marshall and Rossman, 2006).

Some researchers use the qualitative method to explore the formulation of a specific questionnaire to get ideas about the topic that they want to study (Glaser and Strauss, 1967, Light, 1971, Marriam, 1988, Bernard and Ryan, 1998, Patton, 2002). Some use qualitative data to confirm and explain prevailing statistical patterns (Podhista, 1993: p.9).

Combining qualitative and quantitative methods can make research reports more interesting and easier to understand (Silverman, 1993, Seale and Silverman, 1997, Strauss and Corbin, 1998, Ritchie and Lewis, 2003, Bery, 2004). Information gathered from qualitative studies can be organised into case studies or portraits which give a more rounded understanding of the specific cultural settings. Statistical findings can be interpreted with reference to the qualitative stories that give a more complete understanding of the nature of the social phenomenon (Yoddumnern-Attig et al., 1993).
The two main questions of my research are:
1. How does Indonesia implement internationally agreed gender-related treaties?
2. Why is gender inequality still prevalent if those treaties have been implemented well?

To answer those research questions, I have developed three research objectives. The first research objective is to examine the ratification and adaptation process of treaties related to gender in Indonesia. Ratification here is when Indonesia has taken the formal decision to sign and ratify a treaty and to fulfil its national legislative requirements. The Indonesian Government has a formal procedure of ratification set, and in this research, I would like to examine whether the actual process has been carried out according to the required procedure. It will be informative to examine the signature and ratification process since Indonesia as the fourth most populous nation and the third largest democracy in the world, has a tremendously significant history of women’s movement with strong cultural and religious values. To achieve this objective, I will analyse the stages, process and mechanism of the adaptation of treaties related to gender in Indonesia.

The second research objective is to assess the efforts of the government and non-governmental sectors in implementing laws and regulations in Indonesia to promote women’s empowerment and gender equality. Here, I would like to see how the actors both in the Indonesian Government and non-governmental sectors play their role in implementing gender policies. To achieve this objective, I will investigate and analyse which ministries and governmental officials are responsible for the development of Indonesian policies in line with the treaties related to gender; and what role do non-governmental sectors play in advancing treaties related to gender.

The third research objective is to identify the obstacles and challenges to the realisation of women’s empowerment and gender equality in Indonesia. To achieve this objective, I will analyse to what extent gender equality and women’s empowerment have been realised in Indonesia, whether its realisation has met the targets stated in the most significant treaties related to gender such as CEDAW, the Beijing Declaration and Platform for Action, the ICPD Programme of Action, and the
MDGs, replaced later by the SDGs. The obstacles to the achievement of full gender equality in Indonesia will be analysed and elaborated.

For my thesis, the research procedure consists of the following steps:

- Secondly, identifying treaties related to gender that Indonesia has ratified and evaluating the process of ratification according to Indonesian Law No. 24/2000 on Treaties, Indonesian Law No. 10/2004 on the Establishment of Regulations, and Indonesia’s Presidential Regulation No. 68/2005 on Rules of Drafting;
- Thirdly, analysing and evaluating the implementation of treaties related to gender in Indonesia from the perspective of the government and non-government sectors;
- Fourth, identifying the impediments to full achievement of gender equality in certain sectors in Indonesia; and
- Fifth, determining recommendations in solving the existing problems.

This study also uses quantitative methods as it uses published statistical data to support the analysis in the thesis. Quantitative studies emphasise the measurement and analysis of causal relationships between variables using mathematical models, statistical tables and graphs (Denzin and Lincoln, 1994, Creswell, 1994, Bernard and Ryan, 1998, Bamberger, 2000, Johnson, 2008). As explained by Obermeyer in ‘Qualitative Methods: A Key to a Better Understanding of Demographic Behaviour’, qualitative analyses can include quantification and rely on statistics (Obermeyer, 1997). This thesis presents data related to numbers to show precision and strengthen arguments.

To a large extent, concerns about research ethics revolve around various issues of harm, consent, privacy and the confidentiality of data (Gubrium and Holstein, 2001, Lichtman, 2006, Brodsky, 2008, Velez, 2008, Crossman, 2013). Approval to conduct my research was initially sought and received from the Human Research Ethics Committee of the Australian National University. Before conducting the in-depth
interviews for my research, I sought a research permit to the Indonesian Ministry of Home Affairs. Further details are provided in Appendix 1 on Research Ethics and Research Permit.

3.2. Data Collection

High-quality data collection is fundamental to the advancement of knowledge in the social sciences. In the social sciences, data collection methods are tools for measuring human behaviour, human beliefs, or other aspects of human population (Ericsson and Simon, 1980, Dey, 1993, Chenail, 1995, Babbie, 2005, Axinn and Pearce, 2006). The reasons for collecting data would be to obtain a set of data to introduce the idea of measuring devices; to illustrate errors, variability and bias in measurements; and to illustrate methodology (Federer, 1991, Huberman and Miles, 1994, Auerbach and Silverstein, 2003, Kawulich, 2005, Brodsky, 2008).

The research methodology applied in this thesis is a combined method comprising a collection of primary as well as secondary data through document analysis and in-depth interviews. In employing two different research methods-document analysis and in-depth interviews, I attempted to ensure that the research relied upon a variety of information sources and included a comprehensive range of perspectives.

3.3. Document Analysis

The methodology applied to this study will centre on policy analysis of international and national legal instruments related to gender issues. Policy analysis is a means of synthesising information including research results to produce a format for policy decisions, in laying out alternative choices and determining future needs for policy-relevant information (Williams, 1971, Roe, 1994, Weimer and Vining, 1999, Neuendorf, 2002, Hsieh and Shannon, 2005). According to Weimar and Vining (1999), the process of policy analysis comprises information gathering, problem analysis including framing the problem by analysing government failures where they occur and identifying policy variables, solution analysis, and communication by conveying useful advice or recommendations to the public (Weimer and Vining, 1999).
For my thesis writing, at first stage, surveys and data related to gender-related treaties, the socio-legal status of women in Indonesia, and women’s condition in Indonesia in various aspects such as education, labour force, health, violence against women and women’s empowerment were gathered from various sources. Data and information used in the research come firstly from secondary sources such as international and national legal instruments, policies, reports from relevant institutions, archival material, agency reports, conference proceedings, newspapers, journal articles and books. Besides legal documents, agency reports and academic research, the ephemeral literature that I have examined includes pamphlets, brochures and unpublished documents. A number of documents that are not readily or publicly available, including various reports and notes gathered from the respondents were also used.

I have analysed several websites from a variety of governmental and private sources as well as online electronic journals, books, commentaries and newspapers. Most government agencies have websites that offer public copies and often backlogged reports, pamphlets, news releases, and other various sorts of information. However, we have to be careful in using sources from the internet. As Bery (2004) explained, it is critical that we carefully evaluate documents before relying on them in our reports. The internet is enormously fast and has evolved in less than two decades to provide access to literally hundreds of thousands of documents. However, the quality and integrity of all the available documents are not necessarily to be trusted (Bery, 2004).

During my interviews with government officials, law experts, parliamentarians, medical doctors, police officers, foreign experts, international organisations’ representatives, NGOs’ representatives, gender experts, gender activists and informal leaders, I sought any documents that respondents may have pertaining to the various issues. Hence, I accumulated a large store of documentary information, much of it publicly available, but not all. I also obtained documents through libraries and the internet. All the documents used in my critical analysis including the interview reports have been properly cited and included in the bibliography.

The above-mentioned sources were used for analysis throughout the chapters of this thesis. Findings were then sought from the analysis that could be used to discuss the
implications of the research results. Strong conclusions could then be drawn backed up by the discussion. Finally, this thesis offers possible solutions for the existing problems that might arise, conveys critics and further recommendations to the Indonesian government discussed in Chapter 8.

3.4. In-Depth Interview

According to Ritchie and Lewis (2003), the aim of the in-depth interview is to achieve both breadth of coverage across key issues, and depth of coverage within each. There are a number of different theoretical perspectives on in-depth interviewing. The features which are broadly consistent across research models are their flexible and interactive nature, their ability to achieve depth, the generative nature of the data and the fact that it is captured in its natural form (Ritchie and Lewis, 2003). My in-depth interviews were semi-structured and hence did not follow a set format, rather the discussion was allowed to progress from one topic to the next.

This enabled the respondents to feel comfortable and free of restrictions in talking about the issues that were important to them. I used the interview guidelines to ensure the interviews remained focused and all relevant topics were covered. Sociologist Judith Stacey described the in-depth interview in her writing on ‘Can there be a Feminist Ethnography?’ as the realisation of “ethnographic writing which is not cultural reportage, but cultural construction, and always a construction of self as well as of the other” (Gluck and Patai, 1991, Stacey, 1991).

For my thesis writing, the in-depth interview is the most suitable method in collecting raw data. Recorded in-depth interviews can offer answers to questions that no other methodology can provide (Mishler, 1986, Gubrium and Holstein, 2001, Yow, 2005). In his book, ‘Listening to History’, Trevor Lummis explains, “One precise advantage of oral evidence is that it is interactive, and one is not left alone, as with documentary evidence, to divine its significance, the ‘source’ can reflect upon the content and offer interpretation as well as facts “ (Lummis, 1988).

Furthermore, according to Yow, the in-depth interview offers the benefit of seeing in its full complexity the world of another. In collating in-depth interviews and using the
insights to be gained from them as well as different kinds of information from different kinds of records, we can come to some understanding of the process by which we got to be the way we are (Yow, 2005).

In-depth strategies are elegant in design, relying on a single primary method for gathering data (Silverman, 1993, Auerbach and Silverstein, 2003, Axinn and Pearce, 2006, Marshall and Rossman, 2006). I had to interview a range of government officials (senior level, middle level, and low level), certain professionals, representatives of international organisations and NGOs, foreign experts, gender experts and informal leaders to seek their views, perspectives, analysis, hopes and recommendations. In such an in-depth interview, the respondent needs to concentrate and think to give a thorough and detailed explanation. It has to be done individually in a convenient time and place.

All of the scheduled interviews were conducted in late 2007 and early 2008 in the respondents’ respective offices in Jakarta in a very conducive situation. I had also interviewed some informants during their visits to Australia in 2007 and 2008, and most of these interviews were held in the hotels where they were staying, coffee shops and at the airport where they felt comfortable to be interviewed. The data collection for my thesis ended in 2014. Until 2019, whenever I had the opportunity, I also interviewed a few people related to the issues covered in the thesis. The in-depth interview is indispensable for probing behind public-oriented statements.

Asking questions that involve personal and complex decision can best be done in the in-depth interview. The life review reveals other kinds of information that do not get into the public record. There is no better way to glean information on how the subject sees and interprets her or his experience than to ask in the context of life review (Yow, 2005, Babbie, 2005, Guest and MacQueen, 2007, Denzin, 2008, Crossman, 2013).

The in-depth interview research method is a useful tool in qualitative research methodology. One of the key advantages of in-depth interviews is that they balance a purely quantitative method by allowing for integration of researchers’ and practitioners’ perspectives for cross validation in a cost-effective way (Marriam, 1988,

In-depth interviews are also an extremely important means of capturing rich information, developing and confirming the context for the theoretical model (Ericsson and Simon, 1980, Marriam, 1988, Zikmund, 2000). The interview process requires openness to new ideas as well as ensuring that all factors are captured (Frey and Fontana, 1993).

The interview guide for my research project did not interrupt the flow of conversation; it acted to anchor it. Despite the use of the guide, there were times when respondents did not discuss particular subjects, for example, there are some instances where the respondent was not familiar with an issue and therefore could not respond. I was conscious of not wanting to lead the respondent to focus on issues that they themselves had not identified as important. The relationship between what respondents say they do and what actually they do is not always very strong (Foody, 1994). The interview guideline (at Appendix 2) gives a detailed account of the issues and types of questions covered in interviews.

The use of verbal data has come to dominate the social sciences. According to William Foody (1994), asking questions is widely accepted as a cost-efficient way of gathering information about past behaviour and experiences, private actions and motives, as well as beliefs, values and attitudes (Foody, 1994). In general, all respondents were very cooperative and attempted to answer questions based on their expertise. They were very comfortable to be recorded, and have freely given their consent. Voluntary informed consent is considered by many as the central norm governing the relationship between the investigator and research participant (Kimmel, 1988).

As for the in-depth interviews, I have selected different actors to see the whole process of the implementation of gender-related treaties. With a qualitative approach, in-depth interviews were held with policy makers and programme implementers from
various relevant ministries, law experts, parliamentarians, medical doctors, police officers, foreign experts, international organisations’ representatives, NGOs’ representatives, gender experts, gender activists and informal leaders. Many of us who use in-depth interviews are interested in how the respondents interpret experience and how we, the questioners, insert ourselves into this process (Yow, 2005, Babbie, 2005, Denzin, 2008, Velez, 2008, Crossman, 2013).

In order to obtain information on the implementation of gender-related treaties in Indonesia, I sought people who were willing and able to share their understanding of the implementation of those treaties in Indonesia. This necessitated engaging in dialogue with those personalities most involved in the policy making of national laws, the implementation of gender-related treaties, and activities related to women’s issues in Indonesia.

Through dialogues with government officials, law experts, parliamentarians, medical doctors, police officers, foreign experts, international organisations’ representatives, NGOs’ representatives, gender experts, gender activists and informal leaders, I generated a wealth of data and perspectives to inform this thesis. Although the voices of these people form my primary information base, I generated more information too from a number of relevant documents.

Feminist research approaches have particularly raised issues about the form and features of in-depth interviewing. Feminist interviewing attempts to be more reflexive and interactive, aiming to take a non-hierarchical approach which avoids objectifying the participant. The interview is seen as a collaboration between researcher and participant as they share in the process of negotiating coverage, language and understanding (Edwards and Mauthner, 2002, Letherby, 2003, Ritchie and Lewis, 2003). An in-depth interview is intended to combine structure with flexibility, interactive in nature, and generative in the sense that new knowledge or thought, is likely, at some stage, to be created. The in-depth format permits the researcher to explore fully all the factors that underpin participants’ answers: reasons, feelings, opinion and belief (LeCompte and Schensul, 1999, Patton, 2002, Velez, 2008).

The list of respondents from the governmental-related sector mentioned above could be summarised in the table as follows.

Table 5: List of Respondents from the Governmental-related Sector

<table>
<thead>
<tr>
<th>NO.</th>
<th>POSITION</th>
<th>FEMALE</th>
<th>MALE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Minister</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>2</td>
<td>Deputy Minister</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>3</td>
<td>Director</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>4</td>
<td>Deputy Director</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>5</td>
<td>Law Expert</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>6</td>
<td>Parliamentarian</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>7</td>
<td>Medical Doctor</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>8</td>
<td>Police Officer</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>9</td>
<td>Foreign Expert</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Total of Respondents</td>
<td>17</td>
<td>18</td>
</tr>
</tbody>
</table>

Source: The 2014 Study on ‘Gender in Global Agreements and National Arguments: The Indonesian Experience’

Moreover, in-depth interviews were also conducted with officials from UNFPA representing regional and international organisations dealing with gender-related treaties. International agreements and declarations have become the major guide for UNFPA, as an international development agency that promotes the right of every woman, man and child to enjoy a life of health and equal opportunity, to work in the area of gender equality and women’s empowerment. I also interviewed UN Ambassador for Millennium Development Goals in Asia and the Pacific. The MDGs could not be achieved without gender equality and women’s empowerment. Gender equality and women’s empowerment are goals in themselves, as well as an important means towards the achievement of all the internationally agreed development goals, including MDGs now replaced by SDGs.
The list of respondents from the international organisations mentioned above could be summarised in the table as follows.

Table 6: List of Respondents from International Organisations

<table>
<thead>
<tr>
<th>NO.</th>
<th>POSITION</th>
<th>FEMALE</th>
<th>MALE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Representative</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Assistant Representative</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>3</td>
<td>Program Manager</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>4</td>
<td>Ambassador</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Total of Respondents</td>
<td>3</td>
<td>1</td>
</tr>
</tbody>
</table>

Source: The 2014 Study on ‘Gender in Global Agreements and National Arguments: The Indonesian Experience’

Other in-depth interviews were conducted with representatives from the following women’s NGOs: CEDAW Working Group Initiative, Komnas Perempuan (National Commission on Violence Against Women), Kalyanamitra (Women’s Communication and Information Centre), Koalisi Perempuan (Indonesian Women’s Coalition for Justice and Democracy), Rahima (Centre for Education and Information on Islam and Women's Rights Issues) and Fahmina Institute (Indonesian NGO of religious studies). These NGOs work on women’s issues focusing on building awareness among society.

The list of respondents from NGOs could be summarised in the table as follows.

Table 7: List of Respondents from NGOs

<table>
<thead>
<tr>
<th>NO</th>
<th>POSITION</th>
<th>FEMALE</th>
<th>MALE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Director</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>2</td>
<td>Secretary General</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>3</td>
<td>Head of Division</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>4</td>
<td>Executive Member</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Total of Respondents</td>
<td>5</td>
<td>1</td>
</tr>
</tbody>
</table>

Source: The 2014 Study on ‘Gender in Global Agreements and National Arguments: The Indonesian Experience’

Gender experts and informal leaders were also interviewed. I have interviewed gender specialists and advisors from the UN CEDAW Committee, Convention Watch Working Group at the University of Indonesia and Indonesian Institute of Sciences (Lembaga Ilmu Pengetahuan Indonesia), and the Centre for the Study of Islam and
Society at the State Islamic University; gender expert from the Women Study Centre at the State Islamic University; and gender activists from Fatayat Nahdlatul Ulama.

The list of gender experts and activists as respondents could be summarised as follows.

Table 8: List of Gender Experts and Activists as Respondents

<table>
<thead>
<tr>
<th>NO</th>
<th>POSITION</th>
<th>FEMALE</th>
<th>MALE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Gender Specialist and Advisor</td>
<td>3</td>
<td>-</td>
</tr>
<tr>
<td>2</td>
<td>Gender Expert</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>3</td>
<td>Gender Observer</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>4</td>
<td>Gender Activist</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>Total of Respondents</td>
<td>6</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

Source: The 2014 Study on ‘Gender in Global Agreements and National Arguments: The Indonesian Experience’

Moreover, I have also interviewed prominent Indonesian Civil Society Leaders and Islamic figures who have high interest in gender-related issues. The list of informal leaders as respondents could be summarised as follows.

Table 9: List of Informal Leaders as Respondents

<table>
<thead>
<tr>
<th>NO</th>
<th>POSITION</th>
<th>FEMALE</th>
<th>MALE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Civil Society Leader and Islamic Figure</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Modern Islamic Figure</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Total of Respondents</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

Source: The 2014 Study on ‘Gender in Global Agreements and National Arguments: The Indonesian Experience’

In total, I conducted 56 in-depth interviews. All in-depth interviews were carried out in Indonesian, except four in-depth interviews conducted in English with a representative of an international organisation and three advisors based in governmental institutions. For the study purpose, I have provided English translations for interview transcripts and interview reports in Indonesian. I have detailed the list of respondents in the following table.
Table 10: List of Respondents

<table>
<thead>
<tr>
<th>GOVERNMENT</th>
<th>INTERNATIONAL ORGANISATIONS</th>
<th>NON GOVERNMENTAL ORGANISATIONS</th>
<th>GENDER EXPERTS &amp; ACTIVITS</th>
<th>INFORMAL LEADERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>POSITION</td>
<td>F</td>
<td>M</td>
<td>POSITION</td>
<td>F</td>
</tr>
<tr>
<td>Minister</td>
<td>2</td>
<td>-</td>
<td>Representative</td>
<td>-</td>
</tr>
<tr>
<td>Deputy Minister</td>
<td>3</td>
<td>1</td>
<td>Assistant Representative</td>
<td>1</td>
</tr>
<tr>
<td>Director</td>
<td>6</td>
<td>4</td>
<td>Program Manager</td>
<td>1</td>
</tr>
<tr>
<td>Deputy Director</td>
<td>2</td>
<td>3</td>
<td>Ambassador</td>
<td>1</td>
</tr>
<tr>
<td>Law Expert</td>
<td>1</td>
<td>6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parliamentarian</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical Doctor</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police Officer</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Foreign Expert</td>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total of Respondents</td>
<td>17</td>
<td>8</td>
<td>3</td>
<td>1</td>
</tr>
</tbody>
</table>

33 Females + 23 Males = 56 Respondents

Source: The 2014 Study on ‘Gender in Global Agreements and National Arguments: The Indonesian Experience’

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The participants for in-depth interviews were formally contacted either through letter, email, short text message (SMS), phone call or in person. In selecting the participants to be interviewed, I used the purposive sampling method and the snowball sampling method. I initially used the purposive sampling method before conducting the interviews by selecting the participants based on their expertise, responsibility and capability in understanding the issues to be discussed in my thesis. They were firstly given the letter of invitation. Purposive sampling is a type of non-probability sampling in which we select the units to be observed on the basis of our own judgement about which ones will be the most useful or representative (Babbie, 2005).

In some cases, I also used the snowball sampling method. After certain interviews, I was given a number of names of related persons to be contacted who are eligible to be interviewed for my thesis writing. I then prepared letters of invitation to those recommended names. Snowball sampling is a non-probability sampling method, often employed in field research, whereby each person interviewed may be asked to suggest additional people for interviewing (Babbie, 2005). The snowball sampling method has eased me in conducting my interviews as I was certain to get the right people to be interviewed and most of the respondents selected with this method were appreciative knowing that their names were suggested or referred by another respondent.

As a token of appreciation for taking part in my research project, all respondents were given Australian souvenirs. However, there were some people contacted that could not be interviewed because of their unavoidable engagements and time constraints. There were also some people who didn't respond to my interview request at all. Thus five government officials, two representatives of international organisations and five representatives of women's NGOs were not able to be interviewed.

3.5. Recording and Storage of Data

One of the techniques and approaches that can help to improve the reliability and validity of qualitative data is recording data objectively and comprehensibly, including the use of audiotapes, videotapes and different levels of detail in the transcription of data (Silverman, 1993). Compared to field notes of observational data, recordings
and transcripts can offer a highly reliable record to which researchers can return as they develop new hypotheses (Seale and Silverman, 1997). All of the in-depth interviews for this thesis writing were recorded, fully transcribed and notes were taken during the interview. A digital recorder was used to record all the interviews. I have prepared the transcripts for all interviews along with English translations.

Signed consent forms and interview notes are stored in a secure filing cabinet, and interview recordings are stored in a password protected area of my computer for which only I will know the password. All other electronic information containing references to specific participants as well as the interview transcripts and interview reports are stored in this password protected area. As Huberman and Miles (1994) suggest, how data is stored and retrieved is the heart of data management. Clear working storage, retrieval storage, and retrieval system are critical if one expects to keep track of the reams of data that have been collected; to flexibly access and use the data; and to assure systematic analysis and documentation of the data (Huberman and Miles, 1994).

The clearest concern in the protection of the subjects’ interests and well-being is the protection of their identity. If revealing their survey responses would injure them in any way, adherence to this norm becomes all the more important. Two techniques, anonymity and confidentiality, assist researchers in this regard (Babbie, 2005, Berg, 2008, Brodsky, 2008, Laws, 2013, Crossman, 2013). Anonymity is guaranteed in a research project when neither the researchers nor the readers of the findings can identify a given response with a given respondent. Confidentiality is when a research project guarantees confidentiality, and when the researcher can identify a given person’s responses but promises not to do so publicly.

The recordings and notes will not be made public for the sake of maintaining respondents’ anonymity. Access to respondents’ names as well as interview transcripts and reports will not be made available. The consent forms (which include the respondents’ name) are kept separately from other survey materials. All information is only made available for my analysis in thesis writing.
3.6. Data Analysis


During my in-depth interviews, I was actively listening to the respondents' views and explanation, asking questions and leading them down certain paths and not others, making decisions about which issues to follow up and which not to pursue. I was guided by my initial research agenda and questions, what each respondent had said, and my interpretations and understanding of their words. A part of what I was doing in shaping the interview was following my own analytical thinking. The interview content was, therefore, a joint production (Mishler, 1986). With each in-depth interview and with the analytical work I did during and after each interview, I formulated new ideas or approaches, and modified my interview questions.

The process of analysis continued in a more explicit way as I transcribed the interviews and began to immerse myself in the data through full transcript readings. Besides the interview transcripts, I also have some field notes that I took during my in-depth interviews.

To be more focused, I had to reduce, simplify and transform data from the interviews to be more manageable to be used in the analysis of the thesis writing. Qualitative data need to be reduced and transformed in order to make them more readily accessible, understandable, and to draw out various themes and patterns (Berg, 2004).

I began to interpret the meaning of each respondent's explanation and views and to note areas of difference. Since every detail is important, the researcher has to decide how the content of the interview transcripts bears on research concerns. As
described by Carl F. Auerbach and Louise B. Silverstein (2003) in ‘Qualitative Data: An Introduction to Coding and Analysis’ on the importance of data interpretation, when beginning any project the researcher will probably fluctuate between temptations to include everything in the data analysis and fearing that nothing really is directly relevant to the research concerns (Auerbach and Silverstein, 2003). There is a gap between the research concerns and the data, which are the interview transcripts.

From the interview transcripts, there are many repeating ideas. A repeating idea is an idea expressed in the relevant text by two or more research participants (Auerbach and Silverstein, 2003). I first identified the repeating ideas in each separate transcript which then I gather as themes, and then combined the themes from all the transcripts into a composite list. By a process of selection, I group the repeating ideas into themes.

The key words of the themes identified from the interview transcripts are ratification, implementation, national law, regional policies, women’s movement, women’s empowerment, gender equality, education, health, and violence against women which could be digested in the following table.

Table 11: Gender-related Themes from the 2014 Study on ‘Gender in Global Agreements and National Arguments: The Indonesian Experience’

<table>
<thead>
<tr>
<th>NO</th>
<th>GENDER-RELATED THEMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ratification</td>
</tr>
<tr>
<td>2</td>
<td>Implementation</td>
</tr>
<tr>
<td>3</td>
<td>National Law</td>
</tr>
<tr>
<td>4</td>
<td>Regional Policies</td>
</tr>
<tr>
<td>5</td>
<td>Women’s Movement</td>
</tr>
<tr>
<td>6</td>
<td>Women’s Empowerment</td>
</tr>
<tr>
<td>7</td>
<td>Gender Equality</td>
</tr>
<tr>
<td>8</td>
<td>Education</td>
</tr>
<tr>
<td>9</td>
<td>Health</td>
</tr>
<tr>
<td>10</td>
<td>Violence Against Women</td>
</tr>
</tbody>
</table>

Source: The 2014 Study on ‘Gender in Global Agreements and National Arguments: The Indonesian Experience’
The interview transcripts are the primary data for identifying the answers to my research questions. I then summarise the interview transcripts by producing interview reports for all in-depth interviews. The salient points of each in-depth interview are discussed in each interview report.

For reasons of confidentiality, the respondents' names have been withheld, and replaced by the characteristics of respondents. The characteristic is shown by a case number and an indication of which segment the respondent represents and the sex of the respondent. For example, GOF1 stands for government, minister, female, respondent number 1, PhD degree; GOM7 for respondent number 7 stands for government, director, male, master's degree.

The same model applies to other respondents, for example from the international organisations (IOF1 for respondent number 1 stands for international organisation, assistant representative, female, master's degree; IOM2 for respondent number 2 stands for international organisation, representative, PhD degree), NGOs (NGOF1 for respondent number 1 stands for NGO, head of division, female, bachelor's degree; NGOM6 for respondent number 6 stands for NGO, secretary general, male, master’s degree), gender experts (GEF1 for respondent number 1 stands for gender expert, female, master’s degree; GEM2 for case 2 stands for gender expert, male, PhD degree), and informal leaders (ILM1 for case 1 stands for informal leader, male, PhD degree; ILM3 for case 3 stands for informal leader, female, PhD degree). The respondents’ codes are briefly detailed in the following table.

Table 12: Respondents’ Codes

<table>
<thead>
<tr>
<th>Government</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>GOF1</td>
<td>government, Minister, female, PhD degree, respondent no.1</td>
</tr>
<tr>
<td>GOF2</td>
<td>government, Minister, female, PhD degree, respondent no.2</td>
</tr>
<tr>
<td>GOF3</td>
<td>government, deputy minister, female, master’s degree, respondent no.3</td>
</tr>
<tr>
<td>GOF4</td>
<td>government, director, female, master’s degree, respondent no.4</td>
</tr>
<tr>
<td>GOF5</td>
<td>government, director, female, master’s degree, respondent no.5</td>
</tr>
<tr>
<td>GOF6</td>
<td>government, director, female, PhD degree, respondent no.6</td>
</tr>
<tr>
<td>GOM7</td>
<td>government, director, male, master’s degree, respondent no.7</td>
</tr>
<tr>
<td>GOM8</td>
<td>government, deputy minister, male, master’s degree, respondent no.8</td>
</tr>
<tr>
<td>GOM9</td>
<td>government, director, male, master’s degree, respondent no.9</td>
</tr>
<tr>
<td>GOM10</td>
<td>government, deputy director, male, master’s degree, respondent no.10</td>
</tr>
<tr>
<td>GOM11</td>
<td>government, director, male, master’s degree, respondent no.11</td>
</tr>
<tr>
<td>Government</td>
<td></td>
</tr>
<tr>
<td>---------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>GOF12</td>
<td>government, director, female, PhD degree, respondent no.12</td>
</tr>
<tr>
<td>GOM13</td>
<td>government, deputy director, male, master's degree, respondent no.13</td>
</tr>
<tr>
<td>GOF14</td>
<td>government, deputy minister, female, master’s degree, respondent no.14</td>
</tr>
<tr>
<td>GOF15</td>
<td>government, director, female, bachelor’s degree, respondent no.15</td>
</tr>
<tr>
<td>GOM16</td>
<td>government, director, male, PhD degree, respondent no.16</td>
</tr>
<tr>
<td>GOM17</td>
<td>government, deputy director, male, master’s degree, respondent no.17</td>
</tr>
<tr>
<td>GOF18</td>
<td>government, deputy minister, female, master’s degree, respondent no.18</td>
</tr>
<tr>
<td>GOM19</td>
<td>government, deputy director, male, master’s degree, respondent no.19</td>
</tr>
<tr>
<td>GOF20</td>
<td>government, director, female, PhD degree, respondent no.20</td>
</tr>
<tr>
<td>GOF21</td>
<td>government, deputy director, female, master’s degree, respondent no.21</td>
</tr>
<tr>
<td>GOM22</td>
<td>government, law expert, male, PhD degree, respondent no.22</td>
</tr>
<tr>
<td>GOM23</td>
<td>government, law expert, male, professor, respondent no.23</td>
</tr>
<tr>
<td>GOM24</td>
<td>government, law expert, male, master’s degree, respondent no.24</td>
</tr>
<tr>
<td>GOM25</td>
<td>government, law expert, male, master’s degree, respondent no.25</td>
</tr>
<tr>
<td>GOM26</td>
<td>government, law expert, male, professor, respondent no.26</td>
</tr>
<tr>
<td>GOF27</td>
<td>government, law expert, female, master’s degree, respondent no.27</td>
</tr>
<tr>
<td>GOM28</td>
<td>government, law expert, male, master’s degree, respondent no.28</td>
</tr>
<tr>
<td>GOM29</td>
<td>government, parliamentarian, male, PhD degree, respondent no.29</td>
</tr>
<tr>
<td>GO30</td>
<td>government, medical doctor, male, PhD degree, respondent no.30</td>
</tr>
<tr>
<td>GO31</td>
<td>government, medical doctor, female, PhD degree, respondent no.31</td>
</tr>
<tr>
<td>GO32</td>
<td>government, police officer, female, bachelor’s degree, respondent no.32</td>
</tr>
<tr>
<td>GOM33</td>
<td>government, advisor, male, master’s degree, respondent no.33</td>
</tr>
<tr>
<td>GOM34</td>
<td>government, advisor, male, master’s degree, respondent no.34</td>
</tr>
<tr>
<td>GOF35</td>
<td>government, advisor, female, master’s degree, respondent no.35</td>
</tr>
<tr>
<td>International Organisations</td>
<td></td>
</tr>
<tr>
<td>IOF1</td>
<td>international organisation, assistant representative, female, master’s degree, respondent no.1</td>
</tr>
<tr>
<td>IOM2</td>
<td>international organisation, representative, male, PhD degree, respondent no.2</td>
</tr>
<tr>
<td>IOF3</td>
<td>international organisation, programme manager, female, bachelor’s degree, respondent no.3</td>
</tr>
<tr>
<td>IOF4</td>
<td>international organisation, ambassador, female, master’s degree, respondent no.4</td>
</tr>
<tr>
<td>Non Governmental Organisations</td>
<td></td>
</tr>
<tr>
<td>NGOF1</td>
<td>non governmental organisation, head of division, female, master’s degree, respondent no.1</td>
</tr>
<tr>
<td>NGOF2</td>
<td>non governmental organisation, director, female, master’s degree, respondent no.2</td>
</tr>
<tr>
<td>NGOF3</td>
<td>non governmental organisation, secretary general, female, bachelor’s degree, respondent no.3</td>
</tr>
<tr>
<td>NGOF4</td>
<td>non governmental organisation, director, female, bachelor’s degree, respondent no.4</td>
</tr>
<tr>
<td>NGOF5</td>
<td>non governmental organisation, executive member, female, bachelor’s degree, respondent no.5</td>
</tr>
</tbody>
</table>
Table 12: ... continued

<table>
<thead>
<tr>
<th>Non Governmental Organisations</th>
</tr>
</thead>
<tbody>
<tr>
<td>NGOM6</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gender Experts and Activists</th>
</tr>
</thead>
<tbody>
<tr>
<td>GEF1</td>
</tr>
<tr>
<td>GEM2</td>
</tr>
<tr>
<td>GEF3</td>
</tr>
<tr>
<td>GEF4</td>
</tr>
<tr>
<td>GEF5</td>
</tr>
<tr>
<td>GEF6</td>
</tr>
<tr>
<td>GEF7</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Informal Leaders</th>
</tr>
</thead>
<tbody>
<tr>
<td>ILM1</td>
</tr>
<tr>
<td>ILM2</td>
</tr>
<tr>
<td>ILF3</td>
</tr>
<tr>
<td>ILF4</td>
</tr>
</tbody>
</table>

Source: The 2014 Study on ‘Gender in Global Agreements and National Arguments: The Indonesian Experience’

In the bibliography, each interview report is cited according to the identity of the interviewee, for instance Government Respondent No. 20, International Organisation Respondent No.05, NGO Respondent No.05, Gender Expert Respondent No.03, and Informal Leader Respondent No.01.

As for my document analysis, as most of the documents are associated with policies and international and national legal instruments related to gender, I used narrative policy analysis in analysing the data from those documents. Narrative policy analysis applies contemporary literary theory to public policy issues. Its objectives are to underscore the important and necessary role that policy narratives have in public policy and to establish the usefulness of narrative analytical approaches to allow reformulating increasingly intractable policy problems (Roe, 1994, Weimer and Vining, 1999, Hill and Hupe, 2002).

To have deeper understanding of the implementation of gender-related treaties, in analysing the documents, interview transcripts and interview reports, I used the theory of implementation as described by Michael Hill and Peter L. Hupe (2002) in ‘Implementing Public Policy: Governance in Theory and in Practice’. The examination...
of implementation simply shows that ‘what happens between policy expectations and (perceived) policy results has had a dual character. There has been a concern to explain ‘what happens’ and a concern to affect ‘what happens’ (Hill and Hupe, 2002).

According to the statements in the in-depth interviews, most opinions expressed by each group (government representatives, international organisations’ representatives, NGOs’ representatives, gender experts, informal leaders) on the implementation of gender-related treaties in Indonesia show variations and similarities. The government officials shared their optimistic view that the implementation of gender-related treaties in Indonesia runs very well.

However, law experts tend to identify much continuing confusion and controversy in ensuring that the national law is consistent with ratified treaties, while some foreign experts tend to appreciate Indonesia’s efforts in moving in the right direction despite strong structural, cultural and religious challenges. Representatives of international organisations are more cynical towards the government’s efforts. NGO staff members are critical as well as the gender experts and informal leaders.

As for research results, I could reveal that all respondents were ready to discuss the implementation of gender-related treaties in Indonesia and gave their comments.

Most government representatives gave typical governmental responses, no doubt due to their position. However, independent law experts and medical doctors gave practical answers and admit that much remains to be settled. Foreign experts acknowledge Indonesia’s pending issues but appreciate its efforts which in some ways are more creditable than those of other countries. NGO staff were normally more open and critical than government officials. Representatives of international organisations, gender experts and informal leaders were also critical of governmental efforts but did acknowledge the government’s role in policy making.

In regards to the implementation of gender-related treaties in Indonesia, it is found that the government representatives tend to assert that the process is in place by giving their rhetorical answers. Besides their appreciation towards Indonesia’s efforts, the foreign experts hope for stronger enforcement and implementation of the laws by
the government. The international organisations want to implement policies strictly without regard for the sensitivity of cultural and religious aspects in order to fulfil international targets and mandates. As for NGO staff, gender experts and informal leaders, they have their own programmes and motivations in promoting the implementation of gender-related treaties in Indonesia.

In my discussions of the effective implementation of gender-related treaties, respondents found difficulty in identifying ways of avoiding local obstacles to implementation. They don't have any clear solutions yet and could only give a general view in their recommendations. Even though implementation is believed to be important, effective action is not reflected in the government's responses. Representatives of international organisations, NGOs’ staffs, gender experts and informal leaders, share their views that implementation is best achieved through the education and religious institutions.

Further and detailed analysis is presented in the following chapters. The analysis continued throughout the writing-up process, continually referring back to the interview reports and the data that had been divided into sub-themes. The analytic and writing-up processes in qualitative research are inextricably intertwined (Dey, 1993, Roe, 1994, Bernard and Ryan, 1998, Mayring, 2000, Neuendorf, 2002).

In qualitative study, the data analyses that I attempted to do by hand could also be done with the help of a computer programme called Qualitative Data Analysis programme (QDA). According to Auerbach and Silverstein, on the positive side, QDA programmes extend the range of what we can do by hand. But on the negative side, they distance us from the text which might lead to losing the total immersion that comes from analysing the text by hand. QDA programs that could be used are N5, NUDIST, NVIVO, Atlas.ti and Ethnograph (Auerbach and Silverstein, 2003). NVIVO is the most recommended and most used QDA by researchers.

I managed to do the data analyses without using NVIVO since I prefer to decide by myself how I wanted to analyse the text so that no important data is overlooked. Although NVIVO gives a set of tools for analysing textual data, the tools neither apply themselves nor do the thinking for the user/researcher.
3.7. Data Presentation

Following the data analysis, as the main focus in qualitative research is the data itself, in all its richness, breadth and depth, the challenge becomes how to transform and convert the mounds of data clearly and effectively. Data presentation is considered as the major task in qualitative research (Silverman, 1993, Chenail, 1995, Axinn and Pearce, 2006).

Data from the document analysis and in-depth interviews is presented throughout the thesis. As I present each issue, I also present the relevant research findings from the document analysis and in-depth interviews. The data from the fieldwork research (in-depth interviews) itself is presented in Chapter 4 on ‘The Role of the Government in the Implementation of Gender-Related Treaties, Chapter 5 on ‘The Role of Non-Governmental Sectors in the Implementation of Gender-Related Treaties in Indonesia’, Chapter 6 on ‘Critical Case Studies of Domestic Laws', Chapter 7 on ‘The Impact of Gender-Related Treaties on Gender Equity in Indonesia: Facilitators and Barriers’, and Chapter 8 on ‘Conclusion’. The data from the document analysis is also presented in those chapters to support the ideas with theory and trusted sources. Chapter 1 on ‘Introduction’, Chapter 2 on ‘Gender Matters and Gender-Related Treaties' and Chapter 3 on ‘Research Methodology' count more on the data from document analysis.

Most of the data from in-depth interviews is presented in narrative form to preserve and represent the voices of respondents, and so is the data from analysing the documents. There are also some data presented in the form of table and matrix.
Chapter 4. The Role of the Government in the Implementation of Gender-Related Treaties in Indonesia

4.1. Indonesia’s Ratification of Gender-Related Treaties

As discussed in Chapter 1, Indonesia has ratified the major international conventions that uphold the principles of gender equality and women’s empowerment. A list of gender-related treaties ratified, signed and agreed by Indonesia can be found in Table 13: Implementation of Gender-Related Treaties in Indonesia as seen below. The simplified version is featured in Table 1: Gender-Related Treaties in Chapter 1. The ratification of these international legal instruments is undoubtedly a progressive step to improve the legal position of women (Bowen, 2003, Katjasungkana, 2008, Lindsey, 2008, Achmad, 2010).
Table 13: The Implementation of Gender-Related Treaties in Indonesia

<table>
<thead>
<tr>
<th>YEAR</th>
<th>TREATY</th>
<th>Responsibility for Monitoring</th>
<th>Status</th>
<th>Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1945</td>
<td>Charter of the United Nations</td>
<td>all governmental institutions</td>
<td>Agreed</td>
<td></td>
</tr>
<tr>
<td>1948</td>
<td>Universal Declaration of Human Rights</td>
<td>all governmental institutions</td>
<td>Agreed</td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>Convention on the Nationality of Married Women</td>
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</tr>
<tr>
<td>1962</td>
<td>Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages</td>
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</table>
Table 13: ... continued

<table>
<thead>
<tr>
<th>YEAR</th>
<th>TREATY</th>
<th>Responsibility for Monitoring</th>
<th>Status</th>
<th>Implementation</th>
</tr>
</thead>
</table>
Table 13: ... continued

<table>
<thead>
<tr>
<th>YEAR</th>
<th>TREATY</th>
<th>Responsibility for Monitoring</th>
<th>Status</th>
<th>Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992</td>
<td>Agenda 21 and Other Agreements from the UN Conference on Environment and Development (UNCED)</td>
<td>Ministry of Environment, Ministry of Women's Empowerment &amp; Child Protection</td>
<td>Agreed</td>
<td></td>
</tr>
<tr>
<td>1993</td>
<td>Declaration of the Elimination of Violence Against Women</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1994</td>
<td>General Assembly Resolution on Integration of Older Women in Development</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1995</td>
<td>Beijing Declaration and Platform of Action</td>
<td>Ministry of Women’s Empowerment &amp; Child Protection</td>
<td></td>
<td></td>
</tr>
<tr>
<td>YEAR</td>
<td>TREATY</td>
<td>Responsibility for Monitoring</td>
<td>Status</td>
<td>Implementation</td>
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<td>------</td>
<td>-----------------------------------------------------------------------</td>
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</tr>
<tr>
<td>1995</td>
<td>Agreements from the World Summit for Social Development (WSSD)</td>
<td>Ministry of Environment</td>
<td>Agreed</td>
<td></td>
</tr>
<tr>
<td>1997</td>
<td>Agreements from the UN Conference on Environment and Development (UNCED) + 5</td>
<td>Ministry of Environment</td>
<td>Agreed</td>
<td></td>
</tr>
<tr>
<td>1999</td>
<td>Agreements from the International Conference on Population and Development (ICPD) + 5</td>
<td>Ministry of Women’s Empowerment &amp; Child Protection, National Population &amp; Family Planning Board, Ministry of Health</td>
<td>Agreed</td>
<td></td>
</tr>
<tr>
<td>1999</td>
<td>General Assembly Resolution on Traditional or Customary Practices Affecting the Health of Women and Girls</td>
<td>Ministry of Women’s Empowerment &amp; Child Protection, National Population &amp; Family Planning Board, Ministry of Health</td>
<td>Agreed</td>
<td></td>
</tr>
<tr>
<td>2000</td>
<td>Millennium Development Goals (MDGs)</td>
<td>All governmental institutions</td>
<td>Agreed</td>
<td></td>
</tr>
<tr>
<td>2000</td>
<td>General Assembly Resolution on Violence Against Women Migrant Workers</td>
<td>Ministry of Women’s Empowerment &amp; Child Protection, National Population &amp; Family Planning Board, Ministry of Health</td>
<td>Agreed</td>
<td></td>
</tr>
<tr>
<td>2000</td>
<td>General Assembly Resolution on Improvement of the Situation of Women in Rural Areas</td>
<td>Ministry of Women’s Empowerment &amp; Child Protection, National Population &amp; Family Planning Board, Ministry of Health</td>
<td>Agreed</td>
<td></td>
</tr>
<tr>
<td>2000</td>
<td>Agreements from the World Summit for Social Development +5</td>
<td>Ministry of Women’s Empowerment &amp; Child Protection, National Population &amp; Family Planning Board, Ministry of Health</td>
<td>Agreed</td>
<td></td>
</tr>
<tr>
<td>YEAR</td>
<td>TREATY</td>
<td>Responsibility for Monitoring</td>
<td>Status</td>
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</tr>
<tr>
<td>2000</td>
<td>Protocol Against the Smuggling of Migrants by Land, Sea and Air supplementing the UN Convention Against Transnational Organized Crime</td>
<td>Ministry of Foreign Affairs, Ministry of Law &amp; Human Rights</td>
<td>Signed, 12 December 2000</td>
<td></td>
</tr>
<tr>
<td>2000</td>
<td>Agreements from the Special Session of the UN General Assembly on Beijing + 5</td>
<td>Ministry of Women’s Empowerment &amp; Child Protection</td>
<td>Agreed</td>
<td></td>
</tr>
<tr>
<td>2002</td>
<td>Review of Rio De Janeiro Conference + 10</td>
<td>Ministry of Environment</td>
<td>Agreed</td>
<td></td>
</tr>
<tr>
<td>2005</td>
<td>Review of Copenhagen Conference + 10</td>
<td>Ministry of Environment</td>
<td>Agreed</td>
<td></td>
</tr>
<tr>
<td>2005</td>
<td>Agreements from the High Level Session of UN CSW on Beijing + 10</td>
<td>Ministry of Women’s Empowerment &amp; Child Protection</td>
<td>Agreed</td>
<td></td>
</tr>
<tr>
<td>2007</td>
<td>Bali Road Map on Climate Change</td>
<td>Ministry of Environment</td>
<td>Signed, December 2007</td>
<td></td>
</tr>
<tr>
<td>2015</td>
<td>Sustainable Development Goals Transforming Our World: the 2030 Agenda for Sustainable Development</td>
<td>National Development Planning Agency</td>
<td>Agreed</td>
<td></td>
</tr>
</tbody>
</table>

Source: Own data collection and analysis of documents
In line with Indonesia’s ratification of international gender-related covenants, the Indonesian government is tied to international commitments in implementing substantial articles contained in those covenants (Republic of Indonesia, 2008a). Each covenant regulates basic obligations of the States Parties.

For instance, in CEDAW’s Article 2, it is clearly stated that States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women. To this end, States Parties are committed to undertaking policy measures to eliminate discrimination as stipulated in that Article such as to embody the principle of the equality of women and men in their national constitutions or other appropriate legislation, and to ensure through law and other appropriate means the practical realisation of this principle (United Nations, 1979).

In Article 3 of the International Covenant on Civil and Political Rights, it is clearly stated that the States Parties to the present Covenant undertake to ensure the equal rights of women and men to the enjoyment of all civil and political rights. Likewise, in Article 3 of the International Covenant on Economic, Social and Cultural Rights, it is also clearly stated that the States Parties to the present Covenant undertake to ensure the equal rights of women and men to the enjoyment of all economic, social and cultural rights.


All of these treaties call on governments to eliminate discrimination on the ground of sex (or discrimination of any kind) and some of them specifically condemn discrimination against women in all its forms.\(^\text{17}\) This includes adopting appropriate legislative and other measures, and modifying or abolishing existing laws, regulations, customs and practices which constitute discrimination against women. Human rights treaties become legally binding when governments ratify them. This means that governments must then ensure that their national laws, policies and practices do not conflict, and are consistent with, their obligations under international law and that they respect, protect and fulfil the human rights (United Nations, 1999, Sullivan, 1995, Herbert, 2008).

When a government ratifies a treaty, it agrees to submit reports on a periodic basis on the compliance of domestic standards and practices with human rights enshrined in the particular treaties. These reports are reviewed by UN Committees that monitor the application of human rights treaties.\(^\text{18}\) The Committee then issues concluding observations and recommendations which should be implemented by the government in question (Achmad, 2006, CEDAW Committee, 2007b, Swasono, 2007).

The Indonesian National Action Plan of Human Rights (Rencana Aksi Nasional Hak Asasi Manusia- RANHAM) produced since 1998 and each five years represents an attempt by the government to raise the profile of human rights in Indonesia (particularly among government institutions) and to provide a basis for improved coordination across all relevant sectors (Herbert, 2008). The Directorate General of Human Rights within the Indonesian Ministry of Law and Human Rights has the authority to undertake activities and develop strategies in improving coordination of human rights initiatives across all government agencies and institutions, and to enhance human rights promotion and education.

Some of RANHAM’s main pillars and goals put emphasis on the ratification and implementation of gender-related treaties. RAHHAM I (1998-2003) which was established by the Presidential Decree No.129/1998 included the following four main pillars:

- preparation for the ratification of international instruments on human rights;
- dissemination of information and education on human rights;
- determination of priorities for the implementation of human rights in Indonesia; and
- implementation of international human rights instruments already ratified by Indonesia, including CEDAW (acceded to in 1984); the Convention on the Rights of the Child (ratified in 1990); the Convention Against Torture and Other

Cruel, Inhumane or Degrading Treatments or Punishments (CAT-acceded to in 1998); and the Convention on the Elimination of All Forms of Racial Discrimination (acceded to in July 1999).

Given the political and social turmoil experienced by Indonesia after the reform era in 1998, many of the pillars of RANHAM I (1998-2003) were not fully achieved (Republic of Indonesia, 1998). In particular, Indonesia fell short of the RANHAM I timeframe for the accession of international human rights instruments (for example the International Covenant on Civil and Political Rights which was scheduled for accession under RANHAM I by 2003). Consequently, a second iteration of the plan-RANHAM II (2004-2009) was pronounced by the Presidential Decree No.40 on 11 May 2004. The new plan builds on the goals of the original RANHAM by providing the Directorate General of Human Rights with six mandates:

- to strengthen RANHAM institutions, that is to build a strong, effective, and accountable national implementation network;
- to continue the process of ratification of international instruments and associated law reform-in particular the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel, Inhumane or Degrading Treatments or Punishments (CAT), the Convention on the Rights of the Child (CRC), the CEDAW, and the International Convention on the Elimination of All Forms of Racial Discrimination;
- to harmonise national, provincial and regional legislation and by-laws with ratified international instruments, using comparative legislation studies and inventories of target legislation alongside the drafting and passage of amendments;
- to educate the public sector, government institutions and civil society on the domestic implications of ratified instruments;
- to establish norms and standards based on economic, social, cultural, civil and political human rights principles in changing behaviours and practices and socialising new protocols and standards; and
- to monitor, evaluate and report on achievements and progress to develop sound but achievable benchmarks and standards.
The implementation of the ratification agendas included in the National Action Plan on Human Rights (RANHAM) 2004-2009 has encountered a number of obstacles, mainly the lack of coordination and support among government institutions, as well as a lack of initiative, consistency, and political will within the Government and the Parliament (Republic of Indonesia, 2004b).


Overall, with regard to the ratification process of gender-related treaties in Indonesia, a conclusion drawn from the in-depth interviews is that every ratified treaty has gone through all the required procedures. The initiating institutions dealing with human rights and women's issues in Indonesia are the Ministry of Women’s Empowerment and Child Protection, the Ministry of Law and Human Rights, and the Ministry of Social Affairs.

On the issue of determining the initiating institution and ratification, a government representative respondent no.13, Deputy Director, male, master's degree (GOM13) stated:

It could also be other related governmental institutions depending on the Minister's agreement, and the nature of the Convention to be ratified. In this regard, the initiating institution ensures the urgency for Indonesia in ratifying a treaty (Government Interviewee No.13, 2007).

A non governmental organisation representative respondent no.4, Director, female, bachelor's degree (NGO4) pointed out:

We have to distinguish between ratifying a convention and signing an international agreement. Ratifying means signing and adopting into the national law. Having ratified CEDAW and other gender-related conventions, Indonesia is then legally bound by those ratified conventions. Signing an international
agreement does not impose on the State obligations under the treaty. For states, this usually means that the international agreement has to be put before the national parliament for approval, thereby giving the people a direct say in the external activities of the state (NGO Interviewee No.04, 2007).

We can see that the statement of a governmental official is more normative than that of a NGO representative. The NGO representative could look at the broader meaning of signing and ratifying a convention. By ratifying the gender-related treaties, Indonesia is legally bound and has obligations to fulfil.

The MDGs replaced by the SDGs, Beijing Platform for Action, and ICPD Programme of Action are in fact international agreements. Indonesia is committed to those agreements, but they are not legally binding. There is no legal sanction in not implementing the international convention and agreement. However, there is a moral sanction if the government fails to implement them.

In this regard, the President should assign one or more ministries to implement a ratified convention. The Ministry of Foreign Affairs is responsible for the ratification of treaties, diplomacy and international policy. The Ministry of Law and Human rights is responsible for human rights issues, whereas the Ministry of Women's Empowerment and Child Protection is responsible for gender related issues and child protection.

Talking about ratifying gender-related treaties, some respondents shared Indonesia’s experience leading up to ratifying CEDAW.

