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**INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER
PERSPECTIVE:
VIOLENCE AGAINST WOMEN**

**Written statement* submitted by the International NGO Forum on Indonesia Development
(INFID), a non-governmental organisation in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2006]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Indonesia ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) since 1984. Indonesia also has commitment of the Beijing Platform and Action 1995 implementation. There are some achievements, constraints and challenges encountered in the implementation of CEDAW and Beijing Platform and Action. Therefore, the Indonesian government should have taken various measures to implement the commitment through integrated in various national and local legislative, judicial, and administrative policies and other measures aimed at empowering women to achieve gender equality and equity.

Indonesian government shown their commitment through Presidential Instruction No. 9 of 2000 on Gender Mainstreaming obliges all government agencies to mainstream gender into their perspective work. Law No 12 of 2003 on General Election which call an political parties to ensure women representative at least 30 percent women of Legislative candidate. National Action Plan No 88 of 2004 on Alleviation on Trafficking in person, especially women and children. Law No 23 of 2004 on Against Domestic Violence.

However, the government has not been using CEDAW and the Declaration in a sufficient manner and has not taken the right decisions. An example is the law No.39/2004, regarding job recruitment and placement for Indonesian labor in foreign country. The substance of this law does not offer sufficient protection to the woman migrant worker.

On the other hand, Anti Domestic Violence Law in 2004 still need socialization and some measures to strengthen law enforcement institution, community and women capacity to use that law to prevent domestic violence. Many cases of violence or battered still reported by media and Women NGO who concern on its. The government has been active in many ways to protect women victims of domestic violence. But until now, that law has not been used with any result by the public prosecutors.

Discrimination on Local and National Law

Indonesia still discriminate women in various National Law. Marriage Law (No 1 of 1974) which divide role between man and women rigidly raised problem in many social relationships. Citizenship Law No 62 of 1958, Citizenship based on the father citizenship. Indonesia women who married to the foreigner will lose her right to decide her children citizenship. Which adversely affects Indonesian mother who, due to immigration complication faced by their foreign spouses, might have had their children deported from country along with their husbands.

In the other hand, the Indonesia Parliament, right now discussing on very controversial of the draft Anti Pornographies Law, which very strong intervention on the part of the state in the private lives of its citizens.

On behalf of Decentralization, governance (executive and Legislative) in municipal and city released local regulation or law base on religion, which discriminate women.

Violence Against Women in Conflict Area

Women and children in conflict area are facing vulnerable situation and conditions on exploitation including sexual exploitation. They live with lack of public services, especially for health, water and sanitation, education and targeted for trafficking in person.

Meanwhile thousands women have become internally displaced persons (IDPs) and have been served by government so that they live in an empty house or taken in by their family.

The problems start when internally displaced female refugees were out of the evacuation area, because she will not be considered as a refugee by the government. It makes it difficult for them to know their rights; so often they take care of their own life by themselves.

The conditions for women IDPs in Aceh are getting even worse by the earth quake and tsunami disaster on 26th December 2004. Thousands women still live as refugees, with the lack of medicine, food, water, sanitation and fuel. There are no reproductive health services for women who get pregnancy. Discrimination on right between man and women to benefit some emergency relief such financial support, works for cash, land, housing etc, suffering most of women in Aceh.

Women in Aceh facing discrimination, since there are segregation women with relative of Aceh movement to women affected disaster.

Women in Poso also have difficult living conditions. Most of them live with lack of public services, health, water, sanitation, and education. Living in fear, insecure, intimidated by state actor and or other people who involve in conflict.

Women in conflict area facing multidimensional of violence such physical, physiological and economical violence.

Trafficking of women

Trafficking is a kind of human rights violation against women that is systematic and organized, and affects a lot of female victims. Victims of the trafficking is usually taken from poor family in a village with low economic status and little or no education. Government find difficulties to estimate number of the victims around Indonesia.

Indonesian Government has signed The United Nations Convention Against Transnational Organized Crime and the Protocol To Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in Palermo, Italy in the year 2000 to show the Indonesian commitment to combat transnational organized Crime especially trafficking in women and children. Unfortunately, Indonesian Government does not have sufficient domestic legislation to prevent trafficking of women or children. Therefore the protection is lacking.

Gender Equality

We should committed to make more progress toward gender equality, including universal to sexual and reproductive health services protection of the human rights of women, and elimination of discrimination in all sectors and levels of society.

The struggle for gender equality has to address both structure and power to bring about a transformation in the deepening gender inequalities. These inequalities are widening in the new international economic order, because of the emergence of the super rich, a rapidly disappearing middle class, and enlargement of those who fall among the poor, the majority of whom are still women. Not only the State has to be held accountable, but the interplay between the market and the State should be also taken into account.

Inequalities in Access to Health Care, Discrimination in Decision Making and the Sharing of Power.

Men and women differ in their access to both public and private resources, and usually the position of women with respect to those economic and physical resources, is more tenuous. Overall, were within wealthier families, many women lack decision-making ability with regard to the family's resources. Lack of access to resources causes routine health and reproductive services to be inaccessible for the majority of women. Traditionally, women's role as primary caregivers to the young and the sick restricts their access to paid employment and any paid employment they do assume is generally devalued.¹ As a result, women constitute 70 per cent of the world's poor, suffer the worse health that comes with poverty and may be more easily dragged into poverty through ill health.

Trade in health service should be taken into account since some trade policies may be deteriorated women's health. Implants as one type of modern contraceptive were introduced in Indonesia, while in Europe it was rejected under the skin and lasted for 3-5 years brought several side effects in women who used it. If the women planned to taken out the implants since she could not bear the many side effects the health providers refused it to help her by giving them many reasons.

Women's access to health care was affected by the new privatization policies of some government or local government hospitals. The decreased government revenue is the result of liberalization and structural adjustment, which required self-reliance policies.

In order to better respect, protect and fulfill women's rights, we request that the UN Commission on Human Rights urge the Indonesian Government:

1. To implement strategies to guarantee the incorporation of victims' voices and experiences, particularly those of women and involving these people directly into the decision-making process.
2. To respect, protect and fulfill all women's rights in the areas of internal conflict or disaster and involving these women directly into the decision-making process.
3. To support in physical and mental respects all women who have become internally displaced persons.
4. To finalize the debate on the draft law regarding trafficking in person, especially women and children.
5. To maximize the implementation the laws on domestic violence.
6. To use the international standards of CEDAW, the Declaration on the Elimination of Violence Against Women and the Beijing Platform for Action, in domestic legislation and realistic measures.
7. To recall the reservation on article 29 paragraph 1 of CEDAW;
8. And to ratify the optional protocol of CEDAW on the right to individual complaints, and to ratify all other conventions that are related to the protection to women

¹ Montréal Principles on Women's Economic, Social and Cultural Rights. 7-10 December 2002.
<www.equalityrights.org/cera/docs/Mont_Prin_ENG.doc>