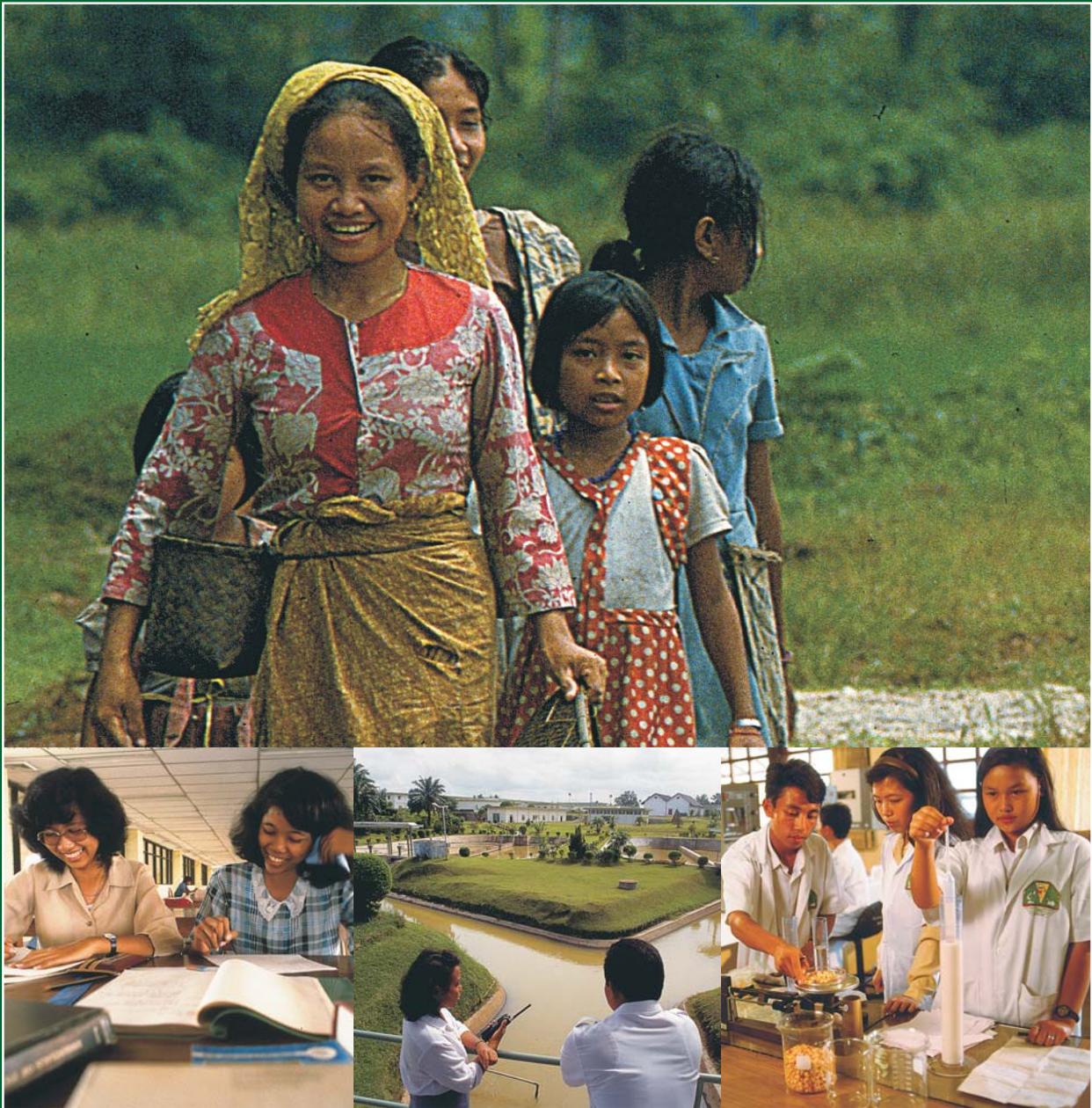


# Indonesia



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# **INDONESIA**

## **COUNTRY GENDER ASSESSMENT**

**Southeast Asia Regional Department  
Regional and Sustainable Development Department  
Asian Development Bank  
Manila, Philippines**

**July 2006**

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## Preface

This multi-donor Country Gender Assessment (CGA) for Indonesia was prepared jointly by The Asia Foundation, the Asian Development Bank (ADB), the Canadian International Development Agency (CIDA), the National Democratic Institute (NDI) and the World Bank, in close cooperation with the State Ministry for Women's Empowerment of the Republic of Indonesia. The collaborative methodology included the following:

- initial consultations with key stakeholders (government, donor organizations, and civil society) to identify the key issues and directions for the CGA, including a review of its findings and recommendations;
- secondary data analysis and review of existing research and work by academics, government, development partners, and NGOs;
- extensive formal consultations with government officials at the national, provincial, and district levels; and with NGOs, civil society, and donors; and
- regional consultations in five provinces, including workshops, focus group discussions, and in-depth interviews.

The initial stakeholder consultations identified four key themes for the CGA: (i) the impact of the decentralization process on addressing gender issues in policies and programs at subnational levels, (ii) women's inadequate representation in political decision-making, (iii) violence against women, and (iv) women and international migration. This report dedicates one chapter to each of these four key themes.

Regional consultations were undertaken in North Sumatra, South Sulawesi, West Kalimantan, Papua, and the Special Territory of Yogyakarta. These provinces were selected to illustrate the diversity of Indonesia's social, economic, and political setting. Consultative meetings were held at the province, district, and village levels. The purpose of the regional consultations was to develop a broader perspective of the four key themes, while at the same time raising awareness of the importance of gender issues in policy at the national, provincial, and district levels.

### Report Structure

This report, in seven chapters, examines the current situation of women in Indonesia. It identifies major gender gaps and issues in socioeconomic and human development. Chapter 1 is a gender situation analysis, drawing attention to both old and new challenges for gender equality. The chapter includes discussion of the Millennium Development Goals (MDGs), the Human Development Index, the Gender Development Index, and the Gender Empowerment Measure. Chapter 2 explores the legal framework and institutional mechanisms that promote gender equality at national and subnational levels. Chapters 3–6 analyze the four key themes that came out of the CGA consultation process. Chapter 3 focuses on the decentralization process and its impacts on gender equality concerns as well as the status of women at the regional level. Chapter 4 explores women's participation in politics and political decision making, and identifies major constraints to women's involvement. Chapter 5 examines violence against women in different settings, from the

domestic arena to postconflict situations and the growing concerns about trafficking of women. Chapter 6 analyzes gender issues in international migration. The final chapter, Chapter 7, summarizes the seven main findings of the report and outlines recommendations for addressing gender gaps in each area. The appendices provide more in-depth socioeconomic data for the five provinces where the consultations took place, and summarize recommendations for mainstreaming gender concerns in the Medium-Term Development Plan 2004–2009.

This report is a call to all stakeholders—government, donor agencies, NGOs, and civil society—to renew their focus on gender and development issues in Indonesia.

## **Acknowledgments**

The preparation of the Indonesia CGA was a team effort, coordinated by Susanne Wendt and Karin Schelzig Bloom (ADB, Manila). The multidisciplinary team comprised Leya Cattleya and Farsidah Lubis (ADB, Jakarta), Francisca Indarsiani (CIDA, Jakarta), Chitrawati Buchori (World Bank, Jakarta), Hana Satriyo and Lily Purba (Asia Foundation, Jakarta), Stephanie Lynn and Merita Gidarjati (NDI, Jakarta), and Ludmilla Kwitko (consultant). Technical guidance and comments were provided by Shireen Lateef (Director, Social Sectors Division, Southeast Asia Department, ADB, Manila), Gillian Brown (Regional Gender Coordinator, World Bank, Bangkok), Francesco Tornieri (Gender Specialist, ADB, Manila), Guntur Sugiyarto (Economist, ADB, Manila), and Prabha Khosla (consultant). Editing and production assistance was provided by Lily Bernal and Ferdinand C. Reclamado (ADB, Manila). Funding for the CGA was provided by ADB, with CIDA funding for the regional consultations. The team would like to acknowledge the support and contributions of the State Ministry for Women's Empowerment and the National Development Planning Board. Finally, we acknowledge with many thanks the contribution of all participants of the regional consultations in North Sumatra, Yogyakarta, South Sulawesi, West Kalimantan, and Papua, for sharing their ideas and experiences.



# CONTENTS

Abbreviations .....	ix
Executive Summary .....	xi

## Chapter 1 Gender Situation Analysis

Population and Demographics .....	1
Poverty and the Millennium Development Goals.....	4
A. Income Poverty .....	4
B. Food Poverty .....	5
C. The HDI, GDI, and GEM.....	6
D. The Millennium Development Goals.....	7
Women and Access to Employment.....	9
A. Women in the Formal Sector .....	11
B. Women in the Informal Sector.....	13
C. Women's Wages .....	13
D. Women and Unemployment .....	14
Women and Access to Productive Resources.....	16
A. Access to Land and Property.....	16
B. Access to Financial Services.....	18
Women and Access to Human Capital (Education and Health).....	19
A. Access to Education .....	19
B. Access to Health.....	21
Narrowing the Gender Gap.....	25

## Chapter 2 Institutions and Policies for Gender Equity in Indonesia

The Legal Framework.....	27
Government Policies and Programs.....	31
Gender Mainstreaming Instruments.....	32
Gender Mainstreaming Institutions .....	33
Gender Mainstreaming at the National and Subnational Levels .....	35

## Chapter 3 Gender and Decentralization

The Challenges of Decentralization for the Women of Indonesia.....	37
The Opportunities for Indonesian Women under Decentralization .....	40
The Role of Local NGOs in Promoting Gender Awareness.....	41
Taking the Gender and Decentralization Agenda Forward .....	43

## Chapter 4 Women's Voice in Politics and Decision Making

Laws Governing the Political Role of Women.....	46
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Women’s Representation in Government.....	47
Obstacles for Women in Politics .....	49
Regional Differences in Women’s Representation.....	53
Future Election Prospects for Women.....	54
<b>Chapter 5 Violence Against Women</b>	
Government and Civil Society Responses to Violence Against Women .....	57
Domestic Violence.....	58
Violence Against Women in Conflict and Postconflict Areas.....	61
Human Trafficking .....	64
A Regional Perspective.....	65
<b>Chapter 6 Women and International Migration</b>	
Regular and Irregular Migration.....	70
Women Migrant Workers .....	72
A Regional Perspective.....	76
Remittances.....	77
Regulations and Policies.....	78
<b>Chapter 7 Findings and Recommendations</b>	
Seven Main Findings .....	81
The Way Forward: Gender Equality, MDGs, and Poverty Reduction .....	89
<b>Appendix 1: Socioeconomic Data .....</b>	<b>91</b>
<b>Appendix 2: Mainstreaming Gender Concerns in the Medium–Term Development Plan.....</b>	<b>96</b>
<b>BIBLIOGRAPHY.....</b>	<b>99</b>

## Abbreviations

ADB	—	Asian Development Bank
AIDS	—	acquired immunodeficiency syndrome
BAPPEDA	—	Badan Perencanaan Pembangunan Daerah (Regional Development Planning Agency)
BAPPENAS	—	Badan Perencanaan Pembangunan Nasional (National Development Planning Agency)
BKN	—	Badan Kepegawaian Negara (National Civil Service Agency)
BPS	—	Badan Pusat Statistik (Central Statistics Agency)
CEDAW	—	Convention on the Elimination of all forms of Discrimination Against Women
CETRO	—	Center for Electoral Reform
CGA	—	Country Gender Assessment
CIDA	—	Canadian International Development Agency
DPD	—	Dewan Perwakilan Daerah (Regional Representatives' Council)
DPR	—	Dewan Perwakilan Rakyat (House of Representatives, National Legislature, or Parliament)
DPRD	—	Dewan Perwakilan Rakyat Daerah (Regional People's Representative Council)
GDI	—	Gender Development Index
GEM	—	Gender Empowerment Measure
HDI	—	Human Development Index
HIV	—	human immunodeficiency virus
ICPD	—	International Conference on Population and Development
IFES	—	International Foundation for Election Systems
ILO	—	International Labour Organization
KDP	—	Kecamatan Development Program
MDG	—	Millennium Development Goal
MMR	—	maternal mortality ratio
NDI	—	National Democratic Institute
NGO	—	nongovernment organization
SMWE	—	State Ministry for Women's Empowerment
SUSENAS	—	Survei Sosial Ekonomi Nasional (National Socio-economic Survey)
UN	—	United Nations
UNAIDS	—	Joint United Nations Programme on HIV/AIDS
UNDP	—	United Nations Development Programme
UNFPA	—	United Nations Population Fund
UNIFEM	—	United Nations Development Fund for Women
USAID	—	United States Agency for International Development
WHO	—	World Health Organization
WSLIC	—	Water and Sanitation for Low Income Communities

**Currency Equivalents**  
(as of June 7, 2006)

Currency Unit: rupiah (Rp)  
\$1.00 = Rp 9,345.00

**NOTE**

In this report, "\$" refers to US dollars unless otherwise specified.

## **Executive Summary**

Gender disparities are a major hindrance to sustainable economic development. Enhanced gender equity, on the other hand, makes economic sense. Mainstreaming gender issues into development initiatives, strategies, policies, goals, and targets requires a comprehensive understanding of contextualized gender dynamics. The Indonesia Country Gender Assessment (CGA) aims to contribute to this comprehensive understanding.

### **Gender Situation Analysis**

Chapter 1 begins with an exploration of population and demographic issues, showing changing household structures and increasing age of first marriage. An examination of poverty and the Millennium Development Goals (MDGs) also looks at the Human Development Index and Gender Development Index. Poverty analysis shows that while income poverty has been reduced in recent years, vulnerability to poverty remains a major issue, and food poverty and malnutrition should not be overlooked. Progress toward MDG3 on gender equality and women's empowerment has been mixed. Chapter 1 also identifies gender gaps in employment and labor force participation, as well as in access to productive resources (land, property, and financial services) and human capital (education and health). This chapter applies a gendered lens wherever possible, while highlighting the fact that there is a lack of sex-disaggregated data in many cases.

### **Institutions and Policies for Gender Equity in Indonesia**

The analysis in Chapter 2 covers the Indonesian legal framework, government policies and programs, and gender mainstreaming institutions and instruments, both at the national and local levels of government. Indonesia has ratified the major international conventions that uphold principles of gender equality and the empowerment of women. The Government's Medium-Term Development Plan 2004–2009 identifies gender mainstreaming as a target under the theme of establishing an Indonesia that is just and democratic. Gender mainstreaming instruments include a Presidential Decree issued in 2000, and the State Ministry for Women's Empowerment guidelines for gender mainstreaming, issued in 2002. Notable achievements include the production of gender-disaggregated statistics in some provinces, districts, and subdistricts, 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 is often still a fundamental lack of understanding of the benefits and importance of mainstreaming gender in policies and programs. 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 organizations have a significant role to play in the promotion of gender equity.

### **Gender and Decentralization**

The political transformation toward regional autonomy has the potential for great change in Indonesia. Decentralization 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, decentralization 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 decentralization has worryingly been accompanied by a revival of conservative religious interpretations of gender roles and discriminatory local customary laws. But there are also clear opportunities. Some local governments have begun to view women as important stakeholders, actively creating programs to promote women's rights. Other local governments are using media (radio talk shows, and so on) to promote women's interests. The devolution of budget processes to local government institutions has in some cases led to opportunities for greater involvement by citizens, including women, resulting in more gender-responsive budgets. 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.

### **Women's Voice in Politics and Decision Making**

Women's political participation was very low in Indonesia's New Order period. Recent years have seen changes, particularly in the run-up to the 2004 elections. A 30% soft quota was established for women in political party recruitment. While not all parties met this target and none ranked women as high as their male counterparts in the party lists, the discourse about the need for increased political participation of women reached a new level of prominence. As a result there was a small increase in the number of women elected to political office. This is a start, but there is still a long way to go. A significant challenge is the limited training and formal political experience of many of the women who compete in elections. Perceptions of women's role in society are another barrier. The National Legislature (DPR) has only 11% women (62 of 549 members), and in the Regional Representatives' Council (DPD), women won only 21% of the available seats (27 out of 128). Indonesia has no female provincial governors, and the October 2004 Government had only 4 women ministers out of 36 total cabinet positions (11%).

### **Violence Against Women**

Violence against women devastates many lives. Aside from the immediate physical injuries, victims of violence suffer emotional and psychological damage that is more difficult to treat. Violence takes many forms, and Chapter 6 explores three broad themes: (i) domestic violence, (ii) violence against women in conflict and postconflict areas, and (iii) trafficking. Human trafficking is closely linked to irregular migration, and affects mainly women and children who are trafficked for sexual and/or labor exploitation. This modern form of slavery is very difficult to document for obvious reasons, but there is every reason to believe that it is a significant issue. Up to 4 million women and children have been estimated to be vulnerable to trafficking—these are the total number of women and children working in vulnerable sectors: sex workers, migrant workers, and domestic workers. The US Department of State identifies Indonesia as a source, transit, and destination country for persons trafficked for the purposes of sexual exploitation and forced labor. One key issue is that documenting violence is very difficult, given that only a few cases are officially reported. In many cases, violence is considered a private issue rather than a public one. A second challenge is that financial and human resources dedicated to issues of violence against women are generally insufficient to ensure that victims receive the

support to which they are entitled. On the institutional front, Indonesia established a National Commission on Violence Against Women in 1998, and Law 23/2004 on the Elimination of Domestic Violence was enacted in September 2004.

### **International Migration**

Poverty, unemployment and a lack of formal education are some of the driving forces behind increasing numbers of Indonesian women who seek to migrate abroad. The number of Indonesian migrant workers is estimated at around 4 million, with an annual flow of migrants of about 400,000, or 4% of the total labor force. Indonesian men predominate in migration to the Republic of Korea and the United States, but women predominate in migration to most of the other destination countries—Malaysia, Saudi Arabia, Singapore and so on. These countries have a high demand for household labor. The rise of regular migration has been accompanied by irregular, or illegal, migration. An estimated 60% of Indonesian workers in Malaysia are thought to be irregular. Irregular migrants are highly vulnerable, with no guarantees for tenure, minimum wages, or good working conditions. Documented cases of abuse and exploitation abound, even where migration occurs legally.

### **Findings and Recommendations**

Chapter 7 highlights seven major findings of the CGA, and provides a range of recommendations under each heading. The seven major findings are:

1. Women's participation in paid employment and access to productive resources need to be improved.
2. Gender inequality in access to education is most severe among the poor and in rural areas.
3. Health services are not reaching rural women and girls.
4. The institutional framework for gender mainstreaming needs to be strengthened.
5. The participation of women in decision making is essential at all levels.
6. Violence against women takes many forms, and few services are available to victims.
7. The rights of international migrants require protection.

In the case of finding 4, the recommendations are tailored to each level: the State Ministry for Women's Empowerment, local and regional governments, Women's Empowerment Divisions, and Regional Development Planning Agencies. The CGA concludes by emphasizing that gender equality and the empowerment of women are vital to Indonesia's goal of achieving the MDGs by 2015.



Indonesia has made significant progress in improving the welfare of its citizens. However, inequalities between men and women as well as between boys and girls continue across the country. While the nation addresses existing disparities, new obstacles that challenge the achievement of gender equality and equity in the sharing of development benefits among its people continue to unfold. Economic development is not sustainable without gender equality. The Asian Development Bank's Gender and Development Policy affirms that public policies and investments that promote the development of women have economic payoffs in terms of higher economic growth rates, improved productivity, reduced health and welfare costs, lower fertility, reduced infant and maternal mortality, and increased life expectancy.<sup>1</sup> This chapter is a gender situation analysis that highlights advances, points at evolving trends, and draws attention to both old and new challenges that Indonesia faces in its efforts toward achieving gender equality for its people.

### Population and Demographics

Indonesia is the fourth most populous nation in the world. With a population of around 220 million people, it is a country of great diversity and complexity in its culture, ethnicity, language, people, and geography. It comprises some 17,000 islands and 300 local language groups. The Javanese form the majority ethnic group at 45% of the population. The Sundanese, Madurese, Coastal Malays, and other ethnic groups make up the rest. Muslims form the majority religious group at 89% of the total population. Indonesia is administratively divided into 32 provinces and around 440 districts. Selected socio-economic indicators are presented in Table 1.1.

Table 1.1: Selected Socioeconomic Indicators

Socioeconomic Indicator	
GDP per capita, 2004 (current prices)	Rp10,642,000 \$1,190
GDP growth, 2004	5.1%
Female estimated earned income (PPP \$), 2002	\$2,138
Male estimated earned income (PPP \$), 2002	\$4,161
Share of GDP by sector, 2004	
Agriculture	15.4%
Industry	43.7%
Services	40.9%
Population, 2005	220 million
Number of households, 2005	53 million
Women in the population, 2000 (%)	50.2
Annual population growth rate, BPS Census 2000 (%)	1.49
Urban population, 2000	42%
Projected urban population, 2025	68%
Female labor force participation rate, 2002 (%)	37.5%
Female life expectancy at birth, 2002	68 years
Male life expectancy at birth, 2002	64 years
Human Development Index rank, 2002	111/177
Gender Development Index rank, 2002	90/144
Total fertility rate (per woman), 2000–2005	2.4
Female adult literacy rate, 2002	86%
Male adult literacy rate, 2002	94%

GDP = gross domestic product, PPP = purchasing power parity.

Sources: BPS.2000. *Census 2000*; BPS/BAPPENAS/UNDP. *Indonesia Human Development Report 2004*; ADB. forthcoming 2006. *From Poverty to Prosperity: A Country Poverty Analysis for Indonesia*; ADB. 2005. *Key Indicators 2005*.

<sup>1</sup> ADB. 1998. *Gender and Development*. Manila.

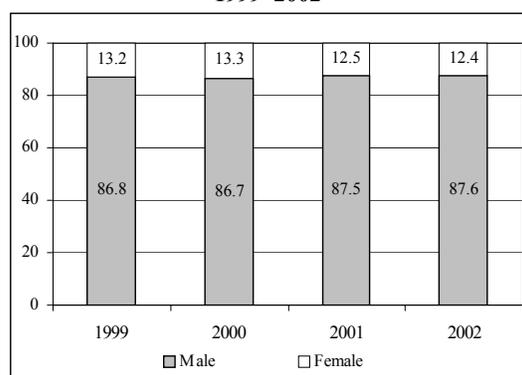
Indonesia's comprehensive and successful family planning programs have resulted in steady declines in the country's population growth rates. The annual population growth rate for the decade 1990–2000 was 1.5% as compared to 2% for the period 1980–1990. The child-woman ratio<sup>2</sup> declined from 38% in 1995 to 34% in 2003.<sup>3</sup> In 2002/2003 the total fertility rate had declined to 2.6.<sup>4</sup> Annual population growth decreased in almost every province from 1995 to 2003, except in Riau, Yogyakarta, and South Sulawesi. The highest growth rate on the island of Java during the period was recorded for Banten at 3.2%.

Despite mass resettlement efforts under the transmigration initiatives of the 1980s and early 1990s, nearly two thirds of the Indonesian population continues to live on the island of Java.<sup>5</sup> The islands that are the most sparsely populated are Kalimantan, the Malukus, and Papua.