Gender specialist and advisor respondent no.1, female, master’s degree (GEF1) narrated:

Indonesia’s representatives were already active in the drafting process of CEDAW as they were based at the UN’s Commission on the Status of Women. They were Ms. Sutanto, Ms. Yetti Rizali Noor, Ms. Soewarni Saryo, Ms. Gandhis Harsono and Ms. Endang Subir. They were women activists under the National Commission on the Status of Women in Indonesia known as Komisi Nasional Kedudukan Wanita Indonesia (KNKWI), academicians and members of the Indonesian parliament. They were also involved in the first UN Women’s Conference in Mexico in 1975 (Gender Expert Interviewee No.1, 2007).
A government representative respondent no.20, Director, female, PhD degree (GOF20) mentioned:

In negotiating a treaty, lack of language and negotiation skills is the main hindrance for Indonesia. At the time of formulating and negotiating a treaty, it happens that Indonesia tends to agree with the decision reached. Few officials have good language skills and good substantial knowledge. Therefore, the policy makers have to be trained. The role of interpreters could also affect the negotiation. Misleading interpretations during the discussion should be clarified by the Head of Delegation. During the CEDAW drafting, Indonesia was asked to give its views. Together with India, Indonesia strongly suggested the inclusion of Article 14 on rural women which is the concern of developing countries. It was the National Commission on the Status of Women (Komisi Nasional Kedudukan Wanita Indonesia, KNKWI) who translated the draft of CEDAW and socialised it to related parties in the government (Government Interviewee No.20, 2008).

A gender specialist and advisor respondent no.1, female, master's degree (GEF1) explained:

After the signing of CEDAW in 1979, the Junior Ministry of Women's Affairs worked together with the Ministry of Foreign Affairs to ratify the Convention. At that time, a Commission of Ministries was formed. Each ministry was invited to give its views on the relevance of the Convention as it applied to Indonesia. All ministries stated that the Convention was relevant to Indonesia since it complied with the Indonesian Five Principles (Pancasila). Indonesia was one of the countries which ratified the Convention without any reservation to substantial articles. Indonesia had a reservation towards Article 29 Verse 1 on arbitration should any dispute on the interpretation or application of the Convention could not be settled by negotiation and conveyed it to the International Court. There was a debate in parliament on ratifying the Convention through the Presidential Decree or National Law. The Convention was then finally ratified through Law No. 7/1984 (Gender Expert Interviewee No.1, 2007).

A gender specialist and advisor, respondent no.4, female, master's degree (GEF4) stated:

However, Indonesia has not ratified the Optional Protocol to CEDAW. Indonesia has signed it but it is not yet legally binding. Indonesia could ratify it through a Presidential Decree. Talking about gender, we should go back to the beginning of UN history and look at Indonesia’s evolution. Although the ratification processes adopted by Indonesia accord with proper procedures, actual implementation has commonly been the problem. Although Indonesia has ratified many conventions, it has so far failed to ratify the Criminal Convention (Gender Expert Interviewee No.4, 2007).
A government representative respondent no.27, Law Expert, female, master’s degree (GOF27) revealed:

The national law legalising the ratified CEDAW, Law No.7/1984, is not in fact a material act. In this regard, the initiating institution is responsible in analysing the implementation plan, in this case the Ministry of Women’s Empowerment and Child Protection (Government Interviewee No.27, 2007).

A gender specialist and advisor respondent no.1, female, master’s degree (GEF1) stated:

Even though Indonesia agreed to ratify CEDAW, there are still many practices in Indonesia which run counter to the Convention. For example, Indonesia hasn’t fulfilled Article 16 of CEDAW on marriage. The age of marriage in Indonesia is 16 for women and 19 for men which is under age and by international standards these age limits are too low. Moreover, polygamy still exists in Indonesia. In the CEDAW Concluding Comments for Indonesia, issues on marriage and polygamy are often raised. The Indonesian Law on Marriage contains many contentious religious issues, and still poses problems (Gender Expert Interviewee No.1, 2007).

In their statements, the gender specialists seem to have much experience on the ground regarding the CEDAW ratification process and they can explain its nuances thoroughly. In fact, government representatives too could formally explain the rules of CEDAW ratification and reveal effective measures to be taken. They tend however to adhere to the existing ratification procedure.

A non governmental organisation respondent no.1, Head of Division, female, master’s degree (NGOF1) stated:

The Law on Marriage No.1 Year 1974, which is gender-biased and does discriminate against women, was issued long before the ratification. In fact, the CEDAW ratification done 35 years ago, doesn’t give any impact to the Marriage Law. The case of the Marriage Law was referred to twice in the CEDAW Committee Concluding Comments. After 1998, when the reform era began, new laws were enacted, including the law on domestic violence (Law on the Elimination of Domestic Violence (Law No. 23/2004)), the anti-trafficking law (Law No. 21/2007) and the general election law (Law No. 3/1999). Indonesia has ratified many conventions other than CEDAW. According to the UN CEDAW Committee, Indonesia has ratified too many conventions without seriously implementing them. Even in the national laws, there is insufficient synchronisation between one law and another.
By ratifying the international conventions, Indonesia wants to attain respectability in the international arena. Moreover, there is competition for such status among nations, even between the fundamentalist hardliners. Such considerations relate to the lack of seriousness of the Indonesian government in implementing the conventions it has ratified (NGO Interviewee No.01, 2007).

A non-governmental organisation representative respondent no.6, Secretary General, male, master’s degree (NGOM6) highlighted:

Compared to other Muslim countries, Indonesia has succeeded in ratifying many of the legal instruments. The implementation itself is still a problem and remains difficult. The background contained in the legal instruments could not always comply with existing socio-cultural conditions. The difficulty does not only exist in the community but also in the bureaucracy. Since the existing culture doesn’t have the same framework, actors in the bureaucracy do not have adequate understanding and cannot always accept the ratified legal documents. We often witness anomalies or gaps between the ratified documents and their implementation. For example, Law on Suppressing Crime of Trafficking in Persons No. 21/2007 (UU PTPPO) is difficult to be implemented since trafficking in women as a crime is difficult to be understood by the bureaucracy. It also affects the migrant workers as they don’t realise the danger of being migrant workers (NGO Interviewee No.06, 2008).

A gender observer respondent no.2, male, PhD degree (GEM2) stated:

On the whole, Indonesia has done excellently in ratifying the international conventions related to women and establishing the National Commission on Violence against Women (Komisi Nasional Anti Kekerasan terhadap Perempuan) (Gender Expert Interviewee No.2, 2007).

A gender specialist and advisor respondent no.4, female, master’s degree (GEF4) pointed out:

Indonesia’s ratification of CEDAW was more of a political gesture. Some gender activists complain that ratification is not instantly followed by any decline in crime and domestic violence rates as well as higher participation of women in politics (Gender Expert Interviewee No.4, 2007).

A gender observer respondent no.2, male, PhD degree (GEM2) revealed:

In fact, there should be progressive changes after the ratification should be planned for. Actually, Indonesia is however doing well compared to other countries in terms of women’s public participation (Gender Expert Interviewee No.2, 2007).
From the interview quotes above, the NGO representatives and gender specialists were able to provide factual statements from their own critical points of view on Indonesia's ratification processes. The NGO representatives and gender specialists tend to be more passionate in working on gender affairs and are able to master the substantive issues due to their experience, levels of education and opportunities to participate in gender training. The ratification of gender-related treaties in Indonesia has indeed had a positive impact which has helped to improve legislation and policies.

As can be seen from the views shared by some respondents, it was revealed that there is no problem with ratification. Indonesia always follows the formal procedure in ratifying gender-related treaties. Indonesia's ratification has added to the sanctity of the rights of Indonesian women to share in the nation's development.

4.2. **Indonesia's Implementation of Gender-Related Treaties**

As previously revealed, the ratification of gender-related treaties in Indonesia is not always immediately followed up by proper implementation.

A government representative respondent no.27, Law Expert, female, master's degree (GOF27) emphasised:

> The main problems in implementing treaties that have been ratified include administrative confusion and lack of proper preparation (Government Interviewee No.27, 2007).

A government representative respondent no.5, Director, female, master's degree (GOF5) highlighted:

> Not many people know about the implementation of gender-related treaties in Indonesia. The policies together with their impacts in the society have to be widely socialised. Much attention is now given to education, health and gender itself (Government Interviewee No.5, 2007).

A government representative respondent no.20, Director, female, PhD degree (GOF20) stated:

> On the surface the implementation runs well, but it needs more focus and stronger emphasis. In terms of policies, Indonesia does well. Special attention has to be given to the policy makers. Since the responsibility of implementing treaties lies in different institutions, there is however difficulty in convincing all
officials of the importance of implementing a treaty. Harmonisation and coordination is needed. Technically, the main actor in negotiating and implementing gender-related treaties is the Ministry of Women's Empowerment and Child Protection which functions as an organiser or a facilitator. In reality, each governmental institution implements the signed, agreed and ratified treaties on its own without any coordination. All related governmental institutions have to work more closely together because there are issues that are inter-related. There are two areas of concern, formulating the treaties in the international forum and implementing the treaties. The government has to cooperate with the NGOs. Dialogue groups have to be formed. However, the NGO activists’ still have limited experience of negotiating in the international forum. Women’s groups, social groups and professional groups have to be empowered (Government Interviewee No.20, 2008).

A non governmental organisation representative respondent no.4, Director, female, bachelor’s degree (NGOF4) highlighted:

Indonesia shows significant progress in enacting laws related to gender and protecting women (law on domestic violence, anti-trafficking, political parties). However, the implementation itself and related law enforcement are still weak. Not many high-ranking officials understand gender and CEDAW issues. The gender sensitivity among decision makers is still low. The Law on Marriage stating that the domestic role belongs to women and the public role belongs to men still discriminates against women. The Civil Law itself still contains a gender bias. It cannot protect women against violence because it doesn’t cover sexual abuse and domestic violence. The burgeoning regional policies also discriminate against women accusing them being the source of chaos (prostitution, interpretation of religious texts). The Law on Health which has been endorsed lacks provisions ensuring reproductive health. Abortion has become a religious issue and invites lots of debates. Female genital mutilation is not allowed in health and it is against human rights, but it becomes a trend in medical practice together with post birth package service. The government should synchronise the Indonesian Five Principles (Pancasila), the 1945 Basic Constitution (Undang Undang Dasar 1945), ratified conventions, national laws and regional policies so that they don’t contradict with each other (NGO Interviewee No.04, 2007).

A government representative respondent no.20, Director, female, PhD degree (GOF20) stated:

There is no problem with the policies. In terms of implementation, there are several hindrances. The perception of women and men themselves remains the main obstacle. It is a cultural hindrance when women tend to prioritise men (Government Interviewee No.20, 2008).
A non governmental organisation representative respondent no.1, Head of Division, female, master’s degree (NGOF1) perceived:

With respect to international agreements on gender, CEDAW is the main convention, the ICPD Programme of Action is the technical transformation of rights, the Beijing Platform for Action is the great framework, and MDGs (replaced now by SDGs) are the targets to be achieved to end discrimination. All of these are a set of efforts to eliminate discrimination against women and achieve gender equality (NGO Interviewee No.01, 2007).

A non governmental organisation representative respondent no.3, Secretary-General, female, bachelor's degree (NGOF3) shared her view:

Many international gender-related policies aim to strengthen women’s rights and promote women’s empowerment such as the ICPD Programme of Action, the Beijing Platform for Action, and the MDGs (replaced now by SDGs). Indonesia itself has Presidential Instruction No.9 Year 2000 on Gender Mainstreaming, strengthened by the National Action Plans and the Decree of the Minister for Home Affairs emphasising the five per cent budget allocation for women empowerment’s programmes. Nevertheless, implementation remains a problem. There is a gap between the central and local government as well as between local government and villages. Not many officials at the national and local government as well as in the parliament understand CEDAW. In fact, many unconstitutional regional policies are contradictory to the national laws and international commitments. In question there are more than 200 regional ‘sharia’ regulations, regionally-based legislation linked to religious teachings. Most of them discriminate against women and poor people, and are inconsistent with legal procedure (Law No.10 Year 2004) (NGO Interviewee No.03, 2007).

A non governmental organisation representative respondent no.6, Secretary-General, male, master’s degree (NGOM6) affirmed:

With regard to the implementation of gender-related treaties in Indonesia, the main problem in Indonesia lies more in socio-cultural problems rather than legal or policy ones. It is difficult to implement policies because the cultural conditions are not ready. The gender problem is a socio-cultural problem and not a legal or policy one. There is a gap between the terminology used by the bureaucracy and that used by activists and academicians. This reflects implementation at the policy level and cultural level. The terms of domestic violence, gender mainstreaming and violence against women are commonly voiced. However good the policies are, if they remain unsupported by culture, they won’t work. Even though many policies are ratified, if they are not followed by educational and
cultural awareness programmes, there will always be a gap, and reforms will not be realised no matter how good the policies are. Implementation cannot work without cultural transformation. Policy makers think more about drafting policies and not raising public awareness (NGO Interviewee No.06, 2008).

A government representative respondent no.19, Deputy Director, male, master’s degree (GOM19) stated:

In terms of legislation on gender, Indonesia has made significant progress. The challenge lies in implementation. There are still many hindrances. The government has recommended that strengthening the national machinery should be done through the Ministry of Women’s Empowerment and Child Protection. The Ministry has a coordinating role, the other related ministries are the implementing agencies. The coordination meetings are vital forums. The other issue that attracts international attention is policy in the regions. The Ministry of Home Affairs has made adjustments to regional policies so that they accord with national policies. It is the media that exaggerates too much especially about the gender issue. The Syariah issue is an ongoing process, chances of dialogue between the interested parties are still open. Inputs on gender issue are still welcome as long as they don’t create discrimination against women. The regional policies could still be modified (Government Interviewee No.19, 2008).

A government representative respondent no.6, Director, female, PhD degree (GOF6) stressed:

CEDAW, ICPD Programme of Action, Beijing Platform for Action and MDGs (replaced now by SDGs) blend in together. They are inter-related and could not be separated (Government Interviewee No.6, 2007).

A government representative respondent no.19, Deputy Director, male, master’s degree (GOM19) mentioned:

After a lengthy process, the government has prepared the initial report on the implementation of the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights (Government Interviewee No.19, 2008).

A government representative respondent no.14, Deputy Minister, female, master’s degree (GOF14) revealed:

The implementation of gender-related treaties in Indonesia is running well. The Presidential Instruction on Gender Mainstreaming No.9 Year 2000 is a good starting point. Still we
need a stronger legal basis than just a Presidential Instruction. The Government has to be hand in hand with the NGOs in socialising the understanding of gender equality. The best approach is through family and education, that is a transformational approach to family and education. Gender is a culturally assigned behaviour or culturally learned behaviour. The gender equality concept that has been developed in Indonesia is the principle of harmony, partnership and equality. Equal opportunity has to be continuously given (Government Interviewee No.14, 2007).

A government representative respondent no.18, Deputy Minister, female, master’s degree (GOF18) explained:

CEDAW becomes the legal basis as the main component. The Beijing Platform for Action with its twelve critical issues becomes the operational basis. The MDGs (replaced by the SDGs) with its targets and indicators become the aim (Government Interviewee No.18, 2008).

A non governmental organisation representative respondent no.6, Secretary-General, male, master’s degree (NGOM6) emphasised:

The government plays an important role, it has tools and therefore has to have a stance. Even though policies are socialised to the regions, not all Heads of Regions implement them. The government has no clear direction.

The government isn’t resolute in carrying out its policies, its stance is unclear. It seems that the government is forced by the international world and NGO activists. The main actors in gender mainstreaming should be in the forefront, for example in the Ministry of Women’s Empowerment and Child Protection as well as the Ministry of Manpower. Besides having a Minister who is pro-gender, there should be an expert or adviser on gender who becomes the spokesperson. The cooperation between government and NGO is good. Nevertheless, it seems the government has to be pushed, whereas the NGOs could make significant further steps.

There is an impression that the government doesn’t have any perspective apart from a few high-level officials. If stance and perspective are clear, everything runs smoothly. There should be a common stance and perspectives. The United States hasn’t actually ratified CEDAW. In Europe, only a few women hold high positions. Indonesia is considered much better by the public in some respects (NGO Interviewee No.06, 2008).
A gender specialist and advisor respondent no.1, female, master’s degree (GEF1) explained:

All gender-related treaties are integrated. Women mostly emphasise education and health issues. Any research project should include gender perspectives so that it can benefit both women and men. The understanding of the benefits of CEDAW is not institutionalised. All the ILO Conventions have been ratified but violations of workers’ rights still happen. Judges fail to mention CEDAW in their verdicts on cases where it may be relevant. There is a lack of gender perspectives and the implementation of gender-related treaties is still very weak. The Convention Watch Working Group has produced guideline books on restoring women's rights. CEDAW, the Beijing Platform for Action, the ICPD Programme of Action and the MDGs (replaced by SDGs) are all inter-related. All agencies (executive, legislative, judicative, government, NGOs, indeed the whole nation) are responsible for the implementation of gender-related treaties. The implementation of CEDAW and other ratified Conventions is the whole nation's business. The nation doesn't only deserve the benefits but it also has the obligation and responsibility to give full effect to the Conventions. In this case, all related parties in Indonesia have to be aware of and respond to the CEDAW Concluding Comments for Indonesia (Gender Expert Interviewee No.1, 2007).

A gender activist respondent no.3, female, master’s degree (GEF3) stated:

The gender-related treaties have strong influence in most countries, including Indonesia. Those policies convey the message that there is a problem in the relations between women and men. It is interesting to see Indonesia’s seriousness in restoring women’s rights. Nevertheless, Indonesia has not wholly accepted the definitions or terminologies provided by the international world. Indonesia has its own standards through the national laws.

The policies of the Indonesian government are still dominated by men. The public view is still seen from male perspectives. The question is how to change the policies so that they also concentrate on women because public welfare belongs to both women and men. The enactment of the Law on Domestic Violence is a historic success as a State policy aimed at protecting women. Many hope for its full implementation since the atmosphere in Indonesia is still male dominated (Gender Expert Interviewee No.3, 2007).

A gender specialist and advisor respondent no.4, female, master’s degree (GEF4) explained:

The implementation of gender-related treaties in Indonesia has made much progress. The five-year National Human Rights
Plan (Rencana Nasional Hak Asasi Manusia-RAN HAM) is very
decisive. It is true that the Ministry of Women’s Empowerment
and Child Protection together with the Commission on Women
and Commission on Children are responsible for women and
children issues. But it is unclear which institution is responsible
for each ratified Convention in Indonesia. There is no
established institutional coordinating mechanism among
governmental institutions.

Implementation during the pre-reform era was very slow. In
1998, the women’s movement more or less forced the
government to set up the National Commission on Violence
against Women (Komisi Nasional Anti Kekerasan terhadap
Perempuan). During the first meeting on Violence Against
Women in the Family in the UN in 1986, Indonesia claimed that
there was no domestic violence in Indonesia. After the reform
period, Indonesia has ratified many more UN human rights
conventions.

Indonesia has actually all the ingredients for real progress.
Good plans need good data. The data shouldn’t only show the
gaps between women and men, but it should also show the
cause and the impact of the gaps. This work is supposed to be
done by the Women Study Centres. The Human Development
Index Report from the UNDP shows indicators of gender
empowerment (Gender Expert Interviewee No.4, 2007).

A gender expert respondent no.5, female, master’s degree (GEF5) pointed out:

To facilitate gender policy and programming, all levels at the
government have to help to coordinate development planning,
budget allocation and resources allocation. In general, the
implementation of some gender policies in Indonesia runs well.
The implementation of CEDAW is under the supervision and
coordination of the Ministry of Women’s Empowerment and
Child Protection. As for discrimination against women, deriving
from CEDAW and the Beijing Platform for Action (women’s
empowerment, anti-discrimination, reproductive health, political
participation), there is a Law on Domestic Violence and Law on
Anti-Trafficking. Deriving from the ICPD, issues on reproductive
health are included in a chapter in the Law on Health.

However, the implementation at the executive level is still weak,
particularly in the programmes of action. There are some policy
programmes. The implementation process is still far from
meeting expectations (Gender Expert Interviewee No.5, 2007).

A gender activist respondent no.7, female, master’s degree (GEF7)
stated:

There are many hindrances in implementing gender-related
treaties. From the government’s side, the perspective is still
unclear. Many policy makers and governmental officials are still
gender-biased. I found this out during the discussions on
gender mainstreaming at governmental institutions. I also
worked as Special Assistant of Women’s Empowerment and
Children to the Coordinating Minister for People’s Welfare for a year. It was not easy to socialise gender mainstreaming issues among the senior officials. Their views on gender mainstreaming are different from what they are supposed to be from the gender perspective. It still needs time for all of this (Gender Expert Interviewee No.7, 2008).

A civil society leader and Islamic figure respondent no.1, male, PhD degree (ILM1) believed:

Basically all the international recommendations on gender equality and women’s empowerment are well accepted in Indonesia. There is no resistance from major Islamic organisations usually perceived as conservative, particularly Nahdlatul Ulama and Muhammadiyah. Nevertheless, there are still hindrances in implementing those recommendations in Indonesia (Informal Leader Interviewee No. 01, 2007).

A government representative respondent no.17, Deputy Director, male, master’s degree (GOM17) emphasised:

In implementing gender-related treaties, there is only one key: coordination. Activities of all parties have to be integrated: government, local government, mass organisations, non-governmental organisations (Government Interviewee No.17, 2007).

A gender activist respondent no.7, female, master’s degree (GEF7) stated:

There are many hindrances in implementing gender-related treaties. From the government’s side, the perspective is still unclear. Many policy makers and governmental officials are still gender-biased. Nevertheless, there is no conflict in the society about the implementation of gender-related treaties. It is a matter of how to communicate the treaties to society. We have to convey the essence of those policies in terms that can be accepted by society. For the Islamic community, we use religious terminology and relevant verses. So far, they could accept those concepts well. As the majority of the Indonesian population is Muslim, it is necessary to use religious terms and language that the society could accept in socialising, interpreting and translating the messages of the international conventions (Gender Expert Interviewee No.7, 2008).

An international organisation representative respondent no.1, Assistant Representative, female, master’s degree (IOF1) explained:

As to the implementation of gender-related treaties in Indonesia, CEDAW is the most relevant legal framework as Indonesia has to give regular reports to the UN CEDAW Committee. In the governmental report, Indonesia’s achievements in endorsing national laws and other endeavours
are well presented, whereas the implementation itself is not widely covered (International Organisation Interviewee No.01, 2007).

An international organisation representative respondent no.3, Programme Manager, female, bachelor’s degree (IOF3) shared her view:

To implement gender-related treaties requires participation. Besides efforts from the government, the society has to be aware of their real condition. Cooperation is needed where the government supports society. Society has to know its own needs and what it needs to do. Participation is the key. The government should therefore pay more attention to identifying existing problems so that government resources are not wasted. The government should create programmes which fulfill society’s needs (International Organisation Interviewee No.03, 2007).

From the interview quotes above of respondents with different backgrounds, it emerges that the implementation of gender-related treaties in Indonesia still faces various hindrances. The main message is to develop much better coordination and more participation by different stakeholders in socialising Indonesia’s commitment to advancing women’s empowerment and gender equality.

Female respondents are clearly more responsive and strive harder to promote gender equity compared to male respondents. Furthermore, government officials are more conservative compared to NGO representatives. Those with postgraduate degrees are more forthright and outspoken, and seem better prepared to strongly promote progressive gender norms. Representatives of international organisations have particular concerns about women’s empowerment and were able to provide significant recommendations to the government.

Including gender perspectives in Indonesian development programmes is a continuing struggle. Most decision-makers are ignorant of the issues, or reject the inclusion of gender perspectives on the grounds that all policies and programmes will benefit women and men equally (Sadli, 2002a).
4.2.1. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Indonesia was among the first countries to ratify CEDAW in 1984, and signed the Optional Protocol to CEDAW in 2002. Though Indonesia has made tremendous efforts to eliminate discrimination against women, a gap still exists between written policies and their actual implementation. On the one hand, Indonesia has been good enough in making legal breakthrough favouring women. On the other hand, Indonesia has created numerous regulations both at the national and local levels that paradoxically discriminate against women.

A gender specialist and advisor respondent no.4, female, master’s degree (GEF4) highlighted:

Indonesia’s ratification of CEDAW in 1984 was more of a political gesture. The CEDAW Committee was set up in 1981. The first representative from Indonesia to the UN CEDAW Committee in 1985 was Ibu Pujiwati Sadewo who proposed the inclusion of Article 14 in the Convention on rural women together with the Indian delegation. In 2006, the Committee had already existed for 25 years. There is a short article about CEDAW from the perspective of Indonesia in a UN book on ‘25 Years of the CEDAW Committee’. However, Indonesia has not ratified the Optional Protocol. Indonesia has signed it but it's not yet legally binding. Indonesia could ratify it through a Presidential Decree (Gender Expert Interviewee No.4, 2007).

A gender expert respondent no.5, female, master’s degree (GEF5) believed:

CEDAW, which was ratified by Indonesia through Law No.7 Year 1984 faces serious problems in implementation. Among the hindrances relates to the New Order policy. Policies produced during the New Order created discrimination, subordination, violence against women and double burdens for women. The Federation of Government Officials' Wives (Panca Dharma Wanita) demanded that women follow New Order policies. Women were treated and exploited for the interest of men. As a consequence, women are lagging behind particularly in education. It takes years for women to equalise with men and catch up. The 30 per cent quota for women in politics is unlikely to be achieved as other countries have shown that such a quota could only be achieved in about 30 years (Gender Expert Interviewee No.5, 2007).

A gender activist respondent no.7, female, master’s degree (GEF7) stated:

From ratifying CEDAW, there are many derived laws in Indonesia. There is the Law on Anti-Trafficking (Law No.
21/2007) and the Law on Protection of Witness (Law No.13/2006). As for violence against women, it often occurs in public areas, in workplaces and at home. Many agree that criminal actions take place in public places. Even though there is the Law on Domestic Violence, still many believe that domestic violence problems remain problems solely in the domestic sphere, and no need exists for the government to interfere. Many also refer to Islamic teachings where women should obey their husbands. This reflects a strong patriarchal influence. From the perspective of CEDAW and ICPD, women in that situation become the victims of violence. It is indeed a matter of interpretation. The level of violence derives from religious/Islamic understanding, it is a matter of how to interpret values. It is still debatable (Gender Expert Interviewee No.7, 2008).

The above statements fortify the impression that CEDAW has not become an integral part in the implementation of existing policies and has not been institutionalised in government institutions. CEDAW can act as mere window-dressing.

Nevertheless, some progress has been made. In order to bring about the elimination of violence against women, the Indonesian Government has not only promulgated the Law on Prevention of Domestic Violence in 2004 and the Law Against Human Trafficking, especially of women and children, in 2007, but also the Indonesian Government has increased and improved mechanisms to help women and children affected by such violence. The police too has assumed a more active role in providing protection to potential victims (Swasono, 2009)

A government representative respondent no.6, Director, female, PhD degree (GOF6) explained:

In eliminating trafficking and violence against women, Indonesia has already issued the National Action Plan for the Elimination of Violence Against Women (Rencana Aksi Nasional-Penghapusan Kekerasan Terhadap Perempuan-RAN PKTP), the Law on the Elimination of Human Trafficking (Undang-Undang Pemberantasan Tindak Pidana Perdagangan Orang-UU PTPP) and the Law on Domestic Violence (Undang-Undang Kekerasan Dalam Rumah Tangga-UU KDRT) which are follow-up measures arising from CEDAW. CEDAW could only become a reference point but not a very powerful one in Indonesia as there are many related national laws (Government Interviewee No.6, 2007).
An international organisation representative, respondent no.1, Assistant Representative, female, master’s degree (IOF1) noted:

The Indonesian government was unable to give accurate data in their reports. When asked by the UN CEDAW Committee about certain gender issues (health, education, etc.), they could not give the right answer. There is no progress in Indonesia’s reports during the last few years. The most revealed issue is only the polygamy issue. Besides the government, NGOs under the CEDAW Working Group Initiative also normally submit an integrated independent report; international organisations (UNFPA and UNIFEM) too submit integrated confidential reports, as do WHO and ILO. The independent report on the implementation of CEDAW in Indonesia prepared by the CEDAW Working Group Initiative is very comprehensive. NGOs can respond to all the comments of the UN CEDAW Committee. There are 46 paragraphs of CEDAW concluding comments for Indonesia in 2007 which can reflect badly on Indonesia’s reputation because many concerns are raised (International Organisation Interviewee No.01, 2007).

A government representative respondent no.19, Deputy Director, male, master’s degree (GOM19) commented:

The Ministry of Foreign Affairs plays a substantial role in facilitating the Indonesian delegates (mostly from the Ministry of Women’s Empowerment and Child Protection) in attending UN Sessions related to gender issues such as the CEDAW Special Session. The Ministry transmits the UN messages to the Ministry of Women’s Empowerment and Child Protection and other related Ministries to be included in the national legislation through its policies and programmes. The international legislation becomes a powerful reference to formulate national legislation (Government Interviewee No.19, 2008).

A non-governmental organisation representative respondent no.4, Director, female, bachelor’s degree (NGO4) stated:

CEDAW should be a consideration for judges in making decisions, for legislatures in making policies, and for local governments in making regional policies. Nevertheless, ratified conventions like CEDAW are often considered too remote, and only the national laws become the reference. There is a huge gap between the ratified conventions and the domestic legal products. Indonesia may have the political will to ratify international conventions but lacks true commitment. CEDAW should be continuously socialised to the State apparatus, legislative and judicative officials, executives and the wider community. The allocation of the gender budget both for the national government and the local government is five per cent,
but in reality it is not totally being used to conduct programmes to empower women (NGO Interviewee No.04, 2007).

A gender activist respondent no.3, female, master’s degree (GEF3) shared her view:

The socialisation of CEDAW and ICPD is done through various languages to various religious communities in Indonesia. ICPD stems from a different social structure. Some issues and strategies in the ICPD could not be applied in Indonesia such as free sex and condom ATM (Gender Expert Interviewee No.3, 2007).

An international organisation representative respondent no.1, Assistant Representative, female, master’s degree (IOF1) emphasised:

In 1997, Indonesia submitted its second and third reports. The fourth and fifth reports for the period of 1995-2003 were submitted quite late. For the sixth and seventh reports, the Indonesian Government was supposed to submit the reports in 2009, but could only submit them in 2010 (Republic of Indonesia, 2010). In its governmental reports, Indonesia’s achievements in endorsing national laws and other endeavours are well presented, whereas implementation itself is not widely covered (International Organisation Interviewee No.01, 2007).

A gender specialist and advisor respondent no.1, female, master’s degree (GEF1) pointed out:

All related parties in Indonesia have to be aware of the criticisms in the CEDAW Concluding Comments for Indonesia. The Ministry of Women’s Empowerment and Child Protection may not have sufficient visibility, decision-making power or human and financial resources to effectively promote the advancement of women and gender equality across all branches and sectors of government and at the national and local levels. A major problem is the persistence of entrenched patriarchal attitudes and stereotypes about the roles and responsibilities of women and men in the family and society that discriminate against women. This is the root cause of the disadvantaged position of women in a number of areas, including the labour market, and political and public life. These socio-cultural conditions pose serious obstacles to women’s enjoyment of their human rights and consecutively to the implementation of CEDAW (Gender Expert Interviewee No.1, 2007).
A non-governmental organisation representative respondent no.4, Director, female, bachelor's degree (NGOF4) stated:

The Civil Law itself is still gender-biased, as it cannot protect women who are victims of violence because it doesn't cover sexual abuse and domestic violence. The burgeoning regional policies also discriminate against women accusing them of being the source of social problems (they are blamed for prostitution, and other ills, sometimes in certain interpretations of religious texts) (NGO Interviewee No.04, 2007).

From the interview quotes above on CEDAW, the views of NGO representatives and gender specialists are more critical and often indicate that the government could do more in implementing CEDAW principles through its national laws. There are still structural constraints such as poor understanding of CEDAW on the part of state officials and society, the fact that women’s rights have not become an institutional part of law enforcement, and weakness on the part of state institutions in applying human rights standards.

After having received the latest Concluding Comments from the CEDAW Committee, the Ministry of Women’s Empowerment and Child Protection conducted further socialisations and training about the provisions of CEDAW for Ministries/Institutions at central to provincial government levels (Republic of Indonesia, 2010).

Indonesia faces many unresolved issues relevant to CEDAW implementation including those identified by the Committee on the Elimination of Discrimination Against Women. The low representation of women in political and public life as well as at the parliament figures among these issues. It is clearly stated by Law that women should receive a 30 per cent quota of the parliamentary seats, but in reality the number of women in parliament remains at only 20.52 per cent,

The number of women parliamentarians has increased in recent years. However, not all women parliamentarians have high levels of education as well as the knowledge and dedication about ways of advancing women’s empowerment. It is indeed a setback that their voices are rarely heard to advocate gender equality and women’s empowerment (Bramasta, 2019).
There are also 21 laws which are still discriminatory against women and gender-biased, for example, the Marriage Act of 1974 which fails to provide women with the same rights as men. The existing stereotypes regard men as heads of households and women are relegated to domestic roles. Polygamy is legitimised through the Marriage Act and is widely practised due to the interpretation of Verse 3 of Chapter 4 on Women (An-Nisa) of the Koran, allowing a Muslim husband to have more than one wife even though there is a limit of four wives. Moreover, the legal minimum age of marriage for girls is only 16 years old. Indonesia has to continuously combat human trafficking and the sexual exploitation of young women.

Thousands of women in Indonesia are forced into child marriage (Marcoes, 2018). One in every four married women aged 20 to 24 were married before they were 18. The highest percentage of underage marriages occur among the poorest groups, nearly three times more than among wealthier groups (BPS, 2018).

Female genital mutilation, which is still practised in certain regions in Indonesia, constitutes a form of violence against women and girls and is therefore a violation of CEDAW (Toubia, 1995, Budiarsana, 2016, UNICEF, 2019). Domestic violence still exists in Indonesia. Abuse and exploitation of women employed as domestic workers still occurs. In these cases, the Law on Domestic Violence has not been fully implemented with respect to domestic workers. Domestic workers are not included in the provisions of the Manpower Act (Roberts, 2016).

Trafficking of Indonesian women and girls, both domestic and cross-border, continues (Susilo, 2004, Parjoko and Maesuroh, 2004, Amirrachman, 2007). However, the rates of prosecution and conviction of traffickers and those who exploit the prostitution of women are still relatively low (Aronowitz and Koning, 2014, IOM, 2018, US State Department, 2019).

In regards to CEDAW reporting status, Indonesia submitted its initial report examined at the Seventh CEDAW Session in 1998, its combined Second and
Third reports examined at the 18th CEDAW Session in 1998, its combined Fourth and Fifth reports examined at the 39th Session in 2007, its combined Sixth and Seventh reports examined at the 52nd CEDAW Session in 2012. The Eighth report which was actually due in 2016 (CEDAW in Action, 2016) was only submitted on 22 October 2019 (CEDAW, 2019).

CEDAW has not been fully and systematically incorporated throughout Indonesian law. Indonesia should ensure that the provisions, principles and concepts of the Convention are fully applicable and utilised in the domestic law. In implementing CEDAW, Indonesia should fully utilise the Beijing Declaration and the Platform for Action which reinforces the provisions of CEDAW. The full and effective implementation of CEDAW is indispensable for achieving the SDGs.

4.2.2. International Conference on Population and Development (ICPD)
Programme of Action

The International Conference on Population and Development (ICPD), held at Cairo in 1994, adopted a comprehensive, and in many ways path-breaking, 20-year Programme of Action (POA) that has led to the reorientation of population policies and programmes worldwide. Periodic reviews of the implementation of ICPD POA (ICPD+5, ICPD+10, ICPD+15, and ICPD+25) have been conducted at national, regional and global levels. The review identified important issues and challenges and recommended a number of “Key Future Actions” (UNFPA, 2009a, Sen et al., 2019, Kanem, 2019).

Twenty years after 1994, the comprehensive ICPD Beyond 2014 Review overwhelmingly supported the consensus that investing in individual human rights, capabilities and dignity across multiple sectors and through the entire course of life is the foundation of sustainable development. In September 2014, a Special Session of the General Assembly endorsed the findings of the 20-year review, and governments became committed to pursue intensified efforts to address gaps and emerging challenges (UNFPA, 2014a).
The Indonesian government played a prominent role at the Cairo Conference because of the internationally-acclaimed success of its family planning programme (Keech-Marx, 2006). The programme, run by the then National Family Planning Coordinating Board, was set up by President Soeharto in 1970. Despite claims in the 1980s and 1990s that force and coercion were used to increase the number of contraceptive users, or ‘acceptors’19, the programme was the recipient of international praise and awards for its efforts in population control.20

The Indonesian government endorsed the Cairo Programme of Action, but a key requirement was the inclusion of Clause 1.11 regarding respect for local customs and values. Herewith is an extract of Indonesia’s official statement delivered by former Head of National Family Planning Coordinating Board, Mr. Haryono Suyono at the Conference in 1994:

We believe that the formulation and implementation of population policies is the sovereign right of each nation and should be consistent with its religious and cultural norms and values, traditions and national laws. Indonesia opposes abortion and homosexuality, and strongly believes that family rights come before individual rights. It is our conviction that decisions concerning sexual and reproductive matters are family decisions and therefore are not solely the exclusive rights of an individual (Haryono, 1994).

A government representative respondent no.14, Deputy Minister, female, master’s degree (GOF14) described:

There is a dilemma in implementing the International Conference on Population and Development (ICPD) Programme of Action. The Indonesian delegation to ICPD in 1994 comprised high-ranking officials at the government level. The decision reached at ICPD should have been socialised into guidelines and technical modules at the community level. That process was slow and retarded in Indonesia. The active socialisation of ICPD only started in 1998-1999 and has been moving fast until recently but has not reached all related sectors and programme implementers in the field. For example, reproductive health doesn’t only relate to health but also to other sectors (Government Interviewee No.14, 2007).

Further to the implementation of ICPD Programme of Action in Indonesia, issues related to women’s health that relate to gender equality are that women

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19 In 1983, the National Family Planning Coordinating Board launched a program of ‘safaris’ to find potential ‘acceptors’ and enrol them in the programme.
20 For family planning, in 1989, Indonesia won the prestigious United Nations Population Prize.
still don’t have the individual right to choose contraception without getting agreement from their husbands. Moreover, single women still lack access to reproductive health and sexual health services, and contraception (Utomo and McDonald, 2009).

After ICPD 1994, the importance of incorporating reproductive rights into the law is increasingly recognised. Some policy measures have been taken in Indonesia, including proposed laws or institutional changes at the national level to establish reproductive rights. For example, a review of existing population and health laws has been implemented by the government and the parliament (Hull and Hull, 2005). Since then, Indonesia has reviewed its policies and the implementation of the family planning programme. Specifically, Indonesia has broadened its family planning policy so that it covers family planning programmes, reproductive health, development, demography and gender. It seeks to adapt the implementation of these programmes to religious aspects, ethical values, the cultural background, and to universal human rights and Indonesian laws and regulations (Richards, 2006).

In 1998, the National Family Planning Coordinating Board and the Ministry of Health had established the National Task Force of Reproductive Health through the Decree of the Indonesian Minister for Health No.433/1998. The taskforce had also been established in several provinces. The task force consisted of representatives of various stakeholders including NGOs and professional associations. This taskforce conducts regular meetings to discuss specific strategic issues on reproductive health including maternal health, family planning and adolescent reproductive health. It provides guidelines on reproductive health and rights in family planning. Nevertheless, the process is slow due to complex bureaucracy and the staff handling the taskforce sometimes lack adequate knowledge of reproductive health and gender equity.
A government representative respondent no.6, Director, female, PhD degree (GOF6) explained:

In connection with the ICPD Programme of Action, programmes on ICPD are included in Chapter 29 of the 2004-2009 National Medium-Term Development Plan (RJPM) on 'The Enhancement of Social Protection and Welfare'. In the 2010-2014 National Medium-Term Development Plan (RPJM), the programmes of ICPD are included in Chapter 2 of Book II on 'Socio-Cultural Development and Religious Life' (Government Interviewee No.6, 2007).

In Indonesia, the commitment to human resources development (HRD) through the development of the family started before the establishment of the 1994 ICPD in Cairo. Indonesia established Law No.10/1992 concerning Population Development and Family Welfare, renewed later by Law No. 52/2009 on Population and Family Development. The name of National Family Planning Coordinating Board was subsequently changed into National Population and Family Planning Board in 2009 (Republic of Indonesia, 2009a).

A gender activist respondent no.7, female, master's degree (GEF7) described:

Deriving from ICPD, issues on reproductive health were included in a chapter in the Indonesian Law on Health No.23/1992 (Gender Expert Interviewee No.7, 2008).

Through discussions in parliament, the 23/1992 Health Law was replaced by the new Health Law No.36/2009 passed in September 2009 (Republic of Indonesia, 2009b).

Indonesia has been formulating and adopting new policies, new national plans, programmes or strategies on reproductive rights. The government tries to ensure that policies, strategic plans, and all aspects of the implementation of reproductive health and family planning services respect all human rights, and that such services meet reproductive health needs over the life cycle.

In response to the need to tackle issues raised in the ICPD Programme of Action, the National Family Planning Coordinating Board was restructured in 2004. The new portfolios formed were the Directorate of Youth and Reproductive Rights Protection; the Directorate of the Survival of Mother,
Infant and Children; the Directorate of the Enhancement of Men’s Participation; the Directorate of Reproductive Health Problems Management; the Directorate of Family Planning Security and Services; the Centre of Research and Development on Sexual Health and Enhancement of Women’s Empowerment; and the Centre of Gender Training and Women’s Empowerment.

As described by GOF14, the new structure enabled the National Family Planning Coordinating Board to run its programmes more easily and enhanced its capability to explain national policies to the regions.

Indonesia also attempted to better integrate reproductive health, including family planning and sexual health, with primary health-care services, in the context of health sector reform and far-reaching changes in organisational, administrative and financial arrangements at the district level (Republic of Indonesia, 2004a). The integration took place immediately after 1994 when the government agreed to the new concept of reproductive health services embracing essential and comprehensive reproductive health services.

Despite considerable progress in integrating reproductive health into primary health care services, there are still unmet needs for family planning particularly among the poorest people, the lesser educated population, and people in remote areas. Maternal mortality and morbidity remain stubbornly high. The incidence of sexually transmitted infections, including HIV/AIDS is rising rapidly in many provinces, particularly among young people (Utomo, 2003a, Chandra-Mouli et al., 2019).

In Indonesia, bearing in mind the importance of reproductive health for both women and men, reproductive health facility is prioritised in the form of a package called Paket Pelayanan Kesehatan Reproduksi Esensial (Package of Essential Reproductive Health Service) initiated by both the Indonesian Ministry of Health and the Ministry of Social Affairs in 2000 to support the “Towards Healthy Indonesia 2010” programme. This package covers a Safe Motherhood Programme including care of the newborn, prevention and
management of complications of abortion, family planning, control of sexually transmitted diseases (STDs) and HIV/AIDS, infertility and adolescent reproductive health. Taken together, these health services constitute an ideal package of care for major reproductive health problems (ARROW, 2006, Richards, 2006, Utomo et al., 2010a).

The Safe Motherhood programme has succeeded in lowering the maternal mortality rate (MMR) and Infant Mortality Rate (IMR), increasing the antenatal services access and the coverage of delivery service by health providers, as well as reducing anaemia prevalence in pregnant women and the prevalence of low birth weight. The family planning programme has succeeded in increasing the coverage of family planning services, lowering the pregnancy prevalence rate of four “too”s (too young, too old, too many deliveries, and too close intervals between one delivery and another) and reducing family planning complications and the dropout rate (Hull and Adioetomo, 2002, Utomo et al., 2006, Syarief, 2010).

Based on the Indonesia Demographic Health Survey report 2018, the main factor associated with high maternal mortality comprises low quality of skilled birth attendance care including low competency of skilled birth attendants and lack of access to Comprehensive and Basic Emergency and Obstetric Care facilities. The report suggests socio-economic inequalities persist in the utilisation of health services (BKKBN, 2018).

The Basic Health Research (RISKESDAS) 2018 data shows that there is still 48 percent of anaemia pregnant women and elaborates factors that increase the risk of death including many mothers giving birth at home in 15 provinces with 30 percent of the total number of mothers giving birth, and shortcoming of home delivery service especially in the outermost and remote islands (Ministry of Health, 2018).

The programme of controlling sexually transmitted diseases including HIV/AIDS has succeeded in reducing the prevalence of gonorrhoea and infections in high-risk groups. The adolescent reproductive health programme
has reduced the prevalence of adolescent health problems and anaemia, as well as increasing the coverage of health services through school and out of school (UNFPA, 1999, Utomo, 2003a, Hull and Hull, 2005).

Reproductive health programmes carried out in Indonesia include Gerakan Sayang Ibu (Mother Friendly Movement), Family Planning services, Suami Siaga (Husband Awareness Programme), Bidan Siaga (Midwives Awareness Programme), Masyarakat Siaga (Citizen Awareness Programme), the assignment of health providers and village midwives, and the provision of health facilities more generally (Utomo et al., 2010a).

The Mother Friendly Movement is an activity conducted by the community and the government to enhance the quality of female health primarily to reduce MMR within the framework of human resource development. Three key issues covered are the development of the quality of women, acceleration of MMR decline and human resource development.

Family Planning services have been improved in an effort to enhance the family’s welfare by paying more attention to the needs of the clients, by non-target oriented programmes, and by trying to increase male participation in family planning programmes. Family planning programmes have shifted from demographic purposes to fulfil reproductive rights. They address the full range of reproductive health dimensions over a woman’s lifetime. Family planning is basically a recognition that in order to attain reasonable levels of reproductive health, there must be an expansion of choices for people.

These choices are not only in terms of contraceptive technologies for regulating fertility, i.e. by providing a “cafeteria system” for contraceptive services and better counselling, but more fundamentally in terms of the choices people make and the responsibilities they assume for their sexual and reproductive lives (Moore, 1999).

The Awareness Programmes promote the need to involve trained delivery personnel and other important aspects about delivery problems. In an effort to
improve maternal and child health in rural areas, the government has assigned health providers and midwives in villages. Attention should be paid to the conditions of the health providers and midwives in villages since the length of their duty is approximately three years in each village (Utomo et al., 2006). Besides hospitals and special hospitals, the government has also provided health facilities for the public such as *Puskesmas* (Public Health Centres), *Posyandu* (Integrated Service Posts), and *Polindes* (Village Delivery Posts) to improve maternal and child health.

In many settings, available safe motherhood services cannot meet the demand or are not accessible to women because of distance, cost or socio-economic factors. Pregnancy care may be consigned to a low place on household lists of priorities given its costs in time and money. Too many women are still seen as not worth the investment, with tragic consequences for them, their children, who are less likely to survive or thrive without a mother, and their communities and countries (Hull and Hull, 2005).

Community health including reproductive health can be addressed through IMR and MMR (Utomo, 1985).

According to World Population Prospects-United Nations, the current infant mortality rate for Indonesia in 2020 is 17.713 deaths per 1000 live births, a 3.2 per cent decline from 2019. The infant mortality rate for Indonesia in 2019 was 18.311 deaths per 1000 live births, a 3.16 per cent decline from 2018. The infant mortality rate for Indonesia in 2018 was 18.909 deaths per 1000 live births, a 6.08 per cent decline from 2017. The infant mortality rate for Indonesia in 2017 was 20.133 deaths per 1000 live births, a 5.73 per cent decline from 2016.

Whereas Indonesia’s maternal mortality rate for 2017 was 177 per 100.000 live births, a 3.8 per cent decline from 2016. Indonesia’s maternal mortality rate for 2016 was 184 per 100.000 live births, a 4.17 per cent decline from 2015. Indonesia’s maternal mortality rate for 2015 was 192 per 100.000 live births, a 3.52 per cent decline from 2014. Indonesia’s maternal mortality rate for 2014 was 199 per 100.000 live births, a 3.86 per cent decline from 2013.
Despite greater control of reproduction, one of the more dispiriting signs of continuity in Indonesia is the persistence of high maternal mortality. According to White Ribbon Alliance, it was estimated that every year 20,000 women died during pregnancies and deliveries. Excessive bleeding contributed 42 per cent to the MMR, followed by eclampsia (13 per cent), infections (10 per cent), complications during abortion (11 per cent), prolonged labour (9 per cent), and others (15 per cent).

The causes of maternal deaths are medically well understood, and ways to prevent them have been known for decades, but the quality and accessibility of health facilities is still poor. Furthermore, because reproductive health messages mostly target women, there is a major reproductive health knowledge gap between women and men.

Poor rural women are encouraged to identify the danger signs of pregnancy, the importance of antenatal visits, and the timing to go to the community health clinic for delivery. However, acting on this knowledge is hindered when the husband and the rest of the family as well as the community lack the same level of awareness. The wife’s decision-making power in the household is often limited by the demands of other actors. A rural woman might have to wait for her husband’s approval before starting off the journey to a health facility to give birth, and if he is away her departure can be delayed, with serious consequences. Sometimes, members of the extended family, a religious leader or a traditional birth attendant must be consulted before seeking emergency help during childbirth. Such complex decision-making processes can cost lives (UNFPA, 1999).

These decision-making processes are the product of gender-role construction and traditional norms and beliefs. Government policies and programmes play an important role in encouraging better care, but these are embedded in the same gender framework. Ironically, programmes that call for more “culturally sensitive” approaches at times find themselves reinforcing the very factors that pose a threat to women’s autonomy and ultimately to women’s health. Even
when a woman has the support to get to a hospital, there is no guarantee that she will receive adequate care (Moore, 1999).

Across Indonesia, there are shortages of trained personnel, inadequacies of supplies, and chronically inadequate procedures for supplying blood in emergency cases. Until the whole system is reformed, maternal mortality will remain high. This is a matter that cannot be solved by telling women to take better care of themselves. Instead, the community must take the responsibility in caring for the women (Utomo, 2005).

Indonesia has the largest young generation among ASEAN countries. Yet, far too many adolescents (aged 10-19) and youth (up to 24 years old) remain trapped in ignorance. The vast majority of young people remain uninformed about reproductive health and sexually transmitted infections and the consequences are devastating. Adolescent sexuality and reproductive health are very sensitive issues in Indonesia and policy makers have not made decisions informing the public about the issues through education strategies. Most Indonesian parents or other family members do not give information about reproductive health to their children (Utomo, 2003a).

Family discussion about the development of the reproductive system (including sex and function of the reproductive organs), sexual behaviour and risks are still considered taboo. Many parents agree that in general, education should start at home, but are often reluctant and embarrassed to inform their children about sex, because they are afraid that such information could increase premarital relationships (Evans, 2000, Brown et al., 2019).

Indonesia increasingly recognises the need to address the reproductive health and rights of adolescents. Many youth-friendly information and counselling centres have been established. The National Population and Family Planning Board focuses one of its services to young people, particularly in socialising ‘Communication, Information and Education’ on reproductive health to young people and unmarried couples. The National Population and Family Planning Board continuously improves access of adolescents to ‘Communication,
Information and Education’ on reproductive health and family planning programme. Maximising adolescents’ access to ‘Communication, Information and Education' on reproductive health and family planning will enhance better understanding of young people towards reproductive health issues.

Besides through information and counselling centres on adolescent reproductive health (PIK-KRR), the National Population and Family Planning Board conducts socialisation through the process of e-learning. The ongoing process of utilising digitalisation is expected to accelerate efforts to disseminate reproductive health issues. The technology information back-ups could prevent young people into vulnerable situation for misleading information on reproductive health issues particularly in the urban area.

The National Population and Family Planning Board has been also developing the Genre Programme focusing on the capacity building among youth with the knowledge on family planning and development, life skills and education including reproductive health (Priohutomo, 2017). Approach through peer group is considered still effective considering communication with parents about reproductive health is still rarely done.

Nevertheless, those programmes for adolescents conducted by the National Population and Family Planning Board are largely constrained by the ‘taboo’ principles that are not very helpful in addressing the actual demand of young people which in turn fails to meet the human rights aspect of the International Conference on Population and Development Programme of Action.

A gender activist respondent no.7, female, master’s degree (GEF7) explained:

Many still believe that socialising youth reproductive health is still too early. In fact, reproductive health should be socialised as early as possible. Understanding on reproduction process could be delivered to children at early age. Service to youth reproductive health is still limited, it must be appropriately facilitated, for example at schools. Many still associate reproductive health with sex education. We should see reproductive health as a whole. There is still no strong commitment from the government to give sex education at schools through National Reproductive Health Curriculum (Gender Expert Interviewee No.7, 2008).
Reproductive health for aged people is also still far away from expectation. Many still believe that reproductive health only relates to productive age and family planning. There is still a lack of interpretation. In fact, the issues and problems posed by reproductive health of the aged are increasing in line with the increased percentage of this group among the total population. These main issues are menopause, osteoporosis, and diseases affecting the reproductive organs (Jurnal Perempuan, 2007).

Men play a relatively insignificant role in reproductive health, partly because of cultural factors which encourage gender bias, that help to create a lack of concern about reproductive health and that encourage the belief that reproductive health is the concern of women only (Utomo, 2005).

An international organisation representative respondent no.1, Assistant Representative, female, master’s degree (IOF1) emphasised:

Male participation is mentioned in the report on the implementation of ICPD + 10 in Indonesia. But again, the implementation is not broadly defined. For example, in the report it is clearly mentioned: “…..efforts to increase male participation in family planning…” However, in reality it is difficult to achieve. It was planned to increase from 0.8 per cent to 3.8 per cent when the Minister for Women’s Empowerment was Khofifah Indar Parawansa. Even though there is a Directorate for Men’s Participation in the National Family Planning Board, there is no strategy aimed at increasing male participation (International Organisation Interviewee No.01, 2007).

Recognising the powerful ways that religious leaders influence community attitudes and behaviour, UNFPA supported the National Population and Family Planning Board (BKKBN) to develop an advocacy plan and training materials on “Islamic Perspectives on Male Involvement in Family Planning, Maternal Health, Parenting and Prevention of Gender Based Violence”. The activities undertaken to produce the strategy and materials included broad consultation between UNFPA, BKKBN and numerous prominent religious group (UNFPA, 2019b).

Following the push for decentralisation of powers, it is hard to synchronise national policies with provincial/regional policies. A certain province or region
will not handle an issue considered important in ICPD if it is not the priority of that province or region.

In 2001, the National Family Planning Coordinating Board in cooperation with the Ministry of Women’s Empowerment conducted a regional workshop on gender and reproductive health in the provinces of Indonesia. It was found that ICPD messages on reproductive health had not been delivered to the provinces. Not many people in the provinces had heard or knew about the ICPD.

A government representative respondent no.14, Deputy Minister, female, master’s degree (GOF14) emphasised:

The socialisation of ICPD messages should be done more intensively into all provinces. Health professionals and health workers should be continuously kept informed. Religious leaders should be approached so they can socialise the ICPD messages to their followers in their common language. The National Family Planning Board issued documents called ‘Communication, Information and Education’ (CIE) containing ICPD messages in a popular language to be socialised to the community, whereas excessively academic language is used when socialising ICPD messages to the academic circle (Government Interviewee No.14, 2007).

A gender activist respondent no.7, female, master’s degree (GEF7) stated:

With regard to the implementation of ICPD Programme of Action in general, in spite of the good definition of reproductive health by the WHO, many still believe that reproductive health relates solely to women’s affairs and family planning. In fact, the reproductive health issue is very comprehensive. Reproductive health relates to women’s reproductive organs but it also relates to the entire reproduction process and the need to enhance women’s roles in decision-making so that they can become more independent. What has been achieved is far from the ideal.

There are still many hindrances in interpreting the ICPD Programme of Action. Those hindrances include religious interpretations, cultural values, and limited awareness among paramedics. Many paramedics still consider patients as objects. If they are already aware of the importance of reproductive health in the broad, they will choose the most suitable and appropriate contraception for the patients. It is rare however that paramedics give thorough explanations about contraception to the patients, for example about IUDs. Relevant infrastructure is also inadequate. Service to pregnant mothers and during labour
should be enhanced. Services at community health centres should also be enhanced (Gender Expert Interviewee No.7, 2008).

A civil society leader and Islamic figure respondent no.1, male, PhD degree (ILM1) explained:

In relation to the translation of ICPD sensitive issues, some of the issues are controversial to Indonesia. In terms of abortion, Indonesia tends to choose pro-life rather than pro-choice. Abortion is difficult to be accepted as a common practice. Although female genital mutilation is uncommon in Indonesia, a trans-national conservative group does try to popularise the practice of female genital mutilation in certain regions. The Islamic religion doesn’t recognise such a practice (Informal Leader Interviewee No. 01, 2007).

A modern Islamic figure respondent no.2, male, PhD degree (ILM2) stated:

The translation and socialisation of ICPD issues have to be done at the community and grass-roots levels through religious leaders and trusted local personalities. The family planning in Indonesia was the most successful in the world because of the social or community language used (Informal Leader Interviewee No. 02, 2008).

An international organisation representative respondent no.1, Assistant Representative, female, master's degree (IOF1) reiterated

In the report on the implementation of the ICPD + 10 in Indonesia, the government also presented achievements in endorsing relevant national laws and programmes. The National Medium-Term Development Plan (Rencana Pembangunan Jangka Menengah-RPJM) remains the basic reference (International Organisation Interviewee No.01, 2007).

From the interview quotes above on ICPD, the government officials, NGO representatives, Islamic figures, gender specialists, and International Organisation’s representatives accept that it is not trouble-free to socialise the ICPD messages to the society due to its strong attachment to religion and patriarchy.

As for the implementation of the ICPD in Indonesia, some progress has been registered at the policy level. What could and should be developed further includes intensive socialisation of ICPD issues, creating awareness and better
understanding of reproductive health, and proper interpretation of ICPD messages. However, the funds provided by the government to support those endeavours are not sufficient, and moreover the infrastructure and facilities for reproductive health services are still limited.

In 2012, the National Population and Family Planning Board together with UNFPA launched the National Review Process of the ICPD Beyond 2014. The review aims to highlight important areas of achievement, challenges, and unfinished business, as well as to map out newly-emerging issues in Indonesia during the 20 years in which the ICPD’s Programme of Action has been implemented (UNFPA, 2014b).

The Nairobi Summit on ICPD25 held in Nairobi on 12-14 November 2019 produced the ‘Nairobi Commitments: Accelerating the promise of ICPD’ containing a set of 17 global commitments aimed at the fulfilment of the 2030 Agenda for Sustainable Development and the SDGs that it is believed can transform the lives of people and fulfil the promise of Cairo by no later than 2030 (United Nations, 2019, Brown et al., 2019).

4.2.3. The Beijing Declaration and Platform for Action

In 1995, at the Fourth World Conference on Women, governments pledged to advance equality, development and peace for all women everywhere. According to the United Nations, the landmark Beijing Declaration has had a deep and wide-ranging impact. It has guided policymaking and inspired new national laws. It has sent a clear message to women and girls around the world that equality and opportunity are their inalienable rights (United Nations, 2010). The Beijing Declaration and Platform for Action remains as relevant today as when it was adopted. Countries could look critically at the achievements of the past 24 years to build on what has worked and correct what has not.

The Indonesian government has stated its commitment to the implementation of Beijing Declaration and Platform for Action. The Ministry of Women’s Empowerment and Child Protection, as the national machinery for the
advancement of women, is coordinating the implementation of the Beijing Platform for Action (Swasono, 2005). Since the Fourth World Conference on Women in 1995, according to former Minister for Women’s Empowerment Meutia Hatta Swasoso, Indonesian women have made tremendous progress in the twelve priority areas identified by the Conference (Swasono, 2009).

As for the declaration on ‘Women and Poverty & Women and Economy’ in the Beijing Declaration and Platform for Action, Indonesia had been able to make progress in several areas to advance its social development, not the least of which was its efforts to combat poverty among women. In 2002, the Government of Indonesia established the Committee on Poverty Alleviation and equipped it with comprehensive policies and strategies aimed at employment creation, community empowerment, capacity building and social protection.

Through these strategies and policies, the government has taken concrete steps to support poor women's economic activities through, among others, provision for the satisfaction of their basic needs and those of their families (for food, health, education, employment opportunities, agricultural facilities and credit schemes). The Ministry of Women’s Empowerment and Child Protection has also given priority to promoting the productivity of women in micro and small enterprises. It is estimated that more than 60 per cent of Indonesia's micro businesses are managed by women. This is in line with the strategies and policies underlined by the Committee on Poverty Alleviation (Indonesian NGO Forum on BPFA + 10, 2005).

In order to increase small businesswomen's access to credit, improve their marketing skills, and help them acquire technology, the Ministry of Women’s Empowerment and Child Protection has signed several Memorandums of Understanding with the Governor of the Central Bank (Bank of Indonesia), the Coordinating Minister for Economic Affairs, the Mandiri Foundation, the Indonesian Cooperatives Council, and the Indonesian Women Entrepreneurs Association.
An important resource for women entrepreneurs is the availability of Financial Consultants from the Banking Partnership facilitated by the Task Force of the Committee on Poverty Alleviation. The Indonesian Women Entrepreneurs’ Association is one of the consultants that provide support to women in micro and small enterprises to make them more bankable. Other efforts involve mapping the activities of women in micro and small enterprises and taking note of their problems for analysis.

In dealing with poverty alleviation, especially among women, Indonesia is not approaching the matter as a philanthropic gesture, but as a culturally honourable strategy to build the capacity of women and boost their self-esteem. In this regard, adoption of a participatory approach must be emancipatory in nature. There can be no genuine participation without emancipation in all areas where women are deeply involved (Republic of Indonesia, 2015b).

In terms of ‘Education and Training of Women’, the Indonesian Government sought to improve women’s education by referring to the 1945 Basic Constitution which stipulates that education is the right of every citizen. This is also emphasised in Article 5 of Law No. 20/2003 on the National Education System. On that basis, it is clear that equal opportunities must be provided to both males and females to acquire education.

Despite this, the current situation reveals gender disparities in the national development system. The disparity becomes even more significant when it comes to economic conditions. Poor women have less opportunity than other groups. Besides economic reasons for this, several other reasons can explain the disparity, such as lower motivation among females, long distances to travel to school, the socio-cultural conditions in the community which may not value the equal education of girls and boys, and marriage at a younger age (Indonesian NGO Forum on BPFA + 10, 2005).

At the policy management level, it was found that policies in education are generally not gender-biased. However, at the implementation level,
discriminatory practices against women occur. Furthermore, the decision-making process in educational policy suffers from insufficient participation by women, which in turn can result in policies that are not gender sensitive.

In formal education, the ratio of participation of girls towards boys at the elementary school was 99.82 per cent, 103.86 per cent at junior high school, and 99.59 per cent at senior high school. However, the literacy rate for girls was 90.64 per cent, and 95.87 for boys (Republic of Indonesia, 2015b).

With the intensive Nine-Year Compulsory Education campaign for girls and boys aged 7-12 years old, the gender disparities in primary and secondary education have almost been eliminated, however at the tertiary and higher levels of education, the disparity is still obvious. One of the strategies implemented to bring about gender mainstreaming in education is the provision of scholarships for brilliant girls from poor families and the acceleration of programmes for the eradication of illiteracy among females aged 15 - 44 years old.

Indonesia places great emphasis in this area because education and training have proven empirically the most effective way to empower women. Ultimately, the goal is to build their capacity for self-empowerment in the future. To do this, potential groups of educated women have to be identified who will provide a collective stimulus to foster the growth of awareness of self-empowerment in order to prevent women from being hindered in their socio-economic and socio-cultural development.

Regarding ‘Women and Health’, in reproductive health and family planning, Indonesia is engaged in several activities to eliminate discrimination in providing health services for women. The highest level of political commitment towards the provision of reproductive health care was actually made more than 30 years ago to reduce maternal mortality through the safe motherhood programme. Later on, the programme was transformed into the “Mother Friendly Movement” and "Alert Husband". The establishment of Mother-Friendly Hospital and Mother Friendly Sub-District facilities allows respectively
for appropriate obstetric care and the monitoring of pregnant women (Republic of Indonesia, 2015b).

Realising that the achievement of gender equality is impossible without men's support, men are being encouraged to take on more active roles in the productive and reproductive spheres: at home, in reproductive decision-making, in education, in the workplace, as well as in the political, legislative and public policy arenas. Indonesia has therefore taken measures to address the issue of enhancing men's support for women's rights and empowerment, particularly in reproductive health and family planning issues.

This is being done through: (i) the setting of policy to increase male participation in family planning; (ii) the inclusion of the function of the Male Participation Division in the Family Planning and Reproductive Health Services Directorate of the National Population and Family Planning Board; (iii) men's awareness and involvement in their partners' reproductive health, incorporated in the Mother Friendly Movement; (iv) the promotion of the Safe Motherhood campaign and Husband Alert campaign, in order to motivate men to be more responsive to their partners' reproductive health; and (v) the initiation of a long-term gender mainstreaming project in reproductive health and essential reproductive health (Indonesian NGO Forum on BPFA + 10, 2005).

Furthermore, the following activities are intended to increase men's support for women's rights and empowerment by namely: (i) promoting men's understanding of their roles and responsibilities with regard to respecting the human rights of women and in promoting gender equality and equity; (ii) protecting women's health, including support for their partners' access to sexual and reproductive health services; (iii) preventing unwanted pregnancy; (iv) reducing maternal mortality and morbidity; (v) reducing transmission of sexually-transmitted diseases, including HIV/AIDS; (vi) sharing household and child-bearing responsibilities and promoting the elimination of harmful practices towards women's reproductive functions; and (vii) seeking to eliminate gender-based violence.
On the subject of ‘Violence Against Women’, with respect to the elimination of gender-based violence, Indonesia passed Law No. 23/2004 on the Elimination of Domestic Violence. The Law was enacted to ensure the safety and security of women and prevent them from falling victims to violence, especially violence in the family. Forms of violence in the family can be physical, sexual, psychological, economic and social. The law also provides for legal sanctions against perpetrators. The elimination of violence against women in the family is based on respect for their human rights and on the need for gender equality and equity.

Before the passage of the law, the government had already launched the National Plan of Action on the Elimination of Violence against Women 2001-2005 in November 2000 under the Ministry of Women’s Empowerment with the support of NGOs. The launch was a follow-up action to the Declaration of Commitment made in November 1999 by the Nation and the Society to Eliminate Violence against Women. The Declaration was signed by various groups, ministers, leaders of the People's Consultative Assembly and the Parliament as well as people from various regions as a sign of national determination to eliminate violence against women through the implementation of the "Zero Tolerance Policy".

Several Crisis Centres and Special Treatment Units for victims of violence have been established in major city hospitals and police stations. Other efforts to combat domestic violence have been made through: dissemination of information on women's human rights at the grassroots level, provision of field operators, increased collaboration among NGOs on the mechanism to eliminate violence against women, provision of a practical manual on efforts to eliminate domestic violence, and mapping of cases of violence from 1994 - 2001 by one of the prominent NGOs in Indonesia called Rifka Annisa (Indonesian NGO Forum on BPFA + 10, 2005).

With regard to the promotion of human rights, the 1945 Constitution has been amended four times. Two of its articles refer specifically to women's human rights, elimination of discrimination against women and gender equality. Apart
from that, the government and the parliament have also passed Law No. 39 on Human Rights in 1999, which emphasises the need to promote and protect human rights, including women's rights (Republic of Indonesia, 2015b).

With respect to ‘Women and Armed Conflict’, the household is not the only place where women face the risk of violence. Several regions of Indonesia have been affected by conflict and these have adversely affected entire communities, including particularly women and children. They have suffered displacement, loss of home and property, loss or involuntary disappearance of close relatives, and vulnerability to sexual and physical abuses.

Measures to correct this situation include the active participation of women in peace talks at the decision-making level and the protection of women living in situations of conflict; the establishment of Women's Desks at Police stations to treat victims of violent acts, including violations by the military; the provision of aid for widows and orphans, for example by equipping the family to earn income or through the availability of scholarships; the provision, through non-governmental organisations, of technical assistance to female victims of conflict, offering relief and psychological counselling, and food distribution; and, calls for peace and harmony in troubled regions (Indonesian NGO Forum on BPFA + 10, 2005).

Concerning ‘Women in Power and Decision-Making Positions’, in the case of women's ability to contribute to development, we note that few women occupy positions of power and decision-making authority in executive, legislative and judicial bodies, compared to men. Women number just one-third of the body of civil servants. The majority of positions held by these women are low in rank, while those in the higher ranks are very few. Only a tiny minority of women hold key decision-making positions in the regions, such as heads of villages, and even fewer hold higher posts such as Head of Sub-District (Camat).

The number of high-ranking women in political parties also remains small. To increase the awareness of the society, including women and government sectors, about the importance of gender equity and equality, the Ministry of
Women’s Empowerment and Child Protection has executed various advocacy and orientation programmes particularly intended to enlighten political parties, religious leaders and women's organisations. The Ministry’s efforts have been supported by NGOs, among them the Indonesian Caucus for Women in Politics which has been tasked to map and collect information on women in politics, and the Indonesian Caucus for Women in Parliament tasked to provide advocacy and political education to women, so that they can develop political networks and conduct research and training for women in politics.

Affirmative action to boost the representation of women in the legislature is embodied in Law No. 12/2003 concerning General Elections. Article 65 (1) states that a quota of 30 per cent must be given to women in the legislature. To ensure this law has the desired effect, the government, acting in collaboration with NGOs, has developed several strategies to bring about such an outcome.

Those strategies will serve to: (i) develop and strengthen networks among women's organisations; (ii) increase the representation of women in political parties; (iii) facilitate advocacy to leaders of political parties; (iv) create access to the media; (v) promote awareness and understanding of women through education and training; (vi) increase the quality of women as electoral candidates; and (vii) conduct campaigns based on the substance of Law No. 12/2003 in 20 provinces.

Despite this effort, women's representation in the legislative body is still small, only 20.52 per cent—well below the desired allocation of 30 per cent. More efforts are therefore needed and more women should, in fact, be made aware and empowered to increase that figure (Republic of Indonesia, 2015b).

Pertaining to ‘Institutional Mechanism for the Advancement of Women’, there are 30 women’s empowerment bureaus/divisions at provincial levels with the support from the Ministry of Home Affairs to assist the Ministry of Women’s Empowerment and Child Protection at the provincial and district levels. At the district level, covering 440 districts or municipalities, there are around 230
women's empowerment units. These act as extended arms of the Ministry of Women's Empowerment and Child Protection at the regional level, with a mandate similar to that of the Ministry, namely to provide policy leadership and technical advice for gender mainstreaming. In addition, 29 Working Groups on Gender have been established at the central level and 39 Gender Focal Points in government ministries, as well as 150 Working Groups and 304 Gender Focal Points in the 440 municipalities.

Training, advocacy and socialisation on gender and gender mainstreaming have intensified at the provincial and district levels. However, due to limited gender expertise and budgetary constraint, it is difficult to hold training of the entire government bureaucracy. Another obstacle can be the existing regional socio-cultural norms which may not always be conducive to the advancement of women and gender equality.

In connection with ‘Human Rights of Women’, human rights of women and men in Indonesia are guaranteed in the 1945 Constitution which states that every citizen, whether male or female, has equal rights and obligations before the law and government.

The principle of equality before the law is also enshrined in numerous laws and government policies. A few examples of such laws include Law No. 39/1999 on Human Rights; Law No 12/2000 on General Elections which encourages political parties to nominate at least 30 per cent women as electoral candidates; Law No. 20/2003 on the National Education System; Law No. 13/2003 on Labour; and Law No. 43/1999 on equality between female and male civil servants. Indonesia has also passed Law No. 23/2004 on the Elimination of Domestic Violence to protect female or male victims of violence in the family.

With regard to ‘Women and the Media’, Indonesia is also concerned about other subtle forms of abuse of women. To eliminate the negative portrayal of women in the media, women should be empowered by enhancing their skills
and knowledge, and providing them greater access to information and information technology.

The government has conducted intensive advocacy campaigns, roundtable discussions, socialisation to all media people, ranging from reporters and feature writers to newspaper editors, on gender mainstreaming and gender concepts. Publication of various information kits has been initiated and the kits have been distributed widely to increase the community awareness of the issues of women's empowerment and gender equality. Incentives, such as public recognition and awards, are given annually in celebrating Mothers' Day in Indonesia which falls on 22 December to media personnel who write, publish and produce gender-sensitive articles and columns.

In regards to 'Women and the Environment', Indonesia acknowledges that women have the potential to assume many roles in environmental management because of their inclination to nurture. They can encourage proper management of natural resources to be used for the production of economic goods, or even maintain the surroundings in which their families dwell.

With support from the government, a group of non-governmental organisations has established a Women's Movement on Environmental Care and an Alliance for Sustainable Development. The main missions of the Movement and Alliance are: (i) to extend women's partnerships in preserving and conserving the environment and in supporting sustainable development; (ii) to strengthen existing networks of cooperation in environment and sustainable development and to encourage possible new partnerships with other institutions; (iii) to improve and to increase community awareness about environmental management and preservation and promotion of sustainable development; and (iv) to link local, regional and global actions by women for environmental management and preservation as well as sustainable development (Indonesian NGO Forum on BPFA + 10, 2005).
In relation to ‘The Girl Child’, the government, in collaboration with related stakeholders, is fully committed to the elimination of discrimination against girls in education and health services and to their protection from economic exploitation. Towards those ends, several measures have been implemented: in education, the Nine-Year Compulsory Education Programme for girls and boys was launched, and Law No. 20/2003 on National Education System was passed which ensures the equal right of girls and boys to obtain an education.

A government representative respondent no.6, Director, female, PhD degree (GOF6) emphasised:

Programmes conducted at the Ministry of Women’s Empowerment and Child Protection are already in line with the twelve critical issues of the Beijing Declaration and Platform for Action (Government Interviewee No.6, 2007).

Despite many achievements in the implementation of the Beijing Declaration and Platform for Action, some gaps and challenges that persist have been identified, such as the high prevalence rate of HIV/AIDS among women; the low level of women's participation in decision-making at various levels, as noted earlier; continued violence against women, including trafficking in women and children; gender stereotyping; and lack of sex-disaggregated data and gender statistics.

4.2.4. Millennium Development Goals (MDGs)

The MDGs consist of quantitative goals to be achieved within a certain period of time, especially the issue of poverty reduction by 2015. These are drawn from the 'Millennium Declaration' and Indonesia is one of the 189 signatory countries in September 2000. Indonesia had adopted the underlying principles and targets of MDGs as its priorities long before the Millennium Declaration in 2000. Many of development programmes implemented in Indonesia conform to the MDG framework (Bahtiar, 2007). These programmes have been implemented by the government under the administration of President Soekarno, President Soeharto, President Habibie, President Abdurrahman Wahid, President Megawati Sukarnoputri, President Susilo Bambang Yudhoyono, and President Joko Widodo.
Overall, Indonesia is well on track in reaching the MDGs. However, there are targets where greater effort is needed by all stakeholders to ensure that these important milestones are met (INFID, 2013).

The mid-term review on MDGs' achievements was carried out in 2010. However, with the lasting economic crisis, the mid-term review was rather gloomy and achieving the targets of MDGs by 2015 was seen as rather daunting. Without undermining the significance of other MDGs, Indonesia believed that addressing poverty would be the key on achieving the other MDGs (Suara Pembaharuan, 2009). Prosperity correlated directly to the access for food, education, empowerment, health facilities and better environment protection. Efforts to keep stimulating the growth of the global economy needed to be stepped up.21

Achieving MDGs by 2015 required coordination, cooperation and commitment from all stakeholders, particularly the government at the national and local levels, civil society, academia, media, private sector and the donor community. Together, these groups ensure that progress has been achieved and spread evenly across Indonesia. The Indonesian government committed itself to report the progress of the realisation of MDGs in Indonesia. In an effort to achieve these, Indonesia has always maintained its commitment to meeting the targets contained in the MDGs as follows (Republic of Indonesia, 2007b):

- **Target 1**: Halve, between 1990 and 2015, the proportion of people whose income is less than one dollar a day;
- **Target 2**: Halve, between 1990 and 2015, the proportion of people who suffer from hunger;
- **Target 3**: Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling;
- **Target 4**: Eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015;
- **Target 5**: Reduce by two-thirds, between 1990 and 2015, the under-five mortality rate;

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21 See ‘Indonesia and MDGs’ at www.deplu.go.id, accessed on 29 January 2010
- **Target 6**: Reduce by three-quarters, between 1990 and 2015, the maternal mortality ratio;
- **Target 7**: Have halted by 2015 and begun to reverse the spread of HIV/AIDS;
- **Target 8**: Have halted by 2015 and begun to reverse the incidence of malaria and other major diseases;
- **Target 9**: Integrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources;
- **Target 10**: Halve, by 2015, the proportion of people without sustainable access to safe drinking water and basic sanitation;
- **Target 11**: By 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers;
- **Target 12**: Develop further an open, rule-based, predictable, non-discriminatory trading and financial system including a commitment to good governance, development and poverty reduction, both nationally and internationally;
- **Target 15**: Deal comprehensively with the debt problems of developing countries through national and international measures in order to make debt sustainable;
- **Target 16**: In cooperation with developing countries, develop and implement strategies for decent and productive work for youth;
- **Target 18**: In cooperation with the private sector, make available the benefits of new technologies, especially information and communications.

With regard to ‘**Goal 1: Eradicate extreme poverty and hunger**’, the Indonesian government was committed to achieving the first goal of the MDGs through joint efforts. The milestones and indicators for Target 1 were explicit. The aim was to reduce by half the proportion of people living on less than a dollar a day from 1990 to 2015. In the case of Indonesia, however, poverty was being measured by both the national poverty line and the threshold of US$1 in Purchasing Power Parity (PPP) per capita per day.

For the first MDG goal, Indonesia succeeded in reducing the proportion of population below US$1 (PPP) per day (20.60 per cent in 1990, and 5.90 per
cent in 2008). Indonesia was on track to reduce the poverty gap (2.70 per cent in 1990 to 1.75 per cent in 2014), and to maintain the prevalence of underweight children under-five years of age (still above the MDGs target). The target that Indonesia had not reached by the end of 2015 was in reducing the proportion of population below the minimum level of dietary energy consumption (11.25 per cent in 2014 with MDGs’ target of 7.55 per cent) (Republic of Indonesia, 2015c).

As to ‘Goal 2: Achieve universal primary education’, Indonesia’s target was that in 2015, all Indonesian children, both male and female, would be able to complete their primary education. Indonesia reached gender parity in both primary and secondary schools in 2002. Indonesia was one among 20 countries with a good chance of attaining universal basic education by 2015 (Immajati, 2009). The Indonesian government was committed to meeting its target through its Nine-Year compulsory education programme. This policy was shown to improve access to primary education. However, many school-age children across the country were in fact not able to complete elementary school. Even in rural areas, the school dropout rate could reach 8.5 per cent. The quality of education system and management in Indonesia needed to be improved.

Moreover, there are important facts that need to be taken into serious consideration for sustaining and, more importantly, moving beyond current successes. These are the low uptake rate of female students from primary to secondary education, the lower rate of females with higher education and skills, and the existing gender-biased norms and values that many in society are quite reluctant to challenge. Thus, the excellent gender parity attained so far apparently stops at primary education level and does not continue to the higher levels. The most plausible underlying reason for this is that under existing values and norms, boys enjoy more opportunities for further studies than girls. The belief that a basic education is sufficient for girls, and the fact they are less prioritised for further studies than boys, is more evident with limited household resources.
For the second MDG goal, Indonesia was on track with regard to the net enrolment ratio in primary education (Republic of Indonesia, 2015c).

In connection with ‘Goal 3: Promote gender equality and empower women’, Indonesia was committed to eliminating gender disparity at primary and secondary schools in Indonesia. Indonesia indeed achieved much progress in addressing the issue of inequality between men and women in this area. The Nine-Year compulsory education programme brought positive impacts in the reduction of inequalities in education.

The ratio between the participation of students, men and women, both net and gross participation, have almost reached 100 per cent at all levels of education. However, the progress of this programme still needs to be improved upon, particularly for the older age groups. There is still a gap in understanding gender roles in the society. Such a false impression of equal opportunities and benefits occurs in almost all aspects of life, from career development to representation in politics (Lundine et al., 2013).

The proportion of women in non-agricultural employment is relatively stagnant (33 per cent), as well as in the representation of women in the parliament (20.52 per cent).

For the third MDG goal, Indonesia succeeded in achieving the desired ratios of girls to boys in primary, secondary and tertiary education (in average reaching more than 100 per cent). Indonesia was on track to reduce the neonatal mortality rate of one-year old babies, among other things with the use of the measles vaccine (Republic of Indonesia, 2015c).

Regarding ‘Goal 4: Reduce Child Mortality’, Indonesia was committed to meeting the target of reducing by two-thirds the mortality rate among children under five. In Indonesia, it is reported that per 1000 births, 40 children will die before reaching five years old. The infant mortality rate in Indonesia is the highest among ASEAN countries.

Nevertheless, Indonesia has actually reached the fourth goal of the MDGs. Indonesia has now the task to ensure that all Indonesian children get their
constitutional rights. In Law No. 23/2002 on Child Protection, it is stated that every child has the right to obtain health services and social security according to their physical, psychological and social needs. One-third of the infant deaths in Indonesia occur within the first month after birth, 80 per cent of them occur during the first week of life. The main causes of death are acute respiratory infections, diarrhoea and birth complications. Besides the main causes, some infectious diseases such as meningitis, typhus and encephalitis are also oftentimes the causes of infant mortality (Family Care International, 2005).

Even though legal instruments are in place, Law No. 23/2002 on Child Protection has not been able to run effectively due to the existing overlap between the sectoral regulations especially related to the definition of children. On the other hand, the rise of crime against children in the community, one of which is sexual crime, requires increased commitment from the government, regional governments, and the community as well as all stakeholders related to the implementation of the Law on Child Protection.

For this reason, Law No. 35/2014 concerning the Amendment to Law No. 23/2002 on Child Protection has been established (Republic of Indonesia, 2014b). The amendment is to emphasise the need for the imposition of criminal sanctions and fines for perpetrators of crimes against children, to provide a deterrent effect, and to encourage concrete steps to restore the physical, psychological and social condition of child victims and/or children of perpetrators. This needs to be done to anticipate that the child victim and/or the child who did the crime will not be the same criminal in the future. For the effectiveness of the supervision of the implementation of the Law on Child Protection, an independent institution is needed that is expected to support the government and regional governments in realising child protection.

Mortality rates among babies and younger children have become an important issue covered in the National Programme for Indonesian Children. The programme was part of the Indonesian Children's Vision 2015, a movement involving all segments of society, from government, private sector to academia and civil society. Together, they attempted to improve the quality of health and welfare of babies and children under five years old. In addition to promoting
healthy living for children and to improve the quality of and access to comprehensive health services, the fourth goal is also aimed at increasing the proportion of births assisted by trained personnel.

For the fourth MDG goal, the target that Indonesia had not achieved by the end of 2015 was related to the infant mortality rate (40 deaths of babies per 1000 births in 2012 compared with the MDG target of 32 deaths of babies per 1000 births) (Republic of Indonesia, 2015c).

Relating to ‘Goal 5: Improve Maternal Health’, Indonesia was committed to reducing to three-quarters the Maternal Mortality Rate in Indonesia. Due to birth processes, the risk of maternal death is one death in every 65 births. Each year, 20,000 deaths are estimated to occur because of maternal complications during childbirth and pregnancy. The Maternal Mortality Rate is calculated based on the number of deaths per 100,000 births. The main causes of maternal death in Indonesia are haemorrhage, eclampsia, high blood pressure during pregnancy, abortion’s complications, infection and complications during birth.

Although Indonesia’s data collection system is still too limited to obtain accurate information on Maternal Mortality Rate in Indonesia, experts estimated that the Maternal Mortality Rate in Indonesia in 1992 reached 425. A decade later, the figure has changed to 307 per 100,000 live births. Based on this rate, more efforts were required to achieve the fifth goal. Furthermore, special attention was required towards poor regions with limited infrastructure, especially in the eastern part of Indonesia, in which many areas still have the highest Maternal Mortality Rates (National Development and Planning Agency, 2007).

Improving access to qualified health services for mothers and children is still urgently required, especially during and immediately after birth. Besides improving the health service, changing the people’s behaviour most vulnerable to maternal mortality was also needed. This includes enhancing family knowledge about health status and nutrition, as well as their familiarity with the range and the types of available services.
For the fifth MDG goal, Indonesia was making progress with the use of contraception (still 60 per cent), limiting teenage births and antenatal services (above 80 per cent). The target that Indonesia hadn’t achieved at the end of 2015 was the maternal mortality ratio per 100,000 births (359 per 100,000 births in 2012 compared with the MDG target of 102 per 100,000 births) (Republic of Indonesia, 2015c).

Pertaining to ‘Goal 6: Combat HIV/AIDS and other infectious diseases’, Indonesia was committed to halting and beginning to reverse the tendency of HIV/AIDS, malaria and other diseases.

The Acquired Immunodeficiency Syndrome (AIDS) has spread to almost all parts of Indonesia. In 2004 only 16 provinces had reported AIDS cases, but by 2006 AIDS cases were reported across 32 provinces. The reported cumulative number of AIDS cases also surged from 2,682 cases in 2004 to 5,321 cases in 2005. In 2006 the cases further increased to 6,971, and as of March 2007 this number had reached 8,988 (National Development and Planning Agency, 2007).

According to some experts, this reported amount was only a small part of those infected by HIV/AIDS. The groups with the highest risk for this disease are commercial sex workers and their clients, and injection drug users. In addition, limited awareness and knowledge of HIV/AIDS remains a major issue in Indonesia. More than one-third of women and one-fifth of men remained ignorant about HIV/AIDS. If this trend does not change, it is estimated that more and more Indonesians could be infected in the future. Other diseases that also come to attention in the context of the sixth goal are malaria and tuberculosis (TB). Each year, it is estimated that there are 18 million cases of malaria and more than 520 thousand cases of TB (Lundine et al., 2013).

The Indonesian government’s effort to combat HIV/AIDS is coordinated by the National AIDS Commission (NAC), a national agency formed to support the implementation of HIV/AIDS campaign and to provide first-hand information about HIV/AIDS. NAC also conducts public information campaigns on HIV/AIDS to the community, particularly on how to live together with HIV/AIDS.
sufferers and to encourage them to live a productive life. The efforts to increase the health monitoring facilities for people living with HIV / AIDS also need to be expanded. Every citizen can help stop spread of HIV by reducing the risk of transmission by engaging in safe sexual practices and using condoms regularly.

Also relevant to the sixth MDG goal, Indonesia has succeeded in reducing the rate of tuberculosis cases (from 343 cases per 100,000 persons in 1990 to 183 cases per 100,000 in 2014) (Republic of Indonesia, 2015c).

In relation to ‘Goal 7: Ensure Environmental Sustainability’, Indonesia was committed to integrating the principles of sustainable development into national policies and programmes as well as to reversing a loss of resources. Indonesia was also committed to reducing by half the proportion of Indonesians without sustainable access to safe drinking water and basic sanitation, and to achieving significant improvements in lives of slum dwellers.

Since 1985, the deforestation rate in Kalimantan, Maluku, Papua, Sulawesi and Sumatra reached 1.8 million hectares per year. The main threat to the conservation of rainforests in Indonesia was illegal logging carried out in protected forests. In the era of decentralisation and regional autonomy, more and more forests have been exploited, illegal logging is more rampant, and boundaries of so-protected areas have not been given particular attention. This occurs due to the weak rule of law, as well as lack of understanding and knowledge about the long-term development goals and the biosphere protection (National Development and Planning Agency, 2007).

The quality of water distributed to the community does not fulfil the conditions of safe drinking water according to the Ministry of Health. This is primarily due to the low quality of network distribution causing contamination.

It is reported that access to sanitation facilities for the community, in general, is 68 per cent. Sanitation itself hasn’t become a priority in development and the budget allocated for sanitation is relatively small (Lundine et al., 2013).
Access to and availability of information on the protection of natural resources and environment must be improved in order to enrich the knowledge and insight of those living in rural and remote areas. It is also indispensable to promote facts about health and hygiene to create greater understanding of the importance of clean water so that the community could actively participate in maintaining the existing clean water facilities. Campaigns on the importance of sanitation also need to be carried out to all parties involved in the development process.

For the seventh MDG goal, Indonesia has succeeded in reducing the proportion of households without access to adequate water sources and sanitation in urban areas (80.72 per cent). Indonesia was on track to increase the ratio of area protected to maintain biological diversity compared with overall surface area (from 59 per cent in 1990 to 66 per cent in 2013) (Republic of Indonesia, 2015c).

Concerning ‘Goal 8: Develop a global partnership for development’, Indonesia was committed to developing an open, rule-based, predictable and non-discriminatory financial and trading system. Indonesia was also committed to dealing comprehensively with debt problems through national and international measures in order to make debt sustainable in the long term.

The eighth goal specified types of assistance to be provided by the developed countries to developing countries in achieving the first to the seventh goals. The Monterrey Consensus - which was the outcome of the International Conference on Financing for Development in 2002 - was the key to achieve the eighth goal. The main points from the consensus are freedom of trade, flow of private funds, debt, domestic resource mobilisation and grants for development. Based on the fact that public health investment is non-profit investment, grant assistance become important, especially in the health sector.

For the eighth MDG goal, Indonesia has worked together with the private sector in applying new technology, mainly information and communication technology. The proportion of the population with mobile phones has
increased from 14.79 per cent in 2004 to 87.07 per cent in 2013. Indonesia was on track progress for the ratio of foreign loan to gross domestic product (still 6.4 per cent). The target that Indonesia hadn't achieved at the end of 2015 was increasing the proportion of households with internet access (36.45 per cent in 2014 with MDGs' target of 50 per cent (Republic of Indonesia, 2015c).

A government representative, respondent no.6, Director, female, PhD degree (GOF6) explained:

The values in the MDGs are included in the formulation of the National Medium-Term Development Plan (RPJM). The National Development Planning Agency has issued the first achievement report of MDGs in Indonesia in 2007. Thus, 2007 can be considered as the half-way stage in the period set for achieving the MDGs. The third goal, to promote gender equality and empower women, becomes the focus of this report. As reiterated by UN Secretary General Ban Ki-moon, the third Millennium Development Goal -- to achieve gender equality and women's empowerment -- is central to all the rest (United Nations, 2010). Gender equality and empowering women are central to achieve all other MDGs. In terms of basic education in Indonesia, net enrolment rates for primary school/Madrasah Ibtidaiyah (MI) and junior high school/Madrasah Tsanawiyah (MTs) will be met. However, it is important to maintain these gains. Indonesia has done very well in reducing gender disparities.

In terms of female net enrolment ratio from primary school to tertiary education, the targets have already been met. Although female participation in education has grown, disparities are still apparent in women's role as income earners. Working women, aside from participating in smaller numbers as compared to men, also receive lower average wages. The biggest challenge therefore in achieving better results under Target 4 is to achieve gender equality across the board. Future efforts should include (i) increasing the involvement of women in politics and public offices; (ii) improving education as well as access and quality of health services to promote overall quality of life and opportunities for women; (iii) strengthening institutional arrangement, coordination and gender mainstreaming in planning, implementation, monitoring and evaluation of various development policies, programmes and activities (Government Interviewee No.6, 2007).

A government representative respondent no.14, Deputy Minister, female, master's degree (GOF14) stated:

Through the National Planning and Development Agency, MDGs targets have been integrated with ICPD programmes.
The MDGs could not be achieved if the programmes on reproductive health and family planning are not realised as emphasised by UN Secretary General Kofi Annan. With regard to maternal health and infant health, the National Population and Family Planning Board and the Ministry of Health are carrying out all related programmes. In the regions, only 10 per cent of the Heads of Districts are aware of the MDGs. At the central level, the concept is already in place, but lots have to be done at the district level. The main problems are implementation, supervision and evaluation. With the decentralisation, there is a clash of interests between the central and regional government (Government Interviewee No.14, 2007).

A government representative respondent no.19, Deputy Director, male, master’s degree (GOM19) stated:

Regarding the MDGs on health, the maternal mortality rate in Indonesia is still high. Integrated Health Post Programme (Pos Pelayanan Terpadu) and Family Welfare Education Programme (Pendidikan Kesejahteraan Keluarga) should be revitalized. On the education issue, gender equality in primary and secondary education has been achieved through Nine-Year compulsory education. Nevertheless, there are still some weaknesses. At the higher levels of education, there are only a few girls. The traditional mind-set is still strong, gender sensitivity has to be increased (Government Interviewee No.19, 2008).

A non governmental organisation representative respondent no.3, Secretary-General, female, bachelor's degree (NGOF3) emphasised:

In achieving MDG targets, the budget provided for education of 20 per cent should be used to empower the marginalised groups. Education could help in reducing poverty and poor health. The health budget of 15 per cent should be used appropriately to increase the health quality and improve the health infrastructure. None of the articles in the Law on Disaster Management mentioned women’s issues. Women are highly affected by natural phenomena, global warming and climate change which could harm their reproductive health (NGO Interviewee No.03, 2007).

A government representative respondent no.18, Deputy Minister, female, master's degree (GOF18) shared her view:

The MDGs are actually not gender sensitive. From the eight goals, only goal 2 (education), 3 (gender equality and women’s empowerment), 4 (child’s mortality) and 5 (maternal health) relate to gender. The other goals are not gender responsive. The Beijing Platform for Action is more complete knowing that it discusses gender issues related to environment, violence,
From the interview quotes above on MDGs, both the government officials and NGO representatives argue that Indonesia should have improved its performance in tackling the MDGs. The respondents clearly point out the challenges that Indonesia has been facing in achieving the MDGs.

Nevertheless, as we arrive in 2020 and as the world forges the post-2015 development agenda, we can learn from the MDGs on what is to be done to end poverty, reduce inequality, and create peace. Other lessons learnt from the MDGs are that without a clear roadmap for gender equality, sustainable development goals are not achievable. Gender equality is a precondition for sustainable development (UN Chronicle, 2007, INFID, 2013, SDGs Fund, 2016).

Derived from the MDGs achievements in Indonesia, Indonesia has succeeded in achieving the desired ratios of girls to boys in primary, secondary and tertiary education. More and more efforts however are required in reducing the maternal mortality rate and the infant mortality rate.

4.2.5. Sustainable Development Goals (SDGs)

Indonesia is fully committed to implementing the 2030 Agenda for Sustainable Development with its 17 goals and 169 targets. The year 2016 marks the first year of implementing the Agenda. The 2030 Agenda is a transformative framework and serves as a comprehensive guidance for sustainable development efforts at the national and global levels. The Agenda encompasses a broad range of issues and reflects challenges faced by countries at the national level, while at the same time it addresses issues that require global action.

In this regard, Indonesia has taken several measures, among others mainstreaming the SDGs into a set of National Development Planning
programmes, as well as finalising legal and institutional frameworks for national implementation (Republic of Indonesia, 2015c).

Indonesia presented the reports of its Voluntary National Reviews (VNR) at the United Nations High-Level Political Forum in New York in 2017 (Republic of Indonesia, 2017b) and 2019 (Republic of Indonesia, 2019c). Through these reports, Indonesia shared experiences regarding the progress, challenges, and lessons learned by Indonesia in achieving the SDGs. Indonesia managed to reduce inequalities by stimulating inclusive economic growth; creating more employment and expanding access to education; and improving disaster prevention, emergency response, and resilience.

The SDGs achievement is to be reflected in the National Medium-Term Development Plan (RPJMN) 2020-2024. Currently, there are nine SDG study centres across higher education institutions in Indonesia. The SDGs are institutionalised from the highest national level to subnational entities, and integrated into national and subnational development planning.

According to the 2019 VNR report, in terms of inclusive and consistent economic growth, unemployment rates decreased, with a lower female unemployment rate, from 6.4 per cent to 5.3 per cent in 2015-2018 and 9.38 million jobs were created. In 2014-2018, the poverty rate also decreased from 11.25 per cent to 9.82 per cent.

In achieving universal education, in 2015-2018, the adjusted net attendance rate at primary education increased from 79.4 per cent to 83.3 per cent. Gross enrolment rates at junior secondary education increased from 91.17 per cent to 91.52 per cent, senior secondary education from 78.02 per cent to 80.68 per cent, and tertiary education from 25.26 per cent to 30.19 per cent. Gender inequality at all levels is almost non-existent.

With regard to the achievement of Goal 5 on Gender Equality, the achievement of gender equality and women’s empowerment does not only relate to SDG 5 itself but also to the measurement of other goals having
specific targets related to gender. However, both VNR reports omit some gender-related indicators in the SDG implementation. Both reports only present goals, targets, and indicators for which data is available such as on child marriage, equal opportunity for women at all decision-making levels, and the use of technology to enhance women’s empowerment (National Development and Planning Agency, 2019).

Concerning child marriage, the percentage of women of 20-24 years of age who were married for the first time at or before 15 years old, and at or before 18 years old declined for the period of 2011-2015. Nevertheless, the practice of child marriage has increased since 2016 (BPS, 2018).

With regard to equal opportunity for women at all decision-making levels, the proportion of seats held by women in the parliament tends to increase, yet fluctuate. The representation of women in the parliament in 2004 was 11.84 per cent and increased to 17.86 per cent in 2009. However, it decreased slightly to 17.32 in 2014 but then increased to 20.52 per cent in 2019. The proportion of women in managerial positions in the government has also increased in 2011-2017. The percentage occupying positions of Director has increased from 8.30 per cent to 13.06 per cent, while that of Director/Secretary General has increased from 9.17 per cent to 15.21 per cent (BPS, 2018).

As for the use of technology to enhance women’s empowerment, the proportion of women who own mobile phones is less than that of men. In 2015, the percentage of women who owned mobile phones was 50.40 per cent and this increased to 57.19 per cent in 2018. At the same period, the proportion of men who own mobile phones has increased from 63.40 per cent to 67.59 per cent (BPS, 2018).

Given the existing challenges, the 2019 VNR report suggested the execution of the policy directives based on the Government’s Annual Work Plan Document as follows: (i) improving the quality of life and the role of women in various fields of development; (ii) increasing the protection of women from various acts of violence, including criminal trafficking in persons (Tindakan
**Pidana Perdagangan Orang (TPPO);** (iii) increasing the capacity of gender mainstreaming (**Pengarusutamaan Gender (PUG)**) institutions and institutions for protecting women from various acts of violence; (iv) improving the development of adolescent reproductive health in the context of maturing the age of marriage and preparing for family life; and (v) increasing family roles and functions.

Even though Indonesia is among the few successful countries presenting VNR reports on SDGs implementation, both the 2017 VNR and 2019 VNR reports could not thoroughly address issues related to gender mainly the achievement of Goal 5 on Gender Equality.

### 4.3. The Evolution of Ministries of Women’s Affairs, Women’s Empowerment, and Women’s Empowerment and Child Protection

In 1978, in response to the United Nations’ Declaration of the Decade for Women (1975-1985), the government established the Ministry of Women’s Affairs. Its mission was to enhance women’s capacity to manage their dual role (**peran ganda**) in the domestic and public spheres. The word ‘women’ was first used in the 1978 Broad Guidelines on State Policy (**Garis-garis Besar Haluan Negara (GBHN)**) whereas the term ‘gender’ was not introduced until 1999.

A government representative respondent no. 18, Deputy Minister, female, master’s degree (GOF18) explained:

> The Ministry of Women’s Affairs was established in 1978. It was in 1999 that the Ministry was transformed into the Ministry of Women’s Empowerment. There was also a significant change of the Ministry’s structure. In 2009, the name of the Ministry was changed into the Ministry of Women’s Empowerment and Child Protection (Government Interviewee No.18, 2008).

In 1995, the effort to improve women’s capacity was strengthened further through Decree No.17/1995 issued by the Minister for Home Affairs. This instructed district (**kabupaten**) and provincial governments to establish Women in Development Management Teams (**Tim Peningkatan Peranan Wanita (Tim P2W)**). Tim P2W were set up to coordinate women’s programmes in various government ministries and to act as an extension of the Ministry of Women’s Affairs in the regions (as a Ministry it
had no formal representation in the regions). This was followed in 1996 by Presidential Instruction No.5/1996, which appointed the vice-governor of each province and the secretary of each district to chair Tim P2W (Robinson, 1998).

A gender specialist and advisor respondent no.1, female, master’s degree (GEF 1) revealed:

Being an assistant to the Junior Minister for Women’s Affairs in the early 1980s, I had to draft the ‘Five Yearly Development Plan’ (Rencana Pembangunan Lima Tahun-Repelita). At that time, the Ministry’s focus was on rural women. Moreover, resistance to women’s issues was very strong. Therefore, in the Five Yearly Development Plan, woman’s role in the domestic sphere was emphasised as the main role and women having the opportunity to be active in various sectors such as education and labour force was also stressed. Women’s roles in the public sphere were clearly mentioned in the national laws (Gender Expert Interviewee No.1, 2007).

The New Order government's support for women was reflected in its ratification of several international conventions and agreements on women as well as in its recognition of the role of women in the domestic and public laws in the national laws.

A new approach based on gender analysis was introduced in the 1999 GBHN. This stated that ‘empowering women is achieved by improving women’s role and status in national life through national policy implemented by institutions that strive for the actualisation of gender equality and justice’, and sets the goal to ‘improve the quality, the role and self-reliance of women’s organisations by maintaining the value of integration and the historical value of women’s struggle in continuing to empower women and society’ (Robinson, 2001).

The change of name in 1999 from the Ministry of Women’s Affairs to the Ministry of Women’s Empowerment heralded a renewed determination to achieve more equitable treatment for women in the family, society and nation (Robinson and Bessell, 2002). This change was in line with the philosophy of the Ministry and reflected the new age of democracy in Indonesia. It marked the end of women’s affairs being seen as issues restricted to wives and mothers. The new approach was to tackle the construction of gender in Indonesian society that limits women’s rights to equity and equality. Its Minister, Khofifah Indar Parawansa, who was also the Head of
the National Family Planning Board, conducted numerous remarkable breakthroughs to give more power to women in a male dominated system.

Among the challenges facing the Ministry were patriarchal social values embedded in such legislation as the Marriage Law, Law on Citizenship, and Law on Population, particularly in the context of the national family planning programme. About 19 laws were acknowledged to be gender-biased (Hull and Adioetomo, 2002).

The reinvigorated Ministry of Women’s Empowerment collaborated actively with women’s organisations, religious organisations, NGOs, professional associations, political parties and other institutions with an interest in women’s affairs. A major outcome was the National Plan of Action to empower women, running from 2000 to 2004. The plan covered five key areas: (i) improving women’s quality of life; (ii) raising awareness of justice and equity issues nationwide; (iii) eliminating violence against women; (iv) protecting the human rights of women; and (v) strengthening women’s institutions (Robinson and Bessell, 2002).

The Ministry of Women’s Empowerment which later became the Ministry of Women’s Empowerment and Child Protection is not an implementing agency like other governmental technical ministries. The Ministry deals more with advocacy, socialisation, monitoring and supervision. Therefore, knowing that gender is a cross-cutting issue, the Ministry ensures that every ministry includes gender mainstreaming in its programmes and policies based on the Presidential Instruction No.9/2000 on Gender Mainstreaming.

In each programme, needs, problems and aspirations of both women and men have to be integrated. The Ministry also coordinates gender-related programmes conducted in all ministries so that they are synergised and synchronised. The Ministry is responsible for CEDAW and other gender-related treaties in coordination with other ministries. For example, policies on human rights with the Ministry of Foreign Affairs and the Ministry of Law and Human Rights; policies on education with the Ministry of Education and Culture, as well as policies on health with the Ministry of Health. One policy could be the responsibility of several ministries.
A government representative respondent no.18, Deputy Minister, female, master’s degree (GOF18) further stressed:

The Ministry also formulates operational and strategic policies. When formulating operational policies, the Ministry acts as facilitator and regulator; supervises regions along with the decentralisation era; as well as socialises guidelines, modules and documents on gender mainstreaming. When formulating strategic policies, the Ministry advocates and promotes its gender-related policies and draft laws on gender mainstreaming to the parliament, and to NGOs and government executives. Those laws include policies on Domestic Violence, Anti Trafficking, Political Parties, and Anti-Pornography. The Ministry has suggested to the President that the status of the Presidential Instruction on Gender Mainstreaming No. 9/2000 could be enhanced in ways which will be more action-oriented (Government Interviewee No.18, 2008).

A non-governmental organisation representative respondent no.4, Director, female, bachelor’s degree (NGOF4) emphasised:

The Ministry only focuses on coordination and not implementation. This function is very weak compared to the function of other ministries. Moreover, the funding that received by the Ministry is very small compared to the other ministries. The Ministry is supposed to monitor the gender mainstreaming process in all ministries to implement the Presidential Instruction No.9/2000 on Gender Mainstreaming. The Ministry needs more support to strengthen its function and role (NGO Interviewee No.04, 2007).

A non-governmental organisation representative respondent no.3, Secretary-General, female, bachelor’s degree (NGOF3) criticised:

The status and position of the Ministry is weak since it is not a technical ministry like other ministries in Indonesia. The Ministry has to continuously remind all the other ministries to conduct gender responsive programmes in realising gender mainstreaming in each department (NGO Interviewee No.03, 2007).

Due to its limited authority, the Ministry hasn’t succeeded in fully upholding women’s rights through a gender mainstreaming process across governmental institutions. It is thus insufficient to maintain the Ministry of Women’s Empowerment and merely to add the function of child protection to it. It is indispensable to strengthen the authority of the Ministry with laws that sustain gender perspectives in all policy lines (Sadli, 2009). Furthermore, the Ministry’s funding remains inadequate to run its activities.
For 2010, the Ministry received funding of Rp.133.50 billion (equivalent to A$ 16.77 million) (The Jakarta Post, 2009a).

In its 2010-2014 work programme, the newly named Ministry of Women’s Empowerment and Child Protection stood ready to continue the programmes previously set by the Ministry of Women’s Empowerment and to enhance coordination in formulating laws, programmes and budget that were gender responsive and child-oriented22. The Ministry is given additional functions related to child-protection. The issue of child protection is actually an issue that the Ministry had already been covering so far as in the Ministry itself there is a Deputy for Child Protection. The issue of child protection is not solely the responsibility of the Ministry of Women’s Empowerment and Child Protection, but it needs coordination and law enforcement across governmental institutions ((Republic of Indonesia, 2015 ).

The vision of the Ministry of Women’s Empowerment and Child Protection is to create Indonesian women and children that are qualified and independent with high personality (Terwujudnya Perempuan dan Anak Indonesia yang berkualitas, mandiri dan Berkepribadian) (Republic of Indonesia, 2015 ). The Ministry’s responsibility is to realise the second and the fourth priorities of Indonesia’s Nawa Cita23 that is to develop a clean, effective, democratic, and trusted good governance (Nawa Cita 2: Membangun tata kelola pemerintahan yang bersih, efektif, demokratis dan terpercaya); and to reform the law enforcement system so that it is free of corruption, dignified and trusted (Nawa Cita 4: Memperkuat kehadiran Negara dalam melakukan reformasi sistem dan penegakan hukum yang bebas korupsi, bermartabat, dan terpercaya). The priority programme of the Ministry in 2016 is called Three Ends, comprising (i) To end violence against women and children; (ii) To end human trafficking; and (iii) To end barriers to economic justice24.

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22 See www.menegpp.go.id, accessed on 13 November 2009
23 The Nawa Cita of the Indonesian government under President Joko Widodo consists of nine priorities: (i) Returning the state to its task of protecting all citizens and providing a safe environment; (ii) Developing a clean, effective, trusted and democratic governance; (iii) Developing Indonesia’s rural areas; (iv) Reforming law enforcement system that is free of corruption, dignified and trusted; (v) Improving quality of life; (vi) Increasing productivity and competitiveness; (vii) Promoting economic independence by developing domestic strategic sectors; (viii) Overhauling the character of the nation; and (ix) Strengthening the spirit of ‘unity in diversity’ and social reform. See www.bappenas.go.id accessed on 11 January 2017
24 See www.menegpp.go.id, accessed on 10 January 2017
A government representative respondent no.14, Deputy Minister, female, master’s degree (GOF14) stressed:

The existence of a Minister on Women’s Empowerment and Child Protection in Indonesia is a significant progress. The number of women holding high positions in the bureaucracy is increasing. As long as women in a favourable position fight to enhance other women’s potency, rights and dignity, this will give considerable results in achieving gender equality. The Ministry of Women’s Empowerment and Child Protection is conducting Executive Seminars on gender mainstreaming for high ranking officials at the Deputy Minister level. It has to be attended not only by women but by officials in certain positions, of whatever gender. The Minister for Women’s Empowerment and Child Protection holds regular working sessions with the Commission VIII in the Parliament (Dewan Perwakilan Rakyat-DPR) every 3-4 months. Commission VIII covers religion, social affairs and women’s empowerment (Government Interviewee No.14, 2007).