As indicated by Figure 1.1 the percentage of female-headed households has remained relatively constant over the period 1999–2002 at around 13%. This pattern is reinforced by findings presented in Table 1.2, where the numbers of households by sex and status of marriage did not change significantly from 2000 to 2002. There are, however, significant regional differences. In 2002, the share of female-headed households in Yogyakarta was 20%, in Nanggroe Aceh Darussalam and West Nusa Tenggara it was 18.7% and in West Sumatra it was 17.5%.<sup>6</sup>

Household composition has, however, changed. The total number of households grew to more than 52 million in 2002, an increase of approximately 20% over the previous 10 years.

**Figure 1.1 Percentage of Household Heads by Sex, 1999–2002**



Source: Processed SUSENAS data, 1999–2002

**Table 1.2: Percentage of Household Heads by Sex and Status of Marriage, 2000–2002**

	2000	2001	2002
Female			
Not Married	7.5	12.4	8.5
Married	9.0	11.8	8.3
Divorced	83.5	75.8	83.2
Male			
Not Married	2.1	1.8	2.0
Married	95.1	96.3	95.3
Divorced	2.8	1.9	2.7

Source: BPS. 2002. SUSENAS, 1999–2002.

<sup>2</sup> The population aged 0–4 divided by the female population aged 15–45

<sup>3</sup> *National Socioeconomic Survey* (SUSENAS). Available: [www.libertyjaya.net/adb/adbsite/data](http://www.libertyjaya.net/adb/adbsite/data), downloaded 12 June 2005.

<sup>4</sup> Ministry of Health, Republic of Indonesia and the World Health Organization. 2003. *Indonesia: Reproductive Health Profile 2003*, Jakarta.

<sup>5</sup> From 1980 to 1990, more than 1 million people were part of the transmigration program (Ministry of Manpower and Transmigration data).

<sup>6</sup> BPS. 2002. SUSENAS. Available: [www.libertyjaya.net/adb/adbsite/data](http://www.libertyjaya.net/adb/adbsite/data).

During this period, the population increased by only 12%.<sup>7</sup> This indicates that there has been a shift in household composition from the extended to the nuclear family. One implication for women as family members, wives, and mothers is that responsibilities related to the maintenance of the household are no longer distributed across members of the extended family. Although this new composition might on the one hand increase women's burden, it could on the other hand indicate likelihoods for more autonomy for women in the household.

The age at first marriage has been increasing and there are fewer women who marry at ages younger than 17 both in rural and urban areas (Table 1.3). In 1980, out of the total number of ever married women, 33% in rural areas and 25% in urban areas were married before the age of 17. By 2002, this proportion had declined to 28% in rural areas and 18% in urban areas. The median age of marriage increased from 18 years in 1991 to 19 years in 2003. Marriage Law 1/1974 establishes the legal age of marriage at 21 years, though with the consent of the parents it is possible to marry at a younger age. Under these circumstances, a man must be 19 years of age and the woman must be at least 16 years old. Indonesia, however, also gives the adherents of different religions the right to contract their marriages according to the regulations prescribed by their respective religions.<sup>8</sup>

The implications of early marriage are significant for women. Girls leave school to get married as educational establishments more often than not prohibit women who are married and those who are pregnant whether they are married or not to continue their education. With low educational achievements these young women will have limited economic opportunities later on in their lives. Specific health risks are also associated with early marriage. Pregnancies during adolescence contribute to a higher incidence of maternal mortality.<sup>9</sup> Early marriage may also increase the possibility of young women who are exposed to sexual relationships at too early an age of becoming exposed to sexually transmitted infections such as HIV/AIDS. Marriage at a young age compounded by limited access to information on reproductive health, family planning, and related services<sup>10</sup> increases the number of unwanted pregnancies and illegal abortions. Finally, women who marry very young and are faced with difficult social and economic situations are more likely than not to face higher chances of becoming victims of violence and divorce.<sup>11</sup>

**Table 1.3: Percentage Distribution of Females at Age of First Marriage**

		< 15	15–16	17	18	19+
Urban	2000	10.9	8.2	11.0	11.8	58.1
	2002	9.5	8.1	11.0	11.6	59.8
Rural	2000	17.1	13.2	14.2	14.5	41.1
	2002	14.6	12.9	14.6	14.6	43.3
Total	2000	14.6	11.2	12.9	13.4	47.9
	2002	12.4	10.9	13.0	13.4	50.3

Source: BPS. 2002. SUSENAS 1999–2002.

<sup>7</sup> Ibid.

<sup>8</sup> ADB. 2002. *Sociolegal Status of Women in Indonesia, Malaysia, Philippines, and Thailand*. Manila. January.

<sup>9</sup> BPS. 2000. Census 2000.

<sup>10</sup> Ministry of Health, Republic of Indonesia and the World Health Organization. 2003. *Indonesia: Reproductive Health Profile 2003*. Jakarta.

<sup>11</sup> Ibid.

## Poverty and the Millennium Development Goals

### A. Income Poverty

One of Indonesia's most significant achievements since the 1970s has been the reduction in the proportion of people living in income poverty, namely those who fall below the national poverty line.<sup>12</sup> According to the Central Statistics Agency (Badan Pusat Statistik or BPS), the share of people living below the poverty line increased from 18% in 1996 to 23% in 1999, the height of the Asian financial crisis, but by 2004 it had fallen back to 17%.<sup>13</sup> Income poverty has been consistently higher in rural areas at 20% in 2004 than in urban areas at 12% in 2004. Table 1.4 presents trends in income poverty.

**Table 1.4 Trends in Income Poverty, 1990–2002**

	1990	1993	1996 <sup>a</sup>	1996 <sup>a</sup>	1999	2002
Headcount index (% population below the poverty line)	15.08	13.67	11.34	17.55	23.43	18.20
Poverty gap index (P1)	2.71	3.85	1.70	1.75	4.33	3.01
Severity index (P2)	0.72	1.11	0.41	0.42	1.23	0.79

<sup>a</sup> In 1998, BPS revised the poverty measurement methodology to reflect a shift in the consumption pattern, and to broaden the definition of minimum basic requirements and commodities, leading to an increase in the population below the poverty line from 11.3% to 17.6%. Both sets of data are given for 1996. In theory, post-1996 headcounts cannot be compared with pre-1996 data.

Source: BPS/BAPPENAS/UNDP. *Indonesia Human Development Report 2004*.

The poverty gap index rose during the Asian financial crisis and has stayed at the same level since that time.<sup>14</sup> This indicates that although the poverty level has decreased almost to a precrisis level, those who were poor in 2002 were worse off than those in 1996. The severity of poverty has increased as well, indicating that the number of poor further below the poverty line has increased.<sup>15</sup> Even though there was a slight improvement from 1999 to 2002, the severity of poverty was higher in 2002 than it was in 1996.

Given the Indonesian context of vast regional disparities poverty needs to be considered not only through headcount or incidence, namely, the proportion of people who are poor, but also through its magnitude or the total number of poor people. Each indicator paints a different picture.

<sup>12</sup> The national poverty line is the rupiah value an individual needs to meet his or her daily minimum requirements for food of 2,100 kilocalories plus nonfood minimum needs, such as housing, clothing, health, education, and transport.

<sup>13</sup> BPS. 2004. *SUSENAS, Data dan Informasi Kemiskinan Tahun 2004*, Buku 1:Provinsi, p.9.

<sup>14</sup> The poverty gap is a measure of how far poor households are below the poverty line. This measure captures the mean aggregate income or consumption shortfall relative to the poverty line across the whole population. It is obtained by adding up all the shortfalls of the poor (assuming that the nonpoor have a shortfall of zero) and dividing the total by the population. In other words, it estimates the total resources needed to bring all the poor to the level of the poverty line (divided by the number of individuals in the population).

<sup>15</sup> The severity of poverty takes into account not only the distance separating the poor from the poverty line (the poverty gap), but also the inequality among the poor. A higher weight is placed on those households further away from the poverty line. This is also called the squared poverty gap.

For example, the proportion of households living below the poverty line in West Java was 13.4% in 2002, which is a good deal below the national average. But since this is also one of the most densely populated regions in the country, the total number of poor people in West Java was almost 5 million.<sup>16</sup> On the opposite end of the spectrum the eastern islands, excluding the Maluku and Papua, contain a small number of poor people of only 9% of all poor people in Indonesia, but the poverty incidence at 35.9% is well above the national average. Appendix 1 which provides selected socioeconomic data for the five provinces of North Sumatra, West Kalimantan, Yogyakarta, South Sulawesi, and Papua, illustrates this pattern.

Many Indonesians remain vulnerable to poverty. This can be illustrated with a look at the major difference in poverty headcounts using the international poverty lines of \$1 and \$2 per day measured in 1993 purchasing power parity (PPP) dollars. While just 7% of Indonesians lived on less than \$1 per day in 2002, a full 52% lived on less than \$2 per day. This indicates that a significant amount of people eke out a precarious existence at the bottom of the income distribution. In such a situation, small changes in the poverty line can have a major impact on the population identified as being poor.

## **B. Food Poverty**

Food poverty or poverty defined by a situation of not having enough to eat remains a concern in Indonesia. The proportion of people with insufficient food intake is high, with around 65% of the population consuming less than 2,100 kilocalories a day. This trend has not changed significantly since 1990. While child malnutrition decreased from 38% in 1989 to 25% in 2000, during the period 2000–2002 it rose to 27%. Severe malnutrition among children increased from 6% in 1989 to 8% in 2002.<sup>17</sup> Nearly half or 48% of all children are stunted or underweight. Malnutrition among women is also a concern. The prevalence of maternal malnutrition increased from 15% in 1996 to 18% in 1998.<sup>18</sup> Micronutrient deficiencies, such as iron and iodine, are a serious public health problem in Indonesia. Iron deficiency anemia (IDA) is prevalent particularly among pregnant women and young children. Estimates from 2002 are that 63% of pregnant women, 65–85% of children below 2 years old, and 40% of women in the reproductive age suffer from IDA. From 1985 to 2002, the prevalence of IDA among pregnant women only decreased by about 10–15%.<sup>19</sup>

The underlying causes of malnutrition include household food insecurity, lack or limited access to clean water and sanitation, and poor food intake during pregnancy and lactation. Data from Central and East Java in 1998 show that 81% of poor pregnant women could not afford to eat eggs, meat, or fish at least once a week. When food is scarce, women usually reduce their food intake before reducing that of their children and/or their husband. This finding is consistent with patterns of household consumption in several other countries, where men are given more food than

<sup>16</sup> SUSENAS. Available: [www.libertyjaya.net/adb/adbsite/data](http://www.libertyjaya.net/adb/adbsite/data), downloaded 12 June 2005.

<sup>17</sup> BPS/BAPPENAS/UNDP. 2004. *Indonesia Human Development Report 2004*. Jakarta. June.

<sup>18</sup> Ministry of Health, Republic of Indonesia and the World Health Organization. 2003. *Indonesia Reproductive Health Profile*. Jakarta.

<sup>19</sup> Hardinsyah and Suroso. Undated. Micronutrient Programs in Indonesia.

women as a result of women's lower status and the belief that men need more food because they work harder. An issue emerging in Indonesia is the double burden of undernutrition and overnutrition in the same household. In urban slum areas, nutritional data suggest that undernutrition occurs in 22% of households with obese mothers. There are several factors influencing these nutrition trends. Low income, high unemployment and increasing costs of food and other essential items have continued to undermine food and nutrition security for the urban poor.

Gender inequalities exacerbate poverty.<sup>20</sup> There are two significant challenges in understanding poverty issues facing women and men in Indonesia. The first challenge is posed by the country's significant regional disparities by token of which poverty in one region can be quite a different situation than poverty in another. The second challenge which is a major one is a lack of sex-disaggregated poverty data at the household level. This makes it impossible to identify intra-household resource allocation and poverty by member of household. Poverty data at the household level may well mask the true extent of poverty among women.

### C. The HDI, GDI, and GEM

*The Human Development Index* (HDI) is a composite index measuring average achievement in three basic dimensions of human development. These are a long and healthy life, knowledge and a decent standard of living. To illustrate what these levels mean in the international context, Indonesia ranked 110 out of 177 countries in 2003.<sup>21</sup> The HDI aggregated at the national level does not reveal the considerable variations across the country, where provincial HDIs ranged from 76 in Jakarta to 58 in West Nusa Tenggara in 2002. There are even greater differences at the district level, where the HDI ranges from a high of 76 in East Jakarta to a low of 47 in the district of Jayawijaya in Papua. Most districts saw an improved HDI between 1999 and 2002, though 18 districts suffered setbacks. These districts are concentrated in Papua and the Maluku. In Papua, the main factors have been worsening education and income. In the Maluku it was a decline in life expectancy and income.

*The Gender Development Index* (GDI) is based on the same components as the HDI but is adjusted to reflect inequalities between male and female achievements. Without inequality, the GDI and HDI would be identical. In 2003, Indonesia's GDI was 87 as compared to its HDI of 110. This is because women's advantages in life expectancy were more than offset by a much lower literacy rate of 83.4% as compared with men's literacy rate of 92.5%. Furthermore, women's combined gross enrolment ratio for primary, secondary, and tertiary schools was only 65% as compared to men of 67%, and a smaller share of estimated earned income of 2,289 as compared with that of men's of 4,434 measured in US\$ PPP. Globally, Indonesia's GDI ranks 87 out of 140 in a listing of 177 countries. The GDI provides only a partial picture of the position of women. The measurements of well-being outcomes make simplistic correlations with aspects of gender equality

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<sup>20</sup> Bridge Institute of Development Studies. 2001. Briefing Paper on the Feminization of Poverty. IDS. Brighton. April.

<sup>21</sup> United Nations Development Programme (UNDP). 2005. *Human Development Report, 2005*, International cooperation at a crossroads: Aid trade and security in an unequal world.

as they may first sideline other aspects of gender inequality such as mobility in public spheres and decision-making power. Secondly, gender-sensitive well-being outcomes are extremely difficult to quantify and national poverty assessments still tend to rely on household income and expenditure data that hide intra-household inequalities.

*The Gender Empowerment Measure (GEM)* complements the GDI's measures of disparity in human development between men and women by providing measures of gender empowerment. The GEM is a composite index measuring gender inequality in three basic dimensions of empowerment, namely economic participation and decision-making, political participation and decision making, and power over economic resources.<sup>22</sup>

Indonesia's GEM value using BPS' calculations of 54.6 for 2002 represents a slight increase over that of 49.5 calculated for 1999.<sup>23</sup> In 2002 women held 8.8% of the total representation in parliament; occupied 39.2% of total senior official, managerial, and technical staff positions; and formed 37.5% of the labor force. The country's GEM rating is superior to those of a number of other countries in the region including Japan, Republic of Korea, Malaysia, Philippines, and Thailand.

The following sections offer more detailed descriptions of the situation of women within different sectors of development.

#### **D. The Millennium Development Goals**

In September 2001, the Millennium Declaration was endorsed as a blueprint to develop a better and safer world through a global partnership for development. The eight Millennium Development Goals (MDGs) form an overarching framework that places human rights and poverty at the center of development policies. MDG3 calls for gender equality and the empowerment of women. It focuses on equal access to education for girls and boys with indicators of progress that include school enrolment rates for girls and boys, literacy, share of women in wage employment in the nonagricultural sector, and proportion of seats held by women in the National Legislature.<sup>24</sup>

Table 1.5 illustrates that Indonesia's achievements in meeting the MDG3 targets have been mixed. Many indicators are on track: the enrolment ratio of girls to boys at primary and secondary levels of education is favorable to girls and the enrolment ratio of girls to boys within tertiary education has increased over the period 1990–2002. However, there are targets that are off track as well. The share of women in wage employment in the nonagricultural sector has declined slightly, as has the proportion of seats held by women in the national parliament.

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<sup>22</sup> UNDP. 2005. *Human Development Report 2005*.

<sup>23</sup> BPS, BAPPENAS, and UNDP. 2004. *Indonesia Human Development Report 2004*.

<sup>24</sup> For an overview of MDG achievements in the region, see UN ESCAP/UNDP/ADB (2005). *A Future Within Reach: Reshaping Institutions in a Region of Disparities to Meet the Millennium Development Goals in Asia and the Pacific*.

**Table 1.5 Progress Toward the Millennium Development Goals and Targets**

Goal and Target		Indicator	1990	2002
<b>MDG1</b>	<b>Eradicate Extreme Poverty and Hunger</b>			
Target 1	Halve between 1990 and 2015, the proportion of people whose income is less than \$1 a day	Proportion of population below \$1/day (1993 PPP) (%)	20.6	7.2
		Poverty gap ratio (incidence x depth of poverty) (%)	2.7	3.0
Target 2	Halve between 1990 and 2015 the proportion of people who suffer from hunger	Prevalence of underweight children (percent of children under 5 years of age).	35.5a	27.3
		Proportion of population below minimum level of dietary energy (2,100 Kcal) consumption (%)	69.5	64.6
<b>MDG2</b>	<b>Achieve Universal Primary Education</b>			
Target 3	Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling	Net primary enrolment ratio (percent of relevant age group)	88.7a	92.7
		Literacy rate of 15–24-year-olds (%)	96.6a	98.7
<b>MDG3</b>	<b>Promote Gender Equality and Empower Women</b>			
Target 4	Eliminate gender disparity in primary and secondary education preferably by 2005 and at all levels of education no later than 2015	Ratio of girls to boys: primary education (%)	100.6a	100.1
		Ratio of girls to boys: secondary education (%)	101.3a	102.6
		Ratio of girls to boys: tertiary education (%)		
		Ratio of literate females to males 15–24 years old (%)	85.1a 97.9a	92.8 99.8
		Share of women in wage employment in the nonagriculture sector (%)	29.2a	28.3
		Proportion of seats held by women in national parliament (%)	12.5a	8.0b
<b>MDG4</b>	<b>Reduce Child Mortality</b>			
Target 5	Reduce by two thirds, between 1999 and 2015, the under-5 mortality rate	Under-5 mortality (per 1,000 live births)	81.0c	46.0
		Infant mortality (per 1,000 live births)	57.0c	35.0
<b>MDG5</b>	<b>Improve Maternal Health</b>			
Target 6	Reduce by three quarters, between 1990 and 2015, the maternal mortality ratio	Maternal mortality ratio (per 100,000 live births)	390.0c	307.0
		Proportion of births attended by skilled health personnel (%)	40.7a	68.4
		Contraceptive prevalence among married women ages 15–49 years (%)	50.5a	54.2
<b>MDG6</b>	<b>Combat HIV/AIDS, Malaria, and Other Diseases</b>			
Target 7	Have halted by 2015, and begun to reverse, the spread of HIV/AIDS	HIV prevalence among 15–24-year-old pregnant women (%)	n/a	n/a
		Contraceptive prevalence rate (married women ages 15-49) reporting condom use (%)	1.3a	0.4
		Number of children orphaned by HIV/AIDS	n/a	n/a
Target 8	Have halted by 2015, and begun to reverse, the incidence of malaria and other major diseases	Malaria related mortality rate for men/women (per 100,000 people)	850f	n/a
		Incidence of tuberculosis (per 100,000 people)	786h	n/a

Goal and Target		Indicator	1990	2002
<b>MDG7</b>	<b>Ensure Environmental Sustainability</b>			
Target 9	Integrate the principles of sustainable development into country policies and programs and reverse the loss of environmental resources	Percentage of forestland to total land area Land area protected to maintain biological diversity (% of total land area)	67.7g 2,636	64.2f 2,251e
Target 10	Halve, by 2015, the proportion of people without sustainable access to safe drinking water	Percentage of population with sustainable access to an improved water source (%) Percentage of population with access to improved sanitation	38.3c 30.9a	50.0 63.5

n/a= data not available. MDG = Millennium Development Goal, PPP = purchasing power parity.

Data for <sup>a</sup>1992; <sup>b</sup>2003; <sup>c</sup>1994; <sup>d</sup>1991; <sup>e</sup>2000; <sup>f</sup>2001; <sup>g</sup>1993; <sup>h</sup>1998.

Source: BAPPENAS/Ministry for People's Welfare/UNICEF. 2004. *Indonesia Progress Report on the Millennium Development Goals 2004*. Jakarta.

Looking beyond MDG3, Indonesia's overall progress toward the other goals is mixed as well. Target 1, proportion of population below \$1/day (PPP), has in theory been achieved.<sup>25</sup> Hunger is no longer a major problem, but efforts are needed to increase agricultural productivity and sustain food-grain self-sufficiency. Importantly, child malnutrition is still a serious issue, with more than a quarter or 27% of all children underweight.

The ratio of literate females to males is also very close to the target. Achieving universal primary education is also on track.<sup>26</sup> However, high drop-out rates and poor quality education remain major issues, particularly in the context of decentralization. Responsibilities for education have been transferred to regional governments, and there are concerns about their capacity and resources to address these issues.

Significant progress has been made in infant and under-5 mortality rates. However, Indonesia continues to have one of the highest maternal mortality ratios (MMRs) in the region. This indicator is off track. Progress will depend on the capacity, resources, and efforts of regional governments to continue prioritizing investments in basic health. While reported HIV/AIDS prevalence is still low, some have warned that Indonesia is on the verge of a rapid increase. Finally, environmental indicators show only limited progress.

## Women and Access to Employment

The rapid economic growth of the 1980s and early 1990s was a significant contributing factor to the well-being of Indonesian workers. Employment in the formal sector<sup>27</sup> grew at more than twice the rate of growth of the labor force, and workers' incomes increased significantly. Income distribution among formal sector workers in different production sectors and different

<sup>25</sup> See ADB (forthcoming, 2006). *From Poverty to Prosperity: A Country Poverty Assessment of Indonesia* for a much more detailed discussion of poverty issues and questions surrounding the \$1/day poverty measure.

<sup>26</sup> Regarding the data on literacy, questions have been raised about the quality of the data because most countries rely on proxy measures to gauge literacy (such as years of schooling) rather than actual tests.