From the interview quotes on the evolution of the Ministry dealing with women’s affairs, the views of NGO representatives are more frank and outspoken than that of government officials. Though there is significant progress achieved by the Ministry, much more needs to be done to promote gender equality and women’s empowerment.

As the leading Ministry on gender issues, the Ministry of Women’s Empowerment and Child Protection has to synergise with other related technical Ministries in the implementation of gender-related treaties. Nevertheless, the gender issue as a cross cutting issue has unfortunately not become a priority in related Ministries, and this is a major constraint in advancing women’s rights.

Moreover, since its establishment as Ministry of Women’s Affairs, the Ministry of Women’s Empowerment and Child Protection could achieve significant breakthroughs only when Khofifah Indar Parawansa served as its Minister. One of the reasons why the implementation of gender-related treaties in Indonesia has been weak is that the Ministry of Women’s Empowerment and Child Protection has been a weak Ministry since most of their staff have neither the educational background and experience on gender issues, nor adequate understanding on how to address gender equality and women’s empowerment. They come from various ministries.
without any background on gender issues and move to the Ministry of Women’s Empowerment and Child Protection for the sake of having higher positions.

The high positions at the Ministry are often too political and those having high positions at the Ministry often lack of knowledge on gender. The Ministry is sometimes called as tempat buangan para pejabat yang ingin naik ke jabatan yang lebih tinggi (place of exile for government officials seeking promotion). In fact, occupying the positions has been regulated through the legislation and not as a political position. The positions of ministerial assistants are career positions except non-structural positions for Special Ministerial Staff that could be filled with non-career positions.

Indonesia is relatively advanced in promoting women’s rights since it has its own Ministry and Minister dealing with gender issues (Danti, 2006) and has ratified the major international conventions and signed international agreements that uphold the principles of gender equality and women’s empowerment. Nevertheless, the complexity of issues that women face ranging from discrimination to violence is even greater than the capacity of the State to tackle (Komnas Perempuan, 2017).

Despite the above-mentioned international undertakings, the problem remains practical implementation of the relevant treaties. The implementation of the ratified conventions and signed agreements is another story, and some respondents outside the government think that Indonesia’s ratification is just a political act aimed merely at enhancing Indonesia’s reputation in the international world. Policy ratification doesn’t always translate successfully into policy implementation.

The government seems to be reluctant to use human rights as the foundation of its policies in general and particularly related to women’s rights. There are serious constraints stemming from the poor qualifications of personnel in the law enforcement establishment as well as the lack of cross-sectoral coordination among ministries involved.
Chapter 5.

The Role of Non-Governmental Sectors in the Implementation of Gender-Related Treaties in Indonesia

5.1. The Role of Non-Governmental Organisations (NGOs)

In the beginning of the 21st century, Indonesia saw the mushrooming of NGO activism, a phenomenon that also occurred worldwide in countries that were undergoing democratic transition (Budianta, 2004). Continuously reshaping their strategy in a fluid manner to respond to changing needs and urgencies, Indonesian NGOs engaged with the processes of democratisation with all its promises and challenges (Whitelum, 2003).

Since 1998, when Indonesia began its transition towards a more democratic society, many women’s groups have been working actively on women’s rights issues within the context of feminism (Sadli, 2002b). One of the most promising aspects of women’s legal empowerment is the rise of NGOs dealing with women’s legal issues (Katjasungkana, 2008). Indonesian women’s organisations were largely inactive in legal reform after the passing of the 1974 Marriage Law, and only became involved again since 1992, when they were active in the development of a draft revised Criminal Code. Their particular issue was rape. This was followed by the emerging issue of domestic servants in 1990, including drafting a regional regulation on domestic servants and, in 1993, drafting State Policy Guidelines (Arnold, 2008).

In 1996-1997, an alliance of LBH-APIK (Lembaga Bantuan Hukum-Asosiasi Perempuan Indonesia untuk Keadilan-Indonesian Women’s Association for Justice Legal Aid Institute) and the Workers’ Solidarity Forum produced an alternative Labour Bill. However, while there are hundreds of NGOs in Indonesia active on women’s issues, only a few focus consistently on legal reform initiatives (Blackwell, 2004).

NGOs focusing specifically on women emerged, producing a new generation of women activists, whose strength increased even more following the economic and monetary crises of 1997 and the mass rapes of ethnic Chinese women that took
place in May 1998. A growing number of NGOs in Indonesia were becoming involved in providing support services to female labour migrants and in lobbying the government to improve support and protection for them (Cameron, 2002, Moore, 2003, Arnold, 2008).

The opening of the transition period gave Indonesians the opportunity to reposition themselves. This has certainly been true of the relationship between women and men. Freedom of speech encouraged the open expression of opinions and aspirations, especially in urban areas. Consequently, the number of NGOs representing women's interests and demands greatly increased. Women NGOs joined the most dynamic groups which work in almost all sectors, including religion, labour, reproductive health, anti-violence, interfaith, mining, agriculture, law and legal reform, micro-credit, poverty reduction, urban poor, public policy and political representation (Asian Development Bank, 1999, Blackwell, 2004, Budianta, 2004). They identified the need for government and civil society to continue to work together on behalf of Indonesian women (Parawansa, 2002).

Towards the end of the Soeharto regime, as the political climate became increasingly repressive, one group of women ready to challenge the prevailing powers within the context of mainstream politics was the Indonesian Women’s Coalition for Justice and Democracy (Koalisi Perempuan Indonesia untuk Keadilan dan Demokrasi) (Gardiner, 2002).

A non-governmental organisation representative respondent no.3, Secretary General, female, bachelor's degree (NGOF3) explained:

The vision of Koalisi Perempuan is the establishment of democracy, human rights, equality and gender justice with pluralism and feminism as its basis. Koalisi Perempuan also envisages creating pluralism which means acknowledging, respecting and appreciating individual and group differences based on gender, class, religion, belief, ethnicity, sexual orientation, physical ability, age, marital status, work status, political views or any other differences; and with an ongoing commitment to the protection of the environment.

The National Mid-Term Development Plan (Rencana Pembangunan Jangka Menengah-RPJMN) doesn’t cover all the marginalised groups that could face discrimination that Koalisi
Perempuan looks after. Prostitutes, the diffables, and lesbians are among those mostly discriminated because of their condition. Koalisi Perempuan's branches spread over 14 provinces amounting to 120 branches and 917 women's halls (Balai Perempuan). Koalisi Perempuan attempts to socialise all the international commitments and national laws related to gender to all the regions. Currently, it has three links in Surabaya, Pontianak and East Nusa Tenggara. It is hoped that these three regions could socialise to other regions as well. In its operational practice, Koalisi Perempuan applies maternity leave of three months for women and one month for men, as well as menstruation leave of two days (NGO Interviewee No.03, 2007).

The above statement reflects how an NGO, Koalisi Perempuan, gives its utmost attention to gender equality and women’s empowerment even through its daily operational activities. Koalisi Perempuan has exceptional focus on women from various groupings such as the indigenous; the elderly; the bisexual, lesbian, transgender, diffable rural poor, and urban poor women; the migrant, domestic and informal sector female workers; the housewives; as well as the prostitutes. Its priority is to promote moral values, justice, democracy and sisterhood through its inclusive activities involving women from different sectors, especially the marginalised ones.

Another organisation to confront government repression was Voice of Concerned Mothers (Suara Ibu Peduli-SIP) which exploited the maternal role assigned to them by the state to campaign against the government's masculine paradigm of power and violence (Heraty, 2000). In February 1998, this group of housewives, under the leadership of Karlina Leksono and Gadis Arivia, held a demo susu (milk demonstration) at a roundabout in front of Hotel Indonesia, Jakarta. As mothers, they were concerned that rapidly rising milk prices had left them unable to feed this increasingly expensive commodity to their children and elderly parents. The SIP mothers smiled, chanted, prayed and distributed flowers to passers-by and the police. Their banners reflected genuine concern for the well-being of the nation's children. The subsequent arrest of the SIP's leaders attracted widespread local and international media attention (Gardiner, 2002, Parawansa, 2005).

The issue of violence against women, an important issue in the Beijing Declaration, has become a rallying point for women (Watts and Zimmerman, 2002, Osman, 2014). The impetus for this came from the May 1998 riots, in which Indonesian women of

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25 Koalisi Perempuan refers to a disable woman as a diffable woman, someone having different abilities.
Chinese descent were the targets of widespread sexual abuse and gang rape. The May 1998 riots were incidents of mass violence - including violence of an openly racial nature - that occurred throughout Indonesia, mainly in Medan (4-8 May), Jakarta (12-15 May), and Surakarta (13-15 May). The riots were triggered by economic problems including food shortages and mass unemployment, and eventually led to the resignation of President Soeharto and the fall of the New Order government (Blackburn, 1999a, Komnas Perempuan, 1999).

The main victims of the violence were ethnic Chinese. The ethnic Chinese comprise 3 per cent of Indonesia’s population. At least 168 cases of rape were reported with 152 in Jakarta and the remaining 16 in Surakarta, Medan, Palembang, and Surabaya. Women’s rights activists, human rights activists, psychologists, doctors, and surgeons worked hand in hand to help the victims by protecting the victims’ identities, as there were threats from unknown people over their involvement in helping the victims (Primariantari, 1999, Wargadiredja, 2017). Based on the findings by the Joint Fact-Finding Team formed by the Indonesian government, the data of rape victims in Jakarta could be described in Table 14.

Nevertheless, it is doubtful that the available data reflected the real situation since there were many unreported cases of the May 1998 riots. Many of the victims left the country and many others stayed in the country without reporting their experiences (Primariantari, 1999, Watts and Zimmerman, 2002, Min, 2006, Tay, 2006, Wargadiredja, 2017). The number of the victims could thus be far higher than reported.

Table 14: Victims of Rape and Sexual Harassment in Jakarta and Surroundings

<table>
<thead>
<tr>
<th>DATE</th>
<th>RAPE</th>
<th>RAPE &amp; ABUSE</th>
<th>RAPE &amp; BURNING</th>
<th>SEXUAL HARASSMENT</th>
<th>TOTAL OF VICTIMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>13 May 1998</td>
<td>-</td>
<td>2</td>
<td>3 (all dead)</td>
<td>4</td>
<td>9 (3 dead)</td>
</tr>
<tr>
<td>14 May 1998</td>
<td>101</td>
<td>17 (7 dead)</td>
<td>6 (all dead)</td>
<td>8 (1 dead)</td>
<td>132 (14 dead)</td>
</tr>
<tr>
<td>15 May 1998</td>
<td>-</td>
<td>1 (dead)</td>
<td>-</td>
<td>1</td>
<td>2 (1 dead)</td>
</tr>
<tr>
<td>15 May-3 July 1998</td>
<td>2 (1 dead)</td>
<td>6 (1 dead)</td>
<td>- (all dead)</td>
<td>1</td>
<td>9 (2 dead)</td>
</tr>
<tr>
<td>TOTAL</td>
<td>103 (1 dead)</td>
<td>26 (9 dead)</td>
<td>9 (all dead)</td>
<td>14 (1 dead)</td>
<td>152 (20 dead)</td>
</tr>
</tbody>
</table>

Source: *Komnas Perempuan*, 1999 p.91
This led to the establishment of the National Commission on Violence against Women headed by Prof. Dr. Saparinah Sadli, also a senior member of the National Commission on Human Rights. As regional conflicts continued to exacerbate the sufferings of women, and as domestic violence has become increasingly acknowledged, the more widespread establishment of women’s crisis centres has opened up greater opportunities for women to express their civic responsibilities (Osman, 2014). However, some observers fear that this focus on the single issue of violence may leave too few women to continue the struggle at the political front (Oey-Gardiner, 2001).

On 21 April 2001, to commemorate Kartini Day, a number of NGOs organised a rally to focus attention on the need for greater consultation with and representation of women in the political process. Attended by over 400 people (including some men), the meeting attracted so many new faces that seasoned women activists constituted a minority (Robinson, 2001). It was a day-long national meeting held in Jakarta featuring well-known and high profile women activists, middle-class activists, non-elite activists, women from Jakarta’s slums, as well as mothers and housewives (Kuswandini, 2010).

Women have joined men in the struggle to make Indonesian society a more humane and democratic place to live. Denied a role in political and bureaucratic decision-making, women activists have responded by joining general civic organisations. In these difficult times, it is interesting to note that a number of nationwide, gender-neutral NGOs, such as the Centre for Electoral Reform (CETRO), the International NGO Forum on Indonesian Development (INFID), the Urban Poor Consortium (UPC), the Environmental Forum (Wahana Lingkungan Hidup Indonesia-WALHI) and the Indonesian Consumers’ Association Foundation (Yayasan Lembaga Konsumen Indonesia- YLKI), were headed by women. Indonesian women have heard the call and have responded (Gardiner, 2002, The Jakarta Post, 2010c).

Furthermore, many of the non-government Islamic women’s organisations are specifically addressing gender-related issues. The new Islamic women’s organisations have succeeded in a relatively short period in establishing an open and public forum for discussion of women’s rights and empowerment. It has been difficult for these organisations to remain free of political pressure and expectations exerted
on them by NU and *Muhammadiyah*, which are two of the most powerful political forces in Indonesia. While *Muslimat*, *Fatayat* and *Aisyiyah*, the older women’s organisations, are not formally linked to the NU and *Muhammadiyah* in terms of organisational structure, in reality they can be viewed as a division of their ‘parent’ organisations. Although they are clearly distinguishable from the all-male NU and *Muhammadiyah*, their closeness to them places constraints on their ability to develop programmes (Marcoes, 2002).

Some NGOs in Indonesia play an influential role in transmitting messages of the international recommendations to the community. In Indonesia, there are many NGOs conducting oversight of CEDAW and concentrating on women’s rights issues (Swasono, 2007). As for CEDAW implementation, NGOs under the CEDAW Working Group Initiative provide independent reports on the implementation of CEDAW in Indonesia to the UN CEDAW Committee. These are “shadow reports” to supplement the corresponding reports by the government. Those NGOs include *Kalyanamitra* (Women’s Communication and Information Centre), LBH-APIK, *Koalisi Perempuan, Komnas Perempuan* (Indonesian Commission on Violence Against Women), and *Solidaritas Perempuan* (Women’s Solidarity for Human Rights) (CEDAW Working Group Initiative, 2007a).

Other NGOs lobby on specific issues, issues that are highlighted in the gender-related treaties, such as reproductive health, education and migrant workers. Those NGOs include *Yayasan Kesehatan Perempuan* (Women’s Health Foundation) concentrating on women’s health and reproductive health, *Kapal Perempuan* (Alternative Education Circle for Women) concentrating on education, and *Buruh Migran* (NGO on Migrant Workers) concentrating on migrant workers, the labour market, and imbalances in distribution of resources (Budianta, 2004).

An interesting development in Indonesia is the emergence of religious-based organisations such as Islamic women NGOs focusing on gender and Islam, which translate the messages of international recommendations into Islamic perspectives in order to make them well accepted and understood by the Indonesian community, which consists mostly of Muslims. Those NGOs which translate international conventions with an Islamic perspective include *Rahima* (Centre for Education and
Information on Islam and Women’s Rights Issues, *Fahmina Institute* (NGO on Religious Studies), *Puan Amal Hayati* (Women’s Islamic organisation promoting religious interpretations that are more women-friendly and encourage equal rights), *Muslimat* and *Fatayat* (Marcoes, 2002).

A gender expert respondent no.3, female, master’s degree (GEF3) emphasised:

*Fatayat* has succeeded in including the issue of human trafficking affecting mostly women and children into the general debates and discussions in *Muhammadiyah* which is very male-dominated. It needs much effort and hard work to fight for the interests of women. Justice for men in the religion is free whereas women have to work hard to fight for their justice (Gender Expert Interviewee No.3, 2007).

The above statement shows how influential an Islamic organisation has to be to put gender on the agenda of discussion in a male dominated society. *Fatayat* performs a difficult task in introducing gender concepts to a society that is patriarchal and reserved. The enlistment and role of male Muslim leaders in these efforts will be discussed later in this chapter.

### 5.1.1 CEDAW Working Group Initiative

The CEDAW Working Group Initiative is a network representing a coalition of 58 NGOs and a number of women’s rights activists who work on the advocacy and monitoring of the implementation of CEDAW in Indonesia. The network was established in 2006.

A non-governmental organisation representative respondent no.4, Director, female, bachelor’s degree (NGOF4) stated:

*Kalyanamitra* with Rena Herdiyani as its Secretary General coordinates the CEDAW Working Group Initiative. *Kalyanamitra* itself socialises CEDAW to the community through friendly campaigns using acceptable language and giving away CEDAW souvenirs (mugs, pins, posters etc). *Kalyanamitra* gives advice and inputs to the government through its statements and advocacy. The CEDAW Working Group Initiative urges the implementation of CEDAW in Indonesia.

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26 Based on the statement of CEDAW Working Group Initiative representing Indonesian NGOs focusing on women’s rights at the NGO Informal Meeting with CEDAW Committee, New York, 23 July 2007.
through changing policies and improving women’s conditions towards the fulfilment of women’s rights in Indonesia (NGO Interviewee No.04, 2007).

Through this statement, we can see the significant contribution of Kalyanamitra, an NGO bringing CEDAW closer to the community through its coordinating role in the CEDAW Working Group Initiative. Kalyanamitra sees the importance of CEDAW provisions and continuously urges the government to implement them.

The CEDAW Working Group Initiative has the responsibility to prepare the NGO statement (or “shadow report”) to the CEDAW Committee concerning reports by the Government of the Republic of Indonesia on the implementation of CEDAW (CEDAW Working Group Initiative, 2007a).

The NGO report on the implementation on CEDAW in Indonesia itself is compiled by ten NGOs under the CEDAW Working Group Initiative comprising the Aliansi Pelangi Antar Bangsa-APAB (a coalition of organisations and individuals caring for issues of discrimination experienced by Indonesian women in mixed marriages), Kalyanamitra, Koalisi Perempuan, LBH-APIK, Mitra Perempuan (Women’s Crisis Centre focusing on domestic violence), Rahima (Centre for Education and Information on Islam and Women’s Rights Issues), Rumpun Gema Perempuan (Women’s organisation focusing on the rights of domestic workers), Solidaritas Perempuan, Yayasan Kesehatan Perempuan, and Yayasan Jurnal Perempuan (Women’s Journal Foundation) (CEDAW Working Group Initiative, 2007b).

CEDAW’s implementation is the nation’s responsibility. The NGOs are obliged to monitor to what extent the government implements CEDAW. According to the CEDAW Working Group Initiative, there are many gaps between the written laws or regulations and their implementation in Indonesia (CEDAW Working Group Initiative, 2007a).

In the NGO Statement to the CEDAW Committee at the 39th Session concerning the fourth and fifth reports of the Government of the Republic of Indonesia (CEDAW Working Group Initiative, 2007b), the CEDAW Working
Group Initiative drew attention to ten crucial issues related to discrimination against women, identified based on the results of NGOs' monitoring and critical analysis in Indonesia.

Those emerging issues covered the State’s responsibility to eliminate discrimination (CEDAW’s Article 1-5), trafficking in women (CEDAW’s Article 6), women in politics and public life (CEDAW’s Article 7), citizenship (CEDAW’s Article 9), women’s education (CEDAW’s Article 10), the rights of women workers (CEDAW’s Article 11), female reproductive health (CEDAW’s Article 12), women in rural areas (CEDAW’s Article 14), equality before the law (CEDAW’s Article 15), and marriage and family law (CEDAW’s Article 16).

Cross-cutting issues that the CEDAW Working Group Initiative has been concentrating on are women’s impoverishment, the rise of religious fundamentalism and cultural conservatism, as well as women’s representation and participation in public life (CEDAW Working Group Initiative, 2007a).

The issue of women’s impoverishment relates to CEDAW’s Articles 6, 7, 9, 10, 11, 12, and 14. The globalisation era has impacted on women’s impoverishment in several ways. Women are losing their access to natural resources. They become marginalised from their work in villages, and they are forced to migrate to the cities or to work abroad.

The issue of the rise of fundamentalism and cultural conservatism relates to CEDAW’s Articles 5, 7, 15 and 16. Religious fundamentalism and cultural conservatism are currently rising in several regions in Indonesia due to existing discriminatory regional policies with misleading religious and cultural interpretations. These developments have limited women’s rights in public life and their right to control their own bodies. Women’s representation and participation in public life relate to CEDAW's Articles 3, 4, 5, 7, 10 and 14.

Women's representation and participation in public life confront institutional, structural, and cultural constraints. The involvement of women in politics also faces institutional challenges in the bureaucracy, political parties, and religious
and educational institutions. In public life, there are still very few women who are really involved in the decision-making process. Women’s interests and aspirations continue to be overlooked. Cultural constraints are another barrier to women entering politics. These handicaps are constructed systematically by social tradition, interpretation of religious values, and other public policies and regulations which place women and men in unequal positions in society (Karl, 1995, Oey-Gardiner, 2001, Hatmadji and Utomo, 2004).

In this regard, the CEDAW Working Group Initiative urges the government to take effective measures regarding the above-mentioned issues, and expects the CEDAW Committee to push the Indonesian government to implement the Convention consistently as a legal basis in the making of various policies, and to abolish or to amend regional policies/laws/regulations that discriminate against women (CEDAW Working Group Initiative, 2007a, HOME, 2012, Koalisi Perempuan, 2012).

An international organisation representative respondent no.1, Assistant Representative, female, master’s degree (IOF1) stated:

The independent report on the implementation of CEDAW in Indonesia prepared by CEDAW Working Group Initiative is very comprehensive. NGOs could respond to all the comments of UN CEDAW Committee perfectly (International Organisation Interviewee No.01, 2007).

The above statement shows how an international organisation sees the importance of independent reporting on CEDAW implementation. The NGOs are more outspoken and can describe the actual situation supported with accurate data on CEDAW implementation in Indonesia.

The CEDAW Working Group Initiative expects that existing networks should not limit themselves to the drawing up of independent reports concerning the implementation of CEDAW by the Indonesian government. It is hoped that the CEDAW Working Group Initiative could also become a platform for NGOs involved in women’s issues to push the implementation of CEDAW in Indonesia through policy changes and situation improvements aimed at the
fulfilment of women’s rights in Indonesia (CEDAW Working Group Initiative, 2007a).

In May 2012, Koalisi Perempuan submitted an independent NGO report to the CEDAW Committee on the implementation of CEDAW in Indonesia concentrating on CEDAW’s Article 14 on the fulfilment of the rights of rural women. The report was prepared among others due to the fact that 88 per cent of Indonesian territory consists of rural villages where most of the population resides, and that the existing development disparity between the city and the village brings about inequality and injustice to the village residents (Koalisi Perempuan, 2012).

Moreover, Koalisi Perempuan noted that the situation of rural women at present is very alarming and requires special attention if justice and equality between women and men are to be achieved there. They are still facing various problems, namely poverty (there are more poor women than poor men), food crises, gender-based violence, cultural-based violence, low access to public services (health: more than 70 per cent of pregnant women in the rural areas give birth without the help of a health worker), education: there are still 5.3 million illiterate women, population and civil record administration), poor basic infrastructure in rural areas (village roads: only 15-20 per cent of the roads are made of smooth asphalt, limited sources of safe drinking water, poor sanitation, irrigation problems, and lack of electricity) (Koalisi Perempuan, 2012).

Koalisi Perempuan pointed out Indonesia’s obligation to promote, respect, protect, and fulfil the rights of rural women as mandated by Article 14 of CEDAW, among others by directing its policies and programmes in the National Mid-Term Development Plan and through other administrative actions, and eliminating all corruption practices especially but not limited to the administrative processing of population and civil records that can hinder the fulfilment of the rights of village residents to obtain population administrative services (Koalisi Perempuan, 2012).
The Humanitarian Organization for Migration Economics (HOME) working in close partnership with Solidaritas Migran Scalabrini (SMS) and Yayasan Dunia Viva Wanita (VIVA WANITA) submitted a shadow report to the 52nd Session of the CEDAW Committee in 2012 focusing on (i) the discrimination and inequality experienced by female Indonesian domestic workers who leave Indonesia to work in Singapore; and ii) the trafficking of Indonesian women into domestic servitude in Singapore and into sexual exploitation in Batam (HOME, 2012).

The report recommends among others that the Indonesian Government enacts gender equality legislation which sets out a comprehensive definition of discrimination acknowledging practices that are discriminatory against women either in effect and/or purpose. The Indonesian government should also formulate a comprehensive gender-sensitive and rights-based policy on the basis of equality and non-discrimination to regulate and administer all aspects and stages of the process of recruitment, training, employment and return of migrant domestic workers, to facilitate access to work opportunities abroad, to promote safe migration and to ensure the protection of the rights of women migrant workers (HOME, 2012).

5.1.2 ICPD NGOs

The Indonesian Reproductive and Sexual Health and Rights Monitoring and Policy Advocacy (IRRMA) was established in mid-2002 and abolished in 2006 as a network of NGOs working on the issue of reproductive health in Indonesia.

IRRMA comprised seven local NGOs: Rifka Annisa (Women’s Crisis Centre focusing on violence against women), Persatuan Keluarga Berencana Indonesia-PKBI Jambi (Indonesian Family Planning Association Branch in Jambi, South Sumatra), YLKI South Sulawesi (Indonesian Consumers’ Association Foundation Branch in South Sulawesi), Kelompok Studi Gender dan Kesehatan-KSGK Surabaya (Study Group on Gender and Health in Surabaya), Hotline Surabaya Foundation (a foundation concentrating on
trafficking, reproductive health and HIV/AIDS), *Jaringan Kesehatan Perempuan Indonesia Timur*-JKPIT Kupang (East Indonesian Women’s Health Network), and *Yayasan Kesehatan Perempuan* -Jakarta (Indonesia Reproductive and Sexual Rights and Health Monitoring and Advocacy, 2004).

IRRMA’s activities were supported by the Ford Foundation through the Asia-Pacific Resource and Research Centre for Women (ARROW). ARROW’s projects carry the concept of a Women’s Health and Rights Advocacy Partnership (WHRAP) aiming primarily at strengthening NGOs’ capacity for evidence-based monitoring and carrying out effective policy advocacy (ARROW, 2006).

ARROW’s role was to facilitate projects and provide technical assistance for monitoring, documentation, policy advocacy and capacity building to Indonesian partners through resources available from its Information and Documentation Centre, and to link Indonesian NGOs with regional and international NGOs working in the field of women’s health and rights.

ARROW worked with seven local NGOs under IRRMA undertaking monitoring activities to provide a comprehensive profile on a particular issue of sexual and reproductive health and rights for each respective region.

The issues covered by IRRMA were young people’s access to information and services on sexual and reproductive health and rights, safe abortion, sexual violence against women and girls, sexually transmitted diseases, reproductive tract infections, HIV/AIDS, high maternal mortality rates, decentralisation of health services, and family planning services. IRRMA publishes their activities through monitoring reports, advocacy tools such as position papers and policy briefings, ARROW’s bulletin, and IRRMA news.

IRRMA also took responsibility to produce the NGOs’ report on the implementation of ICPD in Indonesia. For Indonesia’s NGO Country Report for ICPD+10, IRRMA conducted a study in monitoring a range of issues in seven

27 Information on ARROW could be found at www.aworc.org/org/arrow/arrow.html, accessed on 24 March 2010
regions as follows: adolescent sexual and reproductive health in South Sumatra, Sumatra family planning in East Nusa Tenggara, maternal mortality in Madura, sexual violence against girl child in Yogyakarta and Central Java, sexually transmitted infections (STIs) and HIV/AIDS in East Java (Surabaya, Malang and Sidoarjo), unsafe abortions in Jakarta, as well as health and decentralisation in South Sulawesi (Indonesia Reproductive and Sexual Rights and Health Monitoring and Advocacy, 2004).

The country report attempts to identify and analyse the main barriers of ICPD implementation and to facilitate factors for change perceived by NGOs and government in relation to political, economic and social context; institutional factors; effectiveness of NGOs and civil society’s participation and advocacy; presence of ICPD’s adversaries; impact of health sector reform; as well as presence of donor agencies (World Bank, International Monetary Fund, Asian Development Bank) and donor policies (Indonesia Reproductive and Sexual Rights and Health Monitoring and Advocacy, 2004).

As for the challenge of the country study, it was concluded that each issue and each region studied was unique and needed a special approach. This was stated in the research reports presenting the findings on the issues studied, which have not yet been publicised for various political and social reasons. The main reason for this is fear that the findings would not be accepted by the larger part of the society. For example, findings on HIV/AIDS cases are often hidden from society at large in spite of the consequences that HIV/AIDS might spread (Dharmaputra, 1997, The Jakarta Post, 2009a, Fried et al., 2019).

Another challenge of importance is the need to involve men in programmes of reproductive health considering the dominant role of men as decision makers according to the custom in Indonesia, even in the case of medications and women giving birth. There are still many unmet needs of using contraceptives as indicated by the lack of contraceptive distribution services and marketing, and the effects of men’s involvement in these matters (Siregar and Pudjani, 2004, Utomo et al., 2010a).
IRRMA also conducted a study on the ‘2015 count down’ in the seven regions for a regional publication, the ‘ICPD Ten Years On: Monitoring on Sexual and Reproductive Health and Rights in Asia’ distributed at an event called ‘Countdown 2015: NGO Roundtable Sexual and Reproductive Health and Rights for All’ held on 30 August-2 September 2004 in London. The publication covers monitoring reports about ICPD implementation in eight countries in Asia (Cambodia, China, India, Indonesia, Malaysia, Nepal, Pakistan and the Philippines) (Countdown to 2015, 2015).

IRRMA’s project involved a series of capacity building workshops for evidence-based monitoring, actual monitoring studies on seven aspects of sexual and reproductive health and rights, the publication of these reports, and the sharing of presentations based on the findings at national and international forums. These series of activities were planned in response to an assessed need to increase the number of NGOs in Indonesia with the capacity to engage effectively at national and international level advocacy venues. As an outcome of this project, the IRRMA group launched a sustained effort to change the Health Law which limits access to safe abortion services. ARROW was envisioned as the facilitator for this process, based on its clear commitment to an empowering partnership process (ARROW, 2013).

IRRMA’s work is continued by ARROW and the seven national NGOs keep on performing activities in line with their respective areas of work and notions enshrined in the ICPD Programme of Action.

Moreover, Islamic women’s organisations that have been already referred also promote reproductive health from an Islamic perspective.

The Cairo Agenda on reproductive health has not been readily accepted in Indonesia due to perceptions that it is a Western import that is not appropriate or relevant in the Indonesian setting (Keech-Marx, 2006, Shewprasad and Habsjah, 2014). Hostility comes particularly from elements within the Muslim community that view the Agenda as an imposition of Western values and ways of life that contradict Islam (Schröter, 2013). The international discourse on rights and gender equality, promoted by non-religious based women’s
organisations, does not always resonate with the views and experiences of many faithful Muslims.

On the other hand, Islamic women’s organisations are making the Cairo Agenda more acceptable in the pesantren community by translating and framing it in a way that is in keeping with basic tenets of the Islamic faith. They are thereby opening up a new site of agency on reproductive health issues in Indonesia, one that brings together international and Islamic discourses in the specific Indonesian context. The work of Islamic women’s organisations requires compromise and negotiation, as they devise the translations and interpretations of both the Cairo Agenda and Islamic texts that are compatible and appropriate within the Indonesian setting. It is a process of simultaneous and parallel contextualisation of the Cairo Agenda and Islam, of extracting the ‘essence’ of Islam while keeping the ‘spirit’ of Cairo (ICPD, 2014, Kanem, 2019).

Through their conscious and strategic use of language that resonates with Islamic discourses, and with reference to Islamic texts, the Islamic women’s organisations are producing an alternative discourse on reproductive health in Indonesia, one which brings together Islam and women’s rights, and which has legitimacy in moderate religious circles. Their work involves continuous compromise and negotiation between text and context, and retaining credibility and legitimacy in the Muslim community while also pushing boundaries (Keech-Marx, 2006, Amnesty International, 2010, Utomo et al., 2010a).

In this process, they are opening up a new discursive space, a new site of agency in Indonesia, where gender equality and reproductive health are translated and framed in a way that presents them as compatible with the Islamic faith. The efforts of the Islamic women’s organisations to Islamise reproductive health are important in laying the groundwork for future engagement with the Muslim community on social issues, and provide guidance for those seeking to bring about social change in an increasingly Islamised Indonesia (Shewprasad and Habsjah, 2014).
Taking *Rahima*, for example, as a Islamic women’s organisation focusing on women’s rights and empowerment, it was established to respond to the needs for information on gender and Islam (Azmi et al., 2014).

A non-governmental organisation representative respondent no.1, Head of Division, female, master’s degree (NGOF1) stated:

Knowing that women rights are human rights, *Rahima* tends to realise a democratic society by fulfilling women’s rights since it is a necessary component for the fulfilment of human rights. *Rahima*’s mission is to empower women through various awareness raising activities concerning women rights within Islam, focusing on women, men and institutions, where gender discourses are raised. In *Rahima* itself, women are working together with men to execute *Rahima*’s activities. *Rahima* gives three months maternity leave for women and three days for men, as well as two days menstruation leave.

In the field of education, *Rahima* has conducted training for religious leaders in West Java and East Java regions. *Rahima* attempts to empower female religious leaders through affirmative actions. Related to health issues, *Rahima* has published bulletins on women’s health and regularly holds discussions and workshops on reproductive health (NGO Interviewee No.01, 2007).

The above statement clearly emphasises the role of *Rahima*, an NGO in advancing Islamic education and information to fulfil women’s rights. Since the mandate of *Rahima* coincides with CEDAW, the ICPD Programme of Action, the Beijing Platform for Action, and the 2030 Agenda for Sustainable Development, *Rahima*’s activities in advancing Islamic education and information conform with the provisions contained there to fulfil women’s rights.

A non-governmental organisation respondent no.2, Director, female, master’s degree (NGOF2) emphasised:

The term ‘gender’ itself is often associated with just ‘women’. Therefore, in socialising the international commitments such as the ICPD Programme of Action to the community, it has to be done in a way that is acceptable and suitable with the local community, custom and religion. Religious texts relating to women’s empowerment should be referred to. Opponents always refer the international commitments as ‘Western’ documents fighting for feminism. In certain Islamic communities, they prefer the term ‘human equality’ to ‘gender equality’ (NGO Interviewee No.02, 2007).
The above statement reveals how NGOs try to adapt themselves to the existing local community, custom and religion. Communicating in an acceptable language is a prerequisite to avoid any possible misinterpretation.

The Indonesian NGOs dealing with ICPD issues were also involved in developing a global survey report on the 20-year implementation of the ICPD Programme of Action in Indonesia. The thematic issues covered include population and development, reproductive health, and gender equality. The report on ICPD Beyond 2014 Review in Indonesia was then submitted to the Economic and Social Commission for Asia and the Pacific (ESCAP) (UNFPA, 2014b, Shewprasad and Habsjah, 2014).

5.1.3 Indonesian NGO Forum on Beijing Platform for Action

Based on the needs to communicate and network among individuals and NGOs with concern about empowering women to achieve gender equality and justice, the Indonesian NGO Communication Forum for the Advancement of Women (NGO Forum) was established soon after the Asia Pacific NGO Symposium on Women in Development, November 1993 in Manila, Philippines (Indonesian NGO Forum on BPFA + 10, 2005).

During the Beijing Conference, the NGO Forum coordinated NGOs to actively participate in workshops, especially in sharing the Indonesian experience and building networks with NGOs around the world. To disseminate the Beijing Declaration and Platform for Action (BPFA) and to coordinate the follow-up actions, the Forum held a workshop, translated and distributed the BPFA to NGOs, and published booklets of translation in various languages on international conventions and declarations related to women’s issues (Swasono, 2005).

NGOs and other organisations grouped under the Indonesian NGO Forum on BPFA include the National Council of Indonesian Women (Kongres Wanita Indonesia-KOWANI), Civil Society Organisations (CSOs), women study
centres and focal points/coordinators of the twelve critical areas (Indonesian NGO Forum on BPFA + 10, 2005).

The Indonesian NGO Forum on BPFA has produced the ‘NGO Report on The Implementation of The Beijing Platform for Action 1995-2005’ coordinated by Titi Sumbung from the Indonesian Centre for Women in Politics. Other members preparing the report included Rita Serena Kolibonso from Mitra Perempuan, Titik Hartini from the Community Recovery Program, Kunthi Tridewiyanti from Network of Women in Politics, Titiek Soeyono from the National Council of Indonesian Women, Atashendartini Habsjah from the Women’s Health Foundation, Tini Hadad from the Indonesian Coalition for Health, and Charletty Choesyana Soffat from the National Council of Indonesian Women.

The report on each critical issue of BPFA had its own coordinator, with contributions from various organisations on the respective critical issues involved. For each of BPFA’s critical area of concern, some significant points are raised in the report: introduction, strategic objectives, actions taken, gains, obstacles, lessons learned, emerging and persistent issues, future action and recommendations to the government to be realised with all stakeholders.

For ‘Women and Poverty’, the emerging issues identified are the increasing levels of unemployment of women working in informal sectors, the lack of women in decision-making positions and decision makers who are not gender-sensitive, the need for marginalised women to become a top priority in poverty alleviation efforts, and the need for improved access to financial resources for marginalised women. Persistent issues are also identified for this critical area of concern such as the economic growth policy determined by women economic players, as well as the number of women living below the poverty line and poverty feminisation, both of which have tended to increase.

To provide women with access to savings and credit mechanisms and institutions, NGOs have developed various community empowerment programmes through the formation of networks for poor people, such as the
UPC, the Network for Women in Small Business (Jaringan Perempuan Usaha Kecil-JARPUK), the Indonesian Farmers Association (Serikat Petani Indonesia-SPI), and the Indonesian Labourers Association (Serikat Buruh Indonesia-SBI) (Asian Development Bank, 1999).

Although these attempts have increased the critical awareness of the poor so that they can conduct advocacy of their rights, these attempts have not been able to bring changes nor alleviate poverty. In this regard, NGOs are urged to monitor the use of poverty reduction funds so as to ensure that women and the poor remain the top priority (Indonesian NGO Forum on BPFA + 10, 2005).

In connection with ‘Education and Training for Women’, the emerging issues identified include son preferences, priority given to men for higher level education, gender insensitivity, gender inequality, gender inequity, and limited educational budgets. Persistent issues are also identified such as discrimination against women and the disabled in education, the patriarchal culture in many regions, and the high cost of education which become impediments for women to achieve higher levels of education.

Through various activities, NGOs have taken significant actions to ensure equal access to education; to eradicate illiteracy among women; to improve women’s access to vocational training, science and technology, and continuing education; to develop non-discriminatory education and training; to allocate sufficient resources for and monitor the implementation of educational reforms; and to promote lifelong education and training for women (Indonesian NGO Forum on BPFA + 10, 2005).

With regard to ‘Women and Health’, various NGOs keep on working to develop programmes on women’s health in general, family planning, maternal health, adolescent reproductive health, prevention and management of HIV/AIDS and sexually transmitted diseases, advocacy on safe abortion, male participation in reproductive health, and prevention of female circumcision practices.
Hundreds of NGOs carry out health programmes with gender-sensitive approaches throughout the nation, aimed at improving women’s access to reproductive health, strengthening preventive programmes that promote women’s health (including infants, toddlers, adolescents and youth), developing gender-sensitive initiatives that address sexual and reproductive health and rights issues, promoting research and disseminating information on women’s health, and increasing resources and disseminating information on women’s health (Indonesian NGO Forum on BPFA + 10, 2005, Thomas and Yusran, 2013).

With regard to ‘Violence Against Women’, various NGOs have taken significant actions to implement integrated programmes to prevent, eliminate and handle acts of violence against women by contributing to the formulation of national policy and advocacy as well as local advocacy; to study the causes and consequences of violence against women as well as effective steps for its prevention; and to eliminate the trafficking of women and assist the victims of violence related to prostitution and trafficking of women.

As emerging issues, it is identified that a large number of domestic violence cases still exist within society as hidden crime, and the number of incidents of trafficking of women and girls tends to increase due to a lack of legal protection (Roberts, 2016, IOM, 2018).

A persistent issue remains that the culture, myths and misinterpretation of religion influence the attitude towards and the occurrence of gender-based violence. Moreover, patriarchy still stands as an existing dominant value which systemically influences policies and laws in Indonesia (Indonesian NGO Forum on BPFA + 10, 2005).

Related to ‘Women and Armed Conflict’, various NGOs and women groups have carried out initiatives to increase the participation of women in conflict resolution at decision-making levels and to protect women living in situations of armed and other conflicts, or under foreign occupation. NGOs and women’s groups have also striven to promote non-violent forms of conflict resolution.
and to reduce the incidence of human rights abuse in conflict situations; to promote women’s contribution in fostering cultures of peace; and to provide protection, assistance and training to refugee women, other displaced women in need of international protection, and internally displaced women (Indonesian NGO Forum on BPFA + 10, 2005).

In relation to ‘Women and the Economy’, many activities have been undertaken by various NGOs to promote women’s economic rights and independence, including access to employment, appropriate working conditions and control over economic resources; to facilitate ways in which women can have equal access to the resources, employment, markets and trades; to provide business services, training and access to markets, information and technology, particularly to low income women; to strengthen the economic capacity of women and their commercial networks; to eliminate occupation segregation and forms of employment discrimination; and to promote harmonisation of work and family responsibilities for women and men.

Nevertheless, the main obstacle faced by NGOs in the implementation of the strategies of the Beijing Declaration relates to the government’s macro policies, and social-cultural conditions that restrict women to the domestic sector instead of recognising and promoting them as economically active citizens. In this regard, NGOs and networks for women at the grass-root level must proactively communicate with the government and criticise government policies that are not yet gender-sensitive (Indonesian NGO Forum on BPFA + 10, 2005).

Pertaining to ‘Women in Power and Decision-Making’, various NGOs hold initiatives to ensure access and full participation by women in power and decision-making structures, and to increase women’s capacity to participate in decision-making and leadership. In 1999, the Indonesian NGO Forum on BPFA established the Indonesian Centre for Women in Politics (ICWIP) with the following vision: ‘The existence of civil society that guarantees equal partnership of men and women in the power structures and public decision-
making processes in order to ensure women’s effective contribution to and benefit from sustainable development’.

For further action, many NGOs feel a responsibility to increase women’s participation in public life by strengthening and accelerating the process of partnership between women and men as equal participants in the total life of the nation. The difference between men and women should be recognised as one’s unique identity and individual human rights. By working together among them and affirming their difference, they build strength, create synergy and collaborate in wholeness, which could benefit all, that is a partnership of equals (Crawford, 2006, Dorius and Firebaugh, 2010, Cheema, 2010a).

The new paradigm of development, which centres on the rights and needs of people (men and women) - people-centred development - for a participatory sustainable development, provides a vast opportunity for women as an integral part of the nation to participate actively at all stages of and benefit from the development (Indonesian NGO Forum on BPFA + 10, 2005).

As for ‘Institutional Mechanisms for the Advancement of Women’, political reform has facilitated a wider opportunity for women’s NGOs and other CSOs concerned about gender equality and justice. A conducive, supportive and challenging environment is gradually evolving which allows them to participate in the entire process of development of their respective community, from policy formulation to review and appraisal of progress achieved.

In cooperation with the government, NGOs have undertaken many activities aiming at creating and strengthening national machineries and other governmental bodies; integrating gender perspectives into legislation, public policies, programmes and projects; as well as generating and disseminating gender-disaggregated data and information for planning and evaluation.

For further action, NGOs particularly women’s NGOs need to strengthen networks among themselves to fortify institutional mechanisms for the advancement of women in Indonesia, as well as with relevant governmental
institutions, and women/gender study centres, in order to maximise the efficiency and effectiveness of the nation-wide network of institutional mechanisms (Indonesian NGO Forum on BPFA + 10, 2005).

Regarding ‘Human Rights for Women’, many NGOs are prepared to work with the government in promoting and protecting the human rights of women through full implementation of all human rights instruments, especially CEDAW, ensuring equality of non-discrimination under the law and in practice, and in achieving legal literacy. NGOs assert that discrimination against women is violence against women which should not be denied or ignored by society, especially when domestic violence occurs in private spheres (Blackburn, 1999a, The Jakarta Post, 2011, Osman, 2014).

In this regard, the government has the main responsibility to promote and protect human rights, women’s rights in particular. Nevertheless, violation of human rights, even violations by government authorities, tend to continue. In fact, though the government’s formal policies imply respect and protection of human rights, the violation of rights by government authorities can still occur. Conflicts between gender equality and patriarchy still exist. The inability to transform legal acknowledgement with the factual acknowledgement of the occurrence of the discriminatory practices against women is directly related to a state of mind that is gender-biased and influenced by patriarchal values (Indonesian NGO Forum on BPFA + 10, 2005, Khosla et al., 2019).

With regard to ‘Women and the Media’, many women NGOs have taken important steps to increase the participation and access of women to expression and decision-making in and through the media and new technologies of communication, and to promote a balanced and non-stereotyped portrayal of women by the media. It would be useful - even imperative - to establish a joint monitoring team between certain media institutions and women NGOs having concern about gender and media.

This should aim at conducting a systematic review and appraisal of progress achieved and obstacles encountered in gender mainstreaming in the media.
The media is a reflection of society. It is clear however that changing existing traditional stereotyped social attitudes towards women is no easy task. As the survival of the media still depends greatly on advertisement and high ratings from their respected target community, the media continues to follow societal attitudes which still treat women mainly as objects (Indonesian NGO Forum on BPFA + 10, 2005, Utomo et al., 2010b).

Concerning ‘Women and the Environment’, many women NGOs have contributed in involving women actively in decision-making concerning the environment at every level, integrating concern and gender perspectives into policies and programmes for sustainable development, as well as strengthening and establishing the mechanisms at the national, regional and international levels to assess the impact of development and environmental policies towards women.

Activists assert that male domination in a patriarchal culture remains a significant obstacle for women’s involvement in decision-making forums at every level. Moreover, government’s cooperation with NGOs is not yet optimised. As a result, several targets are not yet achieved, while networking between NGOs is not yet as strong as it could be. In this regard, NGOs should strive to consolidate their networks in order to be more sensitive to women’s issues (Indonesian NGO Forum on BPFA + 10, 2005, Global Policy Forum, 2012, AMAN Indonesia, 2015).

As regards ‘Women and the Girl Child’, many Indonesian NGOs have carried out efforts to promote the fulfilment of the rights of the child as stipulated in the Convention on the Rights of the Child (United Nations, 1989). NGOs have undertaken serious actions to eliminate all forms of discrimination against the young girls; to eliminate negative cultural attitudes and practices against girls; to promote and protect the rights of girls, and increase awareness of their needs and potentials; to eliminate discrimination against girls in education, skills development and training; to eliminate discrimination against girls in health nutrition; to eliminate the economic exploitation of child labour and protect young girls at work; to eradicate violence against girls; to promote the
girls’ awareness of and participation in social, economic and political life; and to strengthen the role of the family in improving the status of girls.

Children’s issues are still not gender specific. Gender specific and age specific data on children’s health and other related issues is still limited. Violence against girls (including incest) is still seen everywhere and reported daily in the newspapers and by television network. Moreover, negative cultural attitudes and practices against girls still occur (Susilo, 2004, Republic of Indonesia, 2007a, Sadli, 2009). For future actions, synergic and supportive partnerships among central government, local government, private sectors, NGOs and civil society are required in addressing problems relating to young girls (Indonesian NGO Forum on BPFA + 10, 2005).

The coordinators of the BPFA’s twelve critical areas of concern continued to review and revise their reports on the implementation of BPFA with their respective teams. With the support of the Canadian International Development Agencies (CIDA), the Coordinator of the Indonesian NGO Forum on BPFA visited several provinces in Indonesia, in order to obtain more information. It became clear that in most regions visited, many women’s organisations were not familiar with BPFA, nor were they familiar with the 2030 Agenda for Sustainable Development (Republic of Indonesia, 2015b).

In order to ensure that efforts to empower women are carried out in a more efficient, effective and coordinated way, the Indonesian NGO Forum on BPFA also works with the government through the Ministry of Women’s Empowerment and Child Protection, by among other things holding discussions on BPFA’s twelve critical areas of concern with the participation of representatives of related governmental institutions (Republic of Indonesia, 2015b).

The independent report on the implementation of the Beijing Platform for Action after 20 years in Indonesia (NGO Report of Indonesia on Beijing + 20)
was prepared jointly by many Indonesian women’s rights institutions, including mass organisations, NGOs, religious-based organisations, and research institutions. They reviewed government policies and programmes as well as the work of civil society on women’s empowerment in Indonesia, with the support of MAMPU, the Empowering Indonesian Women for Poverty Reduction organisation, focusing on increasing women’s access to work, social protection, the improvement of migrant workers’ conditions, and the strengthening of women’s leadership in reproductive health and the prevention of violence against women (AMAN Indonesia, 2015).

The independent report highlighted some progress on women’s empowerment in Indonesia consistent with the Beijing Platform for Action including: (i) institutional reform on women’s human rights and women’s empowerment; (ii) legal protection for women; and (iii) the increasing role of women human rights defenders.

Despite Indonesia’s achievement in the twelve areas of concern, Indonesia is still struggling to reduce Maternal Mortality Rates and the prevalence of sexual violence, as well as in enhancing the protection of women in the informal sector. The report recommended that the areas of concern that Indonesia should give greater attention include: (i) women’s health and sexual and reproductive rights; (ii) fundamentalism and protection of minority rights; (iii) migration and protection of women in informal sector both at national and international level; and (iv) human and environmentally friendly macro and micro economic policy with greater access for women to resources (AMAN Indonesia, 2015).

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28 The women’s rights institutions include Perempuan Papua, Yayasan Kasih, Balai Syura, Komunitas Peduli Perempuan dan Anak Palu, Yahana, Koalisi Perempuan Indonesia, Kapal Perempuan, WPP Asia, Solidaritas Perempuan, Asia Pacific Women’s Alliance for Peace and Security (APWAPS Indonesia), KOMNAS Perempuan, AMAN Indonesia, Kalyanamitra, Aisyiah, Ardhanary Institute, CWGI, Jala PRT, SPSP Reformasi, Institut Perempuan, Tim Relawan Kundemee Manusiaan Maumere, PPLI Lajnah Imaillah, Aisyiah, Koalisi Gender-Based Violence, Institut Mosintuwu, Yayasan Bakti, ASEAN Youth Assembly, Harian Kompas, Anstipol, UN Women, LRCKJHM, Jaringan Kerja HAM Papua, Jatam, PPB, Rifka Annisa, PEKKA, Libu Perempuan, TIKI, Jaringan HAM Perempuan Papua, AJAR, Lakpesdam NU, Jari Aceh, POKJA OAT TTS, CIS Timor, KPAI, YPT, ACWC, PUSKAPOL UI, ECOSOC Institute, BaKTI, PERMAMPU - LP2M SUMBAR, PERMAMPU - PESADA SUMUT.
5.1.4 **MDGs and SDGs NGOs**

The International NGO Forum on Indonesian Development (INFID)\(^{29}\) is an NGO holding Special Consultative Status with the Economic and Social Council of the United Nations (ECOSOC). INFID was established in June 1985, under the name of INGI (Inter-NGO Conference on IGGI Matters) based on the initiative of several Indonesian NGOs and their partners in the Netherlands. INFID is an open and pluralistic network of NGOs from Indonesia and various member countries of the Consultative Group for Indonesia as well as of international organisations and individuals with an interest in and commitment to Indonesia.

INFID has devoted much attention to the achievements of MDGs by 2015 and SDGS by 2030 in Indonesia. INFID conducted activities on the socialisation of MDGs and Global Call to Action against Poverty throughout Indonesia. Furthermore, INFID campaigned on sustainable development and gave support to reduce poverty in an effort to achieving the MDGs and SDGs. INFID itself focused on goal one (eradicate extreme poverty and hunger) and goal eight (develop a global partnership for development) through advocacy activity. INFID believed that the eight goals of the international commitments in MDGs were integrating, synergizing, and supporting each other as an effort to reduce global poverty (INFID, 2013).

The former UN Special Ambassador for MDGs in Asia and the Pacific, Erna Witoelar, emphasised the importance of creating common ground among the MDGs’ networks and conducting the socialisation process of MDGs in Indonesia’s provinces, as accurate understanding of MDGs is badly needed by the Indonesian society. In this regard, INFID together with other NGOs such as Millennium Campaign Indonesia and GAPRI has exerted considerable efforts in socialising MDGs and harmonising its coverage among provinces (Witoelar, 2005).

\(^{29}\) Information on INFID could be found at [www.infid.org](http://www.infid.org), accessed on 24 March 2010
INFID examined the accountability of the Indonesian government in achieving the 2015 MDGs targets (2007-2011). The formal reports of the Indonesian government admitted that several targets could not be achieved by 2015 (INFID, 2013).

According to INFID, Indonesia has unsatisfactory levels of success in achieving MDGs (Susilo, 2009). Among the various goals of the MDGs, the poverty rate in Indonesia did not decrease significantly. INFID argued that effective measures should be taken to overcome the existing unfavourable conditions (Suara Pembaharuan, 2009).

Based on INFID’s observations, the main obstacles in achieving MDG targets include a lack of government commitment to the funding of MDG programmes through the government’s policies. The budget provided for MDG programmes was relatively low. For example, the budget provided in achieving health-related MDG targets at the Ministry of Health amounted to Rp. 20 billion, which is less than a half of the ideal budget to achieve the MDG targets, estimated at Rp. 50 billion. INFID asserts that the performance in achieving the MDGs targets in the health sector could be described as a failure (Utomo, 2009).

Furthermore, INFID also evaluated that the Indonesian government had failed to reduce Indonesia’s maternal mortality rate (Maulia, 2009). According to Asian Development Bank’s published report, the maternal mortality rate in Indonesia had increased from 307 deaths per 100,000 births in the early 2000s to 420 deaths per 100,000 in 2009. Indonesia’s goal under the MDGs was to bring the maternal mortality rate down to 102 per 100,000 live births by the end of 2015. But according to the 2012 Indonesian Demographic and Health Survey, the country’s maternal mortality rate stood at 228 deaths per 100,000 live births in 2007, rising to 359 deaths per 100,000 live births in 2012 (BPS, 2013).
Based on the survey conducted quinquennially by the Indonesian Demographic and Health Survey (IDHS), the trend of the maternal mortality rate in Indonesia could be seen in the following table.

Table 15: Trend of Maternal Mortality Rate in Indonesia

<table>
<thead>
<tr>
<th>YEAR</th>
<th>MMR per 100,000 births</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993-1997</td>
<td>334</td>
</tr>
<tr>
<td>1997</td>
<td>390</td>
</tr>
<tr>
<td>2002-2003</td>
<td>307</td>
</tr>
<tr>
<td>2007</td>
<td>228</td>
</tr>
<tr>
<td></td>
<td>(with the range of 132 to 323)</td>
</tr>
<tr>
<td>2012</td>
<td>359</td>
</tr>
<tr>
<td></td>
<td>(with the range of 239 to 478)</td>
</tr>
</tbody>
</table>

Source: IDHS, 2013 p.209

Indonesia ranks 110th out of 188 countries in terms of the human development index. Indonesia's human development index of 0.684 is among the lowest in Southeast Asia (UNDP, 2015). Meanwhile, its gender inequality index 0.494 still shows a strong disparity between men and women in terms of education, health and salaries. According to INFID, the Ministry of Women’s Empowerment and Child Protection was deemed as having no clear understanding of its role to mainstream gender issues in every sector, particularly in achieving MDGs (INFID, 2013).

INFID consistently conducts various events aimed at speeding up post-2015 developments in Indonesia, among others through inter-community partnerships. During the 68th UN General Assembly, INFID organised a side-event entitled "Inter-Community in Reality: Toward a New Platform for Achieving MDGs and Welcoming the Post-2015 Development Agenda in Indonesia". Along with both international and national development partners, civil society organisations play a pivotal role in developments and even advocacy due to their strong relationship with the society (UN Chronicle, 2007, SDGs Fund, 2016).

Civil society organisations have helped empower civil society through education and training, transmigration and placement, healthy family programmes, human rights protection, and other efforts in improving the
welfare of the people. INFID’s inter-community initiative is a way to strengthen existing partnerships such as co-governance, co-production, co-financing, and joint decision-making that could maximize the potential and resources of all stakeholders in society (The Jakarta Post, 2015).

INFID notes that ongoing discussions about setting up global post MDGs still lean to a market-based development approach, that is the expansion of the market which minimises the responsibility of the State. The trend is for each country to recognise voluntary action in implementing the global development framework which is not binding and, they say, would be detrimental to the people. They argue that the responsibility of States must be laid out clearly through a binding universal mechanism (INFID, 2013).

The approach of the Indonesian government in adapting the 2030 Agenda for Sustainable Development to its national and subnational contexts is characterised by the participation of a wide range of stakeholders in SDG discussions and a decentralized approach. Following President Joko Widodo’s commitment to civil society organisations in December 2015, the SDG Transition Secretariat (replacing the MDG Secretariat) held dialogues with civil society networks such as INFID, and the private sector, to translate the commitment to inclusive SDG governance into a policy framework (UNDG, 2015). INFID is actively involved in socialising and raising awareness of SDGs to the society.

The efforts performed by the above-mentioned NGOs in helping the Indonesian government implement gender-related treaties could be summarised in the following table.
Table 16: NGO activities aimed at the Implementation of Gender-Related Treaties in Indonesia

<table>
<thead>
<tr>
<th>No.</th>
<th>NGOs</th>
<th>ACTIVITIES</th>
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<tbody>
<tr>
<td>CEDAW</td>
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<tr>
<td>1.</td>
<td>CEDAW Working Group Initiative</td>
<td>Responsible to prepare the NGO “shadow report” to the CEDAW Committee concerning official reports by the Government of the Republic of Indonesia on the implementation of CEDAW.</td>
<td>CEDAW Working Group Initiative produced NGO’s Independent Summary Report on the Implementation of CEDAW in Indonesia</td>
</tr>
</tbody>
</table>

- Aliansi Pelangi Antar Bangsa-APAB (a coalition of organisations and individuals caring for issues of discrimination experienced by Indonesian women in mixed marriages)
- Kalyanamitra (Women’s Communication and Information Centre)
- Koalisi Perempuan untuk Keadilan dan Demokrasi (Indonesian Women Coalition for Justice and Democracy)
- Lembaga Bantuan Hukum Asosiasi Perempuan Indonesia untuk Keadilan-LBH APIK (Indonesian Women’s Association for Justice)
- Mitra Perempuan (Women’s Crisis Centre focusing on domestic violence)
- Rahima (Centre for Education and Information on Islam and Women’s Rights Issues)
- Rumpun Gema Perempuan (Women’s organisation focusing on the rights of domestic workers)
Table 16: ... continued

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<tr>
<th>No.</th>
<th>NGOs</th>
<th>ACTIVITIES</th>
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<tr>
<td></td>
<td><strong>CEDAW</strong></td>
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</table>
|     | - Solidaritas Perempuan (Women’s Solidarity for Human Rights)  
    - Yayasan Kesehatan Perempuan (Women’s Health Foundation)  
    - Yayasan Jurnal Perempuan (Women’s Journal Foundation)  
    48 other NGOs throughout Indonesia |
|     | Socialising all the international commitments and national laws related to gender to all the regions in Indonesia. | Koalisi Perempuan produced the NGO report to the CEDAW Committee on the implementation of CEDAW in Indonesia about CEDAW’s Article 14 on the fulfilment of the rights of rural women. |
| 2.  | Koalisi Perempuan untuk Keadilan dan Demokrasi (Indonesian Women Coalition for Justice and Democracy) |
|     | Protecting and raising awareness on the rights of female migrant workers. | Shadow report to the 52nd Session of the CEDAW Committee in 2012 focusing on discrimination against female Indonesian workers and the trafficking of Indonesian women. |
|     | The Humanitarian Organization for Migration Economics (HOME) working in close partnership with Solidaritas Migran Scalabrini (SMS) and Yayasan Dunia Viva Wanita (VIVA WANITA) |
|     | Monitoring activities to provide a comprehensive profile on a particular issue of sexual and reproductive health and rights | IRRMA produced Indonesia’s NGO Country Report for ICPD+10 |
|     | Participating NGOs:  
    - Rifka Annisa (Women’s Crisis Centre focusing on violence against women)  
    - Issues covered: young people’s access to information and services on sexual and reproductive health and rights, | IRRMA launched a sustained effort to change the Indonesian Health Law |
|     | **ICPD Programme of Action** |
| 4.  | Indonesian Reproductive and Sexual Health and Rights Monitoring and Policy Advocacy (IRRMA)  
    Participating NGOs:  
    - Rifka Annisa (Women’s Crisis Centre focusing on violence against women) |

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Table 16: ... continued

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<th>No.</th>
<th>NGOs</th>
<th>ACTIVITIES</th>
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<tr>
<td>ICPD Programme of Action</td>
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<tr>
<td>- Persatuan Keluarga Berencana Indonesia-PKBI Jambi (Indonesian Family Planning Association Branch in Jambi, South Sumatra)</td>
<td></td>
<td>unsafe abortion, sexual violence against the girl child, sexually transmitted diseases, reproductive track infections, HIV/AIDS, high maternal mortality rates, decentralisation of health services, and family planning services</td>
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<tr>
<td>- Yayasan Lembaga Konsumen Indonesia-YLKI South Sulawesi (Indonesian Consumers’ Association Foundation Branch in South Sulawesi)</td>
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<tr>
<td>- Kelompok Studi Gender dan Kesehatan-KSGK Surabaya (Study Group on Gender and Health in Surabaya)</td>
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<tr>
<td>- Hotline Surabaya Foundation (a foundation concentrating on trafficking, reproductive health and HIV/AIDS)</td>
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<tr>
<td>- Jaringan Kesehatan Perempuan Indonesia Timur-JKPII Kupang (East Indonesian Women’s Health Network)</td>
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<tr>
<td>- Yayasan Kesehatan Perempuan-YKP Jakarta (Women’s Health Foundation in Jakarta)</td>
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<tr>
<td>5.</td>
<td>Indonesian NGOs concentrating on ICPD issues</td>
<td>Disseminating the ICPD Programme of Action and its implementation</td>
<td>Contributing to the report on ICPD Beyond 2014 Review in Indonesia</td>
</tr>
<tr>
<td>No.</td>
<td>NGOs</td>
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<td></td>
<td>Participating NGOs and institutions:</td>
<td>- Publishing booklets of translation on international conventions and declarations related to women’s issues.</td>
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<tr>
<td></td>
<td>- National Council of Indonesian Women (Kongres Wanita Indonesia-KOWANI)</td>
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<tr>
<td></td>
<td>- Civil Society Organisations (CSOs)</td>
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<td></td>
<td>- Women Study Centres</td>
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<td></td>
<td>Focal Points/Coordinators of the BPFA 12 critical areas</td>
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<tr>
<td>7.</td>
<td>Representatives of Women’s Rights Institutions throughout Indonesia</td>
<td>Disseminating the Beijing Declaration and Platform for Action and coordinating the follow-up actions</td>
<td>NGO Report of Indonesia on Beijing + 20: The independent report on the implementation of the Beijing Platform for Action after 20 years in Indonesia</td>
</tr>
<tr>
<td></td>
<td>Participating NGOs and institutions:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Perempuan Papua, Yayasan Kasih, Balai Syura, Komunitas Peduli Perempuan dan Anak Palu, Yahama, Koalisi Perempuan Indonesia, Kapal Perempuan, WPP Asia, Solidaritas Perempuan, Asia Pacific Women’s Alliance for Peace and Security (APWAPS Indonesia), KOMNAS Perempuan, AMAN Indonesia, Kalyanamitra, Aisyiah, Ardhanary Institute, CWGI, Jala PRT, SPSI Reformasi, Institut Perempuan, Tim Relawan Kundamee Manusiaan Maumere, PPLI Lajnah Imaillah, Aisyiah, Koalisi Gender-Based Violence, Institut</td>
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Table 16: ... continued

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<tr>
<th>NO.</th>
<th>NGOs</th>
<th>ACTIVITIES</th>
<th>ACHIEVEMENTS</th>
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</thead>
<tbody>
<tr>
<td>Beijing Platform for Action</td>
<td>Mosintuwu, Yayasan Bakti, ASEAN Youth Assembly, Harian Kompas, Ansipol, UN Women, LRCKJHM, Jaringan Kerja HAM Papua, Jatam, PPB, Rifka Annisa, PEKKA, Libu Perempuan, TIKI, Jaringan HAM Perempuan Papua, AJAR, Lakpesdam NU, Jari Aceh, POKJA OAT TTS, CIS Timor, KPAI, YPT, ACWC, PUSKAPOL UI, ECOSOC Institute, BaKTI, PERMAMPU - LP2M SUMBAR, PERMAMPU - PESADA SUMUT.</td>
<td>Promoting policies to alleviate structural poverty</td>
<td>INFID succeeded in endorsing the accountability of the Indonesian government in achieving the 2015 MDGs targets (2007-2011). The formal reports of the Indonesian government admitted that several targets could not be achieved in 2015. INFID suggested inter-community initiatives to speed up achievement of the MDGs and post-2015 developments in Indonesia through partnerships.</td>
</tr>
</tbody>
</table>

MDGs and Post 2015 Development Agenda

8. International NGO Forum on Indonesian Development (INFID)

Participating NGOs: 59 NGOs from Indonesia and 60 from 14 other countries

- Increasing the capacity to improve conditions of the poor and the disadvantaged in Indonesia
- Socialising MDGs and SDGs throughout Indonesia

Source: Own data collection and analysis of documents
5.2. The Role of Universities

Some universities in Indonesia have significant roles in promoting women's rights through their Women's Study Programmes or Women's Study Centres (Robinson and Bessell, 2002). The oldest and most famous Women’s Study Centre within the university sector is the Graduate Women’s Studies Programme at the University of Indonesia (Kajian Wanita).

Lecturers at Kajian Wanita are constantly looking for ways to bring feminist ideas into the mainstream. One approach has been to set up the Convention Watch Working Group, which aims to evaluate Indonesia’s implementation of CEDAW. The Convention Watch Working Group was established in 1994 by women academics and activists from various NGOs and forms part of the Women's Studies Programme at the University of Indonesia. The Convention Watch was established as an outcome of a roundtable discussion initiated by a lecturer in political science, Ms. Smita Nugroho Notosoesanto, in the lead up to an international conference on women and politics in Bangkok (Antrobus, 2004, Kuswandini, 2010).

The purpose of the Convention Watch is primarily to raise the awareness of and disseminate information about CEDAW, as well as to conduct research to support the formulation of policies and legislation that influence women’s lives. Some of its activities included a series of workshops on ‘Integrating CEDAW and Violence against Women in the Law Faculty Curriculum’; research on the implementation of Article 11 of CEDAW on the rights of women workers; and research on the knowledge of ‘key development agents’ (students, political parties, members of parliament and bureaucrats) in relation to CEDAW. Funding to run the activities of the Convention Watch Working Group comes from the New Zealand Embassy, the Asia Foundation, the Swedish International Development Cooperation Agency-SIDA (Sweden) and the Canadian International Development Agency-CIDA (Canada) (Katjasungkana, 2008).

The first report to the Committee of CEDAW, prepared by Ms. Achie Luhulima, became the basis for discussion of the government’s commitment to the convention. Kajian Wanita decided to assess its implementation in 1994, ten years after CEDAW
had been ratified. Monitoring the implementation of CEDAW was important because it was the only gendered treaty to provide clear guidelines on women’s rights as human rights. Monitoring was also seen as important because it is acknowledged that ratification of an international convention would not automatically change existing cultural views, attitudes or patterns of behaviour that discriminated against women (Sadli, 2002b).

The activities of the Convention Watch Working Group started with a small survey of respondents (42 per cent male and 58 per cent female) assumed to have exposure to CEDAW. The objective of the survey was to obtain a general picture of existing public knowledge about CEDAW and create an effective strategy to strengthen its implementation. The findings showed that the majority of respondents understood the concept of discrimination against women. Nevertheless, most of them had minimal knowledge of CEDAW and only a handful had read it. Many more were not aware that it had been ratified by Indonesia. The survey results were then used to design the Convention Watch Working Group’s first activities to raise public awareness and knowledge of CEDAW, to conduct research activities to support the formulation of policies and legislation that would have a positive effect on women’s lives, and to empower women by increasing their participation in policy-making at all levels (Lindsey, 2008).

The programme to raise awareness of CEDAW began in 1995 with gender sensitivity training for women from several political, social and religious women’s organisations. Today, gender sensitivity training, adapted to Indonesian needs and sensitivities, has become an integral part of many activities aiming to create awareness of women’s rights and gender equality (Asia Foundation, 2012).

The Convention Watch Working Group also conducted a study to assess the implementation of CEDAW’s Article 11 on the rights of women workers. It is found that the principles contained in Article 11 are already stipulated in existing labour laws and government regulations (Komnas Perempuan, 2007). Violation of these laws and regulations is punishable by imprisonment or fines. Furthermore, traditional perceptions had prevailed in the drafting of the Collective Labour Laws, particularly as they pertained to women’s rights and family allowances.
However, since 1989, women workers have only been eligible for these allowances, provided they could prove they were the family breadwinner. It was also discovered that women workers are generally not aware of their rights, or of the existence of protective regulations. Even when they are, they are reluctant to stand up for their rights for fear of dismissal. Furthermore, companies are often not in a position to meet all the requirements of the principles contained in Article 11. Even in companies with socially ‘good reputations’, discrimination against women prevails (Di Stefano, 2010, Franken, 2011).

Being aware that gender equality and respect for women’s rights is an important pillar in Indonesia’s transition to democracy, the Convention Watch Working Group tried to instil awareness of and a commitment to feminist ideas in a cultural environment which generally was still unprepared (Sadli, 2002a).

Another Women’s Study Centre in Jakarta that is active in promoting gender equality and women’s empowerment is the Women’s Study Centre at the State Islamic University (Bano and Kalmbach, 2012).

A gender expert respondent no.5, female, master’s degree (GEF5) stated:

The Women’s Study Centre at the State Islamic University has a high commitment and awareness in empowering women and socialising gender mainstreaming. Therefore, it cooperates closely with many institutions and the community, and receives funding from the Asia Foundation and the British Council. It focuses on analysing women from academic perspectives. It has found that the academic community is not sensitive to gender socialisation. With the Centre’s initiative, gender perspectives are included in the university curricula especially for the following subjects: Qur’an interpretations, History and Civilisation, Islamic Discussion (Hadist), Islamic Jurisprudence (Fiqh), Islamic Theology (Kalam), Islam and Sufism (Tasawuf). It also conducts training on gender and socialises gender-related policies such as the Laws on Domestic Violence and on Anti Trafficking (Gender Expert Interviewee No.5, 2007).

Focusing on the activities of the Centre for the Study of Islam and Society at the State Islamic University, a gender observer respondent no.2, male, PhD degree (GEM2) elaborated:

The Centre for the Study of Islam and Society at the State Islamic University has conducted a national programme on
gender. Most researchers of this programme are men. The first stage of the programme is mapping the views of Islamic organisations towards gender. The Indonesian society strongly believes that any programme in Indonesia could not be successful without the support of Islamic organisations. There are positive responses from Islamic organisations except for the issues of polygamy and a female President which still arouse resistance. Based on data mapping, various programmes have been conducted. There are protests from gender activists that women’s empowerment programmes should be solely done by gender activists. In fact, women should be involved and empowered in many areas so that they could compete with men.

Furthermore, the Centre for the Study of Islam and Society at the State Islamic University conducted writing workshops for university students and lecturers on various topics. The other programme is a gender mainstreaming programme aimed at spreading ideas on gender equality to women in Islamic forums. Training is given to women Islamic teachers and preachers on reproductive health and rights, social political rights, violence, education and religious interpretation. This programme is extended and conducted in 16 provinces. The gender issue is a political issue. The Indonesian government’s ratification of the international conventions on women relates to its political will. It should be strongly supported by the community in order to succeed. It needs the involvement of Islamic organizations to socialise the conventions (Gender Expert Interviewee No.2, 2007).

We can see from the above statements that women’s study centres have given much attention to the development of gender issues in Indonesia. Most particularly the Centre for the Study of Islam and Society at the State Islamic University is committed to conduct efforts in socialising the messages of gender-related treaties to the society. The Centre helps to reach out to the community realising that any endeavour related to gender is unlikely to be successful unless it is supported by the Islamic organisations which have great influence in Indonesia.

Another programme conducted by the Centre for the Study of Islam and Society at the State Islamic University is civic education programmes for women, so that they know their rights and responsibilities as citizens and can engage in social and political activities. Training on networking and fundraising is also conducted to enhance their ability to find allies and to write funding proposals (Marcoes, 2002, Keech-Marx, 2006, Bano and Kalmbach, 2012).
5.3. The Role of Gender Experts

Gender experts in Indonesia play significant roles in promoting women’s rights in Indonesia including encouraging the government to implement fully the gender-related international agreements that Indonesia adheres to. Indonesia has many gender experts in academia, community-based organisations, governmental institutions, local governments, women’s bureaux and other organisations working on gender. Gender experts continuously support the mechanism designs which facilitate equal participation of women and men. More and more gender experts are taking part in decision-making on policy on women’s rights, giving advice on the specific social context of emancipation issues, and devoting continual attention to the institutional strengthening of gender equality (Sadli, 2002a, Achmad, 2010, UN Women, 2013).

In ensuring an efficient contribution to gender equality, gender experts act as role models in identifying changing aspirations, interests and perceptions. Having a solid background in gender issues, gender experts have the competence to fill the knowledge gap in this area, to help improve the abysmal situation and position of women particularly in rural areas, and to conduct various gender projects and initiatives. They carry out gender audits, gender advocacy, and gender mainstreaming using gender considerations as well as gender sensitivity and human right-based approaches (Mehra and Gupta, 2006, Dorius and Firebaugh, 2010, Khosla et al., 2019).

In terms of collaborating with other related parties, gender experts help provide concrete policy guidelines, tools and recommendations for practical actions directed at the central and local governments; they work together with international organisations and donor agencies to design programmes to enhance gender equality in the national development; and they contribute towards strengthening gender mainstreaming and women’s empowerment. Gender experts support governmental institutions particularly the Ministry of Women’s Empowerment and Child Protection in the identification of gender-sensitive indicators and the implementation of regular/annual gender impact studies (Jurnal perempuan, 2006, Hubeis, 2007, Katjasungkana, 2008).
They continuously incorporate gender-sensitive indicators in the governmental system. Gender experts also coordinate with local governmental offices the introduction of various gender-related programmes and the implementation of gender activities. They assist in the development of gender-sensitive systems and the identification of gender-sensitive indicators. They also review assessment reports of gender mainstreaming at the central and local governments, as well as assess the status of women’s empowerment and gender mainstreaming (UNDP, 2009).

Despite prevailing laws on women’s rights, gender experts often see discrimination against women as rampant. Gender experts often draw the conclusion that national laws remain gender-biased in the Indonesian legal system and that they can be used to curb women's basic rights. Through publicising these assessments, gender experts aim to raise awareness of gender equality and to urge the government to discuss national court rulings within the perspectives of women’s rights and pluralism (Pennels, 2009). The Indonesian courts might not be neutral and often lack a sense of gender equality (Munir, 2006).

Gender experts in Islam in Indonesia have become more influential than ever before in the history of the Islamic movement in Indonesia. They have publicly embraced more woman-friendly reinterpretations of Islamic texts that have been emerging globally and in Indonesia since the 1980s. Many of them have linked these interpretations to issues of concern to women, like reproductive health and domestic violence (Bano and Kalmbach, 2012, Qibtiyah, 2012). Examples of these prominent Islamic women include Lies Marcoes-Natsir, Farha Ciciek and Musdah Mulia who have campaigned publicly about women and Islam. Sinta Nuriyah (wife of former President Abdurrahman Wahid) and Aisyah Hamid Baidlowi made no secret of their strong desire to implement feminist reforms within moderate Islamic circles, and with the support of sympathetic men like Abdurrahman (Gus Dur), they had some success (Blackburn, 2003). They are examples of Indonesia’s leading experts on gender and Islam.

Gender experts are present in many fields and make significant contributions with their expertise. With the rise of democracy where fair and open elections at various stages are being held, gender experts evaluate whether gender-related issues are
included in the election campaigns of mayors, governors, even vice-president and president. Gender experts also notice that low representation of women in politics is one of the weaknesses of country’s democracy (Robinson and Bessell, 2002).

In political terms, gender experts contribute to the content of a website for women in politics which was launched in Indonesia in April 2010, providing a forum for women to learn about politics from other countries’ experiences aiming at increasing the participation and effectiveness of women in political life by stimulating dialogue, creating knowledge and sharing experiences. Women around the globe who would like to learn about politics could consult with the relevant gender experts in the website’s discussion forums (The Jakarta Post, 2010d). In Indonesia, this website is thus dedicated to the advancement of the roles of women politicians and parliamentarians. Furthermore, the government works with gender experts to train women on gender-related issues to improve their political awareness and participation.

Gender experts also urge the involvement of women in peace negotiations such as in settling the ethnic and religious violent conflicts in Aceh, Maluku, Poso and West Kalimantan. One area in which the country’s peace-making efforts have been weak is in the promotion of the role of women (Buchanan, 2011).

A gender specialist and advisor respondent no.1, female, master’s degree (GEF1) explained:

Most Indonesian gender experts nowadays who were initially voluntarily active in NGOs are generally still young and need resources to make a living. Formerly, gender activists were already well-heeled and supported by their husbands. This is a challenge for the young gender activists turning to gender experts as most NGOs receive funds from foreign donor agencies (Gender Expert Interviewee No.1, 2007).

A gender activist respondent no.3, female, master’s degree (GEF3) stated:

Gender experts in the Reform Era are more open and outspoken than those in the New Orders. More and more problems which were formerly unknown are now unveiled. In case of policies which are gender-biased, judicial review should be performed. It is important that public figures acquire gender awareness and gender sensitivity so that they could voice women’s principles and aspirations (Gender Expert Interviewee No.3, 2007).
From the interview quotes above, we could see that in line with current developments, gender experts nowadays are more empowered and better able to cope with the existing challenges. They should be financially and substantially supported since their role is significant among others in voicing the women’s principles and aspirations.

5.4. The Role of Informal Leaders

Informal leaders in Indonesia comprise religious and community leaders. Informal leaders could be defined as women and men who formally and informally reach community members through their roles as leaders, gatekeepers, teachers, and advocates. The role and impact of informal leaders, actors, and institutions varies and is to be understood within each cultural context. Informal leaders are trusted and respected in communities and people turn to them for guidance on various social matters. Informal leaders, along with their well-established networks of volunteers and community groups, have the potential to promote and sustain positive changes in the social norms, attitudes, and behaviours that affect development (Jakarta Globe, 2013).

Informal leaders, as practicing development actors, can provide substantive input on strategy, priorities, and implementation of development objectives in the communities they serve. The community regards that the informal leaders, either the religious leaders or cultural leaders have strong perception and acknowledgement of gender equity and equality between men and women (Turmudi, 2006). Since ethnicity and religion still play important roles in understanding Indonesian equality and equity between men and women, these two factors become determinants in the development of the discourse of gender equity and equality between men and women in Indonesia (World Bank, 1995, Achmad, 2010, Win, 2014).

For example, a well-known religious leader, Kiai Haji Hussein Muhammad, is a leading and influential figure in the field of Islamic feminism, as well as pluralism, civil rights and social justice (Badran, 2007, Suryakusuma, 2009, Widiyani, 2012). At all times, he refers to the Kitab Kuning - the classic fiqh (Islamic jurisprudence) texts used for teaching in the pesantren - but with new interpretations. In 2000-2001, Kiai
Haji Hussein Muhammad was the main actor in the establishment of three organisations focusing on women's rights and democratisation: *Fahmina Institute*, *Rahima* and *Puan Amal Hayati*. These organisations now work closely with *pesantren* and other religious institutions, mainly at the grass roots level.

Kiai Haji Hussein Muhammad is traditional Kiai (Muslim teacher) championing women’s rights. Kiai Hussein believes that the best way to reform and introduce progressive ideas is to use existing beliefs, traditions and institutions. This approach, sometimes called "post-traditional Islam", is all about packaging and presentation. The word "pluralism" could be said in other words as "diversity"; "feminism" as "women's rights"; and instead of inventing new doctrines, use classic texts and mainstream ideas to justify new interpretations. The term "gender" is still alien to many clerics. Some even suspect that the movement and campaign to improve women's condition is an attempt to promote Western values that are perceived to have the potential to distort Islamic values (Badran, 2007, Hakim and Hartini, 2009).

Moreover, one of the problems in campaigning for gender awareness is the lack of religious knowledge among many women Indonesian activists. As a Muslim cleric, Kiai Haji Hussein Muhammad, had boldness and a burning determination to fighting against the degrading women’s condition. According to Kiai Haji Hussein Muhammad, restrictions on women’s activities and aspirations occur because of the unbalanced relations between women and men. Men always regard themselves as superior, stronger than women with regard to dignity, knowledge, and physical condition. As Hussein Muhammad perceives, this happens not only because of local tradition and culture, but also mistaken and rigid interpretation of religious texts which reinforced local tradition and culture to subjugate women (Suryakusuma, 2009).

Other progressive Muslim thinkers like Nasaruddin Umar, Komaruddin Hidayat, Azyumardi Azra, and Musdah Mulia with their influential roles as informal leaders continuously campaign for gender equality in Islam. The late President Abdurrahman Wahid also showed his sympathetic support towards gender equality and women’s empowerment (Marcoes, 2002).
With their great influence, informal leaders can play a key role in the successful outreach to individuals, families, and communities. Religious teachings have strongly influenced the society's mind-set and way of life in Indonesia. Even though only a few ulama (Muslim religious scholars), preachers and religious leaders have enlightened views on gender, they could exert significant influence on the society at large.

For example, Muhammadiyah, which is the oldest and largest Islamic social welfare organisation in the world, is highly respected by communities, the Indonesian government, and international organisations. Muhammadiyah works closely with its associated yet autonomous women's organisation Aisyiah, the first major Islamic women's social activist organisation.

Both organisations have prominent religious leaders and often provide community services as well as socialise international commitments on the promotion and protection of women's rights with a familiar and simple language understood by the community at large. Other religious leaders from various Muslim organisations are also instrumental in crafting messages on gender equality and women's empowerment that are positively linked to Koranic verses and Islamic teachings. Religious leaders who are involved in the project are committed to spreading these behaviour change messages in their communities through their Friday prayers, community meetings, and other speeches (Schröter, 2013).

Gender equity is part of democratic governance, which depends inter alia on establishing mechanisms for citizen participation in government decision making. Citizen participation, including the participation of local religious leaders in local councils, committees, and initiatives, can ultimately help improve government accountability. Religious leaders from Muhammadiyah and Aisyiah continuously attempt to advance the ongoing process of citizen participation in Indonesia. Besides promoting gender equity, both organisations promote as Islamic values the principles of democratic pluralism, non-violent conflict resolution, religious tolerance, intercommunity reconciliation, and interfaith dialogue. Muhammadiyah is also active in institutionalizing civic education in its Islamic universities and high schools (Palmer and Burgess, 2012).
As an example of empowering legal rights of women, the World Bank’s Access to Justice in Aceh programme in Indonesia works in partnership with government and civil society, including religious leaders, to improve legal awareness and legal education (Whitelum, 2003). Citizen participation, including the participation of local religious leaders in local councils, committees, and initiatives, can ultimately help improve government accountability. The involvement of leaders, both in calling upon communities to educate children and in teaching formal subjects to madrassa children, especially girls, is very encouraging. They also strengthen dispute resolution at the community level, and strengthen the capacity of the legal system to deliver justice for the poor and marginalised. A strong focus is on women’s legal empowerment, as women have suffered disproportionately as a result of the tsunami and conflict in Indonesia.

A civil society leader and Islamic figure respondent no.1 (ILM1), male, PhD degree stated:

Encouraged by prominent informal leaders, Azyumardi Azra and Komarrudin Hidayat, the State Islamic University organised ‘a Gender Mainstreaming Scaling Up’ programme for female Islamic figures to empower them in various strategic areas such as political, economic and religious areas. The State Islamic University also worked closely with the government in empowering women key figures and public opinion makers in some provinces in Indonesia in sectors related to sustainable development, politics, education, health and poverty reduction (Informal Leader Interviewee No. 01, 2007).

Having great concern for the advancement of women, informal leaders like Azyumardi Azra and Komaruddin Hidayat encouraged women to empower and educate themselves. Besides organising events on women’s empowerment, Indonesian religious and community leaders are also participating in conferences to empower themselves such as the Conference for Religious and Community Leaders on Advancing Development in many parts of the world. In terms of enriching themselves with knowledge on gender, Indonesian informal leaders continuously participate in various forums discussing women’s rights issues. Nowadays, some religious leaders became members of the National Commission on Violence Against Women (Robinson and Bessell, 2002).
The work that religious and community leaders are doing on the ground every day could create tangible improvements in people's lives. These leaders of influence are in a unique position to promote and sustain positive changes in the social norms, attitudes, and behaviours aiming to facilitate dialogue and exchange of experiences among religious and traditional leaders of multiple faiths, political actors, and development practitioners in an effort to promote gender equality and women's empowerment. The critical roles that the religious and community leaders can play in promoting not only gender equality but also good governance, health and family planning, creating income opportunities, and in disaster preparation and response are phenomenal.
Chapter 6. Critical Case Studies of Domestic Laws

6.1. Health Law

The Indonesian Government enacted Health Law No.36/2009 on 13 October 2009 after an eight-year long struggle and a series of discussions at the parliament amending the Health Law No.23/1992 which no longer meets the needs of today’s society.

A government representative respondent no.6, Director, female, PhD degree (GOF6) pointed out:

The discussions on the Health Law at the parliament involved strong political influence. There is a political interest among the health-related governmental institutions (Ministry of Health, National Population and Family Planning Board, and Ministry of Home Affairs). Deriving from the ICPD, gender-related issues such as reproductive health and abortion were included in Health Law No.23/1992. The 23/1992 Health Law and the Criminal Code prohibited abortion and stipulated that ‘….only in emergency where the mother’s and baby’s lives are in danger can abortion be undertaken by competent health providers with proper authority….’ further reiterated in Article 220 of the Criminal Code (Republic of Indonesia, 1992).

This statement by the government official reflects the sensitivity that might occur with regard to implementing ICPD through a Health Law including abortion. According to Health Law No.23/1992, abortion carried out beyond saving a woman’s life on medical indications was illegal and the Criminal Code (Article 346-349) banned abortion. As a result, many women who faced unwanted pregnancies (including contraceptive failure, rape, economic reasons) were compelled to seek assistance from unqualified and unskilled persons to terminate their unwanted pregnancies. Due to the unsafe procedures, many faced untimely deaths. Unsafe abortion is one of the leading causes of maternal death and permanent disability, including infertility. There were also regulations practiced by selected schools prohibiting married and pregnant girls from continuing their schooling (Whittaker, 2010, Donnelly, 2012, Sampebulu, 2019).

However, when Khoffah Indar Parawansa served as Minister for Women’s Empowerment and Head of National Family Planning Coordinating Board in 1999-
2001, she advocated a remarkable policy shift when she declared that pregnant students should be given a chance to finish their schooling. Indonesian society would not approve of an explicit policy of providing emergency contraceptives to all single young women. Khofifah’s statement that emergency contraceptives should be distributed only to those women who have experienced premarital pregnancy is, in fact, a suggestion that if there is no alternative, emergency contraception is acceptable. Toward the end of 2000, policymakers at the Ministry of Health and Ministry of Education held discussions on the need to emphasise the importance of providing reproductive health education in the school curriculum (Utomo, 2003a, Utomo and McDonald, 2009, Utomo and Utomo, 2013).

The new Health Law No.36/2009 (Republic of Indonesia, 2009b) which entered into force on 30 October 2009 is much more progressive than the Health Law No.23/1992 which is no longer valid (Surdjajaja and Mayhew, 2010). The new Health Law No.36/2009 includes many aspects of gender-related issues particularly on reproductive health such as the Right to Health (Article 4), and access to health services and information free from discrimination (Article 5, Article 54) but still some articles do not fulfil the ICPD commitments.

Currently, married women in Indonesia cannot legally access contraception without the permission of their husband. For unmarried women, access to contraception remains illegal. Health Law No.36/2009 Article 72, states that access to sexual and reproductive health services may only be given to ‘legal partners’ under religious norms. ‘Legal partners’ refers to married heterosexual couples. Article 78 states that a health service provider is only permitted to provide contraceptives to married couples. The Ministry of Health Regulation No 61/2014, Article 22 states that contraception can only be given to married women with the consent of their husbands. The Law on Population and Family Development, Article 21 states that only married women can have access to contraceptives. Articles 21 to 25 of this legislation further emphasise that the duty of the state to provide sexual and reproductive health and rights services only applies to married persons (Amnesty International, 2010, Civil Society Coalition on SRHR, 2017).
In its open letter to the Indonesian Health Minister, Amnesty International together with the Indonesian Federation of Women's Legal Aid Society LBH-APIK\textsuperscript{30} brought their concerns on the Health Law No. 36/2009. Some provisions in the Law violate women’s rights to the highest attainable standard of sexual and reproductive health; to decide freely and responsibly on the number and spacing of their children (based on Article 16.1 (e) of CEDAW); and to have access to the information, education and means to enable them exercise their rights (CEDAW Committee, 2012).

A non-governmental organisation representative respondent no.4, Director, female, bachelor's degree (NGOF4) stated:

The revised Health Law still lacks articles ensuring reproductive health for single women and girls (NGO Interviewee No.04, 2007).

A gender activist respondent no.3, female, master's degree (GEF3) commented:

Everyone should have access to reproductive health
(Gender Expert Interviewee No.3, 2007).

Both of these activists emphasised that indeed the revised Health Law should also prioritise reproductive rights for all regardless of their marital status.

The right to decide freely and responsibly the number and spacing of their children and to have the necessary information, education and means to do so was first recognised as a human right in 1968 (UNFPA, 1999). The right to reproductive health was endorsed and strengthened in successive international forums, particularly at the 1994ICPD in Cairo as well as at the Fourth World Conference on Women (Beijing, 1995), the World Summit for Social Development (Copenhagen, 1995) and the World Conference on Human Settlements (Istanbul, 1996). The right to reproductive health now includes the concept that individuals have the right to attain the highest standard of sexual and reproductive health and to make reproductive choices free from coercion (Sciortino, 1998).

\textsuperscript{30} Open Letter to the Minister for Health on the Health Law in Indonesia written by Amnesty International and Indonesian Federation of Women’s Legal Aid Society (LBH-APIK) on 25 February 2010, Ref: TG ASA 21/2010/001, AI Index: ASA 21/001/2010.
With regard to access to education about sexuality and reproduction, under Articles 72 and 78 of the Health Law, access to information on sexual and reproductive health may only be provided to ‘legal partners’ (pasangan yang sah, pasangan usia subur), which implies that in practice only married couples can have access to family planning provisions (Komnas Perempuan, 2009, Utomo and McDonald, 2009). These provisions, which exclude unmarried couples, are discriminatory, and thus in direct violation of the Indonesian Constitution and gender-related as well as human rights treaties that Indonesia has ratified, including legal provisions on the right to non-discrimination and equality before the law.\footnote{See Articles 27, 28D, and 28H of the Indonesian Constitution; Articles 2 and 23 of the International Covenant on Civil and Political Rights; Article 2 of the International Covenant on Economic, Social and Cultural Rights; and Article 1 of CEDAW which defines discrimination against women as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of women and men, of human rights and fundamental freedom in the political, economic, social, cultural, civil or any other field”.
}

While also disempowering boys and men, denial of access to sexual and reproductive health information has a differential and disproportionate impact on girls and women because of socio-economic factors. Specific groups of girls and women - in particular those living in poverty and isolation such as female domestic workers who are unable to obtain information on sexual and reproductive health in any other way unless it is provided by the state - will experience even worse effects. This situation directly violates Indonesia’s commitment to eradicating gender discrimination in all its forms, in particular its obligations under CEDAW (CEDAW Working Group Initiative, 2007c).

Articles 72 and 78 also constitute direct barriers to combating the high number of unwanted pregnancies and may impede effective action to reduce maternal mortality in Indonesia (Amnesty International, 2012).

As for the provisions on abortion, the new Health Law, although more progressive than the Criminal Code, criminalises abortion (Article 75.1). Moreover, under Article 194 of the Health Law, any person who performs an abortion may be sentenced to 10 years’ imprisonment or a fine of up to Rp. 1,000,000,000. There are only two exceptions in which a woman may legally seek, and medical practitioners perform an abortion: (i) when a woman (and/or the infant) is at risk of future life-threatening
complications due to pregnancy; and (ii) in the case of pregnancy resulting from rape (Republic of Indonesia, 2009b, Sampebulu, 2019).

Currently, a woman who is pregnant as a result of rape, or a woman experiencing life threatening complications as a result of pregnancy, has to pass six onerous criteria to access abortion services under the Health Law (Article 75 and 76). Articles 75 and 76 state that the exceptions to the illegality of abortion services could only be provided (i) following the intervention of a health adviser (konseling dan/atau penasehatan) before and after the medical intervention who is competent and has the authority to do so; (ii) before the end of the six week period from the date of first day of the woman’s period except in cases of medical emergencies; (iii) by a health practitioner who has the skills and a certificate delivered by the Ministry which acknowledges her/his authority; (iv) with the woman’s consent; (v) with the permission of the husband, except for victims of rape; and (vi) of which the service meets the requirements set out by the Minister (Republic of Indonesia, 2009b).

These criteria can be very difficult to meet in practice, especially for women who live in remote areas and who have a low level of access to health care services generally due to distance and/or other socio-cultural factors (Koalisi Perempuan, 2012).

Given that unsafe abortion is the cause of an estimated 11 per cent of maternal mortality in Indonesia (Amnesty International, 2012, Donnelly, 2012, Thomas and Yusran, 2013, Sampebulu, 2019), decriminalising abortion would be a positive step towards combating maternal mortality. It would ensure that neither women nor medical practitioners would face criminal prosecutions simply for seeking care or providing appropriate medical assistance. The criminalisation of abortion itself is a barrier to access, even in the two instances under the Indonesian law where women are entitled to legal access. Criminalisation leads to stigmatisation, and the potential assumption that all abortions are criminal. Rather than women being given access where they are entitled, they end up in a situation where they need to prove their entitlement against a background assumption of abortion being a criminal act (Newman, 2008). The exceptions may be interpreted narrowly rather than inclusively, excluding eligible women from access.
No accurate national data exists for abortion in Indonesia (Widyantoro et al., 1993, Utomo and et al, 2001, Hull and Hull, 2005, ASAP, 2014). Since abortion is illegal, unsafe abortions take place which adds to the MMR in Indonesia. According to the Indonesian Demographic and Health Survey (IDHS), the Indonesian MMR in 2012 reached 359 deaths per 100,000 live births (Statistics Indonesia, 2013). Estimated data from various sources on abortion could be recapitulated in the following table.

### Table 17: Facts about Abortion in Indonesia

<table>
<thead>
<tr>
<th>Estimated Annual Cases of Abortion</th>
<th>2,000,000-2,500,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Source: BKKBN- National Population and Family Planning Board, 2019</td>
<td></td>
</tr>
<tr>
<td>Estimated Daily Cases of Abortion</td>
<td>6,994-7,000</td>
</tr>
<tr>
<td>Source: PKBI- Indonesia Planning Association, 2019</td>
<td></td>
</tr>
<tr>
<td>Estimated Annual Increase of Abortion</td>
<td>15 per cent</td>
</tr>
<tr>
<td>Source: BKKBN, 2019</td>
<td></td>
</tr>
<tr>
<td>Estimated Rate of Maternal Mortality Rate caused by Unsafe Abortion</td>
<td>5-11 per cent</td>
</tr>
<tr>
<td>Source: AusAID-Australian Agency for International Development, 2019</td>
<td></td>
</tr>
<tr>
<td>Women Having Abortion</td>
<td>16 per cent unmarried, 83 per cent married</td>
</tr>
<tr>
<td>Source: PKBI, 2019</td>
<td></td>
</tr>
</tbody>
</table>

Under the new Health Law and in line with two joint regulations issued in 2008 by the Minister for Women’s Empowerment and Child Protection and the Minister for Labour and Transmigration together with the Minister for Health, mothers must breastfeed their babies exclusively from birth until six months old (Republic of Indonesia, 2009b). It is expected that family members, the Government, Regional Governments and communities will support lactating mothers by providing time and space for them to breastfeed their babies in workplaces and public areas. In order to support exclusive breastfeeding during six months, after three months of maternity leave, it is expected that government offices and private companies could also provide appropriate facilities for lactating mothers, babies, and babysitters. Investing in six months of exclusive breastfeeding has a significant impact on the babies’ health which could be a human capital investment in the long run for the nation (Badudu, 2018, Smith, 2019, Folbre, 2019, Hill et al., 2019).
In Jakarta and other big cities like Yogyakarta and Surabaya, lactation rooms are now provided in government offices (for example at the Mayor Office of North Jakarta, City Hall of Jakarta, Ministry of Foreign Affairs, and national oil company PERTAMINA), private companies (for example at Unilever Indonesia—a leading company of home and personal care, and Kalbe Nutritionals—a wellness company), international organisation offices (for example UNFPA Jakarta), shopping malls (for example at Plaza Senayan, Plaza Semanggi, Pondok Indah Mall), and airports (Bararah, 2012).

Based on the research by the Indonesian Breast-Feeding Association (AIMI) and Save the Children in 2012, of the total 37 Indonesian governmental offices surveyed, only four or 10.81 per cent provided lactation rooms. Meanwhile, only two or 11.11 per cent of the total 18 private offices surveyed dedicated a special space for nursing mothers (Elyda, 2013). Currently, it is obliged for all governmental offices and private offices to provide lactation space for breastfeeding mothers (AIMI, 2019). All shopping centres also provide lactation space for nursing mothers. As a lactation network in Indonesia, AIMI has leveraged so far 7,000 low- and middle-income online supporters to successfully advocate for private breastfeeding rooms in 90 per cent of private company offices in Jakarta (Earp, 2014).

As a solution for working breastfeeding mothers, some companies provide breast milk delivery services by picking up the breast milk at the office and delivering it to the baby at home. Breastfeed milk delivery services have been a godsend for new mothers who are returning from their maternity leave to work (Sulthani, 2012, Badudu, 2018).

The following pictures show lactation rooms provided at shopping malls in Jakarta.
Picture 1: Lactation Room at Pacific Place Mall

Source: Ayahbunda 2014 (www.ayahbunda.co.id accessed on 23 October 2014)

Picture 2: Lactation Room at Gandaria City Mall

Source: Ayahbunda 2014 (www.ayahbunda.co.id accessed on 23 October 2014)
Any party intentionally obstructing breastfeeding is liable to imprisonment for up to one year and a fine of up to Rp. 100,000,000 (Republic of Indonesia, 2009b). If this unlawful act is committed by a corporation, the fine can be tripled. In addition, the business license and/or legal entity status of the corporation can be revoked.

A government representative respondent no.1, Minister, female, PhD degree (GOF 1) explained:

With regard to the enactment of the new Health Law, policies should prioritise women knowing that women are always disadvantaged. Women have less access to prompt health services. For example, in the case of a heart attack the service given to women is much delayed compared with the service for men, women need help from the husbands to get transported from home and by the time they arrive at the hospital, they are not immediately treated. Indonesia has been formulating and adopting new policies, new national plans, programmes or strategies on reproductive rights. The government ensures that policies, strategic plans, and all aspects of the implementation of reproductive health and family planning services respect all human rights, and that such services meet reproductive health needs over the life cycle (Government Interviewee No.1, 2007).

A non-governmental organisation representative respondent no.3, Secretary-General, female, bachelor’s degree (NGOF3) stated:

As for the proper implementation of the new Health Law, it is hoped that the budget provided for health of 15 per cent should be used appropriately to increase health quality and to improve health infrastructure. In fact, the new Health Law No. 36/2009 specified a five percent budget for healthcare. The budget continued to increase, most of which was used for health services in community health clinics, health posts and Social Health Insurance (Jaminan Kesehatan Masyarakat-Jamkesmas). The budget allocation for nutrition improvement had been increased as well. Social Health Insurance (Jamkesmas) replaced the health insurance for the poor programme (Asuransi Kesehatan Masyarakat Miskin-Askeskin), taking effect in 2008 and allocated to the poor or near-poor families. Since 2007, the Family Hope Programme (Program Keluarga Harapan-PKH) has been conducted in seven provinces: Gorontalo, West Sumatra, Special Capital Territory of Jakarta, West Java, East Java, North Sulawesi and East Nusa Tenggara. Integrated Health Post (Pos Pelayanan Terpadu-Posyandu) service had been improved by including nutrition provision and geriatric service since 2005 (NGO Interviewee No.03, 2007).
Both the government and NGO representatives have high hopes for the proper and true implementation of the Health Law. Indonesia has indeed exemplary and strong regulations but still with poor and weak implementation and the existing prevalence of corruption could cut the budget provided.

Another health-related gender issue to be taken into account is female genital mutilation. A non-governmental organisation representative respondent no.4, Director, female, bachelor’s degree (NGOF4) stated:

Female genital mutilation breaches health standards and human rights, but it has become a trend in medical practice together with post birth package service. In this regard, the Ministry of Health had issued a circular note on the prohibition of female genital mutilation No. HK.00.07.1.3.1047a dated 20 April 2006 which is addressed to the professionals such as nurses and not to the community (NGO Interviewee No.04, 2007).

A government representative respondent no.10, Deputy Director, male, master’s degree (GOM10) stressed:

Female genital mutilation is a form of violence against women and is extremely dangerous. The long-term effect of this practice is losing sexual pleasure for women (Government Interviewee No.10, 2007).

Both the government and NGO representatives regard female genital mutilation as against women’s rights and should not be allowed. Many studies show however that female genital mutilation in Indonesia is still being practised widely (Basilica, 2008, Baumgardner, 2014, Hull, 2015).

Many women’s organisations, particularly Komnas Perempuan, LBH-APIK and Amnesty International are greatly concerned by the discriminatory provisions in the new Health Law and recommend their removal. Those discriminatory legal provisions of the Health Law and its Criminal Code include all legal provisions discriminating against those who are not in a married relationship and who seek access to sexual and reproductive health information and services, so that they could exercise autonomous sexual and reproductive decision-making; all legal provisions pertaining to a husband’s consent for an abortion; all legal provisions criminalising abortion services; and all legal provision on unsafe abortion (Amnesty International, 2010).
The new Health Law should therefore ensure that young people are provided with age-appropriate information and services on sexual and reproductive health. The new Health Law should also ensure specific awareness raising programmes about abortion provisions and services. The Law should ensure that women and girls who live in remote areas and who have a low level of access to health care services due to distance and/or other socio-cultural factors are not prevented from accessing these services. Furthermore, the new Health Law should ensure that a woman who suffers from complications arising from an abortion, has the explicit right to seek access to the medical services she needs, whether she obtained the abortion legally or illegally (Utomo et al., 1982, Widyantoro et al., 1993, Whittaker, 2010, Sagita and Lutfia, 2012, Donnely, 2012).

Thus, the Health Law No.36/2009 as well as the Indonesian governmental policies on health and the practices of the National Population and Family Planning Board do not respect the spirit or the letter of international documents endorsed by Indonesia concerning human rights.

In the future, women should be given the freedom to make choices about their reproductive rights including contraception without the need for husband’s consent. Whereas, for single women there should be no difference in health services and sexual health services. However, contraception services cannot be served by the government because of the mandate of other laws and regulations that contraceptive services are only for married couples. Furthermore, comprehensive understanding of sexual and reproductive health education is needed, especially for women from an early age.

As a state party to CEDAW, the Convention on the Rights of the Child, and the International Covenant on Economic, Social and Cultural Rights, Indonesia has the duty to ensure that the right to the highest attainable standard of physical and mental health and other human rights is respected, protected and fulfilled. This requires that health services, including in this case sexual and reproductive health care, be accessible to all, free from discrimination and from the threat of criminalisation (Wieringa, 2001, Richards, 2006, Komnas Perempuan, 2009, Utomo et al., 2010a, Guttmacher-Lancet, 2019).

At the time where the Indonesian government was assessing its progress towards meeting the MDGs and now the SDGs to promote gender equality and empower women, reduce maternal mortality, improve child health, combat HIV and AIDS, and review its National Strategic Plan on Making Pregnancy Safer (MPS), effective
government action was necessary to enhance women’s access to sexual and reproductive health information and services, and to improve women’s ability to make informed decisions concerning sexuality and reproduction (World Health Organisation, 2004, Family Care International, 2005, Amnesty International, 2010, Thomas and Yusran, 2013, Kanem, 2019).

6.2. Anti-Pornography Law

On 30 October 2008, the Indonesian parliament passed the Anti-Pornography Law No.44/2008, after nearly 10 years of debate. The Anti-Pornography Law was enacted by the Indonesian Government on 26 November 2008 (Republic of Indonesia, 2008d). It aims to protect Indonesians’ morality, to guard women and children from sexual exploitation, and to criminalise all works and acts deemed obscene and capable of breaching public morality. The Law has been contentious and controversial. Since it was tabled, it has been at the centre of intense discussions because it is seen as a step towards introducing Sharia law into the country’s legal system (Hariyadi, 2008, Gelling, 2008a, Allen, 2009, Soeprapto, 2009, Nurherawati, 2009). Before the Law had been passed, there were protests from artists, pluralists, human rights groups and representatives of political and religious minorities, including the Catholic Church, who have strenuously objected to the Law.

The passage of the Law was quickly slammed by human rights and pluralist organisations, as well as several provinces opposed to it. They claim the Law threatens national unity, discriminates against minority groups and women, and harms pluralism and diversity in the country (Khalik, 2008). The Law, originally drafted in 1999, was resurrected in 2006 by a prominent Islamic political party after outrage among religious conservatives that Playboy magazine intended to publish an Indonesian version of the magazine (Gelling, 2008a, Heryanto, 2008, Pausacker, 2008).

The Law forbids pornographic acts and images, broadly defining pornography as "man-made sexual materials in the form of drawings, sketches, illustrations, photographs, text, voice, sound, moving pictures, animation, cartoons, poetry, conversations and gestures." It also prohibits illegal public performances which could
"incite sexual desire." The Law calls for harsh penalties for those in violation of the laws. Anyone caught "displaying nudity" in public could spend up to ten years in prison and be fined up to US$500,000. Downloading pornography from the Internet could net up to four years in prison (Gelling, 2008b, Vaswani, 2010, Nilsson, 2010, Marks, 2012).

Strong opposition prior to the passing of the Law forced lawmakers to soften the legislation somewhat. The Law has half as many articles as the original and provides exceptions for tourists wearing bikinis and other revealing clothing. The issue has long pitted a small but vocal conservative Islamic movement against a coalition of moderates, liberals and cultural groups that fear the laws will infringe on the rights of women and threaten Indonesia's cultural diversity. The Law has particularly enraged populations outside of Java where some cultural traditions could now be considered pornographic (Creagh, 2009, Allen, 2009, Nurherawati, 2009, Soeprapto, 2009, Marks, 2012).