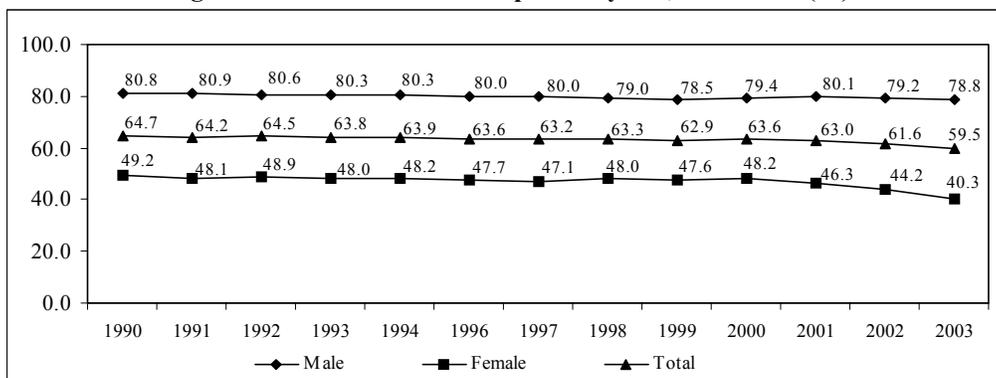
<sup>27</sup> Formal sector workers include employers and paid employees.

levels of education became relatively more equal. However, Indonesia was not able to avoid two extreme outcomes of economic development which were experienced by some other developing countries as well. These were concentration of laborers in low productivity employment and a widening gap between urban and rural incomes.<sup>28</sup> The Indonesian economy has suffered since 1997 from low economic growth and high open unemployment. The GDP growth was slow from 3.5% in 2001 to 5.3% in 2003 and the unemployment rate rose from 8% in 2001 to 10% in 2003.<sup>29</sup>

The high unemployment rate is partially caused by a slow shift from agriculture to other sectors. In 1971 two thirds of workers labored in agriculture. During the economic boom in the 1990s, the share of agriculture workers in the employment sector declined from 55% in 1990 to 41% in 1997. The crisis reversed this trend and the proportion of workers in agriculture increased to 46% in 2003.<sup>30</sup>

Another significant trend is the informalization of the labor market in Indonesia.<sup>31</sup> Before the financial crisis growth in the overall economy expanded formal sector employment. The crisis, however, reduced this trend increasing the number of workers in the informal sector to 65% of total workers in 1998 to 71% of total workers in 2003. Labor force participation has been on a slow but steady decline since the early 1990s. Whereas in 1990 65% of the total working age population was working, by 2003 it was only 60%. The overall decline is notably driven by the dynamics of female participation in the workforce. At the beginning of the 1990s, 49% of women of working age were working, but this fell to only 40% in 2003 (see Figure 1.2).<sup>32</sup>

**Figure 1.2 Labor Force Participation by Sex, 1990–2003 (%)**



Source: ADB. 2005. Labor Markets in Indonesia: Key Challenges and Policy Issues, in labor market in Asia: Issues and Perspective.

<sup>28</sup> International Labour Organization. 1999. *Gender Dimensions of Globalization and Modern Sector Employment in Indonesia*. Seapat Working Paper 5. South-East Asia and the Pacific Multidisciplinary Advisory Team, Manila.

<sup>29</sup> ADB. 2005. Labor Markets in Indonesia: Key Challenges and Policy Issues, by G. Sugiyarto, M. Oey-Gardiner, and N. Triaswati, in Labor Markets in Asia: Issues and Perspectives. Manila: ADB.

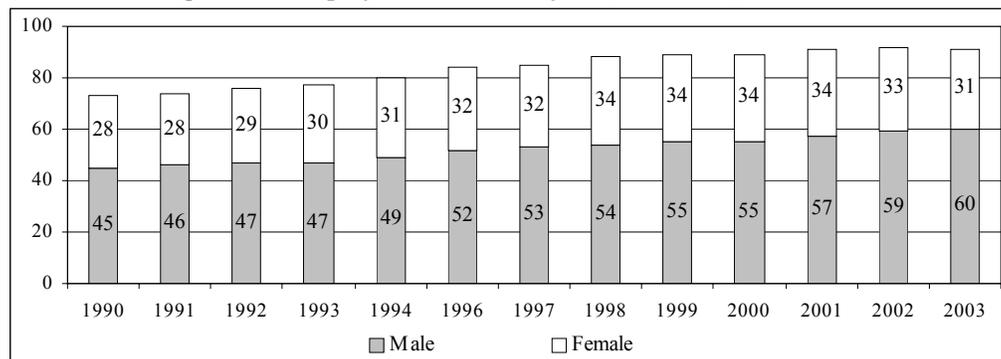
<sup>30</sup> Ibid.

<sup>31</sup> Informal sector workers include self-employed, or own account workers working without help or temporary help and unpaid workers.

<sup>32</sup> See footnote 30.

As indicated in Figure 1.3, the absolute number of workers continued to grow from 73 million to 91 million during the period 1990–2003. While the total number of workers continued to rise for men, employment for women stagnated between 1998 and 2001, and decreased in 2002 and 2003. These trends indicate that there is a decline in employment opportunities for both the existing female labor force as well as for new female entrants to the labor market. Whereas experienced adult males seem to be preferred over younger males, for women the trend is the opposite. Micro studies have suggested that manufacturing industries in particular prefer young women workers who are better educated and that the trend is that these women get laid off when they get older.<sup>33</sup>

**Figure 1.3. Employment Growth by Sex, Indonesia, 1990–2003**



Source: ADB. 2005. Labor Markets in Indonesia: Key Challenges and Policy Issues, in *Labor Markets in Asia: Issues and Perspectives*

### A. Women in the Formal Sector

In the formal sector, women are in low-paying, low skilled occupations. Very few occupy higher positions in the private or public sector. For example, young women are predominant in the low-paying textile, garment and footwear industries. In contrast, women are underrepresented in the civil service. Of the 3.9 million civil servants, 38% are women compared with 62% men. Across all echelons the total number of women in the higher or “structural” positions was only 14%, compared with 86% for men. Most women in the civil service (around 1.9 million) are employed as teachers and nurses.<sup>34</sup> The percentage of women in managerial positions was 17%.<sup>35</sup> As evidenced by their dominance as teachers and health workers, positions occupied by women in the civil service demonstrate a typical pattern in which women are stereotyped as caregivers or caretakers.

The decrease in the number of employees in the formal sector since the crisis is a concern. The number of male employees fell from 20.9 million in 1998 to 16.8 million in 2003. Women were able to hold on to paid employment longer into the crisis. The number of women in paid employment increased from 9.4 million in 1997 to 9.7 million in 2000. However, since that year

<sup>33</sup> Ibid.

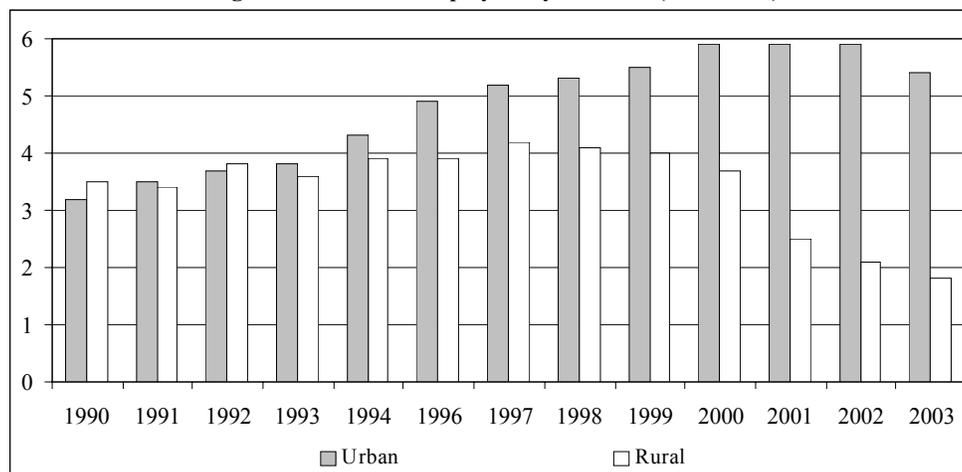
<sup>34</sup> Ibid.

<sup>35</sup> BPS. 2002. Statistik dan Indikator Gender. Available online at: [http://www.menegpp.go.id/cgilocal/show\\_db.cgi](http://www.menegpp.go.id/cgilocal/show_db.cgi)

women have found it increasingly difficult to get access to employment in the formal sector. By 2003 only 7 million women had access to such jobs, representing a decline of around 28% between 2000 and 2003.<sup>36</sup>

The gap between the number of female employees in urban and rural areas has widened (see Figure 1.4). Women have lost a significant number of paid jobs in rural areas. This is a significant finding in the context of poverty. From its height in 1997, around 4 million women had access to paid work in rural areas, and by 2003 this was reduced to around 1.9 million. In relative terms women lost around 50% of paid jobs over the same period.<sup>37</sup>

**Figure 1.4: Female Employees by Location (in millions)**



Source: ADB, 2006. Labor Markets in Indonesia.

Education is one of the key factors contributing to women's and men's ability to access job opportunities in the formal sector. In 2003, only 6 million people with at most primary schooling still had paid jobs, which is less than half of what it was the beginning of the crisis.<sup>38</sup> This trend is the same for women as well as for men.

Women are finding it increasingly difficult to enter the formal labor market, and this is reflected in the declining rate of employment growth, especially for women living in rural areas with primary education.

<sup>36</sup> Ibid.

<sup>37</sup> See footnote 30.

<sup>38</sup> Ibid.

## B. Women in the Informal Sector

During the crisis, job losses in the formal sector were mitigated by movements into the informal sector by women and men, mainly as self-employed or unpaid workers.<sup>39</sup> More recently, job losses have led to departure from the labor market, especially by women. The informal economy also continues to absorb a significant portion of the approximately 2 million job seekers who enter the labor market every year. This is especially true for women with lower education. Women dominate as laborers in the urban informal sector, and this trend has been increasing. From 1998 to 2003, the share of the female adult workforce working within the urban informal sector rose from 46% to 49%, while the corresponding share of males was 39% in 1998 and 45% in 2003. In the rural informal sector, the share of the female adult workforce increased from 80% to 86% from 1998 to 2003 while the corresponding share of males was 72% in 1998 and 78% in 2003.<sup>40</sup>

Another significant trend in labor force participation is that 18% of working women are unpaid workers. The number of unpaid workers increased from about 16 million to 18 million between 2000 and 2003.<sup>41</sup> The incidence of unpaid work tends to increase for women if men take up new income-generating activities, or when men are self-employed. The number of self-employed males increased from 28 million in 1998 to 36 million in 2003.

The informal sector serves as an economic safety net for lower income households because it requires relatively little capital or technical know-how, involves very little risk, and permits considerable flexibility in timing. It is noted that men resort to the informal sector mainly in a self-employed capacity, while a significant number of women are pushed out to become unpaid workers.

There are significant implications on poverty and vulnerability when employment seekers increase their reliance on the informal sector. Incomes in the informal sector fluctuate, and unpaid workers receive no income at all. Additionally, informal workers do not have access to social security. While social security schemes are developed for formal workers, including social insurance cover for retirement, work accident, health and death, they do not cover informal workers.

## C. Women's Wages

Women's share of earned income vis-à-vis that of men is still very low. In 2002, women's share of earned income was only around 30% as compared to 70% for men. Figure 1.5 shows that on average, female employees' average hourly wages are only around 70% of male earnings. The wage level is dependent on school completion. From nongraduation from primary schools to

<sup>39</sup> Unpaid workers are defined as workers who generate profit, but does not draw a direct salary or wage

<sup>40</sup> International Labour Organization. 2004. *Extension of Social Security Coverage for the Informal Economy in Indonesia*. Manila.

<sup>41</sup> Regional difference in the proportion of unpaid workers are significant. According to the regional consultations undertaken as part of this Assessment, in West Kalimantan, 83% of female workforce are classified as unpaid family workers. In Yogyakarta the same range is 9.9–40%.

beyond senior graduation, the ratio of female to male earning significantly favors men. This ratio, however, generally decreases with higher levels of education (see Figure 1.6).

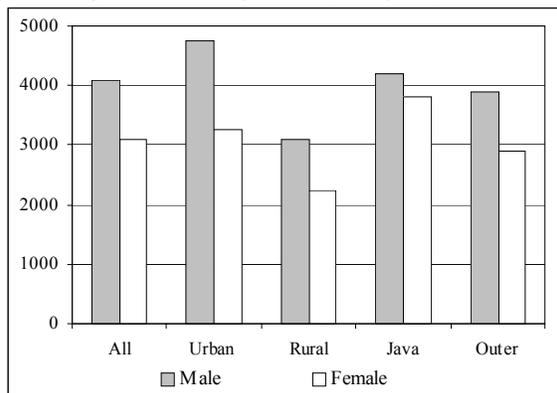
There are at least two economic explanations for the wage gap between women and men. They are human capital and gender discrimination. In terms of human capital, the proportion of women and men in the labor force with primary or secondary education increased from 40% and 27% in 1986 to 58% and 69% in 1997, respectively. Indonesia's labor laws provide for equal wages for women and men. Government regulation PP 8/1981 states that "employers shall not discriminate between women and men workers determining the rates of remuneration for work of equal quality." This regulation is however not enforced with consistency. The wage differences between women and men, particularly among those of lower education, suggests both a horizontal segregation, meaning that less women are able to get jobs, and a vertical segregation, which means that less women are able to get into higher positions and salaries.

The difficulties that women face in getting access to the labor market and improving their income opportunities are reinforced by gender stereotyping of women's role in the labor market based on their traditional role in the family. This limits women's ability not only to access jobs other than those that are traditionally perceived to be appropriate for women but to climb the career ladder to seek better employment opportunities as well.

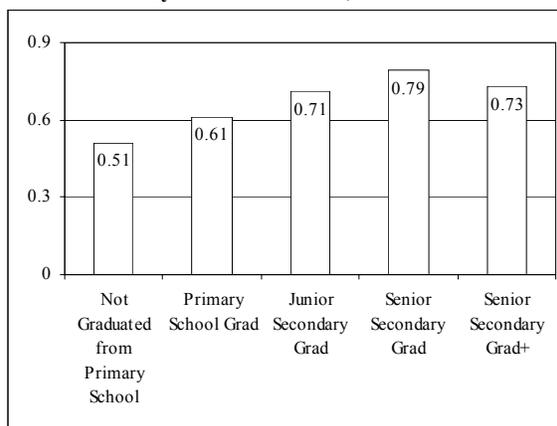
#### D. Women and Unemployment

Open unemployment is normally defined as the proportion of out-of-work people who are actively looking for work. In 2001 the definition of open employment was changed to include (i) those looking for work, (ii) those preparing a business, (iii) those not looking for work because they have lost hope, and (iv) those who have a job but have not yet started to work. In 2000, the open unemployment rate was 6% and in 2003 it increased to 9.5%. In 2001, the open unemployment rate among women was 13% as compared to 8% among men. The official youth unemployment rate for those aged 15–24 was around 24%, representing 22% for men and 28% for

**Figure 1.5 Average Hourly Wages by Sex**



**Figure 1.6: Ratio of Female to Male Monthly Salary by Education Level, 2002**



Source: BPS 2002, SUSENAS 2002

women.<sup>42</sup> The labor market is becoming increasingly less friendly to women and young women in particular. In 1990 women comprised 41% of the unemployed. This rate increased to 48% by 2003.

High unemployment rates among women may be an unintended result of labor laws. Labor Act 13 enacted in 2003 stipulates that “female workers/laborers who suffer pain during their menstruation periods and inform their employers are not obliged to work on the first and second days of their periods.” It also provides women with 1.5 months of paid leave each before and after childbirth and 1.5 months’ of paid leave after miscarriage. The law also stipulates that women are to be provided appropriate time off during working hours to breastfeed their children. The 1976 Government Regulation concerning leave for civil servants gives women 1 month before and 2 months after birth at full salary.<sup>43</sup> The law may unintentionally contribute to making employment of women workers less attractive to employers. Anecdotal evidence shows that in practice, many women are dismissed rather than given maternity leave. Manufacturing industries tend to prefer hiring young women, and these women are often laid off when they get married.

Their multiple roles at work, in the community and in the home remain a key challenge faced by women in increasing their income opportunities. Half of the labor force works more than 40 hours a week, mostly between 40 and 60 hours a week.<sup>44</sup> Long working hours are a significant constraint for women’s access to the formal sector, due to their responsibilities in the household. It has been estimated that women’s working day is 6–8 hours longer than men’s.<sup>45</sup> “Time poverty” remains a major challenge for women.

The Indonesian Constitution states that every citizen has the right to employment commensurate with human dignity. The government has ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) emphasizing equality between men and women, the inalienable right to work, and the need to eliminate discrimination against women in employment. In practice, however, women still lag far behind men in terms of equal opportunities in the labor market. For many unskilled women, international migration has become a coping strategy to avoid poverty and increase their income. Female migration increased significantly during the economic crisis. In 1995/96, there were 48 male migrants to every 100 female migrants. Between 1997 and 1998 the ratio declined to 20 male migrants to every 100 female migrants. Even though migration may contribute to increasing women’s income and raising their sense of empowerment, gender stereotyping nonetheless extends to and influences the type of work that they are able to access. The majority of female migrant workers are employed as domestic workers, caregivers, and entertainers reflecting their traditional roles in the domestic sphere and reducing their employment opportunities to low-paid jobs. Chapter 6 discusses international migration issues in depth.

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<sup>42</sup> BPS/BAPPENAS/UNDP. 2004. *Indonesia Human Development Report, 2004*. Jakarta.

<sup>43</sup> ADB. 2002. *Sociolegal Status of Women in Indonesia, Malaysia, Philippines and Thailand*. Manila. January.

<sup>44</sup> See footnote 30.

<sup>45</sup> World Bank. 2005. *East Asia Update. East Asia’s Dollar Influx – Signal for Change*. East Asia and Pacific Region. April.

The Indonesian Government has placed reduction of unemployment high on its political agenda. The Medium-Term Development Plan (MTDP) 2004-2009<sup>46</sup> lays down a target of reducing open unemployment from 9.5% in 2004 to 5.1% in 2009. There are, however, no concrete plans on how this reduction in unemployment will be achieved. The policies reflected in the MTDP are based on a trickle down model that assumes open unemployment will decline or jobs will be created as a result of high economic growth. The MTDP is gender blind in that it does not recognize the specific problems that women encounter in terms of their lower ability to access formal employment and the fact that the majority of women still only have access to low-paying jobs in the informal sector. The priority of the Government to reduce unemployment is also reflected in its 2005 budget. However, only 0.2% was allocated to employment generation programs.

## **Women and Access to Productive Resources**

### **A. Access to Land and Property**

Differences in land tenure rights between men and women contribute to structural inequality and to poverty for women and their families. In rural areas access to and control over land are basic assets for food production, income generation and for the general well-being of households. Access to other productive resources such as water, irrigation, and forest products is also linked to rights to land tenure. For women, land tenure increases their bargaining power within the household and enhances their status as citizens in the community. Conversely, women's lack of rights to property may place constraints on their productive roles and their power and influence in the household and the community.

Women's access to land generally depends on their status as wives and/or daughters and they are likely to lose their property and land rights upon widowhood, as well as after divorce, desertion, and/or male migration.<sup>47</sup>

Land inheritance rights are governed by Islamic law in the case of Muslims and by the Civil Code<sup>48</sup> (1847) in the case of non-Muslims. Islamic law has been codified in a "Compilation of Islamic Law (1991),"<sup>49</sup> which is used as the basis for legal decisions made by religious courts. According to Islamic law, when a married person dies, half of any marital property becomes the separate property of the surviving spouse. The rules of dividing separate property are more complicated. A widow is entitled to one fourth of her husband's separate property if there are no children and one eighth if there are children. Each son receives a share that is twice as large as each daughter's share. However, heirs can agree to ignore the rules or the provisions of a will and distribute the property among them using by consensus their own way of distributing it. The Civil

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<sup>46</sup> See Appendix 2 which presents recommendations for mainstreaming gender concerns grouped according to three broad policies of poverty reduction, conflict resolution, and democracy and governance).

<sup>47</sup> Land Tenure Center. 2003. *Joint Titling in Nicaragua, Indonesia and Honduras; Rapid Appraisal Synthesis*. University of Wisconsin-Madison.

<sup>48</sup> Proclaimed by the Publication of April 30 1847 S.No. 23.

<sup>49</sup> Compiled in 1991 and formalized by the State through Presidential Instruction Number 1 of the Year 1991.

Code which is applicable to non-Muslims provides that inheritance shares are equal. Customary laws add complexity to the situation as sometimes a number of different inheritance laws apply to some land, while traditional usage rights follow customary inheritance systems.<sup>50</sup> There is, however, no customary law or tradition which requires that the land owned by a woman is to be passed only to her daughters or other female members of the extended family. The land owned by a woman is inherited by all of her children, males and females alike.

Despite the fact that Indonesian law, specifically Article 35 of the 1974 Marriage Law, formally adopts the concept of joint ownership of property purchased during marriage or marital property, few parcels of land are registered in the joint name of husband and wife. There is a strong tendency for such land to be registered in one name, that of the husband. Nationwide statistics on joint titling or registration by sex are not available. However, for areas where systematic titling has been implemented, data show that as of 1998, 30% of title certificates were issued in the names of women, 65% in the names of men, and 5% in multiple names such as either wife or inheriting siblings.<sup>51</sup> Table 1.6 demonstrates the sex differences in registration of land title by marital status in Java.

Relatively few households opt for joint titling. This is because registration officials do not explain adequately to couples that title certificates for marital property can be issued in the name of both spouses.<sup>52</sup> Some registration officials believe these topics are outside the scope of the meetings informing households about registration of land titles. Others are not even aware of the possibilities for couples to register jointly. These attitudes even in the context where customary norms grant women these rights illustrate the difficulties that women face in exercising their legal status vis-à-vis men,

**Table 1.6 Registration of Land Title by Marital Status and Type of Land (Java), 2002**

Type of Land	Wife	Husband	Joint Title
Urban	14.3	76.9	1.7
Suburban	27.4	67.4	2.8
Rural	20.4	66.7	1.0

*Source:* SMERU Research Institute. 2002. Land Administration Project.

Women's lack of awareness of the opportunity for joint titling also contributes to the low incidence of joint titling to marital land/property. According to a study on land registration in Java, women and men alike felt confident that both spouses are owners of property purchased during marriage even if only one name is on the title certificate,<sup>53</sup> Women may feel protected by this attitude as they are recognized as co-owners in accordance with cultural and customary norms. Problems, however, arise when land becomes a predominantly marketable asset and land rights are

<sup>50</sup> ADB. 2002. *Sociolegal Status of Women in Indonesia, Malaysia, Philippines and Thailand*. Manila. January.

<sup>51</sup> Land Tenure Center. 2003. *Joint Titling in Nicaragua, Indonesia and Honduras; Rapid Appraisal Synthesis*. University of Wisconsin-Madison.

<sup>52</sup> Brown, Jennifer and Purwanti, Firliana. 2002. *Registration of Land and Women's Land Rights on Java: Why so Many Married Couples Register Marital Property in the Name of One Spouse and What has been the Impact on Women's Land Rights*. Washington, DC.

<sup>53</sup> Ibid.

increasingly determined by registered titles. Women may then find that if their names are not included in legal titles, their rights will be ignored.

Women in Indonesia are also disadvantaged in terms of access to and control over other key livelihood sources. In South Sulawesi, men have access to and control over staple crops, control over perennial cash crops, and access to and control over large livestock. Women only have access to and control over staple crops, access to perennial cash crops, and access to large livestock.<sup>54</sup>

## **B. Access to Financial Services**

It is estimated that approximately 20% of Indonesia's population depend on micro- and small-scale businesses to earn a living, but that only 25% of microenterprises have access to credit from formal financial institutions.<sup>55</sup> Although women are considered to be an important market for microfinance, targeting of women has never been a hallmark of the Indonesian microfinance industry. The average proportion of female clients served by major microfinance institutions has remained fairly constant over the last 20 years, indicating that there has been no improvement in women's access to credit. Estimates from Bank Rakyat Indonesia units indicate that 25% of both their microcredit borrowers and micro savings customers are women. One of the main obstacles for women's access to credit is lack of collateral.

An additional form of discrimination is the inherent bias against married women in access to credit. Article 108 of the Civil Code impedes married women from entering into contracts on their own behalf. It requires that husbands, by their presence or permission, assist women in formalizing contracts.<sup>56</sup> There is also an inherent bias against married women earning income from individual business activities. Tax regulations do not allow married women to be given a separate tax number and require them to use the husband's. Married women thus find it difficult to engage in formal financial activities such as opening a checking account which could facilitate application for credit.

Quantitative measurements of access to credit are insufficient to assess the gender impact of access to credit. Income is only one indicator and it does not reveal whether microcredit for women actually implies that women have control over the loan. Additionally, microcredit often adds to women's workload, increasing their dual burden of productive and reproductive work. It is necessary to include measures of the extent of women's control over credit and income-generating activities, specifically whether they have control over income earned, how they use it, and whether or not women and men, and boys and girls, benefit equitably from increased household spending.<sup>57</sup>

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<sup>54</sup> Danya Hakim. 2002. *Gender Analysis Report*. Environmental Governance Program for the Canadian International Development Agency (CIDA). Jakarta.

<sup>55</sup> Available: [www.bwtp.org/acrm/indonesia/I\\_Country\\_Profile/Indonesia-country profile htm](http://www.bwtp.org/acrm/indonesia/I_Country_Profile/Indonesia-country_profile.htm). 3 July 2005.

<sup>56</sup> ADB. 2002. *Sociological Status of Women in Indonesia, Malaysia, Philippines, and Thailand*. Manila.

<sup>57</sup> See footnote 47.

Lack of access to credit and financial services remains a major issue for women's access to economic opportunities. Credit could play an important role as part of a broader effort to raise women's awareness and mobilize their resources, as an entry point toward strengthening women's networks and mobility, and as a means of increasing their knowledge and self-confidence, as well as enhancing their status within the family and community.

## Women and Access to Human Capital (Education and Health)

### A. Access to Education

Disparity in access to education between men and women has decreased. A gap, however, still exists between women's literacy rate of 86% and that of men at 94%. At 6.5 years, women also have fewer mean years of schooling than men do at 7.6 years.<sup>58</sup>

Boys and girls are now enrolled in equal numbers at the primary level. At the junior secondary level there are more girls than there are boys.<sup>59</sup> At the senior secondary level girls have also made good progress, though in urban areas they still lag marginally behind boys. Despite the fact that the enrolment rate of girls for the tertiary level of education increased from 5.6% in 1993 to 8.3% in 2003 they are still represented in smaller proportions. Factors that constrain girls' access to tertiary education include the physical distance of facilities as well as early marriage. As indicated in Table 1.7, urban/rural disparities are more significant than gender disparities in terms of enrolment.

A significant proportion of parents prefer to send their daughters to Madrasah which are Islamic schools administered by the Ministry for Religious Affairs. Parents are inclined to believe that

they are providing moral protection for their girls because of the additional curriculum content of religious education offered by these schools. Madrasah are also more accessible to girls than general schools because they tend to be established close to communities in rural and disadvantaged areas. The proportion of girls as compared to boys studying in Madrasah is higher than the proportion of girls as compared to boys studying in general public schools. At the primary level or Madrasah Ibtidaiyah, the ratio of girls to boys is almost equal, but at higher levels, more girls attend Madrasah than boys. The trend is most apparent at junior and senior secondary levels or Madrasah Tsanawiyah and Madrasah Aliyah. At senior secondary level, 55% are girls and 45% are boys.<sup>60</sup> Unfortunately, the quality of education in the average Madrasah is inferior to that of the

Table 1.7: Net Enrolment Rates, by Gender, Urban and Rural, 2003

Education Level	Male			Female		
	Urban	Rural	Total	Urban	Rural	Total
Primary	92.3	92.6	92.7	92.0	93.0	92.8
Junior secondary	72.5	56.2	60.9	73.0	58.8	62.5
Senior secondary	56.9	28.5	38.8	55.2	29.0	37.7
Tertiary	16.0	2.1	9.2	14.9	2.1	8.3

Source: BPS, 2003. SUSENAS 2003.

<sup>58</sup> BPS/BAPPENAS/UNDP. 2004. *Indonesia Human Development Report 2004*. Jakarta. June.

<sup>59</sup> Ibid.

<sup>60</sup> ADB. 2003. Report of the Madrasah Education Subsector Assessment in the Republic of Indonesia. October.

average public school in terms of both inputs and outputs. They have poorer quality facilities, less-qualified teachers, and lower revenues.

The general observation that the poorer the family, the lower the proportion of girls enrolled in school does not hold true in Indonesia. In 2002, the net enrolment rates for girls from the poorest quintile were about the same as, or higher than, those for boys at the primary, junior secondary, and senior secondary levels,<sup>61</sup> demonstrating an impressive level of gender equality. Among the richest quintile, a higher proportion of boys than girls are enrolled at the secondary level. The gap between rich and poor in education enrolment is much bigger than the gap between girls and boys. While 72% of children in the richest fifth of the population were enrolled in 2002, for those in the poorest fifth only 50% were enrolled.<sup>62</sup>

A small scale participatory poverty assessment study conducted in four poor districts in Indonesia concludes that the poor generally have high aspirations to educate their children. It however also found that there is also a common feeling of resignation among them that these aspirations are severely constrained.<sup>63</sup> Demand is strong among the poor for schooling to provide basic skills of literacy and numeracy. This is reflected in relatively high enrolment ratios at primary school level. Continuation to higher grades and critically the transition to junior secondary education are, however, largely determined by family perceptions of the costs and benefits of schools as well as of the opportunity costs involved. Perceptions about the relevance of the curriculum in terms of future employability have a particularly strong bearing on the attitudes of the poor toward schooling. Hence, even though there is a high demand among the poor for basic literacy and numeracy skills, their expectation for schools to provide employment skills more often than not provoke them to question the value of what is taught beyond the primary level.

According to the study the majority of poor households consider education as a necessary means of not only improving their children's life chances but also of providing for their own old age. However, the short-term costs are regarded as a major obstacle. Education is perceived as being expensive and direct user costs as high, particularly for larger families. These costs include entry fees, the price of uniforms, and examination fees. Families also have to find cash to cover costs of transportation, food, textbooks, and stationery. Transport costs tend to be higher for secondary schooling as the catchment areas of these schools are larger. Physical access to secondary schools is seen as a major problem by the poor. There is a general belief in the value of education, or at least in the value of educational certification. A leaving certificate from junior secondary school has benefits in terms of the employment and earning opportunities. It is seen as a passport to a better standard of living. For respondents in Lombok it has particular significance, because it is a minimum requirement for migrant work in Malaysia.

Although the vast majority of children are enrolled in school, only around half of them complete 9 years of education. Around 18% drop out before completing primary school, while the

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<sup>61</sup> Ibid.

<sup>62</sup> BPS/BAPPENAS/UNDP. 2004. *Indonesia Human Development Report 2004*. Jakarta. June.

<sup>63</sup> ADB. 2005. *The Integration of Poverty Considerations into Decentralized Education Management*. (TA No. 3957-INO). Final Report, Manila.

rest do not complete or enroll in junior secondary school. Drop-out rates are higher among girls than they are among boys.

From a regional perspective, the widest disparities in mean years of schooling between men and women are found in the Special Territory of Yogyakarta and Bali both at 1.7 years, Papua at 1.5 years, and West Nusa Tenggara at 1.4 years. Provinces with the lowest mean years of schooling for women are Papua at 5.1 years, West Nusa Tenggara at 5.2 years, East Nusa Tenggara at 5.6 years, West Kalimantan at 5.8 years, and Central Java and East Java both at 5.9 years.

There is a significant gender gap in the teaching profession. In 2001, the percentage of female teachers in public schools was 49% and for madrasah it was 38%. However, this does not mean that half of the teachers at all levels are women. The higher the level of education, the fewer there are female teachers. At the primary level in public schools there were 54% female teachers, compared to 45% in madrasah. At junior secondary level the percentage of female teachers is 45%, with 33% for madrasah schools. At the senior secondary level the percentage of female teachers is 39% and for madrasah 32%.<sup>64</sup> In vocational training, 62% are male teachers and only 38% female teachers. For higher education the gender gap is even more pronounced: 69% of the teachers are males, and 31% females.<sup>65</sup>

The MDG Progress Report emphasizes that it is important to instill values of gender equity and fairness among children from a young age.<sup>66</sup> This requires the design of teaching and learning materials to be gender-inclusive. It is also necessary to address the socio-cultural factors that influence parents' and communities' perceptions about the role of girls and women. Perceptions have a strong influence on drop-out rates and the lower academic performance of girls. Parents also need to be educated about the links between women's education, children's health, and nutrition. Women should also gain greater access to local decision-making bodies, such as school boards and education committees.

## **B. Access to Health**

The status of women's health in Indonesia has been improving. There are, however, notable differences in access to health services between income groups. The richest fifth of the population is responsible for 36% of total spending on primary care as compared with 10% for the poorest fifth.<sup>67</sup> Health expenses for the poor constitute a higher proportion of their income. Figure 1.7 summarizes the distribution of people accessing various health services in 2002. The majority of women access community health centers. More men than women use private doctors and hospitals, indicating that men access more expensive curative treatment than women.

<sup>64</sup> ADB. 2003. Final Report of the Madrasah Education Subsector Assessment in the Republic of Indonesia. October.

<sup>65</sup> Ministry of National Education. 2001. Indonesia Educational Statistics in Brief.

<sup>66</sup> BAPPENAS/Ministry for People's Welfare/UNICEF. 2004. *Indonesia Progress Report on the Millennium Development Goals 2004*. Jakarta. February.

<sup>67</sup> Ibid.

Morbidity rates as a representation of health status show no significant differences between women and men between the years 2000 at 25.9% for women and 25.2% for men and 2002 at 26.8% for women and 25.7% for men. There was, however, a wider gap between the morbidity rates of women and men in 2002.<sup>68</sup>

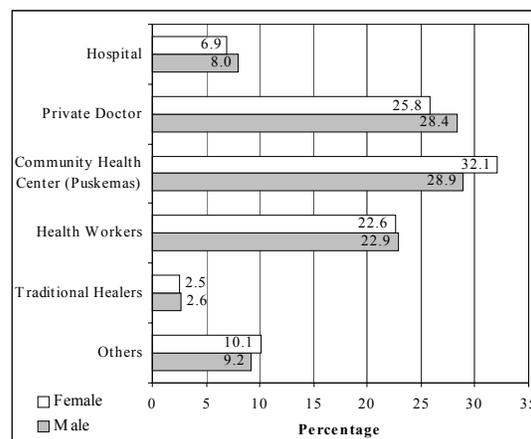
### Reproductive Health, HIV/AIDS, and other Sexually Transmitted Infections

Maternal mortality is a grave concern in Indonesia. Around 20,000 women die each year from causes related to childbirth. In 1986 the maternal mortality ratio (MMR) was 450 per 100,000 live births, falling to 334 in 1995, 307 in 2000, and 230 in 2003.<sup>69</sup> Even though the MMR has been steadily declining, it is still very high as compared with, for example, Viet Nam's MMR of 130 per 100,000 live births. The main factors contributing to the high MMR include poorly trained health staff and midwives, lack or limited local transport, late referral, and lack or limited emergency obstetric care.

As with many other indicators, there is great disparity in the MMR across the regions. The MMR was 1,025 in Papua, 796 in the Maluku, and 686 in West Java. Almost all maternal deaths are avoidable. This presents an even greater challenge to decentralization and the resources at provincial and district levels. Skilled personnel are required to reduce the MMR, specifically to supervise obstetric emergencies and complications. While the proportion of births attended by skilled health personnel has increased, by 2000 it had reached only 63% on average. This disguises an important difference in access to health care between the wealthy and the poor. Only 21% of poor women have their births supervised.<sup>70</sup> Pregnancies among 15–19-year-old girls also contribute to maternal mortality. Teenage pregnancy increases the risk of maternal mortality by two to four times compared with pregnant women aged 20 years and over.<sup>71</sup>

In 2002/03 the Indonesia Demographic and Health Survey found the rate of contraceptive use to be 60% while the 2004 SUSENAS (Survei Sosial Ekonomi Nasional or National Socio-Economic Survey) found it to be 73%. The most widely used contraceptives are injectable and oral, whereas condom use and sterilization rates both male and female remain very low. There is a wide gender gap in contraceptive use at 61% among women and only 3% among men. Only 0.4% of

Figure 1.7: Percentage Access to Health Services by Sex



Source: BPS. 2002. SUSENAS 2002.

<sup>68</sup> State Ministry of Women's Empowerment. 2002. Statistik Gender dan Analisis Indonesia. Jakarta.

<sup>69</sup> BAPPENAS/Ministry for People's Welfare/UNICEF. 2004. *Indonesia Progress Report on the Millennium Development Goals 2004*. Jakarta. February.

<sup>70</sup> Ibid.

<sup>71</sup> The Johns Hopkins Center for Communication Program. 2003. *Adolescent and Youth Reproductive Health in Indonesia: Status, Issues, Policies and Programming*.

men are sterilized and only 0.5% use condoms.<sup>72</sup> The main reasons for women not using contraceptives are difficulty of access to and quality of family planning supplies and services; health concerns about contraceptives and their side-effects; lack of information; opposition from husband, families, and communities; and low perceived risk of pregnancy.<sup>73</sup>

The Government stipulates under Law 10/1992 on Population Development and the Development of the Prosperous Family that access to family planning services is restricted to married women.<sup>74</sup> This means that only legally married couples have legal access to family planning services and contraceptives. In most cases family planning programs and services do not target the male population. This is despite the fact that most men have significant decision-making powers in determining the use of contraceptives. Male participation in family planning programs is necessary to raise men's awareness toward women's reproductive health and rights as well as to contribute toward the elimination of various kinds of violence perpetrated against women.

Low prevalence of condom use is a key factor in the spread of sexually transmitted infections, including that of HIV/AIDS. Indonesia's low adult HIV prevalence of 0.1% masks the growing risk for the spread of HIV (Table 1.8). It is officially estimated that there are 90,000–130,000 people living with HIV/AIDS in the country.<sup>75</sup> Indonesia does not have an effective system for monitoring the number of HIV infections and AIDS cases, and the number of people living with HIV/AIDS is probably much higher. The country is already in a concentrated epidemic stage in which the adult HIV prevalence is more than 5% in any high-risk group including injecting drug users, sex workers, and migrant workers. The Government estimates that there are between 106,000 and 124,000 injecting drug users in the country. Some health experts, however, state that the number could be closer to 1 million. According to the National AIDS Commission, HIV infection rates among drug addicts have soared from nearly zero in 1998 to more than 50% in cities such as Jakarta and Denpasar, Bali.<sup>76</sup>

**Table 1.8: Country HIV and AIDS Estimates, 2003**

Adult (15–49) HIV prevalence rate	0.1% (range: 0.0–0.2%)
Adults (15–49) living with HIV	110,000 (range: 53,000–180,000)
Adults and children (0–49) living with HIV	110,000 (range: 53,000–180,000)
Women (15–49) living with HIV	15,000 (range: 7,100–24,000)
AIDS deaths (adults and children) in 2003	2,400 (range: 1,100–4,100)

*Source:* United Nations Joint Programme on HIV/AIDS 2004. *2004 Report on the Global AIDS Epidemic.* Geneva.

Commercial sex activity is widespread in Indonesia, with an estimated 190,000–270,000 female sex workers. Their clients number approximately 7–10 million. Despite the fact that

<sup>72</sup> Ministry of Health, Republic of Indonesia and the World Health Organization. 2003. *Indonesia: Reproductive Health Profile, 2003*. Jakarta.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> The actual figures of HIV/AIDS are most probably much higher. Indonesia does not have an effective system for monitoring the actual number of HIV infections and AIDS cases.

<sup>76</sup> *Indonesia HIV/AIDS News*. Available: [www.utopia-asia.com/asidind.htm](http://www.utopia-asia.com/asidind.htm), downloaded 24 June 2005.

condom sales have doubled since 1998 to 60 million a year, its use is estimated at less than 10%. A National AIDS Commission report shows that 6–26% of sex workers are HIV positive.<sup>77</sup> The United Nations Joint Programme on HIV/AIDS (UNAIDS) has highlighted the need to pay serious attention to the impact of HIV/AIDS on women, noting that heterosexual transmission is contributing to the increased numbers of women with HIV/AIDS. Another high-risk group is that of migrant workers. These workers number approximately 1.3 million and the vast majority of them are women. About 10% of these workers have tested HIV-positive.<sup>78</sup>

One of the constraints faced by efforts to prevent the spread of HIV/AIDS is lack of information. According to the 2002–2003 Demographic and Health Survey,<sup>79</sup> 59% of ever-married women and 73% of currently married men say that they have not heard of AIDS. This is a serious concern particularly for the reason that the main strategy for combating the disease in Indonesia is prevention through promotion of abstinence, being faithful to one sexual partner, and use of condoms. This strategy depends heavily on the level of the population's knowledge and perception of HIV/AIDS as well as on how it is transmitted and how transmission could be prevented.

Another issue of women's reproductive health is unwanted pregnancies. Law 23/1992 on Health prohibits abortion. The law is also supported by Article 229 of the Criminal Code Act. The Health Law stipulates that "certain medical steps shall be taken in the state of emergency as part of an effort to save pregnant women and their fetus" and that these steps can only be taken by "health officers who have expertise and obligation to do so in accordance with their professional responsibility and consideration of a team of experts."<sup>80</sup>

One study estimates that there are 750,000–1.5 million abortions a year performed in Indonesia.<sup>81</sup> The high number of unwanted pregnancies has been confirmed by national survey data that shows that three quarters of currently married women either wanted no more children or wanted to space births. In some regions, unplanned pregnancies account for 80% of induced abortions among women who are married and unmarried. The study also found that the majority of these women were not using contraceptives. Even in Jakarta, where contraception is considered more easily and widely accessible, the study reveals that non-use of contraception is the primary reason for unwanted pregnancies and abortions, and that around 20% of unwanted pregnancies were due to contraceptive failure.

In urban areas, unmarried adolescents represent an increasing proportion of women who seek abortions. According to the World Health Organization (WHO), illegal abortion is one of the major causes of high maternal morbidity and mortality, especially in developing countries where

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<sup>77</sup> Ibid.

<sup>78</sup> UNAIDS. 2004. *2004 Report on the Global Aids Epidemic*. Geneva.

<sup>79</sup> Statistics Indonesia, National Family Planning Coordinating Board, Jakarta, Ministry of Health, ORC Macro, Maryland, USA. 2003. *Demographic and Health Survey*, Volume 1, Chapters 1–16. December. Jakarta.

<sup>80</sup> Health Law 23/1992 (translation in CAFI *Economic Bulletin* number 153, 22 December 1992).

<sup>81</sup> B. Utomo, et al. 2001. *Study Report, Incidence and Social-Psychological Aspects of Abortion in Indonesia: A Community-based Survey in 10 Major Cities and 6 Districts, Year 2000*. Jakarta: University of Indonesia Center for Health Research.

unskilled personnel employ unsafe procedures. Unsafe abortions contribute to 11% of maternal deaths, and could easily be prevented if women had access to contraceptive information and services as well as to safe medical care.

The problems of abortion and unwanted pregnancies in Indonesia are associated with women's complex social situation and moral as well as religious issues. Male attitudes have an important influence on a woman's fertility behavior. In Indonesia it is not uncommon for a man to demand a woman to conceive for the purpose of reinforcing a relationship, even though it does not mean that he would be willing to assume the related responsibilities.<sup>82</sup> It is often a man's refusal to support and raise a child that leads a woman to end her pregnancy. According to the 2003 Indonesia Reproductive Health Profile,<sup>83</sup> in spite of the passing of laws and the issuance of government regulations on reproductive health that are aimed at protecting women and children and ensuring their safety and development, constraints remain in their enforcement and implementation. Additionally, these laws operate alongside social conventions as well as religious values and norms that relate to sexual relationships and reproductive health.

### **Narrowing the Gender Gap**

Inequalities between men and women generate inefficiencies that reduce economic development and deepen poverty. Hence, in order to achieve sustainable goals of poverty reduction the role of women in development must be recognized as being as important as that of men.

Government policies and strategies need to be built on a sound foundation of gender analyses, through which gender gaps are identified and major causes of gender inequality are studied. While the Government aims to reduce poverty through its Medium-Term Development Plan (MTDP) 2004-2009, the Plan's strategies do not explicitly refer to gender inequalities. The national Poverty Reduction Strategy Paper (PRSP), on the other hand, does recognize and attempt to address the gender dimensions of poverty. It notes that men and women assume different roles and responsibilities in the household as well as in the community and that men and women have different levels of access to and control over resources. It also notes that men and women have different priorities in fulfilling their economic, social and political rights. The PRSP maintains that women face problems of poverty because of their limited participation and lack or limited access to opportunities in decision-making processes in the family as well as in the community. The design of the PRSP's conceptual framework observes a rights-based approach to development and provides a firm platform from which to address women's practical and strategic needs.

This chapter highlights a number of key issues for policymakers. In the area of employment:

- Women need to be trained for better skills to achieve greater gender equality in employment.

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<sup>82</sup> Ibid.

<sup>83</sup> Ministry of Health, Republic of Indonesia and the World Health Organization. 2003. *Indonesia: Reproductive Health Profile 2003*. Jakarta.

- Existing gender-responsive labor laws must be enforced to reduce discrimination against women.
- Regulations to protect women of childbearing age need to be assessed to determine whether they inadvertently discourage the employment of women.
- Modalities to ensure gradual extension of social security benefits to the informal sector need to be assessed.
- Awareness on joint titling of property needs to be raised to ensure women's access to land and other productive resources.
- Microfinance schemes that address the specific needs of and constraints faced by women need to be established.

In the area of education:

- There are a number of social barriers that impede girls' participation in education, particularly in making the transition to the junior secondary level.
- The rights of boys and girls to education and women's rights in general can be taught and reinforced through the education system and through public awareness campaigns.
- Existing laws need to be enforced to ensure that married and pregnant girls are able to continue their schooling.

In the area of health:

- Access to cost-effective and high quality maternal and neonatal health care needs to be improved.
- Women and men can be empowered by improving their knowledge of desirable health behaviors.
- Family planning programs need to target men as well as women.
- Elimination of gender-discriminatory laws and regulations that affect women's access to reproductive health and family planning needs to be considered.
- Integration of gender-responsive HIV/AIDS prevention initiatives in health and other sector programs is essential.

And in general:

- Collecting and analyzing data disaggregated by sex is a crucial first step in formulating gender-sensitive policies, designing gender-responsive programs and establishing gender-responsive progress monitoring and evaluation indicators.

Social, legal, and political institutions influence the extent to which men and women are able to access resources and avail of opportunities. They also affect the levels of control that men and women command over decision-making processes and determine whether men and women similarly enjoy the benefits of development outcomes.

This chapter looks at these institutions, including the country's legal framework and the policies and programs that affect the promotion of gender equality at national and sub-national levels. It examines the extent to which gender issues are addressed by government policies and programs and describes the ways by which key government and nongovernment agencies promote gender mainstreaming as a development strategy.