Despite the prevailing impression that this Law is widely supported by all Muslims (Marching, 2008), Islamic organisations such as the Liberal Islam Network (Jaringan Islam Liberal-JIL) in Jakarta, the Institute for Islamic and Social Studies (Lembaga Kajian Islam dan Sosial-LKIS) in Yogyakarta and the Institute for Religion and Social Studies (Lembaga Kajian Agama dan Sosial-LKAS) in Surabaya, voiced their strong opposition to the Law. They claim that the Law will limit freedom of expression in art, including film and literature, and that Islam has been inaccurately used by certain groups to justify the ratification of the Law. These groups have created blogs highlighting articles criticising the Law and organised demonstrations and press conferences (Allen, 2007, Gelling, 2008a, Soeprapto, 2009, Vaswani, 2010).

Non-Muslim minority groups, especially in West Papua, Bali, East Nusa Tenggara and North Sumatra, have also fiercely opposed this Law because they claim that their local customs and traditions will be threatened by it. In West Papua, for instance, men and women go bare-breasted. In Bali, nude statues proliferate and the Balinese people are also worried that the new Law will negatively affect their tourism industry, as many foreigners may no longer be able to wear bathing suits, sundresses or
While some women and women’s groups have welcomed the new Law, many are continuing their protest about its implications for women's rights. As was evident from the terms of the Law provided above, its definition of pornography is vague, misleading and open to multiple interpretations. As the Constitutional Court ruled to maintain the 2008 Anti-Pornography Law, it is likely that women, instead of becoming victims of pornography, will be regarded as the perpetrators (Sherlock, 2008, Pausacker, 2009, Allen, 2009, Marks, 2012, McRae, 2018).

Although regulations regarding pornography are important, there are some concerns that there will be other implications, particularly for women's rights, by banning anyone from wearing clothes or promoting material that could incite “sexual desire”. By putting the blame on the “cause” of sexual arousal, this Law victimises women rather than protects them, allowing perpetrators to argue, for example, that the victim provoked incidents of rape or sexual harassment (Marching, 2008). As an example, only three days after the Law was ratified, three exotic dancers in Mangga Besar, West Jakarta were arrested, while the managers and owner of the club were left alone (Karim, 2008; Marching, 2008; Media Care, 2008).

The Anti-Pornography Law is supposed to protect women, but for many women it actually criminalises them. The following table shows examples of cases of implementing the Anti-Pornography Law that has provoked public reactions.

Table 18: Anti-Pornography Law’s Implementation Cases

<table>
<thead>
<tr>
<th>CASE</th>
<th>RATIONALE</th>
<th>PUBLIC REACTION</th>
</tr>
</thead>
</table>
| Mini Skirt Ban           | - Rape cases and other immoral acts are believed to occur because women do not wear appropriate clothes.  
                          | - Since 2010, a district in Aceh prohibited women from wearing tight trousers.                | - The way women wear the skirts, below or above the knees, will not impact others.  
                          |                                                                                               | - According to Komnas Perempuan, the proposed ban was absurd and repressive.   |
                          |                                                                                               | - There is still a common perception in Indonesia that rape victims are to blame for their ordeal. |
Prosecution of a Striptease Dancer in Bandung, and Exotic Dancers in Mangga Besar
They promote activities that could rouse sexual desire.
The Law should indeed protect women and not criminalise them.

<table>
<thead>
<tr>
<th>CASE</th>
<th>RATIONALE</th>
<th>PUBLIC REACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charge of a Threesome Sex Tape by an Islamic Cleric</td>
<td>A leading Islamic cleric, Saiful Sardi Jayadi, who appeared in a six-minute sex tape with two female nursery teachers in a hotel in Bogor in 2011 has been charged with violating the Anti-Pornography Law. He was sacked from his position at the Bogor chapter of the Indonesian Council of Ulema (Majelis Ulama Indonesia-MUI) after a video of his alleged sexual encounter was leaked without consent onto the internet in March 2014.</td>
<td></td>
</tr>
<tr>
<td>Ban of Vimeo, a U.S.-based video-sharing website</td>
<td>After receiving complaints from the public, the Indonesian government banned the popular video sharing site Vimeo in 2014, saying it contains nudity, which officials consider to be pornographic material. The Indonesian government requested the Vimeo management for stricter content filters for its video materials in Indonesia and to exclude explicit content. YouTube has previously agreed to block videos containing such content in Indonesia. Founded in 2004, Vimeo.com was the first video sharing site to support high definition, and is widely used by independent musicians and filmmakers to share their works.</td>
<td></td>
</tr>
<tr>
<td>Detention of an Indonesian actor, Nazril Ariel Irham, for Sex-Tape Scandal</td>
<td>An Indonesian pop star, Nazriel Ariel Irham, was sentenced to 3½ years in jail including a US$ 25,000 fine in 2010 after his homemade sex tapes found their way to the internet without consent.</td>
<td></td>
</tr>
</tbody>
</table>

Source: Marks 2012 (http://www.thenational.ae accessed on 24 October 2014)

The following table shows cases that violate the Anti-Pornography Law and deemed to be prosecuted under the legal proceedings.

Table 19: Anti-Pornography Law’s Violation Cases

<table>
<thead>
<tr>
<th>CASE</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charge of a Threesome Sex Tape by an Islamic Cleric</td>
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<tr>
<td>Detention of an Indonesian actor, Nazril Ariel Irham, for Sex-Tape Scandal</td>
<td>An Indonesian pop star, Nazriel Ariel Irham, was sentenced to 3½ years in jail including a US$ 25,000 fine in 2010 after his homemade sex tapes found their way to the internet without consent.</td>
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Since early 2006, several women’s groups - Komnas Perempuan, Kapal Perempuan and the White Rose Alliance (Aliansi Mawar Putih) - have protested against the bill, which had been pending for several years. On 22 April 2006, thousands of artists, activists, students and civilians gathered at Monas Monument in Jakarta carrying giant posters which read: “Indonesia is not America, but it is not Saudi Arabia either; “We reject anti-porn bill.”; and “We reject pornography, but we reject the anti-porn bill” (Marching, 2008, Nurherawati, 2009, Nilsson, 2010, Vaswani, 2010, McRae, 2018).

A play about the Law by the high-profile writer Ayu Utami, Sidang Susila ('Susila's Trial') had been performed to large and vocal audiences in Jakarta. The play demonstrated how the Law could violate women’s rights (The Jakarta Post, 2008).

According to Komnas Perempuan, the Anti-Pornography Law conflicts with Indonesia’s 1945 Basic Constitution. It denies the constitutional guarantee because it institutionalises discrimination towards women based on gender difference. The Law emphasises the issue of morality as seen from the viewpoint of particular religious groups, and effectively discriminates against women. In its implementation, the Law reinforces society’s discriminative perspective and has the potential to cause violence against women. Moreover, the Law has the potential to reduce the constitutional guarantee of children’s rights (Komnas Perempuan, 2014).

As stated by Irwanto, an expert in child psychology and child pornography, the Law does not take into consideration the psychology of a child victim, and “causes secondary traumatisation because of the [evidentiary] process used,” so that “this Law will not protect but victimise the subject”. The Law also fails to guarantee freedom of religion and belief. It also threatens the constitutional guarantee to the diversity of cultural identity in Indonesia.32

As stated by Nurherawati, a legal adviser from LBH-APIK, the reported cases of violence against women increased when the Anti-Violence against Women Act was passed encouraging the reporting of such cases. This, in turn, required more counsellors to help the victims. Violence is connected intimately with gender

32 As described in the letter written by Komnas Perempuan to the Chairperson of the Constitutional Court of the Republic of Indonesia on ‘Conclusions of Related Parties on the Judicial Review of Law No.44/2008 on Anti-Pornography’ on October 2009.
inequality and poverty, which are not addressed by the Anti-Pornography Law (Nurherawati, 2009).

Taking violence against women into account, the Anti-Pornography Law is not democratic, discriminates against women, and clearly does not protect women against violence (Republic of Indonesia, 2014a). Instead, the Law legitimates violence against women. CEDAW principles, as the standard for gender equality practices, should be implemented. However, Indonesia experienced reversals in the implementation of CEDAW, where the violence against women proliferates. Furthermore, women become more and more objects of sexual exploitation and pornography. It is very disappointing that the Anti-Pornography Law blames women for pornography, instead of protecting them from such degrading conditions. Thus, the Anti-Pornography Law is contrary to the interest of women (Allen, 2009, Nurherawati, 2009, Soeprapto, 2009, Vaswani, 2010, Marks, 2012).

Using the international human rights instrument to review the Anti-Pornography Law, the Law has given rise to uncertainty of law, confusions, and multi-interpretation. These, in turn, give law enforcers a carte-blanche in interpreting the articles of the Law. Among the possible results are the transgressions against the freedom of expression and dismissal of multiculturalism, even though the nation upholds diversity, which should be reflected in the laws, and also the principle of equality before the law (Cook, 1994, Creagh, 2009, Parlina, 2011, Marks, 2012).

Furthermore, the restrictions on the implementation of human rights in the context of the Anti-Pornography Law do not fulfil the cumulative requirements specified in the International Covenant on Civil and Political Rights stating that restrictions must fulfil certain cumulative conditions: firstly, for the duration of an urgent situation which has been officially declared an emergency which threatens statehood; secondly, that suspension or restriction is not based on discrimination against race, colour, sex, language, religion or social origin; and thirdly, that restrictions and suspensions are reported to the United Nations (Republic of Indonesia, 2013).

Soeprapto, an expert in international law, stated that the Anti-Pornography Law is a violation of internationally recognised human rights and unconstitutional, and
disregards human rights, especially the equality before the law and the justice for all principles guaranteed by the international human rights instruments (Soeprapto, 2009). In rape cases, the criminal code should be strengthened, instead of blaming the women victims as performing pornography and provoking a rape.

It is widely known that CEDAW is the international human rights instrument used to measure the fulfilment of women’s civil rights. The Indonesian government indeed violated CEDAW in 2008 when it passed the Anti-Pornography Law No. 44/2008 (Nilsson, 2010). The Law is a violation of individual rights, the principal of pluralism and a totalitarian rule on the morality and ethics of the myriad diversity of the nation. The Law was, and is continuously, rejected by many women and civil organisations.

Clearly the opposition to the Law will not subside now that it has been formalised into legislation (Hariyadi, 2008).

To date, the Anti-Pornography Law has been used in many cases. The most popular case (mentioned earlier) relates to one of Indonesia's pop stars, Nazriel Ilham known as Ariel, for making sex tapes that triggered a national outcry and a public debate about morals when they were leaked on the Internet in 2010. Under the Anti-Pornography Law, Ariel was given three and a half years in prison (Bellows, 2011, Parlina, 2011, Hussey, 2015).

A government representative respondent no. 29, parliamentarian, male, PhD degree (GOM 29) explained:

According to Google search, in 2006 Indonesia ranked seven largest in accessing pornographic sites, whereas in 2007 it ranked fifth, and third in 2008 (Government Interviewee No.29, 2008).

The above statement demonstrates how the government representative regards to what extent pornography is accessible and popular in Indonesian society.

According to SimilarWeb, Indonesia ranks eleventh in accessing pornographic sites in 2015 (Hussey, 2015). Although this may give the impression that Indonesians were accessing pornography on the internet at lower rates than a decade earlier, it is clear that the country remains among the largest users in the world, years after passing the
Anti-Pornography Law which was supposed to counteract such supposed misbehaviour.

Indonesia's controversial Anti-Pornography Law offers, among other things, a useful background to the contested atmosphere in which increasingly liberal representations of gender and sexuality are received (Allen, 2009). The passing of the Law was met by widespread demonstrations of opposition as well as support. Allen argues that women’s public participation in the debate around the Law is both a symbol of their wider concerns about the status of women in contemporary Indonesia and a continuation of earlier strategies of resistance by women to state structures.

The significance of the Law for women lies not so much in its content, but rather in the opportunity it has provided to women to become publicly engaged in a discourse that directly involves them and their bodies. This is a positive dimension of what has otherwise been seen as a negative and discriminatory phenomenon. The Anti-Pornography Law is the first regulatory document in which women's bodies are overtly identified as being the problem, the cause of moral degradation. This should be seen as an opportunity, however—the chance for women to participate in public discourse, to ‘raise their voices and shout their defiance’ (Marching, 2008, Allen, 2009, Soeprapto, 2009, Pausacker, 2009, Parlina, 2011). As such, resistance to the Anti-Pornography Law by women can be read as a metaphor for their concerns about the status of women in post-Suharto Indonesia.

A non-governmental organisation representative respondent no.6, Secretary-General, male, master's degree (NGOM6) explained:

Problems arising from the implementation of the Anti-Pornography Law, don’t lie in the policies but in social cultural factors. Even when the policy is explained to the public, it may not work because of social factors. The policies are important but the essence of policies could not be commonly understood. Educators/agents of change/academicians play an important role in transforming the society. However good the policies are, if they are not supported by culture, they won’t work (NGO Interviewee No.06, 2008).

A civil society leader and Islamic figure respondent no. 1, PhD degree (ILM1) stated:

In addition to the Anti-Pornography Law, there should be policies regulating pornography. There should be public ethics and politeness (public decorum) in exposing pornographic actions (Informal Leader Interviewee No. 01, 2007).
Both of these observers emphasise the importance of social and cultural aspects in supporting the implementation of Anti-Pornography Law.

To achieve common ground between different groups, judicial review on the Anti-Pornography Law should be continuously undertaken. The term “pornography” must be made more specific and implicitly or explicitly encourage respect for women’s bodies.

A national dialogue with minority groups - as well as feminists - to define exactly what pornography is, and to uphold the interest of women in the Law will definitely help (Hariyadi, 2008, Marching, 2008, Gelling, 2008a, The Jakarta Post, 2009b, Vaswani, 2010). The issue of the subordination of women in pornography must be therefore the Law's primary focus.

6.3. Marriage Law


Back in the late 1950s and 1960s, the Indonesian government had attempted to carry out marriage law reform. The 1950 and 1960 Marriage Bills were introduced into the Parliament and discussed, but were not then passed (Bowen, 2003). Although a statute passed in 1946 required registration of marriages, reconciliations and divorces, prior to 1974 there had been no legislative interference with the substance of Islamic marriage rules.

In 1973, a Marriage Bill was introduced by Indonesia’s New Order government to the People’s Representative Assembly (Dewan Perwakilan Rakyat), which was a response among others towards women’s voices (Butt, 2008), and was the first legislative revision of Indonesia’s marriage and divorce law (Cammack et al., 2008). In the lead up to Indonesia’s independence in 1945, women’s organisations had
begun to voice their concerns on marriage through Indonesian Women’s Congress (Kongres Wanita Indonesia) which held several congresses in pre-independence Indonesia at which the colonial government was strongly urged to improve the marriage rights of women (Blackburn and Bessell, 1997, Cammack et al., 2008, Jones et al., 2011, The Jakarta Post, 2010b, Achmad, 2010).

Women’s organisations had lobbied the government to improve the social status and legal rights of Indonesian Muslim women in marriage. They identified Islamic law on polygamy and divorce as the main problems. Prior to the passage of the Marriage Law, the marriage and divorce of Indonesia’s majority Muslim population was governed exclusively by the rules of Islamic Law which were not amended.

As the years passed, the Marriage Law provoked many controversies as it contained many discriminatory provisions and failed to protect women's rights. The fact that the Marriage Law No. 1/1974 has yet to be amended by the Government has paved the way for human trafficking practices, which are often disguised in the form of early marriage (including forced marriage, contract marriage, suspended marriage, and mail-order brides). The Marriage Law sets the minimum age of marriage at 16 for the woman and 19 for the man. In view of the minimum age of marriage for the woman, the Law is not in conformity with the Convention of the Rights of the Child, which has been ratified by Indonesia in 1990 (Robinson and Bessell, 2002, Cammack et al., 2008, Marcoes, 2018).

A gender specialist and advisor respondent no.1, female, master’s degree (GEF1) explained:

Even though Indonesia agreed to ratify CEDAW, many practices related to marriage in Indonesia are still contrary to CEDAW. Indonesia hasn’t fulfilled Article 16 of the Convention on marriage and family. The age of marriage in Indonesia is 16 for women and 19 for men which is under age. Moreover, polygamy still exists in Indonesia. In UN CEDAW Concluding Comments for Indonesia, these marriage and polygamy issues are often raised. The Indonesian Marriage Law consists of many religious issues and still poses problems. However, the Law on Civil Servants has already been restricted to make it harder for civil servants who want to remarry because of the strict regulations (Gender Expert Interviewee No.1, 2007).
A non-governmental organisation representative respondent no.4, Director, female, bachelor’s degree (NGOF4) emphasised:

The Marriage Law states that the domestic role belongs to women and public role belongs to men, and this still discriminates against women (NGO Interviewee No.04, 2007).

Both the gender specialist and NGO representative are critical to the practice of marriage in Indonesia which they find is still discriminative against women. The marriage practices in Indonesia still do not conform with the provisions of CEDAW and international agreements that Indonesia claims to adhere to.

On many occasions, many protests by women activists against the Marriage Law take place throughout Indonesia. They often reject the practices of polygamy, early marriage, contract marriage and unregistered/secret marriage (Blackburn and Bessell, 1997, Butt, 2008, Jones et al., 2011, Kurniawan, 2011, Marcoes, 2018).

One case that received great public attention in 2008, was the case of a businessman who is also an Islamic scholar who married a 12-year-old girl (Bradley, 2010). The public was strongly revolted by this case, indicating their awareness of the issue. On the other hand, many ardently defended the Islamic scholar and there was strong support from the religious community. This phenomenon shows a lack of understanding, and a strong gender-biased prevalence of patriarchy.

A non-governmental organisation representative respondent no.1, Head of Division, female, master’s degree (NGOF1) stated:

The fact that Indonesia has ratified CEDAW doesn’t affect the Marriage Law. The case of the Marriage Law appeared in the CEDAW Committee Concluding Comments towards Indonesia’s Combined Second and Third Periodic Report (1998), CEDAW Committee Concluding Comments towards Indonesia’s Combined Fourth and Fifth Periodic Report (2007), as well as CEDAW Committee Concluding Comments towards Indonesia’s Combined Sixth and Seventh Periodic Report (2012) (NGO Interviewee No.01, 2007).

In CEDAW’s Concluding Comments towards Indonesia’s Combined Sixth and Seventh Periodic Reports, the CEDAW Committee expressed concern about the discriminatory provisions in the Marriage Law of 1974, which perpetuate stereotypes by providing that men are the heads of households and women are relegated to
domestic roles, by allowing polygamy and by continuing to set a legal minimum age of marriage of 16 for girls (CEDAW Committee, 2012).

The Committee was also concerned by the lack of progress in the law reform process with respect to marriage and family law, which allows the persistence of discriminatory provisions that deny women's equal rights with men. In particular, it expressed concern that amendments to the Marriage Law of 1974 have not yet been completed.

Furthermore, the Committee requested Indonesia to take immediate steps to revise the Marriage Law of 1974 in accordance with its obligations under the Convention and with the Committee's General Recommendation, the Convention on the Rights of the Child and the State Party's expressed intention to amend the law without delay. It further urged the State party to put in place an effective strategy with clear priorities and timetables to eliminate discrimination against women in the areas of marriage and family relations (CEDAW Committee, 2012).

In fact, much work has been done to deal with the discriminatory provisions against women in the Marriage Law. However, the progress in amending and revising the Marriage Law had been slow due to the existing conflicting views which are often difficult to reconcile.

In Indonesia’s Combined Sixth and Seventh Periodic Reports on the Implementation of CEDAW in Indonesia during 2004-2009, it was stated that the process to revise the Marriage Law had been initiated by the Ministry of Religious Affairs. It was then transferred to the Ministry of Women’s Empowerment and Child Protection, but it did not go well as expected. Then it was transferred back to the Ministry of Religious Affairs.

Due to lack of progress, the responsibility was given to the Coordinating Ministry of People's Welfare. Still, no significant progress was made, and then coordination was returned to the Ministry of Women’s Empowerment and Child Protection.

Nevertheless, with changing socio-economic conditions, notably the prolonged duration of schooling and increasing female employment, there is a clear rising trend.
in the marriage ages in Indonesia (Buttenheim and Nobles, 2009, Jones et al., 2011). The proportion of women attending schools has increased continuously and the age of those who were married across three decades has also increased (Kurniawan, 2000). The two tables below show the increasing trend of adolescent marriage age from year to year in Indonesia.

Table 20: Trend of Adolescent Marriage Age in Indonesia

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<tr>
<td>AGE</td>
<td>16</td>
<td>17</td>
<td>18</td>
<td>19</td>
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Source: Utomo and Utomo 2013 p.4

Table 21: Singular Mean Age at Marriage

<table>
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<th>SINGULAR MEAN AGE OF MARRIAGE (SMAM)</th>
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<tr>
<td>FEMALE</td>
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<tr>
<td>19.7 (1964) to 23.4 (2005)</td>
</tr>
<tr>
<td>MALE</td>
</tr>
<tr>
<td>23.5 (1964) to 27 (2005)</td>
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</table>

Source: Jones, Hull, and Mohamad 2011 p.200

Some government officials have stronger and sharper perspectives on revising the Marriage Law, but they may not always be in the position to make strategic decisions. On the other hand, public officials lacking such perspectives could be in a more strategic position. The civil society continues to advocate the provisions of the Marriage Law that put women at a disadvantage. Despite existing efforts, this struggle has not yet been successful in changing the perspectives of senior state officials in the legislative and executive branches of government (Syibly, 2007, Hakim and Hartini, 2009, Palmer and Burgess, 2012, Seo, 2013).

The possible difficulties in changing the Marriage Law could be anticipated by creating underlying regulations to ensure that actions would be taken against discriminatory practices harming women, as well as providing protection for women. Sanctions could be stipulated for state officials and others involved in actions that harm women, for instance, state officials allowing the marriage of underage women, and families who should be responsible to protect their children (Savitridina, 1997, Buttenheim and Nobles, 2009, Jones et al., 2011, Marcoes, 2018).
6.4. Population and Family Development Law

On 29 October 2009, the Indonesian government enacted Law No.52/2009 on Population and Family Development replacing Law No.10/1992 on Population Development and Family Welfare after two periods of amendment processes (Republic of Indonesia, 2009c). This Law regulates the general provisions of population and family development comprising: principles and objectives; rights and obligations of the population; authority and responsibility of government; financing; developmental population; family development; data and demographic information; as well as institutional and community participation.

Indonesia’s commitment to human resources development through the development of family started before the establishment of ICPD held in Cairo in 1994 with the enactment of Law No.10/1992 (Hull and Hull, 2005). In that Law, the government concluded that the success of the family planning programme in lowering the total birth rate which reduced the size of the family should be followed by steps to improve family welfare and thereby promote greater tenacity and autonomy economically, socially, politically, culturally and psychologically. The Law aimed at achieving population goals through influencing population dynamics, so that characteristics and conditions should be in harmony, as well as being compatible with the state of natural resources and the environment. It also directed its efforts toward achievement of the goals by influencing key population dynamics: fertility, mortality and migration patterns (McDonald, 2000).

However, Law No.10/1992 stipulated that family planning services be restricted to married women, meaning that only legally married couples may have legal access to family planning services and contraception. As a result, the reproductive rights of sexually active adolescents and unmarried women of reproductive ages who are at risk of pregnancy and unsafe abortions are not being met by existing services. This situation may be contributing to the continued high levels of maternal mortality rates (WHO/SEARO, 2003, Adioetomo, 2005, Hull, 2005, UNFPA, 2009b, Batubara, 2014).

For family planning services provided by the government, it is not justified to provide contraceptive services for unmarried women. This is because the government must carry out its duties in accordance with the applicable laws and regulations. However,
for women who are not married and need contraceptive services could get it through private channels. Nevertheless, forcing unmarried people to rely on private sources for contraception is not helpful. First, private providers are often also reluctant to openly sell contraceptives to the unmarried and they are also often very expensive sources. Second, the government has a responsibility to respect the reproductive rights of all sexually active citizens without discrimination.

Meanwhile, there are no restrictions for the improvement of women towards sexuality education and reproductive health, meaning that, there is no discrimination for those who are married or unmarried. There should be an awareness that safe abortion is an important component of a rights-based sexual reproductive health programme.

The replacement of Indonesia’s Population Law is in line with the development of population related issues such as gender, male participation, and infertility as stipulated in the ICPD Programme of Action and 2030 Agenda for Sustainable Development, as well as with the development of reform and decentralisation processes (Utomo et al., 2010a, McDonald, 2017).

One of the most significant mandates based on Law No.52/2009 is the fact that the National Population and Family Planning Board, a governmental agency responsible for population issues, has been given a new function in addition to family planning, namely to formulate policies with regard to broader population issues. Based on the Law, the name of the agency was therefore changed from the National Family Planning Coordinating Board (Badan Koordinasi Keluarga Berencana Nasional - BKKBN) to the National Population and Family Planning Board (Badan Kependudukan dan Keluarga Berencana Nasional-BKKBN) which reflected the government's serious commitment to handling population issues (Syarief, 2010).

Nevertheless, similarly to the previous Population Law No.10/1992, Law No.52/2009 also restricts the provision of contraceptives to married couples (Mohammad, 2010). It emphasises that access to sexual and reproductive health services may only be provided to legally married couples, thus excluding all unmarried people from these services (Women Deliver, 2010). Though not easy, unmarried women who need contraceptive services could get it through private channel.
In this regard, unmarried girls and women face obstacles of a much greater scale as they are not eligible for reproductive health services based on the Law. These girls and women face stigma on two counts: for being unmarried, and for being women. They are subjected to greater risk of unwanted pregnancy, pregnancy and childbirth complications and sexually transmitted infections. Human rights abuses come into play as well, since unmarried girls who become pregnant are forced to drop out of school. This national policy is particularly problematic for survivors of rape, who are often immobilised by a fear of stigma, which is not unfounded (Amnesty International, 2012).

In regards to abortion, the indications of medical emergencies and rape are exceptions to the prohibition of abortion or in other words allow abortion based on indications of medical emergencies or the results of rape victims. That can only be done after going through counseling and / or pre-action counseling and ending with post-action counseling done by the counselor. This is reinforced by the statement of the Indonesian Minister of Law and Human Rights that a woman who is raped does not want her fetus to be terminated at some stage (abortion) and that abortion could be performed for medical reasons which is lifethreatening and in line with Health Law (Laoly, 2019).

In addition, for acts of abortion resulting from rape victims, the gestational age limit must be no more than 40 days from the first day of last menstruation. Nevertheless, the 40 days gestational age limit is not a good medical practice.

In responding to the discriminatory provisions in Law No.52/2009, in its report entitled ‘Indonesia: Left without a Choice: Barriers to Reproductive Health in Indonesia’, Amnesty International recommends that the Indonesian Government should repeal all laws and regulations, at both the central and local levels, that violate sexual and reproductive rights, and ensure women and girls can realise their rights free from coercion, discrimination and the threat of criminalisation. Furthermore, it states that legal and policy provisions on matters related to sexual and reproductive health that discriminate on the grounds of marital status should be removed, as they constitute particular obstacles to ensuring that women and girls who are not married can access
the reproductive health information and services they need (Amnesty International, 2010).

Indonesia has some unfinished agendas relating to population issues affecting gender, such as the uneven distribution of programme achievement in the provinces, low male participation in contraceptive use, unmet needs for contraception, unwanted pregnancies, relatively high infant and under-five mortality rates, relatively high maternal mortality rates, adolescent pregnancies, unsafe abortion and safe motherhood. Women and girls still face multiple barriers in realising their sexual and reproductive rights (Utomo, 2003a, Siregar and Pudjani, 2004, Shewprasad and Habsjah, 2014, UNFPA, 2014b, Heidari et al., 2019). The existing barriers constitute violations of Indonesia’s international human rights obligations to protect women and girls from discrimination, as well as violations of the right to health, in particular reproductive health.

A woman’s individual right to choose contraception, and the denial of the rights of single women to access reproductive health and sexual health services and contraception, as stipulated in the Population Law No.52/2009, remain pending issues if Indonesia is to comply with the provisions in the ICPD Programme of Action (ICPD, 2014).

Over the past 25 years, through its engagement with the ICPD Programme of Action, Indonesia has experienced significant demographic, social, economic, environmental and political change since 1994 (Republic of Indonesia, 2004a, Indonesia Reproductive and Sexual Rights and Health Monitoring and Advocacy, 2004, Amnesty International, 2010, Shewprasad and Habsjah, 2014, UNFPA, 2014b, Sen et al., 2019). Nevertheless, Indonesia is still faced with a complex set of newly emerging population issues, and unmet targets for existing challenges (ICPD, 2014).

In this regard, Indonesia is committed to continued work on ICPD issues. The government has made some significant progress so far on certain indicators, and still needs to incorporate the unfinished ICPD agenda into its modern development agenda on some of these key population issues (ICPD, 2014). Most importantly, Indonesia needs to improve its record on maternal deaths, accelerate the use and
quality of family planning services especially amongst populations with the highest need, reduce gender-based violence, and curb a rapidly spreading HIV/AIDS epidemic. Based on the National Medium Term Development Plan 2020-2024, strategies should be put forward to improve access and service quality in family planning (Republic of Indonesia, 2019b). The strategies should emphasise the importance of reducing the number of unmet-needs for family planning, and the discontinuation rates including a comprehensive understanding of reproductive health and sexual health for adolescent women due to the risk of unwanted pregnancy.

6.5. Labour Laws

The Indonesian Labour Law has experienced many vagaries through the years. The Indonesian Labour Law is influenced by cultural and historical aspects as well as by economic and political challenges confronting Indonesia. In September 1998, the Indonesian Government announced the Indonesian Labour Law Reform Programme. With the Reform Programme, the government pledged to amend Indonesia’s Law on Labour No.25/1997 (Republic of Indonesia, 1997) to bring it in line with international labour standards. Law No.25/1997 on Labour, which the New Order described as an attempt to comprehensively update Indonesia’s labour legislation (Basri and van der Eng, 2004), was one of the last pieces of legislation of the Soeharto era, but by virtue of domestic and international pressure, it was not yet in force (Arnold, 2008).

After Soeharto’s fall, it was decided to repeal Law No.25/1997 in its entirety and replace it with a new law that would represent the centrepiece of Indonesia’s labour law system, regulating minimum employment standards; the sources of employment rights and obligations; industrial action; and labour development.

After years of debate, the new Labour Law, Law No.13/2003, was finally passed by all factions of the legislature on 25 February 2003 and came into effect after presidential assent on 25 March 2003 (Republic of Indonesia, 2003).

Law No.13/2003 was intended to bring labour relations in touch with contemporary economic and political developments, such as the growing independence of the trade union movement and regional autonomy. The Law was acknowledged as a
compromise and was generally endorsed by the business community and most unions (Arnold, 2008). Law No.13/2003 also provides protection to female workers. Employers are prohibited from dismissing female workers due to marriage, pregnancy or childbirth (Republic of Indonesia, 2003).

As for gender-related issues, the Law covers a range of types of discrimination, such as the prohibition of discrimination in both job selection and in the course of employment (Article 5-6), the prohibition of termination on the basis of the workers’ beliefs, religion, political orientation, ethnicity, colour, race, sex, physical condition or marital status (Article 153). However, the Law contains no definition of exactly what conduct constitutes ‘discrimination’. There is indeed no legal avenue in Indonesia for victims of discrimination either within or outside the workplace. In this regard, the CEDAW Committee expressed concern regarding the lack of a law prohibiting sexual harassment in the workplace (CEDAW Committee, 2012, CEDAW Committee, 2007a).

In fact, female workers’ rights and interests may be affected by discriminatory employment practices and regulations. Female workers are often underrepresented in the workplace, and are more likely to work part time or to work long hours. The sectors with the greatest female representation - agriculture and the informal sector - are less regulated and more poorly paid than other sectors (Cheema, 2010b).

Law No.13/2003 prohibits discrimination in relations to wages and the right to a job, and forbids differential treatment. Furthermore, Government Regulation No.8/1981 on Wage Protection specifies that employers shall not discriminate between female and male workers in determining the rates of remuneration for work of equal value (Republic of Indonesia, 1981). However, as women remain most severely discriminated against, with wages averaging only 68 per cent those of their male counterparts (Cameron, 2002, Quinn, 2003, Moore, 2003, Arnold, 2008, Franken, 2011), the Law does not appear to explore wage levels, though they are presumably covered under the general prohibition on discrimination.

As stated by the CEDAW Committee in its 2007 and 2012 Concluding Comments, the Committee was concerned about the omission from the 2003 Labour Law of a provision recognising the principle of equal pay for equal work and work of equal
value, in accordance with the Convention, and with ILO Convention No. 100 (CEDAW Committee, 2007a, CEDAW Committee, 2012). The Millennium Development Goal target for 2015 aiming for wage justice between men and women (each receiving 50 per cent) seemed to be a long shot and demanded hard work in order to achieve it (Republic of Indonesia, 2010).

The Indonesian government has indeed published a Guidebook on *Equal Employment Opportunity* based on ILO Conventions No. 100 and 111 that has been communicated to companies and employers (Republic of Indonesia, 2010). Regarding the protection of reproductive rights of women, there is a relevant Joint Regulation between the Ministry of Women’s Empowerment, Ministry of Health and Ministry of Labour (No. 48/Men.PP./XII/2008; No. Per.27/MEN/XII/2008; No. 117/Menkes/PB/2008) regarding breastfeeding facilities at the workplace, a Ministerial Regulation on the accreditation of Indonesian migrant workers’ holding facilities, and provisions for maternity leave.

Oversight of night shift implementation was promoted to ensure protection for women working night shifts. Other activities included awareness raising of important issues to the companies and workers, such as the rights and responsibilities of workers, risks of sexual harassment at the workplace and discrimination in wages and benefits (IOM, 2010, The Jakarta Post, 2010a, Franken, 2011, Novirianti, 2011, Nagase, 2019).

Law No.13/2003 provides a raft of protections for women in relation to their reproductive health. According to Article 82 of the Law, women are entitled to three months maternity leave and one and a half months paid leave upon suffering a miscarriage. Men are also given leave on the occasion of their wife’s delivery or in the event of their wife’s miscarriage. As stated in Article 83 (and as noted earlier), women must be allowed to breastfeed their babies where applicable. In this regard, employers are under an obligation to provide proper opportunities to breast-feeding mothers, and such workers must be allocated time to breast-feed their babies if that must be performed during working hours. Furthermore, Article 93 stresses that women who suffer menstruation pain are entitled to two days paid leave per cycle (The Jakarta Post, 2010a, Klaveren et al., 2010, Novirianti, 2011, Elyda, 2013, Basuil, 2019).
Nevertheless, a gender activist respondent no.3, female, master’s degree (GEF3) explained:

Giving maternity and menstruation leave to women is considered by employers as reducing productivity and not as respect for women’s rights (Gender Expert Interviewee No.3, 2007).

This gender activist stresses the view of most employers claiming the women’s privilege to have leave as disrespecting women’s rights. Maternity and menstruation leave should be indeed given to women. Menstruation leave should be supported by a medical certificate stating that the menstruation causes pain and disturbs women’s health.

Matthew Moore in the *Sydney Morning Herald* also commented that it was remarkable that the ILO and most Indonesian employers accepted the provision for menstruation leave, given the investment climate in Indonesia after the economic crisis (Moore, 2003). The provisions are applicable in the context of the long hours, heavy work, lack of painkilling medication, and bad hygiene in many Indonesian workplaces.

A gender specialist and advisor respondent no.1, female, master’s degree (GEF1) described:

It is believed that menstruation leave could disadvantage the firms and reduce productivity. In fact, giving menstruation leave to women will benefit the women, their families and firms as they will work better and have greater productivity. The foreign companies do give menstruation leave to their women workers. Indonesia is one of the countries applying the two-day menstruation leave (Gender Expert Interviewee No.1, 2007).

This gender specialist is of the view that giving menstruation leave will indeed benefit not only the women but also their workplace, in contrast with the view that menstruation leave will reduce productivity and does not respect women’s rights.

Furthermore, according to Law No.13/2003, for night shifts female workers are to be accorded round-trip transport, nutritious food, and security at the workplace. The state also prohibits gender-based differentials at the pensionable age (Cheema, 2010b).
In fact, the implementation of the Law No.13/2003 is another story in reality.

A government representative respondent no.26, law expert, male, professor (GOM 26) stated:

The labour condition in Indonesia is worse compared to the United States, for example because of lack of policy implementation. The United States has strong laws against sex discrimination in employment (Government Interviewee No.26, 2007).

This government official admits that Indonesia lags behind in Labour Law implementation. The United States has strong laws against sex discrimination in employment, including laws that guarantee equal pay, protect against sexual harassment, allow women and men to work the same hours, and establish the same retirement age for women and men (Kelso et al., 2012).

ILO Member States in Asia including Indonesia and the Pacific have indeed ratified some of the ILO Conventions. However, the implementation is undermined by weak monitoring and enforcement and has resulted in ongoing discrimination, sexual harassment, gender pay gaps, and foregone economic growth (ILO, 2016). Moreover, low female labour participation rates are especially evident in the Arab States and South Asia. The region continues to fall behind in terms of both ratification of and compliance with international labour standards, as well as female representation in social dialogue and collective bargaining (ILO, 2018, ILO, 2019a).

According to an Indonesian labour activist, Arsih Suharsih, neo-liberalism has caused women’s position to be increasingly marginalised which among others affects the lives of women labourers (Kurniawan, 2011, Novirianti, 2011, UNDP, 2015, ILO, 2019a, Watson et al., 2019). There are still many rights of women labourers that haven’t been fulfilled by employers of private companies such as the provision of pregnancy leave, menstruation leave, and maternity leave. Women labourers are underpaid and they become objects of discrimination by their employers. Many women labourers lack health benefits when they get sick. Women’s subordination is worsened by the burgeoning of patriarchy culture in Indonesia. It is therefore deemed necessary to continuously fight for gender equality by demanding appropriate equal pay for women labourers.
With regard to the gender-related provisions in the Law, as requested in the 2007 CEDAW's Concluding Comments, Indonesia was to take concrete measures to eliminate discrimination and to ensure equal opportunities for, and equal treatment of, women and men in the labour market in accordance with Article 11 of CEDAW stipulating measures to eliminate discrimination against women in the field of employment and uphold their economic rights (United Nations, 1979).

Women should therefore be ensured to receive equal pay for both equal work and work of equal value and equal social benefits and services (CEDAW Committee, 2012). Sanctions should be established for discrimination against working women in both the public and private sectors, including sexual harassment, to create effective enforcement and monitoring mechanisms and to ensure that women have access to means of redress, including legal aid (CEDAW Committee, 2007a).

Towards the end of 2010, the Parliament removed proposed revisions to the 2003 Labour Law from a list of bills to be prioritised in 2011. Since 2006, labour unions in Indonesia have been opposing the amendments to the 2003 Labour Law (The Jakarta Post, 2010a, Public Services International, 2006) which would seriously weaken the rights and entitlements of Indonesian workers. Proposed amendments included the extension of contract labour provisions, retirement provisions, severance pay entitlements, outsourcing, disciplinary actions against workers, restrictions on the right to strike, and the minimum wage system. Those proposed amendments would without question lead to deteriorating living standards and growing insecurity for working men and women of Indonesia.

Regarding legal protection for domestic workers, a number of government institutions, such as the Ministry of Women's Empowerment and Child Protection, Ministry of Labour and Transmigration, as well as the Coordinating Ministry of People's Welfare, had taken the initiative to prepare a draft law to protect domestic workers. In 2010, the National Legislation programme included a draft Law on Domestic Workers as one of the laws to be discussed with the Government (Republic of Indonesia, 2010).
Domestic workers in Indonesia represent the single largest group of female salaried workers contributing to the households of others. They oftentimes face particular vulnerabilities which prevent their access to reproductive health services. Sexuality education is generally not provided to them, as many of them left school at an early age. Their access to information is determined by their employers. They are also not fully legally recognised as workers by the government, and therefore are subject to unmonitored human rights violations. They can lose their jobs as a result of a pregnancy, without compensation. They are also not protected against unsafe labour while pregnant and are vulnerable to sexual harassment (Cameron, 2002, Arnold, 2008, Women Deliver, 2010, Amnesty International, 2010, ILO, 2018).

The CEDAW Committee suggested in this context that Indonesia enact a Domestic Workers’ Law in line with international standards (CEDAW Committee, 2012), to ensure that women and girl domestic workers are afforded the same levels of protection as other workers in Indonesia. The law should include provisions pertaining to women’s special needs, including maternity provisions (CEDAW Committee, 2007a).

Policies on migrant workers were also initiated in the early post-reform period of 1998 that became the basis for public regulations on the placement of migrant workers abroad. With limited job opportunities domestically, many women became migrant workers. Due to the unfavourable bargaining position of Indonesia with respect to destination countries, many existing policies were incapable of effectively protecting Indonesian migrant workers. Despite ongoing improvements in policy and management, migrant workers - largely women - face exploitation, human rights violations and violence from the time they are in Indonesia, during transit, while working in destination countries, and upon their return to Indonesia (Cameron, 2002, Susilo, 2004, ILO Jakarta Newsletter, 2009, Raja, 2010, Novirianti, 2011).

On 18 October 2004, the Indonesian Government had enacted the Law on the Placement and Protection of Indonesian Migrant Workers (Republic of Indonesia, 2004c). It was eventually passed by the Parliament with little consultation with civil society. The government then adopted a series of regulations with the aim of further reforming and regulating the deployment and protection system of Indonesian migrant workers. Law No.39/2004 on the Placement and Protection of Indonesian
Migrant Workers is the main piece of legislation governing recruitment, placement, and protection of Indonesian migrant workers. It regulates the recruitment, training, and transfer of migrant workers including the method of their protection within and outside Indonesia.


On 31 May 2012, the Indonesian Government officially ratified the 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families that it signed on 22 September 2004 (United Nations, 2014). Ratification of the Convention mandates the government to take concrete measures to protect migrant workers amid an increasing number of abuse cases. Under the law endorsing the Convention that was passed by the Indonesian House of Representatives, Indonesia must integrate the Convention into the nation’s laws, including provision to protect, including migrant workers and their families and to ensure their rights (Sijabat and Aritonang, 2012).

In order to promote more protection of overseas migrant women workers, Law No. 39/2004 was listed for revision under the 2010-2014 National Legislation Programme of the legislative body. The initiative of Komnas Perempuan and the Ministry of Foreign Affairs in drafting the National Agreement on the Action Programme to handle and manage Indonesian Migrant Workers with human rights approach has not yet become a binding document, because not all government institutions support the programme (Republic of Indonesia, 2010).

However, in terms of protecting female migrant workers, Law No.39/2004 has provoked criticism (Komnas Perempuan, 2006, Arnold, 2007), because it lacks a clear vision to protect Indonesian migrant workers. It does not provide comprehensive ideas to deal with abuses of migrant workers inside and outside the country. Various rights and protections for migrant workers particularly female migrant workers are limited or poorly formulated in the Law.
The legal provisions for dispute resolution between migrant workers and the recruitment agencies, the monitoring of workers’ migration, licensing of recruitment agencies, and procedural and documentary requirements are obscure. Furthermore, labour ministerial decrees are needed to get this law implemented. Law No.39/2004 is not equipped with adequate instructions for sub-national governments to support migrant workers’ protection. The national government’s effort to encourage nationwide support to increase migrant rights protection through the Presidential Instruction No.6/2006 was described as a complete failure (Arnold, 2008).

Female migrant workers often face abuses before, during and after their stay abroad: many of them face physical, mental and sexual abuse, are discriminated against and are also regularly tricked out of their hard-earned salaries. These abuses need to be addressed at both national and sub-national government policy levels. It is still questionable whether sub-national or district level legislation in Indonesia provides an effective new avenue for access to justice for female migrant workers. For example, a district level regulation could address data falsification of the prospective female migrant workers, include provisions against illegal recruitment of migrant workers or female trafficking or it could regulate the activities of sub-national branches of migrant workers’ recruitment agencies, and provide instructions for monitoring them (Susilo, 2004, Novirianti, 2011, Franken, 2011, Sijabat and Aritonang, 2012, IOM, 2018).

The CEDAW Committee remains concerned at the situation of women migrants from Indonesia, who constitute some 70 per cent of the country’s migrants (Committee on the Elimination of Discrimination Against Women, 2007). Over 90 per cent of those women are employed as domestic helpers that fall into the category of the informal sector of work. Although most Indonesian migrant workers are female, government policy has paid no specific attention to gender-related protection needs, such as protecting the female workers being forced to undergo improper medical checks and sexual abuse within households, and facing other related problems. According to many women’s organisations such as Solidaritas Perempuan and Komnas Perempuan, Law No.39/2004 does not sufficiently protect female migrant workers (IOM, 2010).
A non-governmental organisation representative respondent no.1, Head of Division, female, master's degree (NGOF1) stated that:

The government has no commitment to improving its image or reputation. For example, the government tends to blame NGOs for blackening the government's image when it tries to reveal the problems of Indonesian women migrant workers abroad. The problems should be solved by the government (NGO Interviewee No.01, 2007).

This NGO representative emphasises the need for the government to protect Indonesian women migrant workers. Although Law No.39/2004 has been considered as having more concrete measures in placing and protecting Indonesian labour migrants (Raja, 2010), it has to be appropriately revised so that human rights and protection could be delivered to Indonesian migrant workers due to their vulnerable status. Many Indonesian labour unions and migrant workers organisations such as Migrant Care and Indonesian Migrant Workers Union continuously call upon the government to revise Law No39/2004 by referring to the provisions in the 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and involving labour unions and migrant workers organisations so that the rights of the migrant workers and members of their families could be safeguarded (Rusemi, 2008, Ray, 2010). The revision of Law No.39/2004 is therefore imperative and essential for the protection of Indonesian migrant workers.

Law No. 39/2004 contains many deficiencies in its implementation and enforcement; these loopholes create the opportunity for abuses at all stages of the migration process. The law’s formulation leaves room for interpretation and although a significant number of ministerial regulations, presidential decrees, and presidential instructions have been enacted to explain and clarify how the law should be implemented, these remain inadequate for effective protection of Indonesian labour migrants (IOM, 2010). More policies and practical guidelines governing the migration of Indonesian labour migrants are required because labour migration from Indonesia has not only brought positive gains but also negative ones, be it at home or abroad (Hidayah, 2010).

The Minister for Labour should produce additional decrees to support the technical implementation of Law No.39/2004 concerning the placement and protection of
Indonesian migrant workers. For example, the Law does not provide guidelines for sub-national level regulations for the protection of female migrant workers. There is indeed an urgent need for legal protection of female migrant workers both at national and sub-national levels. The competence to legislate on matters relating to migrant workers lies at the national government level. Related government agencies should set milestones to improve migrant workers’ protection particularly in dealing with the critical components of the Law No.39/2004.
Chapter 7. The Impact of Gender-Related Treaties on Gender Equity in Indonesia: Facilitators and Barriers

7.1. Gender Equity in Indonesia

Table 22 below on ‘The Global Gender Gap Index by Country, 2009-2018’ situates Indonesia among other countries in 2009-2018 with the highest rank of global gender gaps in the world, Iceland; the highest rank of the global gap index in Asia, the Philippines; and the lowest rank of the global gap index in the world, Yemen. The Global Gender Gap Index examines the gap between men and women in four fundamental categories: economic participation and opportunity, educational attainment, health and survival, and political empowerment (Hausman et al., 2010).

The Global Gender Gap Report 2018 continues to provide a snapshot of current performance and introduces valuable new insights on progress over the last five years. The Report highlights the message to policy-makers that, in order to maximise competitiveness and development potential, each country should strive for gender equality—that is, to give women the same rights, responsibilities and opportunities as men. No country in the world has achieved full gender equality. The highest-ranking country, Iceland, has closed more than 85 per cent of its overall gender gaps, while the lowest ranking country, Yemen, has closed only nearly 50 per cent of its gender gap. Indonesia itself has closed around 69 per cent of its gender gap (World Economic Forum, 2018).
### Table 22: The Global Gender Gap Index by Country, 2009-2018

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>RANK</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SCORE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ICELAND</td>
<td>1</td>
<td>0.8276</td>
<td>1</td>
<td>0.8496</td>
<td>1</td>
<td>0.8530</td>
<td>1</td>
<td>0.8640</td>
<td>1</td>
<td>0.8731</td>
</tr>
<tr>
<td>PHILIPPINES</td>
<td>9</td>
<td>0.7579</td>
<td>8</td>
<td>0.7654</td>
<td>8</td>
<td>0.7685</td>
<td>8</td>
<td>0.7757</td>
<td>5</td>
<td>0.7832</td>
</tr>
<tr>
<td>INDONESIA</td>
<td>92</td>
<td>0.6580</td>
<td>87</td>
<td>0.6615</td>
<td>90</td>
<td>0.6594</td>
<td>97</td>
<td>0.6591</td>
<td>95</td>
<td>0.6613</td>
</tr>
<tr>
<td>YEMEN</td>
<td>134</td>
<td>0.4603</td>
<td>134</td>
<td>0.4603</td>
<td>135</td>
<td>0.4873</td>
<td>135</td>
<td>0.5054</td>
<td>136</td>
<td>0.5128</td>
</tr>
</tbody>
</table>

Iceland takes the top spot for eight consecutive years. It shows further gains in the area of political empowerment because of an increase in the number of women ministers, a near gender-balanced parliament and the emergence of its first female prime minister. Iceland continues to hold first position on both educational attainment and political empowerment, and women’s labour force participation in Iceland is among the highest in the world.

The Philippines remains the highest ranking Asian country in the Index. It ranks first on both education and health and is also a very strong performer in economic participation and political empowerment. The Philippines is the only country in Asia in 2018 to have closed the gender gap on both education and health, and is among only eight countries in the world to have done so.

Yemen continues to occupy the last place in the Middle East region as well as in the overall rankings of 149 countries. It remains the only country in the world to have closed almost 50 per cent of its gender gap.

Indonesia ranked 85th in 2018. Indonesia is actually a leader in the Asian region in political empowerment, but it still has much progress to make in women’s economic participation (particularly in high-skilled or senior positions), in wage gaps, in women’s life expectancy though it is higher than men’s life expectancy, and in women’s tertiary enrolment rates. Indonesia has higher than average levels of political empowerment but low scores on aspects of economic participation, educational attainment and health (Siregar, 2009, UNDP, 2010, The Jakarta Post, 2010d, Hillman, 2017, Bramasta, 2019).

Though the number of women parliamentarians has increased since 1999, there is still a huge difference between male parliamentarians and women parliamentarians in Indonesia. (Republic of Indonesia, 2008c, Government Interviewee No.29, 2008, Siregar, 2009, Jong, 2013, Ruedin, 2013).

The following table shows the number of women politicians elected to the Indonesian parliament:
Table 23: Gender Quotas in Parliament

<table>
<thead>
<tr>
<th>ELECTION YEAR</th>
<th>TOTAL SEATS</th>
<th>% MEN</th>
<th>% WOMEN</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>500</td>
<td>90.4</td>
<td>9.6</td>
</tr>
<tr>
<td>2004</td>
<td>550</td>
<td>88.9</td>
<td>11.1</td>
</tr>
<tr>
<td>2009</td>
<td>550</td>
<td>82.14</td>
<td>17.86</td>
</tr>
<tr>
<td>2014</td>
<td>560</td>
<td>82.68</td>
<td>17.32</td>
</tr>
<tr>
<td>2019</td>
<td>575</td>
<td>79.47</td>
<td>20.52</td>
</tr>
</tbody>
</table>

Source: [www.kpu.go.id](http://www.kpu.go.id) accessed on 8 December 2019

As for educational attainment, even though there are more girls than boys who do not attend school, the gaps between female students and male students at all levels of education are not extreme. The following table shows the educational attainment for the female and male population aged 15 and over:

Table 24: Educational Attainment

<table>
<thead>
<tr>
<th>POPULATION</th>
<th>NO SCHOOLING</th>
<th>PRIMARY</th>
<th>SECONDARY</th>
<th>TERTIARY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>TOTAL</td>
<td>COMPLETED</td>
<td>TOTAL</td>
<td>COMPLETED</td>
</tr>
<tr>
<td>FEMALE</td>
<td>10.5%</td>
<td>44.8%</td>
<td>29.2%</td>
<td>38.5%</td>
</tr>
<tr>
<td>MALE</td>
<td>4.4%</td>
<td>43.2%</td>
<td>29.3%</td>
<td>45.9%</td>
</tr>
</tbody>
</table>

Source: Barro-Lee 2010 ([http://www.barrolee.com](http://www.barrolee.com) accessed on 26 October 2014)

The following table shows the Gender Gap Index for Indonesia for the period of 2009-2018. It depicts the gender gap between women and men in economic participation and opportunity, educational attainment, health and survival, and political empowerment. The economic participation and opportunity category measures the gap between women and men in labour force participation, remuneration, and advancement of women and men. The educational attainment measures the gap between women’s and men’s current access to education. The health and survival category provides differences between women’s and men’s health. The political empowerment category measures the gap between women and men in political decision making. The higher the number in each column, the higher the attainment of women compared to men.
Table 25: Gender Gap Index for Indonesia 2009-2018

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ECONOMIC PARTICIPATION &amp; OPPORTUNITY</th>
<th>EDUCATIONAL ATTAINMENT</th>
<th>HEALTH &amp; SURVIVAL</th>
<th>POLITICAL EMPOWERMENT</th>
<th>OVERALL</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>0.5722</td>
<td>0.9656</td>
<td>0.9719</td>
<td>0.1224</td>
<td>0.6580</td>
</tr>
<tr>
<td>2010</td>
<td>0.5750</td>
<td>0.9640</td>
<td>0.9663</td>
<td>0.1407</td>
<td>0.6615</td>
</tr>
<tr>
<td>2011</td>
<td>0.5642</td>
<td>0.9671</td>
<td>0.9663</td>
<td>0.1400</td>
<td>0.6594</td>
</tr>
<tr>
<td>2012</td>
<td>0.5650</td>
<td>0.9734</td>
<td>0.9663</td>
<td>0.1316</td>
<td>0.6591</td>
</tr>
<tr>
<td>2013</td>
<td>0.5881</td>
<td>0.9574</td>
<td>0.9663</td>
<td>0.1334</td>
<td>0.6613</td>
</tr>
<tr>
<td>2014</td>
<td>0.5984</td>
<td>0.9890</td>
<td>0.9762</td>
<td>0.1262</td>
<td>0.6725</td>
</tr>
<tr>
<td>2015</td>
<td>0.593</td>
<td>0.986</td>
<td>0.976</td>
<td>0.168</td>
<td>0.681</td>
</tr>
<tr>
<td>2016</td>
<td>0.598</td>
<td>0.987</td>
<td>0.976</td>
<td>0.168</td>
<td>0.682</td>
</tr>
<tr>
<td>2017</td>
<td>0.610</td>
<td>0.986</td>
<td>0.976</td>
<td>0.193</td>
<td>0.691</td>
</tr>
<tr>
<td>2018</td>
<td>0.629</td>
<td>0.967</td>
<td>0.974</td>
<td>0.193</td>
<td>0.691</td>
</tr>
</tbody>
</table>


A government representative respondent no.34, Advisor, male, master's degree, respondent (GOM34) explained:

In terms of the Human Development Index and the Gender Development Index, Indonesia could be compared with the Philippines. Indonesia is moving in the right direction, though it will take time to achieve gender equality in Indonesia. For example, in Australia in the 1920s, there was the social view that women should be at home and take care of the family, and men could go out and work. That was the traditional view in the 1920s. But 90 years later, the view places more emphasis on equality, both women and men are pursuing careers. Changing cultural and social views will take some time. Looking back at the history, Indonesia is moving into the right direction (Government Interviewee No.34, 2009).