### **The Legal Framework**

The Constitution of the Republic of Indonesia, Undang-Undang Dasar 1945, upholds a commitment to the principle of equal rights between men and women. Paragraph 1 of Article 27 stipulates that: "every citizen enjoys equal status before the law and government, and is obliged to uphold this status without exception." Paragraph 2 of the same article states that: "every citizen shall have the right to employment and to conditions of life commensurate with human dignity." The democratic reforms of 1999 caused the Government to pay increased attention to issues of human rights and to refine the Constitution's basic definition of the subject. An amendment to the Constitution was, as a consequence, issued in 2000 which recognizes that "every person shall have the right to be free from discriminatory treatment based upon any ground whatsoever and shall have the right to protection from such discriminatory treatment." While the Constitution provides a sound foundation for the establishment of equal rights between men and women, much remains to be done in the passing of laws and regulations to put the principle into practice.

The Indonesian legal system is a complex confluence of three distinct systems of civil, customary and religious laws. Prior to the arrival of Dutch traders and colonists in the late 16th and early 17th centuries, the archipelago was ruled by indigenous kingdoms, each of which practiced its own system of adat (customary) law as well as laws drawn from the teachings of various religions and beliefs. Dutch presence and colonization spanned a period of 350 years and lasted until the end of World War II leaving a legacy of a Roman-Dutch based system of colonial laws. The Indonesian legal system is, as a consequence, based on these laws scores of which have been modified by interpretations of customary laws and laws based on religions, primarily that of the Islamic faith. Statutory legislation, government directives and instructions and official compilations of Islamic law together add up to a pool of laws that inform the different aspects of personal and family relations.

Conflicts often ensue between adat laws and the Constitution.<sup>84</sup> The adat laws are remarkably diverse and their provisions vary greatly in keeping with the different types of kinship systems that have been established in different localities. As a consequence, the influence of adat laws on women also varies from one locality to the other.

The nation's ambition towards a more decentralized system of governance has unintentionally made way for a number of local governments to advance their aspiration of instituting public policies based on Shari'a or Islamic law. Although debates continue over the merits and shortcomings of this law, there is general apprehension that its practice will impinge upon the rights of women. In Aceh, for example, there is concern over whether the practice of Shari'a will impose upon women a dress code of what is perceived to be Islamic attire and impart upon men the right to act as morality enforcers.<sup>85</sup> Table 2.1 provides an overview of the complexity of the legal framework that affects gender relations in Indonesia. It also highlights the need for legal reforms to untangle the web of conflicting laws.

**Table 2.1: Legislation on Key Issues Affecting Gender Relations<sup>86</sup>**

Legislation	Legal/Regulatory Provision
<b>Marriage and Divorce</b> Marriage Law 1974 (Act No. 1), Article 31 Marriage Law Implementing Regulation 1975 (9/75) Law on Religious Courts 1989	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.  Marriage Guardianship: free consent of marrying parties required for validity, unless religious law governing the parties directs otherwise.  Marriage Law 1974 defines as legal a marriage "solemnized according to the laws of the respective religions and beliefs of each of the parties"; parties under 21 years need parental permission.  Marriage Registration: obligatory; Marriage Registrar Office of Department of Religious Affairs is responsible for registration of Muslim marriages and Civil Marriage Registrar Office of Department of Internal Affairs for all other marriages.  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.  Obedience/Maintenance: law specifies that both spouses are equal and both are

<sup>84</sup> ADB, 2002. *Sociolegal Status of Women in Indonesia, Malaysia, Philippines, and Thailand*, Manila.

<sup>85</sup> Blackburn, Susan. 2004. How Do Women Influence Political Islam in Indonesia?.

<sup>86</sup> Bowen, 1998. You May not Give it Away: How Social Norms Shape Islamic Law in Contemporary Indonesian Jurisprudence, in *Islamic Law and Society*, v. 5, no. 3 (Oct. 1998): p. 382-408; Mahmood. 1995. *Indonesia in Statutes for Personal Law in Islamic Countries*, 2<sup>nd</sup> ed., New Delhi; Islamic Law in Indonesia, *Yearbook of Islamic and Middle Eastern Law*, vol. 4 (1998) p. 180-200; Redden, 1990, *Indonesia in Modern Legal Systems Cyclopedia*, vol.2, Buffalo, N.Y.; and Supriadi, 1995, Indonesian Marriage Law, in *The International Survey of Family Law*, edited by A. Bainham, pp. 270-285.

Legislation	Legal/Regulatory Provision
1974 Property Law	<p>responsible for maintaining home and caring for children; obligation of permanent resident and domicile to be decided by both parties; husband as head of family required to protect wife and provide according to his means and wife's duty is to manage household.</p> <p>Talaq,<sup>87</sup> Marriage Law provides that divorce shall be carried out only before Court of Law, after Court has endeavored 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.</p> <p>Judicial Divorce: either spouse may seek judicial divorce (preceded by reconciliation efforts by judge).<sup>88</sup></p> <p>Postdivorce 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).</p> <p>Child Custody and Guardianship: Marriage Law simply provides that in case of dispute over custody, Court shall render its judgment; father shall have responsibility for maintenance expenses, unless he is unable to bear such responsibility in which case Court may order mother to share expenses.</p> <p>"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.</p>
<b>Inheritance/succession</b> Civil Code: non-Muslims Islamic Law: Muslims Judicial decisions by the Supreme Court	<p>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.</p>
<b>Access to Land and Credit</b> 1960 Basic Agrarian Law No 5  The Marriage Law (1974) Article 35  The Civil Code	<p>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.</p> <p>Article 35 provides for the adoption of the concept of joint ownership of property.</p> <p>Article 108 stands in the way of married women from entering into contracts on their own behalf.</p>

<sup>87</sup> Talaq is a practice based on traditional Islamic Law through which a man pronounces a declaration to divorce a woman.

<sup>88</sup> 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 5 years or more; and constant disputes without hope of resolution.

Legislation	Legal/Regulatory Provision
<p><b>Health and Reproductive Health</b> Law on Population Development and the Development of the Prosperous Family (10/1992)</p> <p>Law on Health (23/1992) and the Criminal Code</p>	<p>Stipulates that family planning services be restricted to married women</p> <p>Prohibits abortion and stipulates 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 art. 220 of the Criminal Code</p> <p>Regulations practiced by selected schools prohibiting married and pregnant girls to continue their schooling</p>
<p><b>Labor and Social Protection</b> 1945 Constitution</p>	<p>“Every citizen has the right to employment commensurate with human dignity.”</p>
<p>1981 Government Regulation</p>	<p>“Employers shall not discriminate between women and men workers in determining the rates of remuneration for work of equal value.</p>
<p>1984 CEDAW Ratification Act No. 7</p>	<p>Emphasizes equality between men and women, the inalienable right to work, the need to eliminate discrimination against women in employment.</p>
<p>Labor Act 13/2003</p>	<p>Provides women with 2 days of leave per month for menstruation, 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.</p>
<p>1964 Ministry of Manpower Regulations on Conditions of Health, Cleanliness and Lighting in Workplaces</p>	<p>Specify that employers must provide separate lavatories for men and women, as well as spacious restrooms.</p>
<p><b>Violence Against Women</b> 1915 Criminal Code, Royal Decree No. 33</p> <p>No 23/2004 Elimination on Domestic Violence</p>	<p>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.</p> <p>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.</p> <p>The Law defines domestic violence to include physical, sexual and psychological violence and neglect, and, for the first time in Indonesian legislation, criminalizes marital rape. The family is defined to include residential domestic staff.</p>
<p><b>Migration and Human Trafficking</b> No 39/2004 Placement and Protection of Indonesia’s Migrant Workers</p> <p>Draft Bill</p>	<p>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.</p> <p>Based on discussions as part of the National Plan of Action for the Elimination of Trafficking in Women and Children; focused on countering and criminalizing trafficking in persons.<sup>89</sup></p>

<sup>89</sup> USAID, ICMC, and ACILS. 2003. *Trafficking of Women and Children in Indonesia*. Jakarta.

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 the 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 1995 Cairo International Conference on Population and Development, the 1995 Beijing Platform for Action, and the 2000 United Nations Millennium Declaration.

### **Government Policies and Programs**

*The Medium-Term Development Plan (2004–2009).* Indonesia's Medium-Term Development Plan (Rencana Pembangunan Jangka Menengah, RPJM) outlines the Government's 5-year strategic development policy framework.<sup>90</sup> It identifies key policy priorities and charts strategic directions under three key areas: (i) the creation of an Indonesia that is safe and peaceful, (ii) the establishment of an Indonesia that is just and democratic, and (iii) the enhancement of the people's welfare.

Gender mainstreaming is specified as a "target" under the key area of "the establishment of an Indonesia that is just and democratic." The Plan stipulates that gender justice is to be ensured in order to enhance the role of women in various fields of development by placing priority on enhancing women's quality of life and role as well as the welfare and protection of children. The RPJM devotes a full chapter on this target and mainstreams gender within 13 out of its 36 chapters that discuss among other issues education, health, and poverty.

*The Government's 2006 Development Work Plan.* The RPJM is collapsed into annual work plans called Rencana Kerja Pemerintah (RKP). The 2006 RKP's chapter on development priorities establishes gender as one of its four mainstreamed principles. The other three are good governance, community participation, and decentralization. According to Law 25/2004 which establishes Indonesia's national development planning system, the RPJM and RKP are to be applied by local governments and line ministries as foundations for the formulation of their 5-year plans, strategic plans, as well as annual plans. Although marked progress has been made in the field of gender sensitive planning at the national and provincial levels, the Government still faces the challenge of extending this achievement to the district level.

The Government ensures that women's concerns are taken into consideration in the course of the national development planning process by stipulating that women's groups are to be

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<sup>90</sup> See Appendix 2: Mainstreaming Gender Concerns in the Medium-Term Development Plan 2004–2009 for recommendations for mainstreaming gender concerns into the MTDP grouped according to three broad policies of poverty reduction, conflict resolution, and democracy and governance.

represented in the Development Planning Deliberation processes (Musyawarah Perencanaan Pembangunan or Musrenbang) at village, subdistrict, and district/ municipality levels and that their inputs are carried through for consideration at the proceedings of the provincial and national level development planning deliberations. The stipulation is embodied in the joint circulars issued every year by the Minister of State for National Development Planning/Head of the National Development Planning Board and the Minister of Home Affairs through which the Technical Guidance for the Conduct of Development Planning Deliberations for every planning year is disseminated.

### **Gender Mainstreaming Instruments**

*The 2000 Presidential Decree on Gender Mainstreaming.* In 2000 the Government issued Presidential Decree 9/2000 on Gender Mainstreaming which directs all government ministries and agencies at the national and local levels to adopt a gender mainstreaming strategy in the planning, implementation, and monitoring of development policies and programs. The decree positions the State Ministry for Women's Empowerment (SMWE) as the Government's principal advocate for gender equality and provider of technical leadership in gender mainstreaming. The guidelines of the decree define gender mainstreaming as "a strategy developed for the purpose of integrating gender so that it will be an integral dimension of the planning, formulation, implementation, and monitoring and evaluation processes of national development policies and programs." Attempts are being made by the Ministry to raise the status of the edict from a presidential decree to a presidential regulation so that it would command the legal power to make obligatory the implementation of gender mainstreaming as a development strategy.

*The 2002 SMWE Guidelines for the Implementation of Gender Mainstreaming.* In 2002, the SMWE issued a manual on Guidelines for the Implementation of Gender Mainstreaming in National Development. The manual defines "gender mainstreaming" as a strategy to achieve gender equality through the integration of male and female experiences, aspirations, needs, and issues in planning, implementation, monitoring and evaluation of policies, programs, projects, and activities in various development fields. The objective of the manual is to make available to governmental bodies directions on implementing Presidential Decree 9/2000 on Gender Mainstreaming.

*The Public Financial Management Framework.* Indonesia's new financial management framework enacted through State Finance Law 17/03, State Treasury Law 01/04, and State Audit Law 15/04 and further promulgated through PP 20/04, PP 21/04, revised PP 105, and revised Kepmen 29 is designed to ensure better linkages between policy formulation, planning, budget allocation, expenditure tracking, and results monitoring and evaluation. Central and regional governments are required to prepare performance-based budgets in which programs, activities, and budgeted expenditures are aligned with specified performance measures. The Framework offers the opportunity to establish gender equity as a standard performance measure in the assessment of the performance of all programs. Opportunities for promoting gender equality through financial management will expand as the system evolves to incorporate standardized processes for linking policies, plans, programs budgets, expenditure reports as well as monitoring and evaluation systems based information disaggregated by sex.

## **Gender Mainstreaming Institutions**

*The National Development Planning Agency.* Indonesia's National Development Planning Agency, Badan Perencanaan Pembangunan Nasional (BAPPENAS) plays an important role in advocating gender equality and promoting gender mainstreaming within public sector development planning and budgeting processes. The Agency is involved in the formulation and review of development plans proposed by sectoral agencies and by referring to proposed regional development plans it is well positioned to ensure that the sectoral programs are gender responsive. The Agency's organizational structure includes a Directorate for Population, Social Welfare, and Women's Empowerment which is responsible for the promotion of gender mainstreaming in national development planning.

*The Coordinating Ministry for Social Welfare.* The work of this Ministry is supported by five deputies, one of whom is Deputy for Women's Empowerment. The Deputy's principal task is that of ensuring that coordination takes place among the work of line ministries involved in social welfare issues. This locates the Ministry in a position where it can strategically advocate gender equality and promote gender mainstreaming.

*The State Ministry for Women's Empowerment.* The principal function of the SMWE is to formulate government policies in the area of women's empowerment as well as women's welfare and the protection of children. The Ministry is also assigned the task of coordination as well as harmonization of program planning, monitoring and evaluation, and enhancement of community participation in these areas. Also included among the Ministry's functions are the coordination of government agencies, private sector entities, and community-based organizations in the area of women's empowerment as well as welfare and protection. In accordance with Presidential Decree 9/2000 on Gender Mainstreaming and its Accompanying Implementation Guidelines, the SMWE is the Government's principal advocate for gender equality and provider of technical leadership in gender mainstreaming to all government ministries and agencies at the national and local levels. It is also assigned the task of promoting gender mainstreaming as a strategy to be applied in all development sectors and at all levels of operational activities from the national to grassroots levels.

The Ministry promotes gender mainstreaming at the national level by advocating the appointment of gender focal points in government agencies and the establishment within these agencies of gender working groups with memberships drawn from the Ministry for Women's Empowerment and national level government agencies. It encourages the working groups to identify and seek solutions to gender-related problems, provides technical assistance, and prepares tools to implement gender mainstreaming as well as to evaluate its implementation. At the regional level the SMWE promotes gender mainstreaming by advocating the establishment of gender mainstreaming working groups and providing technical assistance toward their institution. These groups are set up at each level of local government and their membership is drawn from all local government agencies, community-based organizations, and women's study centers.

The Ministry deploys around 20% of its budget on "dana stimulan" or stimulation funds which it offers to subnational level governments to motivate gender mainstreaming initiatives at provincial and district levels. The funds are expended on activities to increase the awareness of

government officials on issues such as gender equality and justice, gender mainstreaming and problems of gender disparity. They are also used to finance activities to increase the capacity of the regional women's empowerment divisions (WEDs) and gender focal points in gender analysis, technical methods of mainstreaming gender into regional policies and programs, coordination of activities in the area of women's empowerment, and collection of sex-disaggregated data.

*The Line Ministries.* While some studies suggest that levels of gender awareness vary among different line ministries,<sup>91</sup> gender mainstreaming activities conducted by various ministries in collaboration with different international development agencies have had a positive overall impact on the ministries' capacity to undertake gender analysis and develop gender strategies. Some notable achievements include the compilation of sex-disaggregated statistical data and the production of gender-based women's situational analyses in a number of provinces, districts, and subdistricts.

Although the Government has designed and put into place legal frameworks and policy instruments that are decidedly tactical, its agencies nonetheless continue to have limited fundamental understanding and appreciation of the benefits and importance of mainstreaming gender perspectives within their policies and programs. The agencies also more often than not regard gender issues as matters to be considered within the confinement of the social sectors without recognizing any linkage of the issues to the realms of politics and the economy.

*Women's Study Centers.* These centers are established to set up sources of technical expertise in the area of gender sensitive policy research. They are located within many universities and focus on researching issues related to women and gender. Together with the WEDs of local governments they carry out advocacy activities, specifically toward enhancing the capacity of local government offices in conducting gender analyses for policy formulation and implementation. The centers are administered by the office of university rectors and are endowed with relatively small budgets for their activities. The centers are nonetheless generally reliable sources of information on gender issues in the regions, though their capacity differs widely from region to region. The introduction of gender mainstreaming as a development strategy has increased the local governments' demand for the expertise of the centers in gender-based policy research and analysis.

*Nongovernment Organizations.* There are several hundred women's NGOs in Jakarta and other cities in Indonesia that work on various aspects of gender and women's issues. They have been involved in the implementation of women's conventions, including CEDAW, the International Conference on Population and Development, and the Beijing Platform for Action. Of particular interest is the changing role of women's NGOs in response to political reform and democratization, as well as to the changing dynamics among national, provincial, and local level development agents induced by decentralization.

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<sup>91</sup> Government of Indonesia. 2004. United Nations Development Programme Support for Mainstreaming Gender into Development Policies and Programmes (2004–2005).

## **Gender Mainstreaming at the National and Subnational Levels**

Article 25b of Law 32/2004 on Regional Government stipulates that vice heads of regions are responsible for coordinating regional level activities of vertical agencies, acting upon reports and/or findings of inspections of the state apparatus, empowering women and youth as well as developing and conserving socio-cultural and natural environments. Based on the terms of this article, the Ministry of Women's Empowerment conducts at the national level annual coordination meetings to review the status of women and evaluate the implementation of gender mainstreaming in the regions. These meetings are held in conjunction with and invite the participants of the conventions of vice governors and heads of commissions of provincial level councils of people's representatives concerned with social welfare issues.

As a means of integrating the stipulations of Presidential Decree 9/2000 on Gender Mainstreaming within the framework of Law 22/1999 on Regional Government, the Minister of Home Affairs released Ministerial Circular Letter 050/1232/SJ of 26 June 2001 on the implementation of gender mainstreaming. This letter was subsequently replaced by Ministerial Decree 132 of the year 2003 on gender mainstreaming in regional development. The Decree emphasizes that gender is to be mainstreamed in district planning, implementation, monitoring, and evaluation and that capacity development in gender-responsive planning is to be regarded as a priority activity by local government institutions. It also mandates the establishment of WEDs at provincial and district levels, with functional structures parallel to those of the Ministry of Women's Empowerment at the national level.

WEDs were established in 2001 and were assigned the responsibility of ensuring that gender issues are mainstreamed into policy making and development planning across the administration. They were to undertake this task by supplying technical input, supporting coordination, providing motivation, and by monitoring and evaluating the gender responsiveness of the administration. The WEDs' capacity to promote gender mainstreaming is, however, often limited by the position of the unit heads within government apparatus structures. In most districts, they are located in sections of the administration responsible for social concerns and/or are established as a subsection of the Community Empowerment section. Among the WEDs across Indonesia, more than half (54%) are headed by low-ranking officers of echelon 4 (the lowest rank in the civil service hierarchy).<sup>92</sup> This constraint limits the WEDs' ability to influence higher-level public service officials to mainstream gender within their development strategies. Another factor that impedes the WEDs' effectiveness is the limited amount of financing that is available to them to conduct their work, with some WEDs having no specific budget at all.

The Minister of Home Affairs consequently issued Ministerial Decision 132 of the year 2003 on General Guidelines for the Implementation of Gender Mainstreaming in Regional Development to address the above obstacles. The Decision stipulates that the general responsibility for the implementation of gender mainstreaming at the provincial levels is that of the governors, that at the district level it is that of the district heads or mayors and that at the subdistrict and

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<sup>92</sup> ADB. 2003. *Gender Equity in Policy and Program Planning*. Manila (TA No. 3846-INO).

village levels it is the responsibility of the respective camat or head of subdistrict, lurah or head of village in urban areas, and kepala desa or head of village in rural areas. The Decision also stipulates that working groups are to be formed and focal points are to be appointed at each of the above specified levels of governance and that their tasks are to optimize the implementation and accelerate the institution of gender mainstreaming as a development strategy within regional governance.

The Decision also provides that all costs required for the implementation of gender mainstreaming in regional development is to be borne by the national budget and regional Budgets of each province, district, and municipality. It also stipulates that the budget allocation should be at least 5% of the respective provincial, district, and municipal budgets and that financing for gender mainstreaming based on conditions that are not binding may be borne by other parties as long as they are in accordance with prevailing rules and regulations.

Despite the existence of these institutional frameworks, there still is lack of fundamental understanding and appreciation of the benefits and importance of mainstreaming gender within policies and programs. Gender equality issues are still not fully mainstreamed within most government policies, including within Indonesia's 2004–2009 MTDP. Gender advocates are particularly concerned that at the district level decentralized responsibilities may have negative impacts on the gender sensitivity of district level policies and programs. Of particular concern is that decentralization has been accompanied by a revival of interpretations of gender roles based on conservative religious thinking as well as traditional customs that could lead to the repression of women's rights. This issue is discussed in Chapter 3 on Gender and Decentralization.

Indonesia rapidly decentralized its government administrative, fiscal, and other responsibilities to local governments in 1999 by passing two sweeping decentralization laws. The laws were subsequently revised when Regional Administration Law 32/2004 replaced the original Law 22/1999 on Regional Autonomy and Law 33/2004 on Regional Fiscal Balance replaced the original Law 25/1999. The process of decentralization deliberately established districts as opposed to provinces, as the new centers of decision making. The principal decentralized functions of district governments are public works, health, education and culture, agriculture, communication, industry and trade, capital investment, environment, cooperatives, and labor affairs.<sup>93</sup>

Many of the important functions of government that affect people's lives as well as the course of economic development are now in the hands of around 440 district leaders. The Regional Administration Law stipulates that the delegated functions assigned to local governments must meet certain minimum service standards (SPM). The process of standardizing the formulation of SPM by line ministries has, however, not yet been factored in the calculation of fiscal transfers or local governments' fiscal capacity to ensure that the SPMs are feasible. Adequate monitoring and evaluation mechanisms for assessing local government performance are also lacking.

The political transformation to regional autonomy has the potential for bringing about great changes in Indonesia. One of the most positive trends is the heightened awareness by people that they can and should participate in local governance. A survey carried out in 2002 by the Asia Foundation in 15 districts across Indonesia found that both women and men felt that they now had a better chance of influencing policy making at the lowest levels of governance. According to the survey, 53% of women believed that they could be most influential at the village level, compared with only 16% who believed that they could be more effective at the national level.

**Box 3.1: Women's and Men's Views on Regional Autonomy**

In North Sumatra, men and women define regional autonomy in different ways. Men define it as a process of transferring power from the national Government to the local government. They also feel that the local government would be able to manage its own resources. Women define regional autonomy as a democratization process where voices of women and men would be considered in decision making.

*Source:* Regional consultations, North Sumatra, December 2005.

**The Challenges of Decentralization for the Women of Indonesia**

Decentralization offers opportunities for mainstreaming gender concerns in local legislation and policies, as well as program planning and implementation. Reports on problems associated with the implementation of decentralization, however, appear regularly in local and national media and critics as well as supporters argue fiercely about whether the realized and

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<sup>93</sup> ADB. 2005. *Country Governance Assessment Report, Indonesia*. Manila.

potential benefits of the process outweigh the many problems associated with its implementation. One important element has, however, been missing in the debate, namely the effect of the regional autonomy program on women and particularly whether more recognition is being given to women as full citizens with the power and opportunity to realize their political aspirations.