This government representative is optimistic about Indonesia's Gender Gap Index which could be better in the future. Since Indonesia is moving in the right direction, it could follow the steps taken by the Philippines as one of the most gender equal countries worldwide and the only Asian country with equal opportunities on political and economic leadership for both women and men. Nevertheless, it is evident that,
while the figures for health and educational attainment are relatively encouraging, Indonesia has a long way to go to reach anything like equality in political and economic terms.

7.2. Gender Equality and Women’s Empowerment Efforts to achieve the International Targets: Areas of Progress

Gender equality and women’s empowerment efforts to achieve international targets in Indonesia have shown significant progress.

A government representative respondent no.3, Deputy Minister, female, master’s degree (GOF3) stated:

From the Sukarno era until the reform era, significant progress on the advancement of women has occurred, and more and more opportunities are created (Government Interviewee No.3, 2007).

A government representative respondent no.11, Director, male, master’s degree (GOM11) stated:

The number of women in Indonesia has reached 49.7 per cent (of the total population of 272 million). The women’s position represents a potentiality and an asset for the nation’s development, rather than a hindrance. Therefore, women’s empowerment and gender equality will enhance the productivity and welfare of the family and community as well as reduce the gender gap (Government Interviewee No.11, 2007).

An international organisation representative respondent no.3, Programme Manager, female, bachelor’s degree (IOF3) disclosed:

Before the reform era, little attention was given to the efforts of gender equality and women’s empowerment, and women were subordinated. But now, with all the international agreements and world’s attention on women’s issues, gender equality and women’s empowerment have become a global concern. I can see good progress, even though the implementation is still weak (International Organisation Interviewee No.03, 2007).

From the above-mentioned quotes, the respondents both from the government and international organisation have a positive view that Indonesia is moving in the right direction to achieve gender equality in all fields. Moreover, the women’s

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33 According to World Population Review 2019, Indonesia’s population as of November 2019 reached 271,929,636. Women constitutes 49.7 per cent of the total population whereas men 50.299 per cent.
empowerment process is believed to be progressing though there remain many challenges that women have to face.

Noticeably after the reform era towards early 2000, the socio-economic status and freedom of expression among Indonesian women increased remarkably. More and more Indonesian women were entering higher education, earning their own income and acquiring the autonomy to choose where they would like to be enrolled for higher education or employment (Hatmadji and Utomo, 2004).

They also had more independence to choose their own spouse with parental agreement as well as to delay entry into marriage and family life. As for some Indonesian women who enjoyed the luxury of combining work and family, many pursued their careers as professionals, bureaucrats, politicians, lecturers, teachers, researchers as well as entrepreneurs. Indonesian women have now come a long way, not only do they contribute to the labour force, they increasingly also determine policies at the highest levels of both government and the private sector (Utomo, 2003b, Hatmadji and Utomo, 2004, Tabura, 2006, Swasono, 2009, Lundine et al., 2013).

At present, in the 38 member cabinet of President Joko Widodo's Onward Indonesia Cabinet 2019-2024, women occupy 13 per cent of ministerial or ministerial-equivalent positions with five female ministers: Retno Lestari Priansari Marsudi (Minister for Foreign Affairs), Sri Mulyani Indrawati (Minister for Finance), Ida Fauziyah (Minister for Labour), Siti Nurbaya Bakar (Minister for Environment and Forestry), and I Gusti Ayu Bintang Darmawati (Minister for Women’s Empowerment and Child Protection).

In the previous 34 member cabinet of President Joko Widodo's Working Cabinet 2014-2019, women occupied 23.5 per cent of ministerial or ministerial-equivalent positions. There were eight women. Those women ministers were Puan Maharani (Coordinating Minister for Human Development and Culture), Retno Lestari Priansari Marsudi (Minister for Foreign Affairs), Sri Mulyani Indrawati (Minister for Finance), Siti Nurbaya Bakar (Minister for Environment and Forestry), Susi Pudjiastuti (Minister for Marine Affairs and Fisheries), Nina H. Moeloek (Minister for Health), Yohana Susana Yambise (Minister for Women’s Empowerment and Child Protection), and Rini...
Soemarno (Minister for State Enterprises). Formerly, there were nine female Ministers with Khofifah Indar Parawansa as the Minister for Social Affairs.

In the 42 member cabinet of President Susilo Bambang Yudhoyono (Second United Indonesian Cabinet) in 2009-2014, women occupied 10 per cent of ministerial or ministerial-equivalent positions. The four women ministers were Mari E. Pangestu (Minister for Trade, then Minister for Tourism and Creative Economy), Endang Rahayu Setyaningsih then replaced by Nafsiah Mboi (Minister for Health), Linda Amalia Sari Gumelar (Minister for Women’s Empowerment and Child Protection), and Armida S. Alisjahbana (Minister for National Development Planning/Head of National Development Planning Agency). Moreover in the same cabinet, women occupied 12.5 per cent of ministerial position when Sri Mulyani Indrawati, once based in the World Bank, became the Minister for Finance.

At the previous 36 member cabinet of President Susilo Bambang Yudhoyono (First United Indonesian Cabinet) in 2004-2009, women occupied 11 per cent of ministerial or ministerial-equivalent positions. There were four women ministers, Mari E. Pangestu (Minister for Trade), Sri Mulyani Indrawati (Minister for Finance and Acting Coordinating Minister for Economic Affairs), Siti Fadilah Supari (Minister for Health) and Meuthia Hatta (Minister for Women’s Empowerment).

In past practice, there were two ministerial positions reserved for women, Minister for Women’s Empowerment and Minister for Social Affairs. This is strongly related to the patriarchal values which assumed that women’s political duties consisted of looking after the extensions of her domestic duties, in this case responsibility for women’s affairs and social affairs.

In the Reform era, particularly under the administration of President Joko Widodo, women could hold strategic ministerial positions not only as Minister for Women’s Empowerment and Child Protection and Minister for Social Affairs traditionally reserved for women, but also as Minister for Finance, Minister for State Enterprises, Minister for Foreign Affairs, Minister for Environment and Forestry, Minister for Marine Affairs and Fisheries and even as Speaker of parliament. Those crucial and strategic positions were traditionally strongly masculine and had never been held by women.
At the governmental level, Indonesia has also exceptional female vice-governors, regents, mayors as well as director generals and deputy ministers of governmental institutions (GlobeAsia, 2009). Ratu Atut Chosiyah was the first female governor in Indonesia who came into office in 2007. However she had to be under suspension pending the outcome of legal proceedings against her for alleged corruption. In May 2014, she was formally charged by the Indonesian Corruption Eradication Commission for alleged corruption (Setuningsih, 2014). Furthermore, in early September 2014 she was sentenced to a four-year term of imprisonment on the charges brought by the Commission against her (Halim, 2014). As more women reach leadership positions, many will perform well, but we cannot be too surprised that some will be disappointments, some will even fail, and almost all will face or have faced a hard struggle for acceptance.

Women’s skilful leadership has also been proven by corporate women, such as Karen Agustiawan, the first woman president director of Pertamina, the largest state-owned oil and gas company in Indonesia (GlobeAsia, 2009). Besides Karen Agustiawan, Indonesia’s top corporate women include Siti Hartati Murdaya Poo, co-founder of Berca Group, Indonesia’s leading company; Melinda Tedja, co-founder of Pakuwon Group, the largest property developer in East Java; Kartini Mulyadi, prominent corporate lawyer and co-founder of TempoScan Pacific, one of the country’s major pharmaceutical firms; Itjih Nursalim, who runs the Gadjah Tunggal Group, a highly diversified conglomerate; Roosniati Salihin, vice president and spokeswoman of Jakarta-listed Bank Panin, one of the country’s major commercial banks; Felia Salim, vice president of Bank BNI, the country’s fourth largest bank by assets; Martha Tilaar, founder and president of Martha Tilaar Group, a leading cosmetics manufacturer and spa operator in the country; Mooryati Soedibyo, former legislator and founder of Mustika Ratu, a leading cosmetics manufacturer in the country; and Parwati Surjaudaja, awarded as the best CEO in Indonesia was the former president director of Bank OCBC-NISP, a fast-growing medium-sized bank now controlled by Singapore’s OCBC Bank.

However, as for Siti Hartati Murdaya Poo, she was sentenced in February 2013 to 32 months in prison and fined US$ 15,000 after a court found her guilty of bribery. She was accused of paying US$ 309,000 in bribes to Amran Batalipu, the former regent of
Buol in Central Sulawesi, to speed up the application process of a business permit for her oil palm plantation company, PT Hartati Inti Plantation (Pramudatama, 2012, Jong, 2013). She resigned from Indonesia’s Democratic Party’s patron board and National Economic Committee after she was arrested (The Jakarta Post, 2012).

The following tables show women in ministerial positions, as well as women being legislators, senior officials and managers in Indonesia. Still men outnumber women even though the number of women in the positions of ministers, legislators, senior officials, and managers has normally increased over time.

Table 26: Women in Ministerial Position

<table>
<thead>
<tr>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FEMALE</td>
<td>11</td>
<td>14</td>
<td>14</td>
<td>11</td>
<td>11</td>
<td>12</td>
<td>23</td>
<td>23</td>
<td>25.7</td>
<td>25.7</td>
<td>13</td>
</tr>
<tr>
<td>MALE</td>
<td>89</td>
<td>86</td>
<td>86</td>
<td>89</td>
<td>89</td>
<td>88</td>
<td>77</td>
<td>77</td>
<td>74.3</td>
<td>74.3</td>
<td>87</td>
</tr>
<tr>
<td>FEMALE TO MALE RATIO</td>
<td>0.12</td>
<td>0.17</td>
<td>0.17</td>
<td>0.13</td>
<td>0.13</td>
<td>0.13</td>
<td>0.30</td>
<td>0.30</td>
<td>0.35</td>
<td>0.35</td>
<td>0.15</td>
</tr>
</tbody>
</table>


Table 27: Legislators, Senior Officials and Managers by Sex

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FEMALE</td>
<td>22</td>
<td>22</td>
<td>22</td>
<td>22</td>
<td>21</td>
<td>21</td>
<td>23</td>
<td>20</td>
<td>22</td>
<td>27.5</td>
</tr>
<tr>
<td>MALE</td>
<td>78</td>
<td>78</td>
<td>78</td>
<td>78</td>
<td>79</td>
<td>79</td>
<td>77</td>
<td>80</td>
<td>78</td>
<td>72.5</td>
</tr>
<tr>
<td>FEMALE TO MALE RATIO</td>
<td>0.28</td>
<td>0.28</td>
<td>0.28</td>
<td>0.28</td>
<td>0.27</td>
<td>0.27</td>
<td>0.30</td>
<td>0.24</td>
<td>0.28</td>
<td>0.38</td>
</tr>
</tbody>
</table>


A government representative respondent no.34, Advisor, male, master’s degree (GOM34) stated:

It is hoped that there will be more representations of women in the future in key positions. Being in the key positions, starting at the top, women could become the role models. In aspiring being the top role models, some other women may move or could be in the positions they are quite comfortable with, part of the way
This government representative has a positive view of Indonesian women holding leadership positions. The rise of women’s power in the broadest sense is one of the compelling stories of the 21st century. Women today play a central role in the affairs of the nation. Huge improvements have been achieved in female access to education and in raising female income levels. Mobilising their potential to play a stronger role in economic development is an important task for Indonesia.

A civil society leader and Islamic figure respondent no.1, male, PhD degree (ILM1) stated:

The women’s condition in Indonesia is improving. More and more female governors, regents and mayors are emerging. However, there are still few female Ministers in the Cabinet. Some male Ministers don’t excel in their portfolio. The number of female Ministers should be therefore increased. The social cultural condition allows women to move ahead. Furthermore, 50 per cent of the students in universities are women and they perform excellently. More and more women will succeed both in private and public (governmental) sectors. The main hindrance in fulfilling the 30 per cent quota at the parliament is the readiness of the women themselves. If they are ready, the affirmative action could run perfectly and apply to other sectors as well, not just politics. In the current reform era, democratisation is a big opportunity for women. The main problem lies when the government becomes weak with its worsening economy, unqualified education, poor law enforcement and freedom of expression could not be controlled (Informal Leader Interviewee No. 01, 2007).

A government representative respondent no.2, Minister, female, PhD degree (GOF2) explained:

In pursuing their career, women could face a dilemma. Without a big effort from the women themselves and support from the family, it is unlikely that women would succeed in their career. Due to the social norms, domestic chores are the responsibility of women (Government Interviewee No. 2, 2007).

A government representative respondent no.18, Deputy Minister, female, master’s degree (GOF18) described:

More and more potential women could achieve high and important positions. As housewives, women should be also empowered and there should be sharing of responsibilities
between women and men, don't let the women be overburdened. There is an adage saying that 'Women and men are different but don't differentiate them'. There was also another motto: 'Women and men have an equal partnership'. Access, participation, control and benefit are being developed. There should be gender equality. If men are lagging behind, they should be empowered. If women are lagging behind, they should also be empowered. In reality, most women are lagging behind, so they become the focus to be empowered (Government Interviewee No.18, 2008).

A non-governmental organisation representative respondent no.6, Secretary-General, male, master's degree (NGOM6) illustrated:

Women's empowerment in Indonesia is much better in terms of awareness. Women are aware that they are not objects but also subjects. The success of education and culture can increase women's awareness in dealing with cases such as polygamy, violence against women, and divorce (NGO Interviewee No.06, 2008).

These commentators hold the optimistic view that Indonesian women could excel more and perform better by partnering with men, while the government representatives are nevertheless rather more pessimistic and emphasise that women might face dilemmas when performing outside the household.

Indonesia remains largely a strong patriarchal society, however it is getting more and more progressive in fighting for women’s rights and in increasing their role in national politics, education, the labour force, and the health sector. As noted above, the current Indonesian President Joko Widodo's 38-strong Cabinet has five women ministers in strategic positions, and the previous 34-strong Cabinet had a record number of nine women ministers, earning him praise for raising the profile of women in important portfolios. The nine women ministers made up 26.4 per cent of the Cabinet, putting Indonesia above the global average of 17 per cent (Nazeer, 2014).

The areas of progress (and concern) that will be discussed in terms of gender equality and women's empowerment efforts in Indonesia relate to women's political participation, women's role in the labour force, women in education, women’s participation in the health sector, and violence against women.
7.2.1. Women’s Political Participation

The history of the representation of women in Indonesian parliament is a long process in terms of the struggle of women in the public sphere. The first Indonesian Women’s Congress in 1928, which prompted the emergence of an increased women’s nationalist spirit, is a turning point in history because of the Congress’s role in improving opportunities for Indonesian women to participate in development, including in political sphere (Robinson, 1998, Achmad, 2007, Andayani, 2007, Adzhani, 2015, Bramasta, 2019).

Women’s political participation was very low in Indonesia’s New Order period. Recent years have seen changes, particularly after the 2009 elections. A 30 per cent soft quota was established for women in political party recruitment. As for political participation in 2004, women could occupy 11.8 per cent (65 of 550 members) in the parliament (Kompas, 2009) but could not yet meet the target of 30 per cent as stated in the Law on General Elections. Although limited, it is a step in the right direction and helps set an example and motivate others to be more involved in politics (Mulia, 2009, Seager, 2009, Siregar, 2009, Ruedin, 2013, IFES, 2019).

Furthermore, the Indonesian parliament has seen an increase in women legislators to 18 per cent in the House of Representatives (Dewan Perwakilan Rakyat-DPR) and 27 per cent in the Senate (Dewan Perwakilan Daerah-DPD). This increase has been a success of the women’s movement activists during the campaign period. The movement advocated affirmative action, to achieve at least 30 per cent of women’s representation in the parliament (UNDP, 2010).

According to the General Election Commission (Komisi Pemilihan Umum-KPU), the proportion of women elected to the national parliament in 2014 declined from 17.86 per cent to 17.36 per cent but increased to 20.52 in 2019 (Bramasta, 2019). At the provincial level, women won only 14.6 per cent of 2114 seats across 33 provinces. While at the district/municipality level, women won only 14.2 per cent of 12,360 seats (Hillman, 2017).
Indonesia has sanctioned a 30 per cent quota for women in the parliament under Law 2/2007 on the Proceeding of General Elections, Law 2/2008 on Political Parties, and Law 10/2008 on General Elections. Law 2/2008 on Political Parties contains substantive changes regarding the rights of women in politics, for example in the clause stipulating the quota for women in the political party structure. Law 10/2008 on Elections of Members of Regional Legislative Body also sets a quota for women as legislative candidates. As to the participation of women in formulating government policy, the state guarantees full participation of all elements of society in formulating laws (Article 53 Law 10/2004 on Formulation of Laws and Regulations). The Female Parliamentary Caucus has been actively working with the government and civil society to promote the formulation of more pro-women legislation (Republic of Indonesia, 2010).

The following table shows women’s participation in the Indonesian parliament which is still dominated by men.

Table 28: Women in Parliament (percentages)

<table>
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<tr>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FEMALE</td>
<td>17</td>
<td>18</td>
<td>18</td>
<td>19</td>
<td>17</td>
<td>17</td>
<td>17</td>
<td>19.8</td>
<td>19.8</td>
<td>20.52</td>
<td></td>
</tr>
<tr>
<td>MALE</td>
<td>83</td>
<td>82</td>
<td>82</td>
<td>81</td>
<td>83</td>
<td>83</td>
<td>80.2</td>
<td>80.2</td>
<td>79.48</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FEMALE TO MALE RATIO</td>
<td>0.20</td>
<td>0.22</td>
<td>0.22</td>
<td>0.23</td>
<td>0.21</td>
<td>0.21</td>
<td>0.21</td>
<td>0.25</td>
<td>0.25</td>
<td>0.26</td>
<td></td>
</tr>
</tbody>
</table>


Based on the election results of 9 April 2014, there were 97 women out of 560 seats which represents 17.32 per cent (Shaleh, 2016). Whereas after the 2019 election, there are 118 women out of 575 seats representing 20.52 per cent (Bramasta, 2019, IFES, 2019). Although the number of women parliamentarians is relatively small, their presence has substantially added colour within national and regional legislative body - a positive point. As a result, many gender-responsive policies were made as reflected in the laws produced since 2004 to date. New rules on quotas that gave greater
opportunity for women in politics have shown positive effects, adding energy and renewed spirit to women's groups to fight for representation in politics. Many women who have become members of the parliament were previously actively involved in civil society and non-governmental organisations working on women's issues.

There was an increased representation of women in the 2009 elections: 18.2 per cent in the national legislative body, compared to 11.6 per cent after the 2004 elections. The percentage of women in provincial legislative bodies varies. Some are very low, while others are relatively large compared to the previous period, for instance in West Java, where women won 25 per cent of the seats. 27 per cent of senators from 2009 elections were women, compared to 21 per cent in the previous period. Had there not been the Constitutional Court decision ordering the change from the preferential numbering system in the ballot to the greatest personal vote, there could have been even more women parliamentarians (Hillman, 2017).

In the first general election in 1955, 6.5 per cent of those elected to the parliament were women. Following this election, women’s representation has ebbed and flowed, peaking at 13.0 per cent in 1987. In 2002, women constituted 8.8 per cent of elected representatives. The under-representation of women in parliament is due to a range of obstacles limiting their progress. Thus a range of strategies must be studied simultaneously to overcome these obstacles, so that the goal of increased representation of women in parliament becomes a reality.

A government representative respondent no.1, Minister, female, PhD degree (GOF1) stated:

The need for women’s advancement should not be overdramatised. In order to fulfil the 30 per cent quota in the parliament, the capability of women should be considered (Government Interviewee No.1, 2007).

A non-governmental organisation representative respondent no.1, Head of Division, female, master’s degree (NGOF1) mentioned:
I hoped that the 30 per cent quota for women would not only apply to politics (in the parliament) but also in other bureaucratic and non-bureaucratic sectors (NGO Interviewee No.01, 2007).

A gender specialist and advisor respondent no.4, female, master’s degree (GEF4) emphasised:

To close the gap between women and men, temporary special measures have to be taken. The 30 per cent political quota is only a little gap out of thousands of existing gaps. Women should have 100 votes but they are already happy with 80 votes. That is called a temporary special measure. Women will be satisfied when they reach the 30 per cent quota. If women are not on the same level as men, how can they fight on equal terms? To resolve gender inequality, women should be part of the decision-making process. All levels are very important, but these are the areas that women are fighting for. Women could not be members of Parliament unless they are Party members. There is no rule for independent candidates. There are lots of challenges that women face. The General Election system must include temporary special measures meaning that if the Parliament needs 100 votes for men, there should be 80 votes for women (Gender Expert Interviewee No.4, 2007).

Compared to the NGO representative and gender specialist who are more optimistic for women to fulfil the 30 per cent quota, the government representative mentioned the need to test the women themselves in order to comprehend their competencies and capabilities.

7.2.2. Women's Role in Labour Force

Many years ago in Indonesia, women were absent from the higher reaches of management. They had little access to higher education and thus to opportunities. They had little hope of being financially independent or of pursuing a professional career. Things have changed since then. Millions of women now appear in the economic sector (Boserup, 1970, Association for Women's Rights in Development, 2006, Seager, 2009, Monash, 2017, Folbre, 2019, Basuil, 2019).

The following table shows employment and labour productivity from 2002 until 2012 in Indonesia. The table on employment to population ratio depicts the percentages of total female or male population aged 15 years or above, and
the proportion of the total female or male working-age population that is employed.

Table 29: Employment and Labour Productivity in Indonesia

<table>
<thead>
<tr>
<th>Total Employment</th>
<th>Labour Productivity Growth Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Thousands</td>
</tr>
<tr>
<td></td>
<td>2002</td>
</tr>
<tr>
<td></td>
<td>93.527</td>
</tr>
<tr>
<td>Growth Rate</td>
<td>3.7</td>
</tr>
</tbody>
</table>

Source: Statistical Yearbook for Asia and the Pacific 2015, p. 241

Table 30: Employment to Population Ratio in Indonesia

<table>
<thead>
<tr>
<th>Employment to Population Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population aged 15 and above</td>
</tr>
<tr>
<td>Females aged 15 and above</td>
</tr>
<tr>
<td>Males aged 15 and above</td>
</tr>
<tr>
<td>1991</td>
</tr>
<tr>
<td>1991</td>
</tr>
<tr>
<td>1991</td>
</tr>
<tr>
<td>2013</td>
</tr>
<tr>
<td>2013</td>
</tr>
<tr>
<td>2013</td>
</tr>
<tr>
<td>60.3</td>
</tr>
<tr>
<td>62.6</td>
</tr>
<tr>
<td>45.4</td>
</tr>
<tr>
<td>47.0</td>
</tr>
<tr>
<td>75.4</td>
</tr>
<tr>
<td>78.1</td>
</tr>
</tbody>
</table>

Source: Statistical Yearbook for Asia and the Pacific 2015, p. 241

Women are now more and more visible at banks and enterprises. Most of the women managers have done well and proved themselves men’s equals in carrying out their jobs. Women entrepreneurs are also showing themselves equally capable as their male counterparts.

With regard to employment and adult earnings, the female adult employment rate in Indonesia in 2010 was 11 per cent whereas the male adult employment rate was 8 per cent. Furthermore, the percentage of women in non-agricultural paid labour is 32 per cent of the total labour force (Hausman et al., 2010).

Women’s participation in agricultural production is high, particularly in rice production where women provide 75 per cent of the farm labour, and 20 per cent of household income while 40 per cent of domestic food supplies are provided through kitchen gardens managed by women. Women have a major responsibility in farm management decisions but opportunities for training are limited because, customarily, only male heads of households are invited to

A government representative respondent no.19, Deputy Director, male, master’s degree (GOM19) stated:

There is a considerable progress of women’s role in farming, where the number of working women and women farmers is increasing (Government Interviewee No.19, 2008).

However, a government representative respondent no.21, Deputy Director, female, master’s degree (GOF21) expressed:

There are still many women in the villages carrying their babies while selling goods at the traditional market. Some of them also work in plantations. Furthermore, when they return home, they have to do household chores like cooking. They even look older than their actual age (Government Interviewee No.21, 2009).

Both government representatives admit the role of women in farming but add that they still face great burdens, mainly in their families.

Many women in Indonesia work as market vendors. Some Indonesian traditional markets (pasar) are dominated by women selling fruits, vegetables, meat, fish, spices, cakes, dry goods, and household items. In Central Java, female vegetable vendors bring their merchandise mostly fresh vegetables with plaited baskets placed on their backs. Their hands are often also full of other merchandises. Those women are strong and hardworking to earn money for their families (Utomo, 2005).

More than nine million women in Indonesia are the breadwinners in their families and many of them own small businesses, ranging from food, clothing to home industry businesses. Those women are self-sufficient and play an important role in economic development. By supporting their business enterprises, their families and communities also benefit (Hakim, 1991, Sen, 1998, Arnold, 2008, Klaveren et al., 2010, ILO, 2019a).

The most common income generating activities that women undertake are livestock, small enterprises, agriculture processing, home gardens and small
agricultural plots. The government promotes income generation through micro-credit schemes such as *Kelompok Usaha Bersama* (KUB) funded by the government owned commercial bank, the National Population and Family Planning Board and the Village Cooperative Units (*Koperasi Unit Desa*). These measures address the needs of vulnerable rural women (Koalisi Perempuan, 2012).

In regard to microfinance, a government representative respondent no.3, Deputy Minister, female, master’s degree (GOF3) stated:

> Muhammad Yunus, a Nobel Peace prize winner from Bangladesh, has created microfinance for women. Indonesia has also implemented microfinance for women in several regions. Microfinance socialisation and development is done through pilot projects (Gender Expert Interviewee No.3, 2007).

This government representative draws attention to the benefits of microfinance for Indonesian women, for example *Bank Rakyat Indonesia* or the People’s Bank of Indonesia which conducts microbanking programmes to serve women customers on the road; *Koperasi Mitra Dhuafa* (Komida) as a registered Indonesian cooperative provides microfinance services to low income women having no access to the formal financial sector; and the Asian Development Bank through its microfinance programme has helped women outside the financial system overcome their fear of banking and operate their small businesses.

In all fields of work, especially in the formal sector, the percentage of women working was far lower than men. The rules for the civil service had been gender responsive and not discriminative. But in other places of work, women were still discriminated against, in terms of salary and benefits, as well as opportunities for work and career development (Cameron, 2002, Sunarijati, 2007, Arnold, 2007, Sijabat and Aritonang, 2012, UNDP, 2015).

A non-governmental organisation representative respondent no.1, Head of Division, female, master’s degree (NGOF1) revealed:
Women can only get certain jobs in the labour force. This reflects the feminisation of some jobs. The opportunities given to men are different from those given to women. Stereotypes still exist. Men could obtain jobs in the policy making process for example as managers or directors, while women could only secure jobs which make them vulnerable to be exploited such as secretary or factory workers. In this regard, the feminisation of jobs could lead to the feminisation of poverty (NGO Interviewee No.01, 2007).

The NGO representative finds it hard and competitive for women to gain the jobs they deserve. According to World Employment Social Outlook 2019, the gender gap in labour force participation remains large. The labour force participation rate of women at 48 per cent is much lower that that of men at 75 per cent. Labour under utilisation is more prevalent among women (ILO, 2019b).

Many women filled the informal sector for many reasons, such as lack of education, and never having the opportunity to enter the formal sector. This was also the case because informal sector work is more flexible and not binding, fits better with the situation of women who are still attached to stereotypical and traditional gender roles. Notwithstanding the above, the informal sector also had much vulnerability, because there was no guarantee of sustainable work and other protections. The wages were lower than those of the formal sector, and working hours were often longer. A lot of women in the informal sector also worked as domestic workers vulnerable to exploitation and violence (Arnold, 2008, Klaveren et al., 2010, Franken, 2011, ILO, 2019a, Basuil, 2019).

As outlined in more detail in Chapter 6, despite ongoing improvements in policy and management, women becoming migrant workers, face exploitation, human rights violations and violence from the time they are in Indonesia, during transit, while working in destination countries, and upon their return to Indonesia (Susilo, 2004, Hidayah, 2010, IOM, 2010, Novirianti, 2011, IOM, 2018).
Talking about women’s role in labour force in Indonesia, the following table could give a glance on how women participate in different occupations vis-à-vis men and which areas most women contribute.

Table 31: Employment by Industry and Sex, Indonesia, 2008

<table>
<thead>
<tr>
<th>Industry</th>
<th>ALL</th>
<th>WOMEN</th>
<th>MEN</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Million per cent</td>
<td>Million per cent</td>
<td>Million per cent</td>
</tr>
<tr>
<td>agriculture, hunting, forestry</td>
<td>39,6</td>
<td>39</td>
<td>15,3</td>
</tr>
<tr>
<td>fishing</td>
<td>1,8</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>mining</td>
<td>1,1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>manufacturing</td>
<td>12,5</td>
<td>12</td>
<td>5,4</td>
</tr>
<tr>
<td>utilities</td>
<td>0,2</td>
<td>0</td>
<td>0,0</td>
</tr>
<tr>
<td>construction</td>
<td>5,4</td>
<td>5</td>
<td>0,1</td>
</tr>
<tr>
<td>transport, storage, communications</td>
<td>6,2</td>
<td>6</td>
<td>0,7</td>
</tr>
<tr>
<td>wholesale and retail</td>
<td>17,2</td>
<td>17</td>
<td>8,5</td>
</tr>
<tr>
<td>restaurants, hotels</td>
<td>4,1</td>
<td>4</td>
<td>2,3</td>
</tr>
<tr>
<td>finance</td>
<td>0,7</td>
<td>1</td>
<td>0,2</td>
</tr>
<tr>
<td>real estate, renting, business</td>
<td>0,8</td>
<td>1</td>
<td>0,2</td>
</tr>
<tr>
<td>community, social and personal services</td>
<td>13,0</td>
<td>12</td>
<td>5,7</td>
</tr>
<tr>
<td>of which</td>
<td>public administration, defence</td>
<td>2,5</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>education</td>
<td>3,3</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>health, social work</td>
<td>0,7</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>other community services</td>
<td>4,2</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>private households</td>
<td>2,2</td>
<td>2</td>
</tr>
<tr>
<td>TOTAL</td>
<td>102,6</td>
<td>100</td>
<td>38,7</td>
</tr>
</tbody>
</table>


The table reveals that by 2008, 39 per cent of all employed (40 per cent of all women and 38 per cent of men) worked in agriculture, as a single sector still by far the largest employer. With 13 per cent, the share of workers in manufacturing and mining is low in international perspectives, and 14 per cent of all females employed and 13 per cent of males could be found here.
In 2008, 18 million women or 48 per cent of the Indonesian female labour force worked in the service sector, broadly defined, from transport and communications to the civil service and services in private households; this was the case for 46 per cent of all females in the labour force and a larger share, 49 per cent, of all male employed.

As for single industries, the shares of those in wholesale and trade (17 per cent of all employed, 22 per cent of all females employed and 14 per cent of all males) were large by international comparisons. By contrast, the shares of both women and men employed in finance, public administration, education, and health and social work were relatively small. Compared to other developing countries, the share of women in private households (4 per cent), performing domestic chores for rich and middle-class households, is rather limited (ILO, 2014).

7.2.3. Women in Education

The following tables show the educational attainment of women and men (literacy rate, enrolment in primary education, enrolment in secondary education, and enrolment in tertiary education) in Indonesia with the range of age of 15 to 64 years. With the increasing competency of and opportunity for women, the gender gap between women and men over time in terms of literacy rate as well as enrolments in primary, secondary and tertiary educations, is relatively low.

Table 32: Ratio of Female Literacy Rate over Male Value, Indonesia (calculation by UNESCO Institute for Statistics, World Bank, and United Nations Development Programme)

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FEMALE</td>
<td>87</td>
<td>89</td>
<td>89</td>
<td>90</td>
<td>90</td>
<td>90</td>
<td>92</td>
<td>94</td>
<td>93.6</td>
<td>93.6</td>
</tr>
<tr>
<td>MALE</td>
<td>95</td>
<td>95</td>
<td>95</td>
<td>96</td>
<td>96</td>
<td>96</td>
<td>96</td>
<td>97</td>
<td>97.2</td>
<td>97.2</td>
</tr>
<tr>
<td>FEMALE TO MALE RATIO</td>
<td>0.92</td>
<td>0.93</td>
<td>0.93</td>
<td>0.94</td>
<td>0.94</td>
<td>0.94</td>
<td>0.95</td>
<td>0.97</td>
<td>0.96</td>
<td>0.96</td>
</tr>
</tbody>
</table>

Table 33: Ratio of Female Primary Level Enrolment over Male Value, Indonesia (calculation by UNESCO Institute for Statistics and World Bank)

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FEMALE</td>
<td>93</td>
<td>94</td>
<td>94</td>
<td>97</td>
<td>91</td>
<td>93</td>
<td>93</td>
<td>94</td>
<td>89.1</td>
<td>89.1</td>
</tr>
<tr>
<td>MALE</td>
<td>97</td>
<td>97</td>
<td>97</td>
<td>95</td>
<td>94</td>
<td>92</td>
<td>92</td>
<td>97</td>
<td>90.4</td>
<td>94.6</td>
</tr>
<tr>
<td>FEMALE TO MALE RATIO</td>
<td>0.96</td>
<td>0.97</td>
<td>0.97</td>
<td>1.02</td>
<td>0.97</td>
<td>1.01</td>
<td>1.01</td>
<td>0.97</td>
<td>0.99</td>
<td>0.94</td>
</tr>
</tbody>
</table>


Table 34: Ratio of Female Secondary Level Enrolment over Male Value, Indonesia (calculation by UNESCO Institute for Statistics and World Bank)

<table>
<thead>
<tr>
<th></th>
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<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FEMALE</td>
<td>68</td>
<td>68</td>
<td>68</td>
<td>67</td>
<td>74</td>
<td>77</td>
<td>76</td>
<td>75</td>
<td>76</td>
<td>77.6</td>
</tr>
<tr>
<td>MALE</td>
<td>67</td>
<td>69</td>
<td>69</td>
<td>68</td>
<td>74</td>
<td>75</td>
<td>77</td>
<td>75</td>
<td>75</td>
<td>76.1</td>
</tr>
<tr>
<td>FEMALE TO MALE RATIO</td>
<td>1.01</td>
<td>0.99</td>
<td>0.98</td>
<td>0.99</td>
<td>1.00</td>
<td>1.04</td>
<td>0.98</td>
<td>0.99</td>
<td>1.01</td>
<td>1.02</td>
</tr>
</tbody>
</table>


Table 35: Ratio of Female Tertiary Level Enrolment over Male Value, Indonesia (calculation by UNESCO Institute for Statistics and World Bank)

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FEMALE</td>
<td>17</td>
<td>20</td>
<td>23</td>
<td>22</td>
<td>23</td>
<td>32</td>
<td>32</td>
<td>33</td>
<td>25.7</td>
<td>38.5</td>
</tr>
<tr>
<td>MALE</td>
<td>17</td>
<td>22</td>
<td>24</td>
<td>24</td>
<td>27</td>
<td>31</td>
<td>31</td>
<td>29</td>
<td>22.9</td>
<td>34.2</td>
</tr>
<tr>
<td>FEMALE TO MALE RATIO</td>
<td>1.00</td>
<td>0.92</td>
<td>0.96</td>
<td>0.89</td>
<td>0.87</td>
<td>1.03</td>
<td>1.03</td>
<td>1.12</td>
<td>1.12</td>
<td>1.13</td>
</tr>
</tbody>
</table>

Indonesia has achieved overall good progress towards gender parity in net enrolment ratios at primary, junior secondary, and tertiary levels. Nearly 98 per cent of girls in Indonesia now receive basic education with 54.5 per cent making it to senior high school. Since independence in 1945, the Indonesian Government has steadily expanded its education system and a compulsory nine years of basic education (six years of primary education for ages of 7-12 years and three years of junior secondary education for ages of 13-15 years) was declared a national policy in 1994. Literacy is a powerful tool as it allows women to read and understand their rights. While literacy levels are high, more women need to make it to higher levels of education so they can pursue careers if they choose to, and occupy top decision-making positions in the government, legislation and private sector (World Economic Forum, 2016).

Without basic skills, decent work can become a distant dream for too many women (Bokova, 2011). It is therefore important to enhance non-formal education and to open learning opportunities for adult women by involving all related stakeholders.

A government representative respondent no.35, Advisor, female, master’s degree (GOF35) stated:

Women should have access to education channelling with the domestic work. Education should be also provided to rural women. If adverse circumstances occur in the future, education can provide means of coping. Education is also needed, later in life, if women need to care for themselves. In this regard, informal education is worthwhile. The term "education" has a broader meaning since it is also a form of social change (Government Interviewee No.35, 2009).

This government representative emphasises the need for Indonesian women to master education, to be independent and to be able to look after themselves.

The worlds of science and technology which is so important for our lives today remain beyond the reach of most. Progress has been made in advancing women’s participation in science and technology education. At the tertiary level, women now dominate in some fields of science, particularly health and humanities. However, women generally continue to be underrepresented in
computer sciences and sciences such as physics and agriculture research (The Jakarta Post, 2010c).

As mandated by the Indonesian Constitution and as part of its global commitments to the Convention on the Rights of the Child, the CEDAW, the Education For All (EFA), and the MDGs now replaced by SDGs, the Indonesian Government has been implementing general policies to promote basic education by improving access and expanding learning opportunities for all school-aged children through such measures as the Decree of the Minister for National Education No.84/2008 on the Guidelines for the Implementation of Gender Mainstreaming in the Education Sector, and the Regulation of the Minister for Education No. 35/2006 on the Guidelines for theImplementation of the National Movement for the Completion of Mandatory Nine-Year Basic Schooling and Illiteracy Eradication (Immajati, 2009, Utomo et al., 2010a, Sutar, 2013, Republic of Indonesia, 2015c, SDGs Fund, 2016).

The Indonesian Government has also issued specific policies to promote gender equality in education by providing equal access for all boys and girls to quality and gender-sensitive education; and implementation strategies by creating a national movement for gender-sensitive education involving related stakeholders such as parents, community leaders, NGOs, as well as private and industrial sectors (Jurnal Perempuan, 2005, Bahtiar, 2007, Kompas, 2007, Graham, 2007, Immajati, 2009, McDonald, 2010, Sutar, 2013).

A government representative respondent no.6, Director, female, PhD degree (GOF6) stated:

Though there is a considerable progress in improving women’s conditions in Indonesia, women remain as subordinates. In education, girls and boys have the same opportunity for schooling (universal education), particularly in primary school. However, the gender gap becomes wider as education level gets higher (secondary school until university level). The labour force participation rate for women is lower than that of men. Eliminating gender disparity and gender discrimination is one of the President’s vision and mission. To compare the condition of women during the New Order and Reform Era, the National Development Plans (long-RPJP, medium-RPJM and yearly-RKP) could be compared with the previous National Development Programme (Program Pembangunan Nasional-PROPENAS) (Government Interviewee No.6, 2007).
A government representative respondent no.4, Director, female, master’s degree (GOF4) emphasised:

The condition of Indonesian women is improving as there is no gender difference in the education sector. With the nine year free basic education, everyone has the opportunity and access to schooling. However, in the employment sector, discrimination still exists. In job advertisements, most of the jobs prefer men to women. It is believed that women are more suitable and preferable for secretarial jobs. Therefore, the Ministry of Labour has to look into this (Government Interviewee No.4, 2007).

Those government representatives note the advancement of Indonesian women in the education sector though the gender gap still exists. According to Education at a Glance 2019, despite an increase in tertiary education attainment among women in Indonesia where 41 per cent of young women are tertiary educated against 35 per cent of young men, gender inequity in employment still persists with 30 per cent for women and 90 per cent for men. Thus, the gender employment gap in Indonesia narrows as education level rises (OECD, 2019).

In reality, access to education in Indonesia becomes increasingly more limited as children move to higher levels of education. There are complex gender-related issues that become barriers to achieving gender equality in education, such as gender-biased textbooks which reinforce gender stereotypes with more illustrations showing males than females, and more prominent men’s names are cited than those of prominent women; gender stereotyping in the selection of specialisation at vocational schools and universities in which social sciences are generally dominated by female students and technical sciences by male students; inadequate programmes provided through national policies to directly address inequalities in education by increasing access and participation of disadvantaged children, including poor and marginalised girls; inadequate gender awareness and expertise to socialise gender concepts within the Indonesian socio-cultural and religious beliefs and traditions; early marriage that could affect girls’ access to and participation in education; and inadequate reliable sex-disaggregated data that hampers the education sector’s ability to assess progress beyond access and participation (McDonald, 2010, Utomo et al., 2010a, Republic of Indonesia, 2015c).
A gender observer respondent no.2, male, PhD degree (GEM2) highlighted:

There is a significant progress on women's condition in the educational field in Indonesia. The psychological barrier between women and men has already been removed. Many women have the highest positions at universities, such as being deans, vice-rectors and rectors. More and more women are studying for Master's and Doctoral degrees. More and more women become professors (Government Interviewee No.2, 2007).

A civil society leader and Islamic figure respondent no.2, male, PhD degree (ILM2) underlined:

The Indonesian society is pluralistic. The representation of Indonesian women could be seen at leading campuses. Women have the same opportunities. There are lots of opportunities for both women and men. Indonesia is considered more advanced compared to Middle Eastern countries and even Western countries. If there is a problem of mobility, it is just because of internal factors. Men have longer, wider and greater opportunities than women due to their different biological aspects and social demands. For example, the opportunity in pursuing a career, conducting higher study, courses and research. Usually, women have to think twice whereas men could just go ahead without any significant consideration. The solution for women who have to stay at home is creating a home industry or distant learning. High technology could ease women's lives. Being an educator suits women most as this allows mothers to be close to their children. In terms of women's empowerment in education, Indonesia shows a noteworthy improvement at the national level (Informal Leader Interviewee No.02, 2008).

A government representative respondent no.21, Deputy Director, female, master's degree (GOF21) revealed:

In district areas, cultural and traditional norms still exist. In big cities, education is already moving forward, but not in the regions or district areas. The role of women remains very heavy since women have a double burden. In terms of policies, it is difficult to implement and to push forward if education has not become a high priority. We should therefore prioritise education to enhance the role of women (Government Interviewee No.21, 2009).

An international organisation representative respondent no.3, Programme Manager, female, bachelor's degree (IOF3) suggested:

To eliminate the gender gap, education plays a great role since the child is still in the mother's womb. A non-discriminative culture and gender equality have to be developed in the family. Besides education, religion also plays an important role in achieving gender equality (International Organisation Interviewee No.03, 2007).
It can be seen from the above-mentioned interviews that more and more Indonesian women are entering higher education, earning their own income and having the autonomy to choose where they would like to be enrolled for higher education or employment. Indonesian women have now come a long way; not only do they contribute to the labour force, they increasingly also determine policies at the highest levels of both government and the private sector.

Nevertheless, Indonesian women still have a long way to go to improve the existing situation particularly in education and employment opportunities as well as involvement in decision-making power both in the household and community. Only when women participate fully in policy-making and institution-building will their perspective be truly integrated (Pillay, 2011). Only through women’s full and equal participation in all areas of public and private life can we hope to achieve a sustainable, peaceful and just society. As education is the key to greater empowerment for women, investing in women and girls through the education sector has therefore positive multiplier effects on the wellbeing of their families, their communities and nations (Smith, 2019, Folbre, 2019).

7.2.4. Women’s Participation in Health Sector

Nowadays, Indonesia has skilful prominent women in the health sector. Deby Susanti Vinski is one of Indonesia’s anti-aging doctors who received Kartini Award from Indonesia’s first lady, Ani Yudhoyono, in 2009 for her innovations in human growth hormone therapy. Professor Sri Kumalaningsih, who focuses on agriculture and food technology, was named as Indonesia’s Women of Note by the Indonesian President in 2008 for her efforts in applying food technology in the society.

Zullies Ekawati has carried out extensive research on chemistry and her work has the potential to help millions of people to recover from diseases by measuring human genes and reaction to medicines. Srisupar Yati Soenarto is a paediatrician who devised the famous diarrhoea medicine called Oralit. Sidrotun Naim, who won the ‘L’Oreal Indonesia Fellowships for Women in
Science 2009’ is the only and first Indonesian woman expert on a disease borne by shrimps that can be fatal to humans (GlobeAsia, 2009). Many more women are active in the health sector.

The Family Welfare Movement, known as PKK, was for many years considered an important vehicle for the implementation of government development programmes in rural areas, in particular through one of its most successful programmes, the establishment of *Posyandu* (Integrated Health Posts) in villages across the nation for new mothers, babies, children and the elderly (Utomo et al., 2019). Its social networks reached many women nationwide (Marcoes, 2002). The health services provided by *Posyandu* included practical measures to improve the health of small children, such as the provision of nutritional foodstuffs and regular weighing of babies, physical check-ups for pregnant women, an immunisation program, information on family planning and advice on contraceptive use. *Posyandu* also delivered health services, nutritious food, and exercises for the elderly.

The members of PKK in a community would organise a regular cycle of activities under which *Puskesmas* (Community Health Centre) staff would visit the locality to provide specialist services such as immunisation and pregnancy examinations, and also health check-ups for the elderly. Members would assist with such activities as weighing children and charting their growth, providing advice on nutrition and health to mothers, and providing supplementary food to children and senior citizens (Robinson, 2001, Robinson and Bessell, 2002, Civil Society Coalition on SRHR, 2017, Utomo et al., 2019).

In Indonesia, family planning is coordinated by the National Population and Family Planning Board. However, family planning services are delivered through the health system utilising the health infrastructure under the Ministry of Health. Since the 1970s, the Indonesian family planning programme has contributed to considerable gains in family planning. In conducting family planning programmes, the role of village family planning volunteers and the cadres who worked under them are highly significant (Utomo et al., 2006, Syarief, 2010, UNFPA, 2014b, ICPD, 2014, Sen et al., 2019). They promote family planning, organise meetings, provide information, organise income-
generation activities, give savings and credit assistance, collect and report
data and deliver other family welfare services.

Teachers, wives of government officials and others recognised by the
community as better off in terms of education and living conditions were most
often recruited to the role of family planning volunteers. Because they are
women and because they are the most distant arm of the programme, their
work is taken for granted. As their activities are directed towards women,
especially in women's traditional roles, the programme unfortunately tends to
entrench the existing gender gap in responsibility for family planning and
family welfare.

Nationally, the maternal mortality rate, although declining, was still relatively
high and strategic and innovative measures were needed to lower it. The
economic crisis had its effects on people's priorities in meeting their basic daily
food needs, resulting in lower participation in family planning programme in
2007 and 2008 (Joshi, 2011). There was a lack of adequate services for
teenagers. Despite its importance, reproductive health education for teenagers
had been a contentious issue and certain groups rejected it outright. As a
result, programmess in this area had not been widely implemented, despite
the fact that many teens were engaging in sexual intercourse, leading to teen
pregnancy and a relatively high teen abortion rate. Many children did not have
birth certificates, which complicated access to services and made children and
teens particularly vulnerable to exploitation, including trafficking (Utomo and
Utomo, 2013, Shewprasad and Habsjah, 2014, Garcia-Moreno and Amin,
2019).

The role and responsibility of men in reproductive life is very crucial and needs
to be improved. The participation of men in Family Planning is persistently very
low. Detailed data on male participation is hard to come by, and the availability
of male contraception is also inadequate. An obstacle to the increased use of
condoms is the society's view that associates condoms with sexual liaisons
outside marriage. The Maternal Mortality Rate can be more easily reduced
when husbands seriously display attention and are helped to play an active
role in ensuring the health and preparedness of the wife in later stages of
pregnancy and while in labour (Daga, 2013, UNFPA, 2014b, Shewprasad and Habsjah, 2014, Nanda and Tandon, 2019, Shakespeare et al., 2019). Certain groups still have misunderstandings about interpretations of religious teachings, stating that mothers and children dying in labour will die as martyrs, so they are not pro-active in taking measures to prevent risks. Certain hadiths also talk about a wife's 'obedience' which is often misunderstood, and can cause belated action to help the mother when birth complications arise.

The Indonesian Survey on Health and Demography shows that there are still many women, up to 26 per cent, who endure violence from their husbands. The Survey also shows that women who are aware of their personal rights, including reproductive and sexual rights, will have a more balanced bargaining position with their spouses, and will be able to access health services more, compared to women who in silence endure or even approve of their husbands' behaviour. This shows the importance of measures to increase women's awareness of their rights, in addition to improvements in the system, mechanisms and provision of healthcare (Statistics Indonesia, 2013, Thomas and Yusran, 2013, Kanem, 2019).

7.2.5. Violence Against Women

The Law on Domestic Violence No.23/2004 which was passed in September 2004 represents a step forward for the treatment of women. Specifically, the Law states that domestic violence is a serious criminal offence and no longer a private issue (Katjasungkana, 2008, Roberts, 2016). It gives greater weight to the evidence of victims of domestic abuse and establishes a system for the support and protection of victims, including medical treatment, support personnel, and legal representation. Cases of violence against women were previously seen not in the context of the impact on the woman as the victim, but rather in the context of whether or not there had been a violation of ‘morality’.

A non-governmental organisation representative respondent no.4, Director, female, bachelor’s degree (NGOF4) emphasised:
The Law on Domestic Violence proves that problems in private sphere can be solved in the public sphere (NGO Interviewee No.04, 2007).

The non-government representative admits the usefulness of the Law on Domestic Violence for women. As stipulated in the Law, domestic violence cases are no longer private and could be brought up in the public sphere.

*Komnas Perempuan* which was established on 15 July 1998 by Presidential Decree No.181/1998 has in its mandate a broader agenda of addressing all forms of violence against women and in promoting gender equity and equality. Moreover, LBH-APIK, a leading women’s legal aid organisation, which was established in 1995 has helped thousands of women in need of legal aid particularly in the areas of domestic violence, sexual harassment, abuse and rape, marital and family problems, as well as inheritance and property rights (Lindsey, 2008, Epa, 2010, Osman, 2014, Roberts, 2016, Garcia-Moreno and Amin, 2019).

Overall, from 1998 to 2010, there were 295,836 recorded cases of violence against women, 91,311 of which were sexual violence. *Komnas Perempuan*’s record shows rape, women trafficking and sexual mistreatment as the leading instances of sexual abuse against women (Epa, 2010, Komnas Perempuan, 2011, Komnas Perempuan, 2013).

The table below shows the cases of violence against women in Indonesia from 2001 until 2018. In 2010, it is recorded that there were 105,103 cases, 27 per cent lower compared to the 2009 data. However, the number could not signify a reduction of violence against women, as it increased radically from 2012 until 2015 then declined a little bit in 2016 and reincreased with greater number (Komnas Perempuan, 2019). This may of course arise from greater willingness among women to report abuse.
Table 36: Cases of Violence Against Women (VAW) in Indonesia 2001-2018

<table>
<thead>
<tr>
<th>YEAR</th>
<th>CASES</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>3,169</td>
</tr>
<tr>
<td>2002</td>
<td>5,163</td>
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<tr>
<td>2003</td>
<td>7,787</td>
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<td>14,020</td>
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<td>2005</td>
<td>20,391</td>
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<tr>
<td>2006</td>
<td>22,512</td>
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<tr>
<td>2007</td>
<td>25,522</td>
</tr>
<tr>
<td>2008</td>
<td>54,425</td>
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<tr>
<td>2009</td>
<td>143,586</td>
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<td>2010</td>
<td>105,103</td>
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<tr>
<td>2011</td>
<td>119,107</td>
</tr>
<tr>
<td>2012</td>
<td>216,156</td>
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<tr>
<td>2013</td>
<td>279,668</td>
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<td>2014</td>
<td>293,220</td>
</tr>
<tr>
<td>2015</td>
<td>321,752</td>
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<tr>
<td>2016</td>
<td>259,150</td>
</tr>
<tr>
<td>2017</td>
<td>348,466</td>
</tr>
<tr>
<td>2018</td>
<td>406,178</td>
</tr>
</tbody>
</table>

Source: National Commission on Violence Against Women (Komnas Perempuan) 2019, p.8

In its ‘Fact Sheet Notes on Violence Against Women in 2015’, Komnas Perempuan recorded 321,752 cases of violence against women throughout Indonesia in 2015, an increase of nine per cent compared to 293,220 cases in the previous year (Komnas Perempuan, 2016). There were 275,004 cases in the personal or domestic sphere such as in romantic or intimate relationships, an employer-domestic worker setting and within the family group. In addition, the data showed that victims ranged in age from infants to the elderly. Victims also spanned social groups including the disabled, migrant workers, transgender and student (Osman, 2014, Komnas Perempuan, 2016, Komnas Perempuan, 2017, Garcia-Moreno and Amin, 2019).

Ninety four per cent of the data in 2015 was compiled from religious courts nationwide and the remaining six per cent from 195 public service institutions like the National Police Women and Children’s Protection Units (UPPA), civil organisations, hospitals and Community Service Centre for the Protection of Women and Children (P2TP2A) (Komnas Perempuan, 2016).
A gender observer respondent no.2, male, PhD degree (GEM2) stated:

It is true that the record of violence against women cases still shows a high figure. Previously the violence cases were not recorded, if they were recorded, the recent data would have shown even higher figure (Gender Expert Interviewee No.2, 2007).

A modern Islamic figure respondent no 2, male, PhD degree (ILM2) emphasised:

Trafficking in persons and domestic violence would not have happened if Indonesia had a strong economy, high qualified education and robust law enforcement. The existing laws on domestic violence and anti-trafficking tend to back up the moral awareness that everyone should have (Informal Leader Interviewee No. 02, 2008).

Both the gender observer and the modernist Islamic figure acknowledged the high level of violence against women in Indonesia. Nowadays, violence against women is widespread in Indonesia. According to UNFPA, over 33 per cent of women in Indonesia, aged 15 to 64 years old, has experienced physical and/or sexual violence in her lifetime, while worldwide, an estimated one in three women will experience physical or sexual abuse in her lifetime (UNFPA, 2019a).

Protection of women is an urgent issue in Indonesia, especially since women can suffer violence regardless of education, age and profession. Therefore, as highlighted by the respondents above, Indonesia needs a systemic protection mechanism because when a woman experiences abuse, it will reduce her productivity and in some cases like rape, the impact will stay for a lifetime.

7.3. Why Gender Inequality Still Exists? Is Gender Equity and Equality Being Achieved?

Despite the remarkable progress and notable fulfilments of Indonesia’s efforts in gender equality and women’s empowerment in approaching the international targets, real life continues to visit unfairness on many Indonesian women. Indonesia’s maternal mortality rate remains high, violence against women continues to occur in public and private spheres, access to reproductive health services is still limited, women are underrepresented in political and public life, moreover discriminatory and
gender-biased laws tend to undermine women. Gender inequality is indeed inherent in the state system and cultural structure. Women’s social position is still subordinate. Furthermore, lots of women are still trapped by poverty, discrimination, unemployment, illiteracy, intimidation and violence. They are far less likely than men to be politically active and are poorly represented in policy and decision making. Women usually have to work harder than men to secure their livelihoods. Those problems are indeed significantly inherent in the state system and cultural structure due to typical stereotypes differentiating women from men, cultural and traditional values disrespecting women, and religious beliefs entrenching patriarchy.

A gender specialist and advisor respondent no.4, female, master’s degree (GEF4) stated:

The impediments to realising gender equality in Indonesia are social-cultural factors, autocratic government as well as a lack of studies on the causes of the gender gap; the impact of the gap will remain if the gap persists (Gender Expert Interviewee No.4, 2007).

The gender specialist highlighted that hindrances still exist to achieve gender equality in Indonesia. Should the causes of the gender gap could not be solved, it would be challenging to realise gender equity.

This thesis has identified the government system, social and cultural aspects, gender awareness and religious interpretation as significant factors affecting the realisation of gender equity in Indonesia.

7.3.1 Government system

The Ministry of Women’s Empowerment and Child Protection has performed tremendous efforts in coordinating, supporting, monitoring and advocating women’s equality and gender mainstreaming at all levels of government. However, the Ministry may not have sufficient visibility, decision-making power or human and financial resources to effectively promote the advancement of women and gender equality across all branches and sectors of Government and at the national and local levels (Blackburn, 2004, Parawansa, 2005, Utomo, 2005, Osman and Lutfia, 2010, Monash, 2017).
It is therefore recommended that the Indonesian government could strengthen its national machinery, particularly the Ministry of Women’s Empowerment and Child Protection, by providing it with the necessary authority and adequate human and financial resources in order to enhance its effectiveness in carrying out its mandate at all levels. Concrete measures should be taken so that the gender equality mechanisms at all levels are fully funded to implement their mandates (Republic of Indonesia, 2015a).

Decentralisation with its consequent regional policies remains an obstacle, bearing in mind that those policies are sometimes contradictory to gender equality. Many regional policies are disadvantageous to women and are very discriminatory. The Ministry of Women’s Empowerment and Child Protection oftentimes reminds the regions not to produce discriminatory policies. Some provinces have an understanding on gender, but still many provinces lack such understanding and always associate ‘gender’ only with women (Humana People to People, 2012).

Based on Article 12 of Law No. 23/2014 on Regional Government, the affairs of women’s empowerment and child protection are mandatory government affairs that are not related to basic services (Republic of Indonesia, 2014c). There are 6 sub-affairs related to women's empowerment and child protection in the Law, namely (i) the quality of women's lives, (ii) protection of women; (iii) family quality; (iv) gender and child data systems; (v) fulfilment of children’s rights; and (vi) special protection of children.

With the existing regulations that guarantee the protection of women and children and the support of international and national commitments, it is time to encourage Local Governments to put in place aspects of women’s empowerment and child protection in their regional policies.

In policy implementation, there is still lack of institutionalisation of policies as well as a lack of consistency and sustainability in socialising and implementing the policies.
A gender activist respondent no.3, female, master’s degree (GEF3) stated:

The policies in the Indonesian government are still governed by men. The public view is still seen by the male perspectives. The question is how we turn the assumption that the policies also concern women and the public belongs to both women and men (Gender Expert Interviewee No.3, 2007).

The gender activist also admitted that the Indonesian government system is still male dominated and this does not benefit women.

7.3.2. Social and cultural aspects

Social and cultural aspects are the main hindrances to Indonesia’s efforts to achieve gender equality and enhance women’s empowerment. Entrenched patriarchal attitudes and stereotypes are quite persistent in Indonesian culture. These phenomena affect the roles and responsibilities of women and men in the family and society in ways that can lead to discrimination against women.

Such stereotypes and attitudes constitute serious obstacles to women’s enjoyment of their human rights and to the full implementation of the CEDAW. They are the root cause of the disadvantaged position of women in a number of areas, including in the labour market and in political and public life. Patriarchy is inherited in Indonesian culture particularly in rural areas which hinders the advancement of women’s condition. In such condition, men still play an important role in decision making (CEDAW in Action, 2016).

It is also still required that a woman must obtain her family’s consent before engaging in night work, and obtain her husband’s consent regarding sterilisation and abortion even if her life is in danger (Alatas, 1995, Blackburn, 1999b, Bianpoen and Mayling, 2000, Chandrashekhar, 2016, Dano-Luna and Camille Caliso, 2019, Sampebulu, 2019).

A gender activist respondent no.3, female, master’s degree (GEF3) stated:

It is hoped that women should be confident that they are as human as men. The positions of women and men are indeed equal. Based on the religion, the relation only differentiates in marriage as husband and wife. An equal relationship between
husband and wife should be then created (Gender Expert Interviewee No.3, 2007).

Women are more burdened with household chores so they have difficulty in competing with men. In fact, the burden of household chores could be shared by both husband and wife. Even religion teaches us to enhance the quality of future generation and to grasp knowledge in raising children together.

A government representative respondent no.21, Deputy Director, female, master's degree (GOF21) affirmed:

Women's lives are hard in villages. They cannot look feminine as they are responsible for the family. Men don't work that hard. The culture doesn't allow men to do 'feminine' tasks. If the culture doesn't change, there will be always a burden for women. Women are in a very disadvantageous position when men leave them (Government Interviewee No.21, 2009).

Moreover, a government representative respondent no.35, Advisor, female, master's degree (GOF35) acknowledged:

Men who do the cleaning jobs as paid jobs don't do them at home. However, women do the cleaning jobs at home as unpaid work. There is a rigid divide in the society where women carry all the domestic tasks behind closed doors, and men do it when it's paid. Part of it might be caused by cultural and religious factors. In Vietnam, women plant and pick flowers, hand them to the men and the men collect money. When it comes to the high end, it is for the men. Nursing and caring staff are all women, but when we look at the principals and directors of nursing, all are men. Women are still considered o only capable of 'soft' skills (Government Interviewee No.35, 2009).

The gender activist and the government representative share the view that more burdens lie on women and men should partner with them to create an equal relationship.

It is therefore indispensable to design and implement comprehensive awareness-raising programmes to foster a better understanding of and support for equality between women and men at all levels of society, in accordance with articles 2 (f) and 5 (a) of CEDAW. Such efforts should aim at changing stereotypical attitudes and traditional norms about the responsibilities and roles of women and men in the family and society and at strengthening societal support for gender equality (CEDAW Committee, 2012).
7.3.3. Gender awareness

Besides the patriarchal culture, the most obvious hindrance is lack of awareness and commitment on gender, and the accompanying great ignorance towards women’s issues. For example, in the regions, regional officers are not aware of gender-based violence and even claim that violence against women never takes place (CEDAW Working Group Initiative, 2007b).

Gender awareness and understanding should be created in the communities. The language used in the socialisation must be well understood and accepted by the communities. The socialisation on gender should actually start at home.

A non-governmental organisation representative respondent no.6, Secretary-General, male, master’s degree (NGOM6) confirmed:

The terms that could be accepted by the society to socialise gender are togetherness and common happiness and not gender (NGO Interviewee No.06, 2008).

A government representative respondent no.27, law expert, female, master’s degree (GOF27) explained:

The concept of gender or women’s protection is quite new in Indonesia and can contradict the existing culture, religion and family culture. In the family culture, men are more prominent than women. During the economic crisis, the Asian Development Bank researched how to achieve gender equality through education in certain Indonesian provinces. It is found that if the parents have to choose whether to allow the daughter or son to pursue education with limited budget, they will surely choose the son. It doesn’t mean that women don’t have the capability. It is believed that men will raise a family and are responsible for it, while women will be taken care of by their husbands when they get married (Government Interviewee No.27, 2007).

A government representative respondent no.14, Deputy Minister, female, master’s degree (GOF14) stated:

The government has to be hand in hand with the NGOs to spread the message of gender equality. The best way is through a transformational approach in the family and education. Gender is a culturally assigned behaviour or culturally learned behaviour. The gender equality concept that
could be developed in Indonesia is the principle of harmony, partnership and equality. Equal opportunity has to be continuously given (Government Interviewee No.14, 2007).

A gender observer respondent no.2, male, PhD degree (GEM2) highlighted:

Education plays an important role to avoid stereotyping. Gender is a real problem in the community, and not as a matter of power or ideology. Gender should be socialised in the early stages of education through formal or informal channels. The government should involve the community. Under the presidency of Soeharto, Indonesia has successfully gained acceptance of the programme on family planning by involving Islamic and informal leaders even though it aroused controversies about the pros and cons. Socialisation on gender could follow the same pattern initiated by the Ministry of Women’s Empowerment and Child Protection (Gender Expert Interviewee No.2, 2007)

From the interview quotes above, it seems that the term ‘gender’ has not been widely communicated, it is poorly understood by those outside the circles of government, and even within the government system itself, misunderstanding of gender issues still exists. Indonesia is more familiar with the concept of ‘kemitrasejajaran’ (Robinson, 2008) meaning balance and harmonious partnership between women and men which was popularised during the Soeharto era. In fact, the concept of gender is not new in Indonesia (Sadli, 2009), as the zest to realise equity and justice among men and women has inspired the struggle of Indonesian women since colonial times.

7.3.4. Religious interpretation

In Indonesian culture, religion has become a layer of difficulty and a challenge. A government representative respondent no.35, Advisor, female, master’s degree (GOF35) stated:

It is a challenge not to be defeated but to partner with. If it is viewed as something that needs defeating, it won’t work (Government Interviewee No.35, 2009).

A gender activist respondent no.3, female, master’s degree (GEF3) emphasised:

There are many religious texts in Islam on gender equality, however the interpretation of those texts could be different as
they are interpreted by men. If more women are involved in interpreting the texts, gender bias in the interpretation of religious texts could be avoided. Many still misinterpret religious texts (Gender Expert Interviewee No.3, 2007).

A non-governmental organisation representative respondent no.4, Director, female, bachelor’s degree (NGOF4) expressed:

The patriarchy culture and interpretation of religious texts hinders the translation of ICPD issues to the community. The religious leaders should therefore enlighten the issue of gender equality through their discourses (NGO Interviewee No.04, 2007).

From the interview quotes above, we can see that multifarious religious interpretations and the culture of patriarchy can hinder the transmission of the right messages on gender equality to society. The interpretations of religious texts made mostly by males can lead to misunderstanding, and the strong patriarchal culture in the country places the women as subordinates.

In Indonesia, interpretations of Islamic texts can be divided into three types: literal, moderate and progressive/contextual (Qibtiyah, 2012). Literal interpretations often convey conservative ideas that find support among Islamist groups. Progressive/contextual interpretations, on the other hand, are more ‘liberal’ in their orientation; they are most common among neo-modernist Muslims, who argue that the Muslim community can be strengthened by the adoption of Western advances in education, science and politics.

Neo-modernism determines the worth of a human being by their character (Safi, 2003) and combines respect for classical learning with receptivity to modern ideas, including Western influences (Barton, 1995). The literature of progressive Muslims re-examines Islamic traditions and addresses pluralism on both theoretical and practical levels (Esposito, 1998) and stresses ethical/moral guidance over law (Saeed, 2005).

In this regard, all attempts to reinterpret the holy books should be based on equality and justice. For example in the case of violence against women, religious leaders should start seeing the situation from the victim’s point of view if they are to be persuaded to fight violence against women.
Within existing Islamic organisations in Indonesia, a number of feminists, both male and female, have emerged who have worked hard to make them more woman-friendly and to reform misogynist discourse.

A government representative respondent no.11, Director, male, master’s degree (GOM11) stated:

The gender gap is caused by the existing patriarchal culture and worsened by the policies that are gender-biased and marginalise women. The strong commitment of the government in realising gender mainstreaming is badly needed to have women regarded as development potentials (Government Interviewee No.11, 2007).

As recommended by the CEDAW Committee, in implementation of its obligations under CEDAW, Indonesia should fully utilise the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention. A full and effective implementation of the Convention is indispensable for achieving the Sustainable Development Goals (CEDAW Committee, 2007a, CEDAW Committee, 2012, United Nations, 2016).

A civil society leader and Islamic figure respondent no.1, male, PhD degree (ILM1) suggested:

It is hoped that the Indonesian women could empower themselves and take as many opportunities as possible. There are many affirmative opportunities and policies supporting women. Women should prepare themselves with their potentials to grasp any opportunity. To maximise women’s empowerment in Indonesia, policies of affirmative action prioritising women should be endorsed. Women can then compete freely with men. In order to avoid the gender gap, women should not be exclusive in engaging themselves in women’s organisations. Above all, it depends on the women themselves whether they want to accelerate or not (Informal Leader Interviewee No. 01, 2007).

An international organisation representative respondent no.3, Programme Manager, female, bachelor’s degree (IOF3) emphasised:

Women should have the access and opportunity to develop and empower themselves through a conducive system and environment. Once a woman has the access and opportunity, she should have the power to control in order to empower other women (International Organisation Interviewee No.03, 2007).
A government representative respondent no.3, Deputy Minister, female, master’s degree (GOF3) stated:

As gender is defined as equal rights between women and men, could women equalise men in all sectors? The efforts towards gender equality are too severe. Naturally, women need to be protected and given a hand. The efforts to achieve gender equality shouldn’t be conducted in too forceful manner, it should be done naturally (Government Interviewee No.3, 2007).

A government representative respondent no.35, Advisor, female, master’s degree (GOF 35) affirmed:

As an effort to create gender equality and to bridge the gender gap, education, legislation, government role modelling, support of young people, and partnering with men are needed. It is also indispensable to partner with religious leaders and councils (Government Interviewee No.35, 2009).

A government representative respondent no.27, Law Expert, female, master’s degree (GOF27) suggested:

In the family, the head of the family remains the husband. If the husband is the pilot or captain, the wife is the co-pilot or navigator. They need each other and support each other. In Indonesia, family and career could go along well. In the Western culture, family or career could be an option. As far as a woman can fly high with her career, the family life follows and could not be left behind. Women have responsibilities both in their career and family (Government Interviewee No.27, 2007).

A non-governmental organisation representative respondent no.3, Secretary General, female, bachelor’s degree (NGOF3) advised:

Indonesian women should voice all their aspirations, from household chores to public affairs. They have political and free expression rights, and should value the sisterhood among women. Women in higher positions could encourage other women to succeed. Women should stand together to fight for their rights and human rights in general (NGO Interviewee No.03, 2007).

The key to realise gender equality and enhance women’s empowerment is the implementation of gender-related treaties.
A government representative respondent no.35, Advisor, female, master’s degree (GOF35) stated:

The government passed the laws but it doesn’t endorse the implementation. For example, someone should be allowed to sue under CEDAW if they knowingly allowed sexual harassment to happen. Endorsing, ratifying and enforcing legislation in this area are part of the evolution of attitudes to this (Government Interviewee No.35, 2009).

However, a non-governmental organisation representative respondent no.6, Secretary- General, male, master’s degree (NGOM6) observed:

Gender inequality could affect implementation. In turn, bad implementation could create gender inequality. It is difficult to have good implementation because of the culture. Community awareness is therefore important (NGO Interviewee No.06, 2008).

A non-governmental organisation representative no.1, Head of Division, female, master’s degree (NGOF1) explained:

The elimination of gender inequality could be realised through awareness programmes both for women and men in different fields, such as religion, education, health and policy making. If the system is conducive, both women and men could play their roles comfortably. It all depends on expertise, access, participation, benefit and control. The gender equality process in Indonesia is far from achieving the international targets, let alone from achieving SDGs targets in 2030. If patriarchy could be gradually eradicated, those targets could be definitely achieved. The government should also carry out judicial reviews of policies that discriminate against women. Harmonisation of the national laws according to the international conventions should also be done (Indonesian NGO Forum on BPFA + 10, 2005).

Both the civil society leader and the international organisation representative are optimistic that Indonesian women can empower themselves. However, the government representatives believe that any socialisation should be supported by appropriate understanding of gender itself. The NGO representative finds that more effort is needed to achieve gender equality.

In this chapter, most of the more educated and highly placed respondents enjoyed a deeper understanding of gender issues and could voice their concerns with feasible solutions. Female respondents tended to be more expressive than male respondents.
as they often have a better understanding of the situation on the ground. Based on the views of different actors, despite the existing hindrances, there is indeed a great hope that Indonesian women could advance and empower themselves in various sectors.
Chapter 8: Conclusion

8.1. Conclusion

From President Soeharto’s era to President Joko Widodo’s era, we see great progress with female ministers holding strategic positions that are significant for Indonesia’s economic development, foreign relations, health management, and environmental sustainability. There is also an increasing number of women parliamentarians over time, though the 30 per cent quota has not yet been fulfilled. These accomplishments contribute to the development of the nation and the achievement of greater gender equality.

This thesis has focused on how Indonesia has implemented the internationally accepted gender-related commitments, and the root causes of prevalent gender inequalities. It specifically reviewed the implementation in Indonesia of CEDAW, the ICPD Programme of Action, the Beijing Platform for Action, the MDGs, and the SDGs.

Based on the research objectives explained in Chapter 1 and Chapter 3, this thesis has attempted to address those objectives as follows:

1. The thesis has examined the ratification and adaptation process of gender-related treaties in Indonesia.

   Indonesia follows the formal procedure in ratifying gender-related treaties. It has successfully adapted ratified international conventions related to gender into national laws and planning documents. Presidential Instruction No.9/2000 on Gender Mainstreaming in national development (Republic of Indonesia, 2000, Republic of Indonesia, 2002, Marsudi, 2005, Syibly, 2007, Achmad, 2010) was a systematic attempt to ensure that all government institutions and legal instruments would reflect accepted international norms for gender equity. Nevertheless, policy ratification has not always translated successfully into programmatic implementation or practical outcomes. The social cultural and religious factors that strongly influence Indonesian society still inhibit efforts to

2. The thesis has assessed the efforts of the government and non-governmental sectors in implementing laws and regulations in Indonesia to promote women’s empowerment and gender equality.

The Ministry of Women’s Empowerment and Child Protection is responsible for the development of Indonesian policies in line with the treaties related to gender. Other related Ministries that support efforts of advancing women’s empowerment and gender equality include Ministry of Law and Human Rights, National Development Planning Agency, Ministry of Health, Ministry of Education and Culture, Ministry of Social Affairs, Ministry of Environment, Ministry of Manpower, and National Population and Family Planning Board. In fact, all governmental institutions have to take part in implementing the ratified and signed international commitments related to gender.

Efforts by non-governmental sectors have undergone significant changes including the burgeoning of women’s NGOs in Indonesia as a consequence of political changes since the reform era began in 1998. Given that gender inequality is inherent in the patriarchal state system, religious values and cultural structure, NGOs play a variety of roles in their efforts for change. Some NGOs focus on women’s rights, specific gender-related issues and Islamic values as a way to implement the gender-related treaties within contesting faith and ethnic communities. Moreover, gender experts from various affiliations, with their expertise, make significant contributions to the promotion of gender equality and women’s empowerment in Indonesia. Informal leaders in religious and community settings, being close to and attached to local society, also play influential roles in transmitting messages promoting women’s rights using language clearly understood and accepted by society.

3. This thesis has identified the obstacles and challenges to the realisation of women’s empowerment and gender equality in Indonesia.
The overview of Indonesia’s problematic stance on gender equality has revealed critical issues impeding efforts to advance women’s empowerment as well as numerous challenges for government and civil society in realising gender equality. These include: (i) Indonesia’s stubbornly high maternal mortality rate (177 deaths per 100,000 live births in 2017) (World Data Atlas, 2017) due to shortcomings in the public health system (Hull and Hull, 2005, Utomo and Utomo, 2013, Brown et al., 2019, Chandra-Mouli et al., 2019); (ii) Violence against women that is common in both public and private spheres (406,178 cases in 2018) (Komnas Perempuan, 2019); (iii) Women are still underrepresented in political and public life (20.52 per cent of political participation in parliament in 2019 compared with the theoretical 30 per cent quota) (IFES, 2019, Bramasta, 2019, Nugraheny, 2019); (iv) Persistent stereotypes formally differentiating women and men; (v) Entrenched cultural and traditional values disrespecting women; and (vi) Religious beliefs codifying and justifying patriarchy.

Indonesia’s patriarchal society posits clear-cut divisions of roles between women and men in domestic life (Heraty, 2000, Republic of Indonesia, 2008b, Chudori, 2010, RMOL, 2016, Adriany, 2019). Even though Indonesia has achieved gender parity in net enrolment ratios at primary, junior, secondary, and tertiary levels (World Economic Forum, 2018), women still have less access to employment (ILO, 2019b, OECD, 2019). In fact, female workers’ rights and interests may be affected due to discriminatory employment practices and regulations (Cheema, 2010a, Koalisi Perempuan, 2012, HOME, 2012, Amnesty International, 2012 ). The idea that women should only be involved in domestic work at home has become ingrained in Indonesian culture and customs, making it difficult to break the cycle of this patriarchal ideology (Brenner, 1998, Utomo, 2005, Hull, 2005, Adzhani, 2015, Adriany, 2019). What makes Indonesia different from other societies is that despite a growing number of women gaining access to higher education, many of them stay in the domestic domain.
Women can only win equality when their rights are recognised and they are able to act on their own behalf (Blackburn, 2001, Antrobus, 2004, Bokova, 2011). Though Indonesia is moving to promote gender equality and women’s empowerment, its indigenous cultures and social institutions are still associated with numerous gender-based inequalities.

Indonesian women have definitely been advancing progressively in many sectors of public life but not in the traditional division of roles in the domestic sphere. Indonesia has not developed any policy on family-friendly work environments and paternity leave like the Scandinavian countries. However, gender disparity as in Indonesia can also occur in developed countries. Women in developed countries might also face classic problems of not being able to break through the glass ceiling in their career, though as working women they are usually protected by proper regulations, whereas regulations protecting women in Indonesia remain undeveloped.

After the launching of gender mainstreaming in 2000 in Indonesia, some national laws integrated gender dimensions. Many gender responsive programmes are executed by governmental institutions in diverse sectors such as the labour force, by empowering women–workers and giving training, education aimed at eliminating women’s illiteracy and enhancing women’s educational skills and talent, and in the legal sector by issuing policies to protect women and children as victims of violence. Gender responsive programmes are now pursued in other sectors such as agriculture, industrial development, health services, social welfare, environment, disaster relief and social conflict support.

Indonesia has been legally bound to stick to the principles contained in CEDAW for the past 35 years since its ratification in 1984. In this regard, Indonesia needs a law to actually implement the gender mainstreaming principles of CEDAW, and to overcome gender discrimination that remains rife in Indonesia (Suryakusuma, 2012, AsiaNews, 2012, Timur, 2012, Win, 2014, Republic of Indonesia, 2017a). Initiated by the Ministry of Women’s Empowerment and Child Protection, the Indonesian House of Representatives has drafted a Gender Equality Law (Rancangan Undang-Undang Republik Indonesia tentang Kesetaraan dan Keadilan Gender) in 2011 (Republic of Indonesia, 2011a).
At present, the Ministry of Women’s Empowerment and Child Protection has also been conducting workshops throughout Indonesia to discuss a draft Law on Gender Equality with related stakeholders from the government, women’s organisations, academic circle, and civil society (Republic of Indonesia, 2019a). The Ministry and other related stakeholders hope that the draft Law on Gender Equality could be soon endorsed.

In the reality of the Indonesian society, various studies show that equality and fairness in obtaining equal and equitable benefits from the results of development between men and women (including girls) have not been achieved, mainly due to the very strong patriarchal culture and perspective of men and women as well as men in influencing mindset, behaviour patterns, and decision making including policy making. The realisation of justice and gender equality as a principle in the fulfilment of women's human rights can only be achieved if the knowledge of gender social construction, women's bodily experience, perspectives, needs, and interests of women are integrated in the overall order of knowledge. The socio-cultural situation related to gender relations shows that gender (biological) differences are interpreted socially through myths; socialisation; culture; and government policies, laws and practices that are more beneficial to men, as well as being unfair to women, which among others can be seen from negative stereotypes or labelling, subordination, marginalisation, compound burden, and gender-based violence.

From the interviews I conducted with government officials, law experts, parliamentarians, medical doctors, police officers, foreign experts, international organisations’ representatives, NGOs’ representatives, gender experts, gender activists and informal leaders, the research findings suggest that Indonesia’s ratification of gender-related treaties is just a political symbol aimed at maintaining a good reputation in the international arena. Practical and meaningful implementation is another story. Indonesia has consistently failed to integrate internationally recognised gender principles into the governmental process in all sectors. The process of agreeing, ratifying and signing gender-related treaties is meaningless without proper implementation of gender equality ideas and principles.
Despite legislative revisions, some laws still discriminate against women in the areas of family and marriage, sexual rights and reproductive health, and employment, while poor enforcement of others continues to rob women of de facto equality. In fact, the Law No.16/2019 concerning Amendments to Law 1 of 1974 concerning Marriage stipulates no distinction on the treatment of women and men in all social aspects of life (Republic of Indonesia, 2019). There are indeed still many discriminatory regulations against women, especially in the regions consisting of hundreds of local regulations that lead to the criminalisation of women, dozens of regulations on how to dress, curfew for women, and regulations on the separation of public space. All of this needs to be addressed by providing education and advocacy to all parties to jointly eliminate discriminatory acts against women.

Administrative decentralisation where authority has been devolved from the central government to local authorities and the rise of religious fundamentalism, are factors linked to weak enforcement of laws, and the enactment of local legislation that curtails women’s freedom and violates their human rights. The Law on Regional Government is in fact not aimed at administrative decentralisation but at governmental affairs (delegation of authority) that must be implemented by the Regional Government.

Disadvantageous laws in Aceh and in various districts now exist, which are designed to punish women for practising their rights regarding dress, movement, and personal behaviours (Herdiyani, 2007, Katjasungkana, 2008, Lindsey, 2008, Achmad, 2010, Roberts, 2016). There has been uneven implementation of laws aimed at eliminating violence, particularly at the local level, where autonomous decision-making does not recognise national legislation and priorities, and women face obstacles accessing justice (Parawansa, 2005, Allen, 2009, Burns, 2017, Dano-Luna and Camille Caliso, 2019, Garcia-Moreno and Amin, 2019).

### 8.2. Implications and Interpretations

Indonesia is expected to submit periodic reports on the implementation of the provisions of CEDAW accordingly, and to fulfil the requirements of UN CEDAW Committee conveyed in the Concluding Comments to continuously implement all the provisions of the Convention. Indonesia has always been late in submitting these
periodic reports on CEDAW implementation to the CEDAW Committee since the government has not given gender issues appropriate priority. Even the government of President Joko Widodo has put a more domestic and nationalist orientation on Indonesia’s foreign policy (Madu, 2017).

In 1986, two years after ratification, Indonesia submitted its initial report on CEDAW implementation which had been due in 1985. In 1997, Indonesia submitted the second and third reports which had been due in 1989. The fourth and fifth combined reports for the period of 1995-2003 were submitted in 2005 which were responded to by UN CEDAW Committee’s Concluding Comments in 2007 (CEDAW Committee, 2007a). The sixth and seventh combined reports for the period of 2004-2009 were submitted in 2011 and responded to by UN CEDAW Committee in 2012 (CEDAW Committee, 2011). The sixth report had been due in October 2005 whereas the seventh report had been due in October 2009. The eighth report which was actually due in 2016 (CEDAW in Action, 2016) was only submitted on 22 October 2019 (CEDAW, 2019).

The Ministry of Women’s Empowerment and Child Protection is always expected to be the prime mover in promoting and protecting women’s rights and in achieving gender equality since it actively deals with the fulfilment of human rights conventions. The Ministry should help ensure that the principles of gender equality and a rights-based framework, as embodied in CEDAW and other relevant international instruments, are mainstreamed into the policy programmes and activities of all governmental institutions. The Indonesian government should fully utilise the gender-related treaties, particularly CEDAW as well as the Beijing Declaration and Platform for Action. One of the key lessons of the 2030 Agenda for Sustainable Development is that gender equality, women’s empowerment, and the human rights of women and girls are essential prerequisites to progress overall (CEDAW in Action, 2016, SDGs Fund, 2016, Chandrashekhar, 2016, ILO, 2019a, Brown et al., 2019).

All 29 Working Groups on Gender Mainstreaming within the governmental institutions (gender focal points) could be frequently activated to ensure the recognition of gender equality principles in the formulation and implementation of the existing policies. The governmental institutions could institutionalise gender mainstreaming approaches within its working units. The Working Group on Gender Mainstreaming
continuously acts as an equity unit that tries to integrate gender considerations into policy formulation and reform processes, and to take responsibility for the advancement of female staff at the respective governmental institutions. The function of the respective Working Groups could be incessantly enhanced and strengthened, and it could provide counselling and advocacy services not only to the female staff but also to male staff.

It is worthwhile for the Indonesian government to carry out judicial review towards the existing national gender laws that discriminate against women. The government is in the process of drafting the Law on Gender Equality which will focus on implementing the Gender Mainstreaming Strategy involving all State Institutions (Republic of Indonesia, 2019a). Moreover, the National Medium Term Development Plan 2020-2024 places gender equality as a strategic issue that must be mainstreamed (Republic of Indonesia, 2019b). It sets out strategies and directions to create gender equality in the development. Since community institutions are still not fully effective, more efforts are needed to assist local offices in developing networks of community institutions.

Since many regional policies are disadvantageous and very discriminatory towards women (Bowen, 2003, Cammack et al., 2008, Creagh, 2009, Parlina, 2011, Sagita and Lutfia, 2012), more gender responsive policies could be produced at the local and national levels which tend to protect women. The gender responsive policies could be produced by respective governmental institution in close cooperation with development planners, researchers, international organisations, and civil society. Gender responsive policies need to recognise the roles and contributions of men, women, boys and girls, and to address their needs equitably in order to improve gender equality and to empower women with sufficient resources and adequate financing.

It is indispensable to carry out harmonisation of national gender laws to comply with the internationally agreed commitments. Indonesia could give high priority to its law reform process and to amend, without delay and within a clear time frame, discriminatory laws and regulations and bring them in line with the gender-related treaties, particularly CEDAW. The Indonesian government has the primary responsibility and is particularly accountable internationally for the full implementation
of the obligations under CEDAW. Since CEDAW is binding on all branches of government, as advised by the CEDAW Committee, the Indonesian Parliament is encouraged, where appropriate, to take necessary steps with regard to CEDAW implementation based on CEDAW Committee’s latest concluding observations until the next reporting process under CEDAW (Achmad, 2006, Swasono, 2007, Koalisi Perempuan, 2012, CEDAW, 2019, Garcia-Moreno and Amin, 2019).

Indonesia could also increase its support for law reform, including through partnerships and collaboration with Islamic jurisprudence research organisations, civil society organisations, women’s non-governmental organisations and community leaders that are supportive in realising gender equity.

In implementing its gender mainstreaming strategy, the Ministry of Women’s Empowerment and Child Protection could embrace all related stakeholders to achieve its goals including women’s movement and civil society movements. Such an effort could also be performed by all governmental institutions implementing gender mainstreaming strategy.

As a common commitment made in 2009, all Ministries and governmental institutions in Indonesia are expected to implement gender-responsive planning and budgeting. Gender-responsive planning and budgeting is needed in the acceleration of efforts to achieve the 2030 Agenda for Sustainable Development based on lessons learnt from the MDGs. In this regard, all governmental institutions could support gender-responsive budgeting by mainstreaming gender into the processes of formulating budgets through developing skills and disseminating methods that build on existing experiences and good practices.

Indonesia could initiate a regular programme of seconding Indonesian gender experts and other related officials to UN agencies for the purpose of self-empowerment and enriching knowledge on UN’s work on gender. The UNDP, the UNFPA), and the UNIFEM are worth serious study by Indonesian officials, since international agreements and declarations have become the major guide for those development agencies that promote the rights of women. The UNDP has been always committed to support Indonesia’s national priorities and the implementation of Indonesia’s Medium Term Development Plan 2015-2019 and other national and local
development visions, strategies and plans (UNDP, 2015). UNFPA too remains one of Indonesia’s most important partners in addressing reproductive health, gender and population issues (UNFPA, 2014b). The latest ninth Country Programme (2016-2020) serves as the working guideline for UNFPA’s partnership with the Indonesian government. UNIFEM’s work in Indonesia is guided by the UNIFEM East and Southeast Asia Sub-regional Strategy and UNIFEM Indonesia Country Strategy focusing on building initiatives in the protection and promotion of women’s rights guaranteed in the CEDAW.

The linkages with women’s movements and other civil society movements could be constantly strengthened to incorporate gender perspectives into governance through promoting participation, transparency and accountability.

Since there are many religious texts in Islam on gender equality (Keech-Marx, 2006, Robinson, 2008, Qibtiyah, 2012, Bano and Kalmbach, 2012, Schröter, 2013) , more and more women experts could be involved in interpreting the religious texts so that gender bias in religious interpretation could be avoided. It is hoped that women become more confident that they are same human beings as men. K.H. Husein Muhammad is the one and only prominent male Islamic scholar feminist who wrote a book on Women’s Fiqh (Fiqh Perempuan) dealing with feminist reinterpretation of Islamic jurisprudence on rituals, morals and social legislation with new perspectives on gender equality in Islam (Qibtiyah, 2012, Palmer and Burgess, 2012, Seo, 2013).

Gender awareness programmes both for women and men could be conducted by various governmental institutions and non-governmental organisations in different fields, such as religion, education, health and policy making. The international messages on gender principles contained in the gender-related treaties could be more widely disseminated throughout Indonesia. Related parties such as government officials, politicians, parliamentarians and women’s and human rights organisations could be involved. The gender equality concept that has been developed in Indonesia is the principle of harmony, partnership and equality.

Education and religion in Indonesia are fundamental in raising awareness on gender equality and in avoiding gender stereotyping. Islamic teachings for example highly respect women; highly regard the equality of women and men concerning their

The year 2015 was a unique historical moment. The moment marked 20 years after Beijing Declaration and Platform for Action (1995 to 2015), the end of 15 years of the MDGs (2000 to 2015), and the ushering-in of 15 years of SDGs (2015-2030) (Garcia-Moreno and Amin, 2019, ILO, 2019a, Sen et al., 2019, United Nations, 2019, Khosla et al., 2019).

The Open Working Group on the SDGs included a stand-alone transformative goal on gender equality and women’s empowerment, which must deliver a new outcome by 2030 or even sooner, and a commitment to the comprehensive integration of gender equality concerns across all the goals. Indonesia’s further actions and decisions by bringing CEDAW to life, embedding gender equality in development, as well as constructing and reinforcing suitable domestic legal frameworks, could contribute to the post 2015 development agenda process and make 2030 a year of triumph for humanity, women and girls.

The journey from 2015 to 2030 is a period for breaking the back of gender inequality (Kanem, 2019, Mackinnon, 2019, Nanda and Tandon, 2019, Khosla et al., 2019, Komnas Perempuan, 2019). It could be the last stretch in the centuries-old fight for gender equality. Ideally, 2015 should mark the beginning of the end of gender inequality. Indonesia could work together with the international community to make 2030 an expiry date for gender inequality.

The failure to implement change to date does not mean that the struggle is useless. There is no way to progress other than to unite and continue the effort to eliminate gender inequality and discrimination through true implementation of gender-related treaties. There is a key role for the national government to reject the structure of patriarchy in oversight and monitoring of national legal instruments. This requires change in the working procedures of all security, judicial and educational institutions. Moreover, the regulation of budgetary activities at the national, provincial, district and
sub-district levels could also be improved systematically so that the bureaucratic and administrative management could be more efficient and effective. Even the household levels of social organisations could go through a reform. This would not be an impossibly complex task for a modern nation-state. Rather in all that complexity is a simple standard: All stakeholders are obliged to put into practice the commitment to gender equality in all their activities.
APPENDIX 1: RESEARCH ETHICS AND RESEARCH PERMIT

Research Ethics

Approval to conduct my research on ‘Gender in Global Agreements and National Arguments: The Indonesian Experience’ was initially sought and received from the Human Research Ethics Committee of the Australian National University. My Human Ethics Protocol for my research was approved by the Human Research Ethics Committee of the Australian National University on 4 October 2007 with the protocol number 2007/0200.

My ethics application was put forward in accordance with National Health Medical Research Council’s *National Statement on Ethical Conduct in Human Research 2007* as a revision of the *1999 National Statement on Ethical Conduct in Research Involving Humans*.

In the ethics application, I explained the purpose and design of the proposed research, the recruitment process of the participants in my research project for in-depth interviews, the procedures in obtaining the informed consent of the participants (written consent and oral consent), the protection of privacy (confidentiality), as well as the benefits of the research. I also explained in my ethics application that all in-depth interviews would necessarily depend on access, and I would utilise opportunities associated with my employment as an employee of the Indonesian Ministry of Foreign Affairs to make contact, obtain informed consent, and conduct interviews with senior governmental officials.

For conducting my in-depth interviews, participants were handed a study information sheet and a consent form. An interview consent form is often required when the conduct of the interview requires ethical approval.

The form explains the purpose of the interview, the benefits that are likely to accrue and the potential ethical issues. The form should also state how potential harm will be minimised or, better still, avoided. Finally, the form provides a space for signed approval for the respondent. The form should be sent to the potential respondent
well in advance of the interview so that he or she can consider the implications of participation.

In conducting my in-depth interviews, the content of the information sheet and consent form were explained verbally with emphasis on the reason for the research and the topics to be covered in the interview. The procedures used to protect confidentiality were also explained verbally. The participants were informed that they were not required to participate in the study and that they could withdraw from the interview at any time. They were then asked to sign the consent form to indicate their consent to participate in the study.

As suggested by the Human Research Ethics Committee, besides the written consent, I also provided the oral consent procedure. This was needed in cases where - if a participant of the interview did not want to (or could not) provide written consent - I would then need to get oral consent, for example, when the interview was conducted through a phone call. If this is the case, the interviewer would use the oral consent procedure to elicit consent prior to the in-depth interview (and tape recording). For all in-depth interviews, I provided written consent and no oral consent was needed.

Under the National Health Medical Research Council’s ethical guidelines, the *National Statement on Ethical Conduct in Human Research 2007*, research projects that have received ethical clearance from the Human Research Ethics Committee of the Australian National University will need to provide a brief report on any ethical issues that may have arisen during the project and whether it proceeded according to the plan outlined in the original protocol.

To minimise disruption to the ongoing research activities, the Human Research Ethics Office has sent a reminder email at regular intervals to submit the monitoring report of my research project using ARIES. The guidance to submit the monitoring report is outlined in the ARIES Monitoring Report Quick Guide with the following link: [http://www.anu.edu.au/ro/ORI/Human/HEMonitoringReportQuickGuide.pdf](http://www.anu.edu.au/ro/ORI/Human/HEMonitoringReportQuickGuide.pdf).
The monitoring report is done and submitted online through https://aries.anu.edu.au/content/ASP/ANULogin.asp. There are a series of questions regarding the progress and conduct of my research to be answered. Those questions centre on the completion of the data collection of the research project, the occurrence of unforeseen circumstances during the research project, any changes which are contrary to the approved protocol, the participant’s responses (for example whether they withdrew their consent during the conduct of the protocol, whether there is any adverse events or other harms to research participants), the complaints and concerns about the ethical conduct of the protocol, the difficulties encountered with any element of the protocol (such as storage of data, recruitment strategy, informed consent mechanism), as well as the difficulties in negating, minimising and/or managing the risks associated with the conduct of the research. I could answer all those questions appropriately and no particular difficulty was found in the research project.

**Research Permit**

Before conducting the in-depth interviews for my research, I sought a research permit to the Indonesian Ministry of Home Affairs. This research permit is important as a legal procedure to support my research project. As all the in-depth interviews were conducted with participants based in Jakarta, I had to submit two request letters for a research permit signed by the Director of the Australian Demographic and Social Research Institute (ADSRI) to the Head of Nation Unity of Trans Society and Social Politics, Ministry of Home Affairs (Kepala Kesatuan Bangsa Lintas Masyarakat dan Sosial Politik, Departemen Dalam Negeri) and the Head of Nation Unity of Trans Society and Social Politics, Province of Jakarta (Kepala Kesatuan Bangsa Lintas Masyarakat dan Sosial Politik, Propinsi DKI Jakarta). Together with the two letters, I had to submit the research proposal and my Indonesian identity card (Kartu Tanda Penduduk).

After a period of time, the research permit was then issued by the Directorate General of National Unity and Politics of the Indonesian Ministry of Home Affairs in Indonesian. The research permit (Surat Pemberitahuan Penelitian) is issued based on the Decree of the Minister of Home Affairs No. 40 Year 2001 on Organisation and

The research permit contains the details of the researcher (name, address, job and nationality), research itself (title, area, duration, sponsor and objective), and conditions of the research.
APPENDIX 2: IN-DEPTH INTERVIEW GUIDELINE

Demographic characteristics:

Name : 
Sex : 
Position : 
Education level : 
Role : 

Interview Questions:

1. GENERAL

- In your opinion, how do you see the implementation of gender-related treaties in Indonesia?

- How do you evaluate the women’s condition in Indonesia? To what extent has the gender equality and women’s empowerment been realised in Indonesia?

- According to your views, what are the impediments of realising gender equality in Indonesia?

- Do you have any suggestion and recommendation how to resolve the gender inequality problem in Indonesia?

- What are your hopes for the Indonesian women in the future?

- As one of prominent figures in Indonesia, how does your gender affect your activity? Could you strongly advocate the policy-making process and programme related to gender equality and women’s empowerment?

2. POLICY AND RATIFICATION

- Indonesia has ratified the major international conventions that uphold principles of gender equality and the empowerment of women. These instruments include the United Nations Convention on the Political Rights of Women ratified by Law 68/1958, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) ratified by Law Number 7/1984, and the Optional Protocol to CEDAW which was signed by the Government in 2000. In the area of workers’ rights, Indonesia ratified the International Labour Organization’s (ILO) Convention Number 100 on Equal Remuneration for Men and Women Workers for Work of Equal Value by Law Number 80/1957 as well as a host of other ILO Core Conventions. The country has also committed itself to acting upon the recommendations of the 1994 Copenhagen Declaration on Social Development, the 1994 Cairo International Conference on Population and Development, the 1995 Beijing Platform for Action, and the 2000 United Nations
Millennium Declaration (continued with the 2030 Agenda for Sustainable Development). How do you evaluate Indonesia’s effort in ratifying and implementing the international gender-related policies?

- How do you evaluate the ratification process of the gender-related treaties in Indonesia?

- What do you know about the stages, process and mechanism of the adaptation of gender-related treaties?

- Since the implementation of Indonesia’s regional autonomy in 2001, 56 regional regulations have been documented and many more are in the process of being enforced. As a consequence, for the first time since Indonesia’s independence in 1945, provincial level governments have the autonomy to regulate laws in their own province, and the enforcement of many of these regulations have been aimed at regulating behaviour and implicitly reinforcing the syariah law. To what extent has the decentralisation process in Indonesia with all its regional policies affect women’s lives?

3. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

- CEDAW is the human right convention that provides the most explicit protection of the rights of women. This Convention was opened for signature on 18 December 1979, adopted by the UN General Assembly, described as an international bill of rights for women, and it came into force on 3 September 1981. Indonesia has ratified CEDAW by Law Number 7/1984, and the Optional Protocol to CEDAW which was signed by the Government in 2000. According to you, how does Indonesia ratify and implement this Convention?

- Based on your experiences, has CEDAW become a powerful reference in solving cases faced by women in Indonesia such as cases of sex discrimination, gender disparity, domestic violence and family-related problem? Give some significant examples.

- How does Indonesia translate CEDAW’s provisions to ensure the gender equality and women’s empowerment in Indonesia?

4. INTERNATIONAL CONFERENCE ON POPULATION AND DEVELOPMENT (ICPD) PROGRAMME OF ACTION

- ICPD Programme of Action consists of 115 pages of Programme of Action on Population and Development which was finalised by 179 States taking part at the International Conference on Population and Development (ICPD), held in Cairo, Egypt, 5-13 September 1994, and adopted by acclamation on 13 September 1994. The chapters of ICPD Programme of Action related to gender are chapter IV, VII and VIII. Chapter IV covers gender equality, equity and empowerment of women, the girl child and male responsibilities and participation. Chapter VII reveals reproductive rights and reproductive health as well as human sexuality
and gender relations. Chapter VIII raises the issues of health, morbidity and mortality. Indonesia has committed to implement the ICPD Programme of Action consistently with regard to the national rules and regulations as well as social and cultural norms. Years after the Cairo Conference, there have been considerable improvements in the condition and position of women in Indonesia. In your opinion, how effective does Indonesia implement the recommendation of ICPD Programme of Action?

- Reproductive and sexual health and rights has moved across linguistic and cultural borders into the Indonesian context. In your opinion, to what extent does the Indonesian government translate the ICPD Programme of Action that it has supported into the religious and cultural context applied in Indonesia?

- How do you evaluate the process of implementing ICPD Programme of Action in the Indonesian Government after it had been agreed?

- The ICPD Programme of Action called for actions to all countries to empower men and women and to eliminate inequalities between them. How does Indonesia realise these actions?

- What kind of programme based on ICPD Programme of Action that you know being designed for women in Indonesia that is in accordance with the Indonesian setting?

5. BEIJING DECLARATION AND PLATFORM FOR ACTION

- Beijing Declaration and Platform for Action was adopted by the Fourth World Conference on Women: Action for Equality, Development and Peace in Beijing on 15 September 1995. There are twelve critical areas of concern in the Beijing Declaration and Platform for Action. Those critical areas affecting women are related to poverty, education and training, health care, violence against women, armed conflicts, economic structure, power sharing and decision making, promoting the advancement of women, protection of women’s rights, access to communication system, safeguarding the natural resources and environment, and violation of the rights of girl child. How does Indonesia translate and adapt the twelve critical areas of concern in the Beijing Declaration and Platform for Action especially related to health as well as education and training?

- The success of the Platform for Action will require a strong commitment on the part of Governments, international organisations and institutions at all levels. In your opinion, how is the commitment of the Indonesian Government towards the Beijing Declaration and Platform for Action?

- The Platform for Action is an agenda for women's empowerment. It aims at accelerating the implementation of the Nairobi Forward-Looking Strategies for the Advancement of Women and at removing all the obstacles to women's active participation in all spheres of public and private life through a full and equal share in economic, social, cultural and political decision-making. How do you see Indonesia's effort in achieving gender equality based on the Beijing Declaration and Platform for Action?
6. MILLENNIUM DEVELOPMENT GOALS (MDGs)

- There are eight goals to be achieved by all nations as stated in the MDGs and there are specific goals set to be achieved by 2015 in an effort to achieve the eight goals. Those eight goals are eradicate extreme poverty and hunger, achieve universal primary education, promote gender equality and empower women, reduce child mortality, improve maternal health, combat HIV/AIDS, malaria and other diseases, ensure environmental sustainability and develop a global partnership for development. We will focus on the goals to achieve universal primary education, to promote gender equality and empower women, to reduce child mortality, and to improve maternal health. What are Indonesia’s efforts in achieving the said goals?

- Progress in reaching the internationally agreed development goals contributes to the promotion of gender equality and women’s empowerment. The MDGs could not be achieved without gender equality and women’s empowerment, how does Indonesia integrate the gender perspectives into all policies and programmes aimed at the implementation of the MDGs?

- How is Indonesia’s commitment and stance towards MDGs related to education, gender equality, child mortality and maternal health?

(MDGs have been then replaced by the Sustainable Development Goals with 17 goals and 169 targets.)

7. WOMEN AND HEALTH

- The maternal mortality rate is extremely high in Indonesia. What are your views about that? What kind of policy and programme which cover this matter?

- In the Law of Population and Family Planning which is still in the process of amendment, unmarried couple (including teenagers) do not have the right to have reproductive health service, including Family Planning. What is your opinion about this?

- There are many unsafe abortion carried out in Indonesia, and sometimes it could end up with death, how do you find the existing law on abortion?

- With regard to female genital mutilation, the Indonesian Health Ministry has issued a circular note on the prohibition of female genital mutilation No. HK.00.07.1.3.1047a dated 20 April 2006. How effective is this circular note on prohibiting female genital mutilation in Indonesia? Why is the practice of female genital mutilation still common in the provinces? What are your views on this related to health and human rights?
8. WOMEN AND EDUCATION

- Achieving universal primary education in 2015 to ensure that all boys and girls complete a full course of primary schooling is the second goal in the MDGs. What are Indonesia’s efforts in achieving this goal? The Indonesian Government has issued policy on Nine-year basic education which was planned to be conducted for free. In reality, is the Nine-year basic education conducted for free so that it is accessible to everyone?

- Is there any specific education programme that you know being designed to empower women and enhance their skills? In which provinces are those programmes being conducted? How is the implementation process of those programmes?

- According to statistical data, the illiteracy rate of girls and the number of girls who fail to continue studying are higher than those of boys. In your opinion, how does the Indonesian Government solve this disparity problem?

- Does having higher education for Indonesian women guarantee them to have highly qualified employment and work in accordance with their expertise?

9. WOMEN AND LABOUR FORCE

- How is women’s involvement in labour force in Indonesia? In what sectors are they actively involved? At present, women occupy 12.5 per cent of ministerial or ministerial-equivalent positions. There are five women in the 40 member cabinet of President Susilo Bambang Yudhoyono (Second United Indonesian Cabinet). Those women ministers are Mari E. Pangestu (Minister for Trade), Sri Mulyani Indrawati (Minister for Finance), Endang Rahayu Setyaningsih (Minister for Health), Linda Amalia Sari Gumelar (Minister for Women’s Empowerment and Child Protection), and Armida S. Alisjahbana (Minister for National Development Planning/Head of National Development Planning Agency). At the previous 36 member cabinet of President Susilo Bambang Yudhoyono, women occupied 11 per cent of ministerial or ministerial-equivalent positions, there were four women, Mari E. Pangestu (Minister of Trade), Sri Mulyani Indrawati (Minister of Finance), Siti Fadilah Supari (Minister of Health) and Meutia Hatta (Minister of Women’s Empowerment). Whereas previously, there were only two ministerial positions reserved for women, Minister of Women’s Empowerment and Minister of Social Affairs. Indonesia also had the first-ever female Vice President and President, Megawati Soekarnoputri. More and more positions at the senior level in the Indonesian Government are also occupied by women. What is your opinion about such an advancement?

- In politics, the Law on General Elections has determined a 30 per cent quota for women in the Parliament. Nevertheless, the 2004 Election could only accommodate 11 per cent women in the parliament. Skepticism towards women’s
capacity remains a main hindrance to take part in strategic positions. In your opinion, how is the political participation of women in Indonesia?

10. GENDER EQUALITY AND WOMEN’S EMPOWERMENT

- Does the realisation of gender equality and women’s empowerment come along with the targets stated in CEDAW, ICPD Programme for Action, Beijing Declaration and Platform for Action, and MDGs,?

- What work do you do to specifically address the interests and needs of women?

- Have you received or given any training on women’s issues and gender relations?

- How do you see the effort of gender equality and women’s empowerment in Indonesia nowadays?

- How do you compare the women’s movement during the reform era with that of the previous eras such as the Old Order and New Order?

- What kind of policy related to gender is being applied in any office that you know such as policy on maternity leave, menstruation leave, etc?
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