An important function of decentralization is that of the promotion of democratization in the shape of participatory policy-making processes that enable people to have a much greater say into the decisions that affect their lives.

For policy making to be truly participatory, the process must involve women. As users of public services, women need to be involved in the planning, implementation, monitoring, and evaluation of devolved public services, as well as the formulation and implementation of regional development programs, local regulations, and budgetary decisions. These issues are at the center of the debate about the service delivery function of local government. It is therefore essential that women's views and suggestions on such issues are taken into account.

The challenges faced by women in Indonesia's new era of decentralized governance come from different fronts. Some have been brought about by the introduction of the policy itself, while others are old problems that cannot necessarily be solved by decentralization.

The first challenge faced by women in an environment of decentralized governance is that their participation in public decision making is still in general limited. Even though women's representation in local legislatures increased significantly to 11.3% after the 2004 elections, women are still only marginally represented. Women's representation in national and local legislatures is discussed in more detail in Chapter 4.

Women's lack of participation in public decision making is especially apparent in the formal consultations that are convened by local legislatures and administrations when drafting local regulations and budgets. While representatives of the Gerakan Pemberdayaan dan Kesejahteraan Keluarga (PKK) or Family Empowerment and Welfare Movement and other government-affiliated women's institutions are invited to the meetings their presence is often a mere formality. A mechanism to ensure that decisions that affect local communities are made through democratic processes and with women's involvement needs to be put in place.

Structural problems stand in the way of women's participation in the all-important budgetary process. Data disaggregated by sex that can be used to design budgets that are more sensitive to gender concerns is limited. Women also make up less than 1% of officials with decision-making authority in local government offices. This means that they are hardly involved in

**Box 3.2: Decentralization and Provision of Basic Health and Education Facilities**

Regional consultation participants in several provinces opined that local governments do not have a clear vision or agenda for providing health and education services. Low budget allocation to these sectors has been reflected in the form of lack of access to these services, weak skills of the service providers, and distracted service provider behavior.

Respondents underlined the need for changes to service providers' behavior and incentives, and felt that this would require adjustments in staff recruitment, deployment, supervision, and management, as well as complementary changes in health sector funding.

*Source:* Regional consultations, December 2005.

the drafting of even their office's routine budget, let alone that of the particular sector that their office or department is responsible for. Another structural problem is that women officials receive limited training and rarely have the authority to demand greater public participation for women in decision-making processes.

Decentralization has also been accompanied by a revival of conservative religious interpretations of gender roles. This phenomenon is especially apparent in the attempts by small minority groups of conservative Muslims outside the mainstream of Muhammadiyah and Nahdlatul Ulama (NU) to achieve their long-held goal of enacting Shari'a or Islamic Law in Indonesia. Some Islamic parties have pursued this agenda at the national level by proposing a constitutional amendment that would have required all Muslims to observe Shari'a. When this failed, Islamic groups attempted to have Shari'a implemented at the local level. These groups continue to pursue this strategy in face of the provision spelt out in article 7 of Law 22/1999 stipulating that issues related to religion will

remain a matter for the consideration of national Government. The only region that is exempted from this provision is the province of Aceh, which was granted limited authority to implement Shari'a under the provisions Law 18/2001 which grants special autonomy for that province.

Some regions have also seen a revival of gender-insensitive or even gender-discriminatory local customs or adat. The new trend of looking for "local wisdom" is not necessarily considered problematic. On the contrary, one of the aims of decentralization is to ensure that distinct regional identities are preserved. The reintroduction of traditional village systems of governance, such as the Gampong in Aceh and the Nagari in West Sumatra, demonstrates that this aim is being realized.<sup>94</sup> In some areas, however, the revival of adat laws has made room for the reassertion of customs that take a conservative view of women's status and role in society. Some adat laws still do not recognize the right of women to own property, receive even a small share of inheritance, earn an independent income, or aspire to higher levels of education.

The larger problem that both religious and adat revivalism poses is whether a particular understanding and interpretation of religion or of adat should be adopted without debate by the people who will be affected by it, including women. The regulations on dress codes for women officials and students, for example, were introduced without any open discussion with those who

**Box 3.3: Women's Participation in Local Decision-Making Processes**

In Padang, West Sumatra, not all groups are allowed to join the process of decision making. Women are excluded. As a consequence, the draft regulation in existence is not sensitive to women's needs.

In Jember women's groups have also been excluded from the policy-making process. All local regulations were entrusted to religious groups that were gender-biased in their opinions. Similar things are happening in Aceh. Public policy on Shari'a did not automatically provide women's groups in Aceh an opportunity to express their opinions on the obligation to wear head scarves, for instance. All these problems are caused by the absence of clear mechanisms for women's involvement in the decision-making process.

*Source:* Women's Journal Foundation. 2005. *Mobilizing Changes*. Jakarta.

<sup>94</sup> Nagari is the traditional form of Minangkabau village government. It was dissolved by the New Order Government in 1975 under Law 5/1975 on Village Government. With some consolidation of the units of Nagari governance having taken place since decentralization, each Nagari government is now responsible for several villages.

had to comply with them. Initiatives by local governments to test public opinion through public debate before arriving at a decision are almost nonexistent (see Box 3.4)

**Box 3.4: Shari'a Law and Regional Autonomy**

In Cianjur and Tasikmalaya in West Java, the district heads (*bupati*) have made the wearing of head scarves (*jilbab*) mandatory for female civil servants, including in private enterprises such as banks. Similar regulations are in place in all districts in West Sumatra and some districts in South Sulawesi. In West Sumatra, the *jilbab* is also part of the school uniform. Local authorities rarely use the term shari'a to describe their new policies, presumably because they know they do not have the legal authority for their actions. Instead they say that their policies are designed to uphold "morality and order." Most of the local politicians, religious leaders, and other people of influence who have expressed support for shari'a are either trying to build support for the next election or have been subjected to pressure. However, there are also those who genuinely believe that it is their religious duty to promote shari'a.

It should also be noted that in some cases the attempts of *bupati* to enforce conservative religious interpretations of women's roles have so outraged local populations that they were forced to back down. This was the case with a proposal to enforce a night-time curfew for women in Padang in West Sumatra (*Kompas*, 18 June 2001) and another to oblige female students in West Jakarta to wear the *jilbab* (*Kompas*, 21 July 2002).

Source: Regional consultations, December 2004.

**The Opportunities for Indonesian Women under Decentralization**

Despite the many challenges, there are clear opportunities for women under the new system of regional autonomy. Decentralization has the potential to bring service delivery closer to the people, and therefore to women. Some local governments have begun to view women as important stakeholders and actively promote women's participation in decision-making processes for resource allocation. They also provide access to information on public services, and offer opportunities for women to take part in the policy-making process. An important step taken by many local governments is to acknowledge the need for a gender mainstreaming strategy. Local governments in many parts of Indonesia have joined with NGOs and universities in providing gender training to government officials and local parliament members, especially in the area of policy formulation and monitoring and evaluation of development projects. District governments in South Sumatra, for example, now compile demographic and socioeconomic profiles of women living in their areas. The sex-disaggregated data that they are collecting will contribute to the development of a South Sumatra women's development index, which will allow the local government to identify women's needs more accurately and to plan development programs that respond to them. However, the capacity of local governments in Indonesia varies greatly, and may affect the delivery of services. See Box 3.5 for a discussion on decentralization and the provision of health services.

Some local governments have begun to recognize the importance of the media in promoting women's interests. One initiative taken in Banjarmasin by the provincial government of South Kalimantan was to launch a radio program for women in cooperation with a commercial station. Established and funded by the provincial government's Women's Empowerment Division, the program focuses on issues of particular interest to women and provides a gender perspective on

topics of current interest. Other local governments have also been able to use established commercial radio stations to disseminate their messages on women's issues, as regional stations generally now more and more welcome such information for broadcast

The devolution of the budget process to local government institutions opens up opportunities for greater involvement by local legislators and citizens including women in deciding how the budget is allocated. NGOs and universities are provided training and analysis on the budget process. Parliament Watch Yogyakarta (PARWI Yogya), for example, has provided training for members of the provincial and district Dewan Perwakilan Rakyat Daerah (DPRDs or Regional People's Representative Councils) in Yogyakarta on how to draft a budget with a gender perspective.

In Jakarta, the local branches of the Indonesian Women's Coalition for Justice and Democracy and the Planning Bureau of DKI Jakarta formed a joint forum for consultation and sharing of information on budgetary matters, especially during discussions of the draft budget for the city. The West Sumatra branch of the Indonesian Women's Coalition for Justice and Democracy (KPI) established a budget study group comprising members of women's groups and of Nagari representative councils. Their consultations with the Solok DPRD and Solok local government officials led to a two-thirds reduction in the budget for the bupati's personal expenses, from Rp15 million to Rp5 million, and the initiation of joint research with the Solok Planning Bureau on gender and the budget.

### The Role of Local NGOs in Promoting Gender Awareness

Where a commitment to gender mainstreaming at the local level is not so strong, groups of NGOs have emerged as effective pressure groups at the subnational level. This is found in almost

#### Box 3.5 Decentralization and the Provision of Health Services

The ADB Indonesia Country Governance Assessment highlights considerable variation across provinces and districts in their capacity to implement decentralized responsibilities, and a discrepancy between the standards set for public services and the resources allocated to them.<sup>1</sup> It remains to be seen how decentralization will impact generally on the health status of poor women and men. Surveys have generally found that service delivery was not disrupted with decentralization, but the regional consultations in North Sumatra conclude otherwise. While the period 1999–2003 saw an increase in the number of community health centers (from 407 to 428) and the number of doctors (from 821 to 1,039), the number of community health centers at subdistrict level, integrated health services posts (*posyandus*), and midwives fell from 5,650 to 3,682 over the same period. These services are needed by rural poor women above all, and the trend will have a negative impact on maternal and infant mortality among rural poor women.

Effective decentralized service delivery will remain a concern for some time. Public health expenditure represents only 1.6% of GDP in Indonesia, compared with an average of 4.5% for other low-income countries. The Medium-Term Development Plan (MTDP) 2004–2009 targets improved access to health care at the community health centers and public hospitals for poor families, and expanding health care capacity through increased numbers of professional health care workers and targeted public health programs for the poor. Priorities in family health services include a focus on family planning, female reproductive health, and infant/child health and development. However, the MTDP does not include *posyandus* as part of the strategy, which are important for local poor communities to access basic health services.

<sup>1</sup> ADB. 2004. *Indonesia Country Governance Assessment*. Manila.

all regions.<sup>95</sup> There has been a substantial increase in the number of citizen forums in both cities and districts throughout Indonesia. These forums place local governments under considerable pressure to give the public a greater say in local policy-making processes. For example, in the industrial town of Majalaya in West Java, the Forum for a Prosperous Majalaya has been active in promoting policies that will benefit the town. In the city of Gorontalo, the capital of the newly formed province of Gorontalo on Sulawesi, the local government has even issued a regulation on transparency and accountability that recognizes the importance of public participation in policy making.

Women's groups have also been active in initiating gender-sensitive interpretations of Islamic teachings. This is particularly important in light of the resurgence of conservative religious interpretations of the role of women. Among those involved in such activities are the mass-based women's organizations Fatayat and Muslimat that are affiliated with the NU and Aisyiyah and Naswiatul Aisyiyah that are affiliated with Muhammadiyah, as well as independent NGOs such as Rahima and Puan Amal Hayati. Progressive groups like Rahima have been developing gender-sensitive interpretations of Islamic teaching for many years, while also acting as advocates for women's rights (Box 3.6).

**Box 3.6: Women's NGOs and Local Governance**

In Pontianak in West Kalimantan, women entrepreneurs of small and medium enterprises have joined the Pontianak City Citizen Forum. Citizen forums are an attractive means of participation for women because they allow them to participate directly in decision making on the issues of most relevance to them, such as access to clean water and education. In many cases, the forums provide an avenue for tackling old problems that have remained unsolved for years.

Decentralization has given women's NGOs the opportunity to participate actively in local decision making. For many women's groups, this has involved a shift from being mainly a service provider (providing education, women's crisis centers, training in economic skills, and so on) to assuming a policy advocacy role.

Rifka Annisa in Yogyakarta is a good example. It established Indonesia's first women's crisis center in 1992. It provides counseling and shelters for women victims of violence and has conducted advocacy on issues related to women's rights and violence against women. Rifka Annisa has been working with local legislators, bureaucrats, police, and the local hospital to create a one-stop crisis center that can provide integrated services to women victims of violence—not just counseling and medical treatment—but also the formal recording of interviews so that legal action can be taken against the perpetrators. The organization is also engaged in dialogue with other civil society organizations and local government institutions on the local budget and local regulations, in an effort to ensure that public policies are made more gender-sensitive and responsive.

*Source:* Regional consultations, West Kalimantan, December 2004.

The progressive reinterpretation of Islamic law has attracted support at both the national and local levels. Mainstream Muslim organizations such as Muhammadiyah and the NU have rejected proposals to implement Shari'a in Indonesia along with the notion of an Islamic state. Although their stance is not specifically in response to women's concerns, it does provide leverage and legitimacy for women's groups opposing the implementation of Shari'a and arguing against conservative interpretations of the role and functions of women in society.

<sup>95</sup> Women's Journal Foundation. *Mobilizing Changes*. Jakarta.

In Aceh many activist NGOs have been active in promoting gender equality, including Flower Aceh, MISPI, and LBH Apik. They have specifically questioned and criticized the enactment of religious laws which do not benefit women.<sup>96</sup> Women's groups in West Sumatra have been developing very fast as well (Box 3.7). It was a collaborative effort by these groups that prevented the enactment of a draft provincial regulation which in one of its articles forbade women to go out at night. Women's groups in Jember and East Java have established a consortium to fight for a draft local regulation on violence against women. The growth of women's groups in many regions indicates that women do participate in public issues, and that there is an emerging awareness among citizens concerning their rights and awareness of discriminatory practices.

**Box 3.7: Women's Participation and Local Culture in West Sumatra and Papua**

According to Minangkabau *adat*, the *bundo kanduang* (a senior respected woman in the family) occupies a central place in the social structure. Traditionally, there was one *bundo kanduang* in each Minangkabau house or clan. She was the administrator of the extended family and played an important role in mediating conflict resolution in the community. The role of the *bundo kanduang* was greatly reduced under the New Order Government. In the post-decentralization era, the local people and authorities of West Sumatra have attempted to revive, even formalize, the role of the *bundo kanduang*. District regulations provide, in particular, that *bundo kanduang* should be appointed to the newly constituted Nagari legislative bodies at the village level.<sup>1</sup> Women's groups in West Sumatra, especially those concerned with governance issues, are working to empower the women who are already members of Nagari legislative bodies, as well as forming links with other *bundo kanduang* who are not members but who are determined to promote women's rights (interviews with women's groups in Padang and Solok, West Sumatra, 30 July 2002).<sup>2</sup> In Papua, women are able to secure a formal role in governance under Law 21/2001 on the status of Papua as a special autonomy region. The law provides for a Papuan People's Assembly (MRP) comprising indigenous Papuans, one third of whom are to be *adat* leaders, one third religious representatives, and one third women. The role of the MRP is, among other things, to "aggregate and articulate aspirations and complaints from the *adat* community, religious community, women and society in general on the rights of indigenous Papuans and to facilitate their follow-up and solution" (Article 19, Law 21/2001). Government regulations are now being drafted on the procedure for establishing the MRP.

<sup>1</sup> The West Sumatran Nagari legislative councils typically consist of *ninik mamak* (male family elders), *alim ulama* (religious leaders), *candiak pandai* (intellectuals), *bundo kanduang*, and representatives of families and youth groups.

<sup>2</sup> The Institute for Development of a Participatory Approach, for instance, is currently working on initiatives to reform village governance in a number of Nagari in three districts in West Sumatra. It has also targeted *bundo kanduang*, other local women leaders, and female citizens in programs to persuade women to become actively involved in budget discussions and the drafting of village regulations.

Sources: Regional consultations, West Sumatra and Papua, December 2004.

### Taking the Gender and Decentralization Agenda Forward

While the problems and obstacles are not insignificant, the decentralization process does have the potential to promote women's participation in national, regional, and local life. However, to achieve this potential, impediments that stand in the way of women's participation in the decision-making processes at the local level need to be addressed. These obstacles include lack of mechanisms that allow women the opportunity to express their opinions and recommendations during the policy-making process. Another impediment which is discussed in Chapter 2 is the weak

<sup>96</sup> Ibid.

structural position of WEDs within the local government. The WEDs require strengthened financial and human capacity in order to be able to influence local government planning as well as to mobilize ideas for women's empowerment.

Women's levels of representation in legislative bodies need to be raised in order to harness the opportunities brought about by decentralization and democratization to their fullest potential. This issue is explored in Chapter 4, *Women's Voice in Politics and Decision Making*.

## **Chapter 4 Women's Voice in Politics and Decision Making**

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Women's political participation in Indonesia was very low during the 3 decades of the New Order period (1967–1998), both at the national and local levels. Structural barriers including party regulations prevented women from entering political institutions and patriarchal values discouraged women from taking up public positions and participating in public affairs. With all policies and decisions made in Jakarta, local politics was in any case largely irrelevant in terms of making a difference for local communities. This served to lessen further women's incentive to participate in politics and decision-making. Women in Indonesia have thus traditionally made up only a small percentage of elected assembly members, and only very few women are district executives, provincial governors, or senior national government officials (Box 4.1).

Recent years have, however, seen changes, particularly in the run-up to the 2004 general elections. After extensive lobbying, a 30% "quota" for women in political party recruitment was achieved. While not all parties met this target and none ranked women high enough or equal to their male counterparts in the party lists, the discourse about the need for increased women's political participation reached a new level of prominence. As a result, there was a small increase in the number of women elected to political office in the 2004 elections. While the previous National Legislature (DPR) had 44 women out of its 499-member assembly (8.8%), the current DPR has 62 women out of its 549-member body (11.3%). In the new Regional Representative Council (DPD), voters elected 27 women to 128 available seats, reaching a proportion of 21.1%.<sup>97</sup>

### **Box 4.1: Women in Politics in North Sumatra**

In North Sumatra, women identified a number of factors that contribute to low participation of women in politics. First, most village heads do not regard women as equal members of the community. Even if a woman is a member of the village assembly (BPD), she is not respected if she is poor, young, or without formal education. Second, most women are invited to village meetings only to listen. Women's voices are only considered by the local government if it is considering what it regards as women's interests. When decisions are taken, women are not consulted, and they are not invited to budget allocation meetings.

Women are aware of the importance of being included in decision-making processes not only related to women's traditional issues, but also issues related to religion, health, education, and infrastructure.

*Source:* Regional consultations, North Sumatra, November 2004.

A major obstacle to arriving at a clear assessment of women's place in Indonesian politics is the lack of accurate and timely data.<sup>98</sup> Collating and analyzing such data present an immediate challenge to increasing women's participation in the political arena. A second challenge relates to the limited training and formal political experience of many of the women who competed in the April 2004 elections. A goal for the coming term is to assist those women who were elected for the first time to successfully represent citizen concerns in their new positions.

<sup>97</sup> Women's Division, Center for Electoral Reform. Data compiled in 2001 and 2004.

<sup>98</sup> Data were still not complete in early 2005, months after the legislative elections; data are not available in any one location of names of women elected at the district or subdistrict level for all of Indonesia. Data are not available in one location of the names of all women who contested the nominations at the district and subdistrict levels.

The third challenge relates to perceptions of women's roles in society (Box 4.2). National Democratic Institute (NDI)<sup>99</sup> research found that some people are prepared to vote for women candidates and indeed, overall, participants in the NDI research believed that there should be greater numbers of women in elected office. Many were concerned that those women should be qualified for the job, but also indicated that they believe that women may have characteristics that make them perform better at representing citizens. Participants named such characteristics as the ability to multitask, careful consideration before taking action, using feelings to help make decisions, and a tendency to be less corrupt.

Most women interviewed in the regional consultations identified the similar obstacles that stand in the way of women's participation in political decision making, namely the multiple burdens of women, cultural values, men's unwillingness to share power, high formal education requirements, and women's position in society in general. Additionally, women emphasized that they did not feel confident about speaking in public, which prevented them from seeking influence in political decision making.

**Box 4.2: Constraints for Women Participating in Village Decision Making**

"Women's time is occupied by family matters, so women cannot participate in village activities, even if they are invited. More meetings should be conducted at a convenient time for women and men. If the meetings were organized during the day, more women and men would participate in the decision-making process at the village level."

"When I have a proposal related to women's interests, other people assume that the issues raised in the proposal are women's issues. The men generally do not support the proposal, much less help during implementation."

*Source:* Regional consultations, North Sumatra, November 2004.

### **Laws Governing the Political Role of Women**

As established by the country's Constitution, Indonesian women have had the right to vote and to run for political office since 1945. In 2002 the Political Party Law 31/2002, Article 13, Point 3 was amended to govern the means by which party executive boards are formed. The Law now holds that the executive board of a political party at every level shall be elected in a democratic manner through a consultative forum of the political party in accordance with its articles of association and standing orders and having regard to gender equality and justice. Political parties have overlooked the importance of women's representation in national and local legislatures. While the presence of women legislators does not in itself guarantee the promotion of women's rights and interests in policy making, studies show that it has proved useful.

The male-dominated political party machinery has geared political recruitment processes almost exclusively toward men. The process pays particular favor to those who are already members of national or local elite in order to be able to attract mass voter support for the party. Political parties do not view women's issues or the promotion of women candidates as important. The popular perception that politics is a dirty business further adds to the difficulty of finding

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<sup>99</sup> NDI conducted research in December 2003 and then followed up in May 2004.

willing female candidates, as women do not see politics as a suitable activity in which to participate (Box 4.3).

In 2003 Election Law 12/2003 was passed in which the lobby for a 30% quota for women in political parties was accepted. Article 65 of the Law on the Method for Nomination of DPR, DPD, Provincial DPRD, and Regency/City DPRD Candidate Members, point 1 reads:

“Each participating political party may nominate candidates for the DPR, DPRD, and Regency/City DPRD, for each electoral district, giving consideration with regard to the representation of women of at least 30%.”

**Box 4.3: Politicians' Perception of their Role**

Female politicians in Yogyakarta regarded themselves as a “balancing variable” in politics, meaning that they pick up any issue that their male counterparts do not raise. Female politicians emphasized that male politicians were still regarded as the main decision maker in “important” cases. Female politicians also felt that they were being expected to improve the daily life situation for their constituency, more so than of their male counterparts, in the local legislature. It was not uncommon that women supported some of their constituency in terms of paying for health services. *Source:* Regional consultations, Yogyakarta, December 2004.

While this was less than what was lobbied for, the change did lead to an increase in the number of women nominated and consequently elected in 2004.

**Women's Representation in Government**

*The National Legislature.* The National Legislature (DPR) has 62 women in its 549-member body (11.3%). This is a small increase over the 8.8% reached after the 1999 elections.

While the long-standing division in Indonesian politics between secular and Islamic parties continues to be reflected in the National Legislature, there has been a marked increase in the representation of women from Islamic parties. In the 1999 election, secular and Christian parties received about 65% of the votes. That figure dropped slightly to 62% in the 2004 election with the 3% taken by Islamic parties. The pre-2004 DPR had 11 women from Islamic parties, which increased to 22 in 2004, an increase from 2.4% to 4.0% of all DPR members.<sup>100</sup> This must be considered against the fact that overall, 32% of the candidates for the DPR were women. Of the 5,249 male candidates contesting the DPR elections, 9.2% of them won a seat, while only 2.6% of the 2,507 women candidates did so, primarily because women candidates were not placed high enough in the party lists to be elected.

As noted above, the law governing the DPR election as well as that of the DPRD's encouraged parties to run women in 30% of their party lists. However, not one of the 24 parties running in the election met the “quota” in all election districts. For all but the two largest parties, Golkar and PDI-Perjuangan, only the number one candidate in a party list had any chance of

<sup>100</sup> Sherlock, Stephen. 2004. *Consolidation and Change: The Indonesian Parliament after the 2004 Elections. A Report on Political Parties.* Center for Democratic Institutions, Canberra, Australia. June.

winning a seat. According to data compiled by the International Foundation for Election Systems (IFES), women occupied the number one position in 14.7% of party candidate lists for the DPR. Women were the number 2 candidates in 25.6% of party lists. Most women candidates for the DPR were placed farther down the party list, in “unwinnable” positions. Women candidates indicated that being placed lower in the lists was usually due to the party’s expectation that the number one candidate would financially carry the balance of the list. This precludes women who usually have access to smaller amounts of campaign funding.

From figures compiled by the Ministry for Women’s Empowerment in 2002, pre-2004 women members of the DPR were more likely to be placed in the “softer” commissions. The highest shares of women commissioners at that time were in the Health and Population Commission at 25%, followed by Religious Affairs, Education and Culture at 12.5%, and Industry and Trade at 9.6%.<sup>101</sup>

*District Legislatures.* The lack of complete data about women nominated or elected at the DPRD level impedes analysis. However, initial reports by the Central Java Election Commission are that the subdistricts of Blora, Pemalang, and Tegal now report 1, 3, and 4 elected women, respectively, where previously there were none. Overall, Central Java now reports 15 women elected out of the 100 seats, where previously there were 6. In East Kalimantan, the city of Samarinda reported 9 women elected out of a total of 45 members, where previously only 2 women held seats. The numbers are still low, but the trend is clearly positive. Initial reports seem to indicate an increase in women’s representation in a number of locations at the district and subdistrict levels. As repeatedly noted, this data needs to be collected for all legislatures to confirm what anecdotal evidence currently only suggests.

*The Regional Representatives’ Council.* In the recently created Regional Representatives’ Council (DPD) which together with the DPR forms the People’s Consultative Assembly (MPR) voters elected 27 women to 128 available seats. Of the 933 people who contested open, non-political DPD seats, 89 or 9.5% were women. Just over 30% of women who ran for the DPD were elected. This was a more successful rate than for the DPR.<sup>102</sup> These numbers seem to reflect a willingness on the part of voters to elect women.

In the DPD election, women were able to use their own networks to gain support rather than being tied to any one party’s network. This phenomenon suggests that voters are ready to vote for women. Parties and their nomination processes pose a greater obstacle to women being elected than the perceptions of voters. The rate of women’s election to the DPD may be a motivator to those political parties who are observant to note that women are well received by the electorate and

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<sup>101</sup> International Institute for Democracy and Electoral Assistance (IDEA). 2002. *Perempuan di Parlemen: Bukan Sekedar Jumlah—Seri Buku Panduan*, p. 47.

<sup>102</sup> However, nine provinces sent no women representatives to their DPD: North Sumatra, West Sumatra, East Java, East Nusa Tenggara, West Nusa Tenggara, South East Sulawesi, South Sulawesi, West Java, and Gorontalo. At the national level (DPR and DPD) there are only two provinces—West Sumatra and West Nusa Tenggara—that did not elect any women representatives (IFES, Summary of Women Candidate’s Performance at the 2004 DPR/DPD election).

may increase a party's chance of winning seats if women are placed in winnable positions in the lists.

*Judges and Attorneys.* The number of women appointed as judges in the Supreme Court decreased from 36 in 1998 to 34 in 1999, and again to 28 in 2002.<sup>103</sup> Women number about one third of the total number of judges. These appointments have, until now, been made by the president after conferring with the commission in the DPR, but they will soon be made directly by a new, independent Judicial Commission. Out of 5,130 attorneys, only 20.3% are women.

*Presidents, Governors, Mayors, and Ministers.* At the executive level, Indonesia has been governed by one woman president, the former president Megawati Soekarnoputri. She served as the head of government and state from 2001 to 2004. While Megawati was elected to the post from within the People's Consultative Assembly, she lost the position to President Susilo Bambang Yudhoyono in the country's first direct presidential election held in September 2004.

In Indonesia, no woman holds the post of governor of any province. Until 2005, these positions were elected from among district legislators and, prior to this, simply appointed. However, as of June 2005 these roles are contested in direct elections as each term expires. Data on the rate of women's representation in the recent provincial (DPRD I) and district (DPRD II) levels are not currently available. While it may have increased over previous figures, the expectation is that the percentage of women filling these posts will be as in the past lower than the national figures. Previously, women were present in 6% of DPRD I seats and 4% of DPRD II seats. In the post of mayor or head of a region, women held just 5 of 336 seats or 1.5% in 2002.

In the present government installed in October 2004, there are 4 women ministers out of 36 ministerial posts representing 11% of the Cabinet. They are Mari Elka Pangestu, Minister of Trade; Siti Fadilah Suparti, Minister of Health; Sri Mulyani Indrawati, State Minister of Development Planning and Meutia Farida Hatta Swasono, State Minister of Women's Empowerment.

### **Obstacles for Women in Politics**

In the global context there are four kinds of obstacles to women's engagement in politics. They are political, socioeconomic, ideological, and psychological.<sup>104</sup> In Indonesia today, these four obstacles are manifested by a lack of party support, lack of well-developed education and training systems, particularly those orienting young women toward a political life, the nature of the electoral system, poverty and unemployment, lack of adequate financial resources, illiteracy, the multiple burden on women, women's lack of confidence in running for elections, women's perception of politics as a dirty game, and the way women are portrayed in the mass media.

In advance of the elections in 2004, women in political parties often noted that the nomination process in political parties and the lack of finances available to women as well as

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<sup>103</sup> BPS. 2002. Statistik dan Indikator Gender.

<sup>104</sup> Shvedova, Nadezhda. 2002. Obstacles to Women's Participation in Parliament. Available: <http://www.idea.int/publications/wip/index.htm>.

women's negative perceptions of politics made getting women nominated high enough in the lists very difficult. In addition, the issues noted in 1999 remained constraints on women's effective engagement in significantly larger numbers.

Women from NGOs and political parties met regularly in Jakarta in advance of the nomination process in late 2003 to identify potential women candidates, to seek additional financial support for those women, and to compare nomination processes and strategies to nominate more women. Although unsuccessful in gaining agreement about how funds raised would be distributed and therefore missing fund-raising opportunities the efforts at sharing information and techniques did lead to more effective lobbying of party leaders to come closer to meeting the 30% quota.

*The Electoral System.* While many parties did nominate greater numbers of women, the election outcomes made clear that unless women were number one or two in the party lists, they were very unlikely to be elected. This phenomenon is a product of Indonesia's new partially open list system, designed to give voters a greater say in who they elect. In this new system, voters can choose either a party or a party and a candidate from that party's list. Should any single candidate reach the electoral threshold, he or she is declared elected regardless of where he or she was in the list. After those people are elected, any votes remaining for that party are then doled out on the basis of the party list. That is the theory. In practice, given that only two of the 550 members of the National Legislature (DPR) reached the electoral threshold (both of them already at the head of their party lists), the partially open aspect of the electoral system did not result in anything more than a closed list system would have done. The Center for Electoral Reform (CETRO) compiled preliminary data showing that a number of women lower down party lists received significantly more votes than the men who were declared elected because of their position at the top of the lists.

If Indonesia moved to a truly open list system and/or formalized the quota so as to insist on women being placed in every alternate spot in a party list, greater numbers of women could potentially be elected even if all other factors remained the same.

*Fatwa and the Presidential Election.* Religious edicts or fatwa have been announced at various points in Indonesia's political history. In 2004, the first opportunity to directly elect the president combined with one of those candidates being a woman brought the issue of fatwa to the fore. In June 2004, a few weeks prior to the first presidential vote, a number of religious leaders of NU of East Java announced that it was forbidden for Muslims to vote for a woman candidate, adding that a woman could only be made leader if the country was in great danger. This announcement produced great controversy and was seen by many to be political party-driven.

The Secretary General of the Indonesian Council of Muslim Clerics, Din Syamsudin, opposed this edict. Others noted that the national meeting of the NU in 1997 had declared that women did have the right to serve as leaders, from the neighborhood level to the president.<sup>105</sup> A similar edict had been declared in advance of the 1999 elections, pronounced then by leaders from

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<sup>105</sup> Available: <http://www.suaramerdeka.com/harian/0406/08/nas01.htm>.

PPP. Ironically, their leader, Hamzah Haz, later went on to serve as vice president to a woman president.

*Voting for Female Candidates.* The IFES national survey of voters conducted immediately postelection, reported that 28% of survey respondents claim to have voted for a woman candidate in one or more of the DPR, DPD, and provincial DPRD or regency/city DPRD elections.<sup>106</sup> Of this, almost one third of the electorate, 23% of male respondents and 33% of female respondents, claimed to have voted for a woman candidate in at least one of the four elections of April 2004. When looking at a regional breakdown, we see the conflict areas of Aceh, Papua, and Maluku emerging as locations for greater proportions of reported voting for women, at 40%. In Central Java and Yogyakarta 42% of respondents reported choosing at least one woman. In Bali, West Nusa Tenggara, and East Nusa Tenggara 39% reported selecting a woman. In Kalimantan, the rate was 29%. In Sulawesi 24% said they chose a woman. In East Java and Sumatra, respondents reported 23%. In West Java, Jakarta, and Banten, the rate was 24%.

In focus group discussions conducted by NDI in May 2004, participants who chose a woman candidate indicated that they did so because they knew her. This response suggests that those women who had personal networks or who created those networks through their campaign techniques may have fared better in electoral support.

*The Electorate.* In 1997 women made up 50.3% of the electorate. That figure increased to 52.2% in the 1999 elections.<sup>107</sup> In 2004, more women than men were registered to vote. In the voters' list going into the presidential election in mid-2004, there were 121,031,743 people of whom 59,515,397 or 49.2% were men and 61,516,346 or 50.8% were women. The voter turnout for the election was 74.4%. Like the ratio in the voters' list, more women reportedly voted than men. Total voter turnout was 72.7% for men and 75.9% for women.

*Political Parties.* Not all political parties in Indonesia have women's wing per se, notably not PDI-Perjuangan headed by former president Megawati Soekarnoputri (Box 4.4). Parties that do not have a women's wing tend to have somewhat less powerful women's departments as a mechanism for organizing women inside the party. Those with women's caucuses also have women's departments to assist in organizing. Caucuses tend to serve as political bodies from which women are able to participate more fully in party decision making, whereas departments are more functional or bureaucratic in nature.

**Box 4.4: Women and Political Parties**

One woman politician from an Islamic-based party stated that during the recruitment of party members to the parliament, women did not want to be elected as potential candidates. They were afraid of attending late-night meetings and they had too much work in the household. It was not regarded as appropriate for women to go out at night.

*Source:* Regional consultations, Yogyakarta, December 2004.

<sup>106</sup> Conducted by the Polling Center with 1,250 respondents (and a +/- 2.8% margin of error).

<sup>107</sup> IDEA. 1999. Reform Is for Us Too—Politics for Women and Women for Politics. IDEA Workshop, 11–12 May 1999.

Of the 24 political parties that contested the elections in April 2004, three of them were headed by women: the second largest party represented in the National Legislature, PDI-Perjuangan with President Megawati at the helm, and two other much smaller parties headed by her two sisters: PNI-Marhaenisme headed by Sukmawati Soekarnoputri and Partai Pelopor chaired by Rachmawati Soekarnoputri.

In the seven main parties in Indonesia in the post-2004 election period, Megawati remained the only female party leader.

Akbar Tandjung's leadership of Golkar has its first openly declared challenger in Marwah Daud, a prominent woman leader of the party. "The position of chairperson of Golkar has been dominated by men and by people from the western part of Indonesia. With the spirit of gender equality and regional equality, I was urged to nominate myself as the chairperson of Golkar," Marwah said at her nomination announcement in early November 2004. While she did not win at her party's congress in December 2004, the challenge may galvanize women in Golkar and possibly other parties to seek higher levels of decision-making authority.

*The Indonesian Political Women's Caucus.* In March 2000, at the behest of a number of women from political parties, legislatures, civic organizations, trade unions, and the media, NDI organized a series of workshops on women, equality, and politics. There was broad agreement that the workshops enabled members of different political parties and nonpolitical party participants to meet and discuss, often for the first time, the common issue of empowering women in Indonesian politics. At the closing forum, the 113 women present determined the need for a caucus for women both inside and outside the National Legislature. The group recommended various activities for the caucus, including:

- developing a comprehensive action plan;
- conducting discussions among all parties;
- inviting men to discuss the issue of women in politics;
- inviting NGOs and university students to discuss the issue of women in politics;
- conducting workshops in the regions; and
- providing comparative data on the experiences of women in other countries, particularly in Asia.

Party activists from across the country's political spectrum came together to establish an Indonesian Political Women's Caucus (Kaukus Perempuan Politik Indonesia or KPPI). KPPI's mission has been to increase women's involvement in Indonesian politics and to strengthen the movement for women's rights and participation in an independent and politically moderate caucus as a forum for women activists, both at the central and regional levels. The Caucus was officially formed on 17 August 2000 in Jakarta. It now has over 20 branches across the country.

In the run-up to the 2004 elections, KPPI held a series of training sessions for women prepared to run for nomination. Conducted on a multiparty basis, these sessions reached over 800 women in more than half of the provinces of Indonesia. Subsequent analysis of the election results

showed higher rates of nomination and election among women who took part in the training than those who did not.

In the postelection period, KPPI is determined to lobby for further changes to the election and political party laws and entrench a quota for women candidates in elections and their placement in party lists as well as on party leadership boards.

*The Indonesian Women's Parliamentarians Caucus.* Concurrent with the creation of the multiparty Indonesian Political Women's Caucus outside Parliament, a group of women inside Parliament formed a similar body. This group, which shares the same acronym in Indonesian, KPPI, is known as the Indonesian Women's Parliamentarians Caucus or *Kaukus Perempuan Parlemen Indonesia*. It too continues to serve as a gathering for women members in the National Legislature.

The Caucus' first action was to hold a press conference calling for an end to the internal conflict in the DPR, in which the Nationhood and People's coalitions were seen to be competing to obtain leadership chairs in commissions and committees of the DPR. In gathering together almost 30 women members from 10 factions of Parliament, the women called for members to take concrete steps to bring an end to the stalemate.

While the creation of the Regional Representatives' Council (DPD) has no power beyond that of its moral authority and the authority vested in it during the twice-yearly meetings it holds with the National Legislature (DPR), this body too hopes to gather its women members in a caucus. There is debate internally about whether this body should be separate from the DPD or simply join in the DPR. Under the leadership primarily of the DPD's oldest member, Mooryati Sudibjo, a self-made cosmetics mogul representing Jakarta, the body held its first gathering with all 27 women members present at her home on the eve of the first DPD session. Its configuration and achievements remain to be seen but caucuses of this nature in the DPD, which otherwise has no formal network as an official nonpartisan set of regional representatives, could potentially be powerful.

### **Regional Differences in Women's Representation**

At the national level, only West Sumatra and West Nusa Tenggara did not elect any women in 2004. For province-level (DPRD I) data, only data from previous legislative sessions are available. Looking at 24 of Indonesia's provinces, those with the highest representations of women were: South Sumatra with 9 of 75 members (12.0%), South Kalimantan with 6 of 45 (13.3%), North Sulawesi with 6 of 55 (10.9%), East Java with 11 of 100 (11.0%), Aceh with 5 of 55 (9.1%), and Yogyakarta with 5 of 52 members (9.6%).

The five least-represented provinces in terms of women members were: North Maluku with no women elected at the provincial level, followed by Bali and Riau, each with only 1 of 55 members (1.8%), Central Kalimantan with 1 of 45 (2.2%), and West Java with 3 of 100 (3.0%).

At the district level (DPRD II), the highest rate of women's representation was in Kabupaten Bengkalis with 9 of 45 members (20%). Kabupaten Minahasa had 7 of 45 (15.6%). Three other kabupaten in Java (Cianjur, Bekasi, and Bogor) each had 6 women of 45 members (13.3%). They were followed by Kabupaten Cilacap with 5 women of 40 members (12.5%).

At least 79 of Indonesia's district and subdistrict legislatures had no elected women members. Those provinces with the lowest rates of female representation in their DPRDs at the district and subdistrict levels were: Aceh with 9 of 13 (69.2%) districts and subdistricts with no women elected; Central Kalimantan with 3 of its 5 DPRD IIs with no women (60%); West Nusa Tenggara with 4 of 7 (57.1%) lacking female representation; Bali with 5 of 9 DPRD IIs (55.6%) with no women representatives; East Kalimantan with 6 of 12 (50.0%) of its districts and subdistricts with no women elected; and East Nusa Tenggara with 5 of 14 (35.7%) of its DPRD IIs lacking women representatives.

### **Future Election Prospects for Women**

While the rate of election of women still needs significant improvement, some gains were made in 2004. Some have suggested that the 30% soft quota, collaborative lobbying efforts, cooperation between NGOs and women in political parties, as well as training, contributed to the increase in women's representation in legislatures.

The soft quota, and perhaps more importantly the debate surrounding the quota, contributed to political parties' increased attention to nominating women in this round of elections. Prior to the establishment of the quota, women's nominations relied almost exclusively on the generosity of party leadership. At the same time, women reported a patriarchal culture in political parties that defied change. With reform efforts being taken on many fronts, women in political parties seized the opportunity to propose reform in the election and political party laws as well, opening the doors to change. The efforts of women inside political parties in lobbying their leaders to fulfill the quota as well as that of women outside parties, particularly in NGOs, to publicly pressure parties to comply, led to greater numbers of women appearing in the lists. These efforts led to women being placed higher in the lists.

How nominations were determined inside parties required intervention from women as well. Longevity, healthy finances, and incumbency—usually to the benefit of men over women—often played key roles in advancing toward nomination. Women in parties lobbied for both training and being female to be considered as leverage toward selection. They also often encouraged a more open process of determining nominations before larger bodies of members rather than in a small panel of party bosses.

In addition to KPPI, NDI and many domestic NGOs conducted training for potential and actual candidates to increase women's effectiveness in the nomination and campaign periods.<sup>108</sup>

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<sup>108</sup> ADB. 2004. *Gender Responsive Public Policy and Administration* ( TA 4479-INO). Similar training is being delivered under this ADB technical assistance project in the three districts of Bogor, Tapin, and Tanah Laut.

This training helped counter the criticism among party leaders that there were not enough qualified women candidates. It also may have played a role in women receiving more votes than some men higher in the list as a result of more effective direct campaigning. While this effort did not always result in women being elected, it did show to parties and the candidates themselves that women can bring a constituent base to parties and elections, a lesson that may prove helpful in future efforts at increasing women's leadership role in politics. Women who attended such training reported that they became more confident in their new role as candidates and, when successful, as legislators as well.

It is clear that women made gains in Indonesian politics in 2004. These modest achievements could potentially set the stage for further expansion and consolidation of women's place in politics in years to come. To better understand the gains, more complete data needs to be collated on women's representation in provincial, district, and subdistrict legislatures. While women's representation in legislatures is a key measure of their political success, those working to increase women's participation in Indonesian politics cannot afford to set aside the many women who were not elected in 2004. These women could be key members of a more comprehensive political women's network across the country. This network would be vital in efforts to organize more effectively for women candidates in the next legislative and presidential elections in 2009.



The Declaration on the Elimination of Violence Against Women (1993) defines violence against women as any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. This includes physical and psychological violence occurring in the family and in the community, including battering, sexual abuse of children, rape, female genital mutilation and other harmful traditional practices, nonspousal violence and violence related to trafficking in women, forced prostitution, and violence perpetrated by the state.

Violence against women (VAW) devastates many lives. Aside from the immediate physical injuries, victims of violence suffer emotional and psychological damage that may be more difficult to treat. Violence against women is a complex social problem that has implications for vulnerability and poverty. There are immediate costs in terms of the negative impact on children and on women's income-generating activities, and substantial longer-term costs in terms of the negative impact on health, families, productivity, and poverty.<sup>109</sup>

Documenting violence against women is difficult for a number of reasons. First, the influence of social and cultural norms in determining what constitutes violence impedes a universal consensus on the definition of VAW. Second, only a limited number of cases of VAW are reported officially. Third, violence against women is in many cases regarded as a private rather than a public issue.

### **Government and Civil Society Responses to Violence Against Women**

The National Commission on Violence Against Women (Komisi Nasional Kekerasan Terhadap Perempuan) was established in 1998. Its aim is to provide services for women survivors of violence, through

- increasing public understanding through publications and strategic dialogue,
- creating a conducive environment for the elimination of all forms of violence against women by advocating legal and policy reform, and
- strengthening capacities for the prevention of violence against women and dealing with its consequences.

The Commission publishes materials on standards for quality care of women survivors; undertakes needs assessment and action planning workshops with district-level institutions that provide services for survivors; and dialogues with government and civil society to commit them to ending violence against women. The Commission also facilitates the growth, networking, and

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<sup>109</sup> Buchori, C. and L. Cameron. 2004. *Briefing Notes for Government of Indonesia. Gender Dimension of Development: Why Does it Matter?* Jakarta.

capacity development of women's groups who provide services in counseling, legal services, and policy advocacy. One of the Commission's major achievements is its role in advocating for Law 23/2004 on Elimination of Domestic Violence.

In addition to the establishment of the Commission a number of other important initiatives have been taken by the Indonesian Government to combat violence against women. In 2002 a Joint Agreement Letter between the State Minister for Women's Empowerment, Minister of Health, Minister of Social Affairs and the Chief of National Police stipulated that integrated physical, psychological, medication and treatment, social and legal services should be provided for victims of violence.<sup>110</sup>

At the regional level, the Foreign Ministers of the ASEAN countries signed a Declaration on the Elimination of Violence against Women on 13 June 2004. The Declaration contains encouragement for regional cooperation in collecting and disseminating data for fighting violence against women, promoting holistic and integrated approaches in eliminating violence against women, and endorsing the conduct of gender mainstreaming, and formulating as well as amending domestic laws to prevent violence against women.

### **Domestic Violence**

Very few studies have been conducted on VAW in Indonesia. There are no studies, for example, analyzing how the increasing number of female-headed households is exposed to violence, and it is not possible to make an adequate estimation of the extent of domestic violence. Statistics available through the police, women's study centers, and other formal institutions often underestimate levels of violence because of underreporting caused by the stigma attached to rape and other forms of violence. Women's NGOs have estimated that only 15% of domestic violence incidents are reported.<sup>111</sup>

With these limitations, several NGO studies have suggested that violence against women has been increasing significantly. Mitra Perempuan reports that it has risen on an annual basis, from 3,169 reported cases in 2001 to 5,163 in 2002 and 5,934 in 2003.<sup>112</sup> According to the Commission, the number of VAW cases in 2004 was 4,310.<sup>113</sup> Because it is located within the private domain, domestic violence is the least visible manifestation of the many forms of daily violence perpetrated against women. Since domestic violence is regarded as a private issue, there is little social space for women to speak out. Very few services also exist to support assaulted women.

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<sup>110</sup> National Commission on Violence against Women. *2005 Annual Report on Violence against Women. 2005; Yard and Garden. 2005*. Location of Violence Against Women 2004: Home, Environment of Life. March. Jakarta.

<sup>111</sup> Women's Human Rights in Indonesia. 2002. Available at [www.onlinewomeninpolitics.org/indon/indodoc.htm](http://www.onlinewomeninpolitics.org/indon/indodoc.htm).

<sup>112</sup> *Jakarta Post*. 30 June 2004.

<sup>113</sup> The data is based on data from 43 women's organizations in 14 provinces, 70 state courts in 20 provinces, 2 religious courts in 2 provinces, 28 special services rooms at police offices in 28 provinces, 11 hospitals in 9 provinces, and from the office of the Attorney General (see Footnote 111).

A study conducted in West and East Nusa Tenggara, North Sumatra, and East Kalimantan found that the main reasons for domestic violence are (i) the low status of women; (ii) low levels of access to information and resources; and (iii) lack of education, employment, and involvement in decision-making processes, which often results in men having control over women's bodies.<sup>114</sup> In some cases, violence may be caused by changes in livelihood patterns, adjustments in social structures such as in structure of households, and migration. All these cited causes put households under pressure to adopt new survival strategies in the context of change, the cost of which can strain intra-household solidarity and lead to violence.

In a survey of husband-wife domestic relations with 339 male and 362 female respondents, 20% of the men admitted to having psychologically intimidated their spouse, and 11% to having abused her. These responses contrast with those expressed by women: 16% reported that they had been beaten, kicked, or suffered other physical abuse.<sup>115</sup> The results of a Demographic and Health Survey (2002–2003) conducted in five provinces covering 29,500 female respondents<sup>116</sup> point to a high degree of women's acceptance of abuse. According to the survey almost 30% of the respondents stated that wife-beating is acceptable for one or more of the following reasons: if she burns the food, argues with the husband, goes out without telling the husband, neglects the children, and/or refuses to have sex with him. The survey shows that younger women, married women, and rural women are more likely than other women to agree with at least one of the specified reasons. Women who have no final say in household decisions are the least likely to agree with wife-beating when compared to other women. However, women who participate in one or two household decisions are more likely to agree with at least one of the specified reasons for wife-beating than women who participate in more household decisions. Box 5.1 illustrates some of the reasons for domestic violence in Papua.

A survey conducted among some 1,100 women on their self-esteem and their perception of the impact of violence from their spouses at home indicated that many women have low self-esteem and many felt insecure at home. Some 60% of women said they were often detained or held against their will at home, the same rate reported having to be subservient to their

**Box 5.1: Domestic Violence in Papua**

From 1999 to 2002, 216 cases of domestic violence were reported in Jayawijaya regency alone. They included battering, cutting, and killing. Women in the area stated that the main causes of domestic violence were alcoholism and gambling among men. The women also mentioned that there were thousands of cases of domestic violence that were not reported because domestic violence was regarded as a private and not a public matter.

*Source:* Regional consultations Papua, December 2004.

<sup>114</sup> UNIFEM. 2003. *Stop Violence Now. Government and NGO Collaboration to Eliminate Violence Against Women in Indonesia, 1999–2001*. Elimination of Violence Against Women Program, East and Southeast Regional Office in Bangkok. Bangkok.

<sup>115</sup> Ministry of Health, Republic of Indonesia and the World Health Organization. 2003. *Indonesia: Reproductive Health Profile 2003*. Jakarta.

<sup>116</sup> Ministry of Health. 2003. *Indonesia Demographic and Health Survey 2002-2003*. Statistics Indonesia, National Family Planning Coordinating Board. Jakarta.

husbands, about 90% reported having ever experienced sexual, discriminatory, violent, or harassment abuse, and around 40% said they could not voice their own opinion.<sup>117</sup> The survey results, though small in scale, indicate that violence against women is significant, and the implications for women involved are devastating. Box 5.2 illustrates the economic roots of some domestic conflicts.

While rape or sexual assault is a punishable offense and perpetrators have been arrested and sentenced for rape and attempted rape, reliable statistics are unavailable. As with wife assault, rape is underreported due to cultural factors of family shame and social stigma, and the lack of public recognition and government enforcement of sexual assault as a crime against women. Many women do not report rape, because the police do not take their allegations seriously.

**Box 5.2: Domestic Conflicts Have Economic Roots**

“I am a member of Indonesia’s Women’s Coalition and many women come to my house to share their problems with me. With regard to domestic violence, it is mainly caused by economic problems within the household. Once, a woman came to me and told me that she had been threatened by her husband because she had been given Rp7,500 a day to buy food for the household and pay school fees. The husband did not believe that the money was insufficient to buy cigarettes and liquor. I protected the woman from the husband, who was very violent.”

*Source:* Regional consultations, Makassar, December 2004.

Female domestic workers working in Indonesia are particularly prone to violence because their work is situated in the private sphere, unregulated, and shielded from public scrutiny. Progressive urbanization in Indonesia has led to an increased demand for domestic workers by the middle class. Demand has expanded in particular for girls who are under 15 years of age to assist with rearing of children and performing household tasks. *Human Rights Watch* finds that a majority of girls working as domestic helpers have suffered from some form of sexual, physical, or psychological abuse. Domestic workers, especially those who live on the premises where they work, are highly vulnerable to physical and sexual abuse. Most live-in domestic workers do not have safe living quarters with a lock on the door, leaving them vulnerable to assault.<sup>118</sup>

The Indonesian Government ratified the CEDAW convention in 1980, but it was only in September 2004 that Law 23/2004 on Elimination of Domestic Violence was enacted. The law defines domestic violence as acts committed against a person causing physical, sexual, or psychological distress or suffering, and/or domestic neglect. The law stipulates that any person who has been convicted of committing physical violence within the sphere of their household will be sentenced to prison for up to 5 years or pay a maximum amount of Rp15 million (Article 44). If the victim suffers illness or severe injury, the criminal sentence is imprisonment of up to 10 years or payment of a maximum of Rp30 million. In the event that the acts are committed by a husband toward a wife (or vice versa) and the act does not cause illness or constitute an obstacle to the victim’s earnings or income, the criminal sentence is imprisonment of up to 4 years or a fine of a maximum of Rp5 million. If the act does not cause illness or constitute an obstacle to the victim’s

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<sup>117</sup> Ibid.

<sup>118</sup> *Human Rights Watch*. 2005 Always on Call: Abuse and Exploitation of Child Domestic Workers in Indonesia. Vol. 17, no. 7. New York. June.

earnings or income the criminal sentence is imprisonment for a maximum period of 4 months or a fine of up to Rp3 million. The law provides for lower sentences when the acts are committed within the household among married couples.

A significant achievement of the new law is that the rights of victims are acknowledged. These rights include (i) protection of the victim by the police, judiciary, court, lawyers, and social institutions; (ii) medical service in accordance with the victim's medical needs; (iii) the victim's right to confidentiality; (iv) support by social workers and provision of legal aid at every stage of the investigation; and (v) counseling services.

It is not possible to assess the impact of this new law on domestic violence in Indonesia. However, to ensure its adequate implementation, publications about the rules of implementation for each law enforcement institution including the police, attorney general, and courts need to be developed and disseminated. Financial and human resources need to be allocated to ensure that the victims receive the support to which they are entitled.

### **Violence Against Women in Conflict and Postconflict Areas<sup>119</sup>**

Physical and sexual violence, particularly against women, continues to be a well-documented feature of armed conflicts. Women are likely to experience increased violence—not only collective but also interpersonal violence. Empirical evidence shows that domestic violence increases as communities break down during and after conflict.<sup>120</sup> Women in war zones often experience physical and sexual abuse by male spouses who have been demeaned by the armed conflict and are crippled by guilt and anger for having failed to assume their responsibility for protecting their women.

Both women and men suffer war abuse and trauma, disruption, and loss of resources such as housing, absence of productive land, lack of capital, children dropping out of school, and lack of access to adequate health services. Families often have to flee, and may be resettled in emergency housing far from their place of origin, or may move to camps. Women and children are the most vulnerable in this situation. Apart from the trauma, isolation, and loss of hope, women cannot meet their own or their families' daily needs. Demographic changes due to conflicts have also led to more women becoming heads of households. Thus the impact of these losses is experienced in different ways and women are often disproportionately affected.

Forced displacement as a consequence of armed conflict has serious consequences for the people involved. People have often been uprooted from their homelands by political, religious, cultural, or ethnic persecution during conflicts. Displacement disproportionately disadvantages women, because it results in reduced access to resources to cope with household responsibilities and in increased physical and emotional violence. Displacement also implies social exclusion and poverty. Displacement may also lead to shifts in gender roles and responsibilities. This has

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<sup>119</sup> The data on Aceh in this section were compiled before the tsunami struck in December 2004.

<sup>120</sup> Jack, Amani El. 2003. *Gender and Armed Conflict*. Overview Report. BRIDGE/Institute of Development Studies, University of Sussex: Sussex.

contributed to changes in the division of labor that have created new opportunities for women but in some respects has further marginalized their place in society.<sup>121</sup> The opportunities for women may include priority for training and development programs in health and education as well as in income-generating activities. The skills that women gain enable them to assume new roles within the household, such as becoming the main breadwinner when men have been killed, or when they have problems finding employment after removal from their communities. The men who are left may react to these changes with depression, alcoholism, and an escalation of violence against women in public and in private.

In 2004, there were two major areas that suffered from armed conflict: Aceh and Central Sulawesi. Reports from Aceh show that there were 14 women who suffered from various kinds of physical, psychological, and sexual violence (Box 5.3). The perpetrators of violence usually were security officials (13), other sources documented 27 cases of rape (19), and sexual harassment (8) in 2004.<sup>122</sup>

**Box 5.3: Experiences of Acehese Women in Conflict Situations**

According to data collected by human rights defenders and humanitarian workers, Acehese women have been victimized by:

- *Shootings, burning, and looting.* Women are usually not the direct target of these attacks but are nevertheless killed or lose their homes and assets.
- *Kidnapping, disappearance, torture, and murder.* Women accused of supporting “the enemy,” or suspected of having strategic information, or of witnessing human rights violations become direct targets of these attacks.
- *Sexual assault, harassment, and rape.* Many of these cases occur in night raids of rural homes in an attempt to intimidate the community or to search for rebels.
- *Domestic abuse.* Many women are subject to domestic violence in their homes, including wives of military officers.

Source: K. Chandrakirana. 2002. *Women in Indonesia’s Violent Transition*. Jakarta.

Opinions voiced during the CGA regional consultations made it clear that women want the government to play a strong role in mediating economic and resource-based conflicts and to provide clear regulations to protect poor people (Box 5.4). Women find themselves as potential mediators for resolving conflicts within the family and community; however, they do not see it as their role to resolve conflicts when outsiders and the government are involved.

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<sup>121</sup> Ibid.

<sup>122</sup> National Commission on Violence against Women. 2005. *Annual Report on Violence against Women – 2005*; Yard and Garden. 2005. *Location of Violence Against Women 2004: Home, Environment of Life*. March. Jakarta.

Women's role in conflict situations is highly complex—women organize themselves in different ways to change their circumstances and work toward an end to violence as seen in the struggles in Aceh, Papua, and Maluku. In Aceh, for example, women's organizations that previously worked on economic development transformed in response to the massive violence in their communities. This eventually led to the establishment of an Aceh Women's Congress, where women can share and express their views on the conflict, identify strategies for dealing with the conflict situation, and work for peace. The Congress also provided an opportunity for new organizations and agendas to emerge.

#### Box 5.4: Strategies for Addressing Conflict Situations

The following are examples of how women are actively involved in conflict resolution and community rehabilitation:

*Documentation of abuse.* In Aceh, the work of documenting incidents of human rights violations can no longer be done by men since all men are suspected of being potential rebels. This task is now carried out by women witnesses to these atrocities.

*Maintenance of information across communities.* In Maluku, Aceh, and Papua, women developed strong networks of associations for information sharing from village to village, as well as from village to city, and then to the national capital. They have become conveyors of strategic messages, which contribute to building support systems and advocacy strategies to connect from the local to the international level.

*Provision of humanitarian assistance.* Women are at the forefront of humanitarian work to support displaced families and communities in all conflict areas.

*Organizing across enemy lines.* In Maluku, where deep bitterness and anger divides the Muslim and Christian communities, women have set up organizations with membership from both warring communities to work together to meet their common practical and strategic needs.

*Pioneering economic activity through petty trade.* During times of temporary peace in Maluku, women are often the first to go to the streets and begin small-scale trading and bartering in basic goods between communities.

*Building alliances across regions.* In order to advocate ending the violence and to demand accountability of perpetrators, women in both conflict and nonconflict areas strategize together to come up with concrete steps of action vis-à-vis the national Government and the international community.

*Reconciliation.* Women inside and outside the conflict areas are working to find woman-centered, community-based healing processes that can lead to reconciliation and reconstruction from the grassroots.

*Source:* K. Chandrakirana. 2002. *Women in Indonesia's Violent Transition*. Jakarta.

These issues reinforce the complexity and necessity of analyzing the gender experience within a conflict situation, not only from an individual's perspective, but also in relation to existing institutions established by women to meet their needs and interests. The latter would require an understanding of the way women's institutions have been destroyed, recreated, and redefined in the conflict. The different experiences of women in Aceh and Papua from those in other conflict areas in Indonesia, namely in terms of conducting all-women's congresses, illustrate that women's position in various armed conflict situations is defined by the specific histories, socio-cultural settings, and the local economic dynamics of the communities.

A complete description of women's position in conflict situations also requires an understanding of the extent to which women's institutions have access to decision making in institutions at the national and international levels. In Indonesia, this is particularly significant given that many of the causes of conflict are found at the national level. Access to institutions at the national and international levels determine the extent to which women in conflict areas can contribute strategically to conflict resolution.

## Human Trafficking

Human trafficking is a form of violence that is closely interlinked with irregular migration (see Chapter 6).<sup>123</sup> Traffickers tend to exploit the processes that individuals use when migrating for economic reasons. Trafficking affects mainly women and children, who are most frequently trafficked for sexual and/or labor exploitation, although they sometimes end up in situations of forced begging, adoption, or false marriage, or as victims of trade in human organs. Victims of trafficking are exposed to physical and psychological abuse, are denied legal and labor rights and medical care, are often considered to be criminal offenders, and are often found in forced and unwanted relationships of dependency with their traffickers or others. Since trafficking in persons is generally controlled by international criminal organizations whose activities often include other forms of illicit trade and smuggling such as drugs and arms, it has serious security implications for all affected countries.

It is very difficult to get reliable data on the magnitude and development of trafficking. As with irregular migration, this stems from the illicit nature of human trafficking, a lack of records, restricted access to existing data, competing definitions, and a reluctance of many victims to report their experiences to the authorities. Nonetheless, despite these limitations, it is clear that the issue of trafficking in people is becoming a significant issue in Indonesia. According to a 2003 study on trafficking in Indonesia, the total number of women and children working in sectors most vulnerable to trafficking (sex workers, migrant workers, and domestic workers) ranges from 2.4 to 3.7 million (see Table 5.1).<sup>124</sup>

**Table 5.1. Number of Women and Children in Sectors Vulnerable to Trafficking**

Sector	Women and Children
Sex workers in Indonesia	130,000–240,000
Migrant women workers (70% of total migrants)	1,400,000–2,100,000
Domestic workers in Indonesia	860,000–1,400,000
<b>Total</b>	<b>2,390,000–3,740,000</b>

Source: USAID, ICMC, and ACILS, *Trafficking of Women and Children in Indonesia*. Jakarta, 2003.

<sup>123</sup> Human trafficking is defined by the UN protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention Against Transnational Organized Crime (Article 3), December 2000 as: "recruitment, transportation, transfer, harboring or receipts of persons, by means of the threat or use of force or other forms of coercions, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payment or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs."

<sup>124</sup> USAID, ICMC, and ACILS. 2003. *Trafficking of Women and Children in Indonesia*. Jakarta.

According to the US Department of State 2004 Trafficking in Persons Report, Indonesia is a source, transit, and destination country for persons trafficked for the purposes of sexual exploitation and forced labor.<sup>125</sup> International trafficking routes include those to Southeast Asia (Brunei Darussalam, Malaysia, and Singapore); to East Asia (Hong Kong, China; Japan; and Taipei, China) and to Australia, Middle East, North America. Trafficking in women and girls occurs particularly on Indonesia's borders in such areas as Pontianak in West Kalimantan, the Riau Islands, and North Sumatra.<sup>126</sup>

The main reasons that women become trafficked are poverty, lack of employment opportunities, and the temptations offered by recruiters. But poverty alone is not an indicator of an individual's vulnerability to trafficking. A 2003 USAID study has identified two main factors that lead to vulnerability of an individual to be a victim of trafficking.<sup>127</sup> The first is a lack of registration at birth. More than one third (37%) of Indonesian children under 5 had not been registered as of 2000. Unregistered and undocumented children and adults are vulnerable to trafficking because they are not protected by laws. Without a birth certificate, a person will find it difficult to prove their age, prove their nationality or residency, obtain a passport, or receive health care. The second factor is illiteracy and a low level of education, which make it difficult for young girls to find employment or other ways to support their families. Poorly educated girls may not know how to access available resources, may be unable to read or understand leaflets or other public advertisements about help lines, or may not feel confident seeking help. Women or children who are illiterate or have only a low level of education may not be able to understand employment contracts or other official documents (such as travel documents and passports). In this case, they may be promised a certain type of employment or salary by an agency, but the contract they sign may stipulate different, less desirable terms.

### A Regional Perspective

West Kalimantan is a major sending, transit, and destination area for trafficking. Migrant workers from within West Kalimantan and throughout Indonesia are often kept in holding centers in Pontianak (Box 5.5). Illegal agents and traffickers use West Kalimantan, particularly Entikong and Pontianak, to process false documents for Indonesian workers. Young women and girls are trafficked for the domestic and international sex trade, for domestic work, and as cheap labor for other kinds of work.<sup>128</sup> The dynamics of trafficking involve the expression of power by the socially, and in some instances economically, powerful. Traffickers could be successful migrants who deceive people or mislead them about the type of work or the working conditions, or they might be

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<sup>125</sup> Indonesia is ranked as "Tier 2," which includes countries whose governments do not comply with the Act's minimum standards but are making significant efforts to bring themselves into compliance with those standards, and (i) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; (ii) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or (iii) the determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional steps over the next year. US State Department. 2005. Available: <http://usinfo.state.gov/g/tiprpls/tiprpt/2005>.

<sup>126</sup> Ibid.

<sup>127</sup> Ibid.

<sup>128</sup> USAID, ICMC, and ACILS. 2003. *Trafficking of Women and Children in Indonesia*. Jakarta.

community leaders encouraging and perhaps benefiting from recruitment of labor in their villages. Trafficking may even stem from a parent stressing to a child her or his obligation to contribute to the family income.

**Box 5.5: A Female Migrant Worker**

“My name is Siti. I am 15 years old and I come from Pontianak. I worked in Kuching in 2003 then for 3 months in Kuala Lumpur. There was a guy who offered to get me work in Entikong. I did not have to pay anything. I knew him well. He used to be a migrant worker. His father is a policeman. He said I would be responsible for looking after a baby. My age was falsified as I was very young and I had to stay in his house for a week. There were many girls in the house. The house was also a restaurant. I had to sleep with him and his wife as they did not want me to run away. I stayed there for over 2 weeks. He told me that after the passport was ready I would be picked up for my new job. Then, he spoke with his friend and I was not allowed to listen. I was sold for 3,000 ringgit.”

*Source:* Regional consultations, West Kalimantan, December 2004.

Indonesia has neither a legal definition of trafficking nor a specific trafficking law, although both are currently being developed. On 30 December 2002, a National Plan of Action for the Elimination of Trafficking in Women and Children (NPA) was enacted, through Presidential Decree 88/2002. The NPA is the “foundation and guidance for the government and the public in the implementation of the elimination of trafficking in women and children.”<sup>129</sup> The NPA is being implemented over a 5-year period and will then be reviewed and revised every 5 years thereafter.

The NPA was developed through the leadership of the State Ministry for Women’s Empowerment in its role as the focal point on counter-trafficking initiatives for the national Government. The overall objectives of the NPA are to guarantee improvement and advancement in efforts to protect the victims of trafficking in persons; to formulate preventive as well as punitive measures in the campaign to prevent and combat trafficking in persons; and to encourage development and/or improvement in the laws dealing with activities related to trafficking in persons. To achieve these objectives, the NPA is divided into five themes, based on the main interventions to counter trafficking: (i) legislation and law enforcement; (ii) prevention of all forms of trafficking; (iii) protection and assistance for victims; (iv) empowerment of women and children; and (v) building cooperation across all levels of government nationally, regionally, and internationally and with all possible stakeholders.

In addition to enacting the NPA, the Presidential Decree mandates the formation of a task force to guarantee the implementation of the NPA. The task force consists of a steering committee headed by the coordinating minister and representatives from a number of ministries as well as from civil society. The Presidential Decree also includes a mandate to establish task forces at regional level. However, so far only few activities have been undertaken implementing the NPA, mainly due to lack of resources, and only five provinces have established regional task forces.

Regional cooperation in the area of irregular migration/trafficking has been strengthened during the last decade. A number of important regional conferences have developed action plans to

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<sup>129</sup> Ibid.

combat trafficking in persons. The ASEAN Senior Officials Meeting on Transnational Crime (Kuala Lumpur, Malaysia, May 2002) adopted a work program to implement the ASEAN Plan of Action to Combat Transnational Crime, including trafficking in persons. The work program includes the following activities: information exchange, cooperation in law enforcement, training, capacity development, and extra-regional cooperation. In November 2004, ASEAN member countries adopted the Vientiane Declaration against trafficking in persons, particularly women and children. The Declaration outlines specific measures to be undertaken to address trafficking issues in member countries, including the establishment of a regional focal point to undertake regular exchange of views and share information on relevant migration flows, the strengthening of border controls and monitoring mechanisms, and the strengthening of regional and international cooperation to prevent and combat trafficking in persons.

The second Ministerial Regional Conference on People's Smuggling, Trafficking in Persons and Related Transnational Crime held in Bali, Indonesia in April 2003 agreed to tighten domestic laws on smuggling and trafficking. It was also agreed that more needs to be done to improve law enforcement, legal structures, and cooperation between agencies, for example intelligence and law enforcement agencies. The draft action plan included information sharing, studies on root causes of irregular migration, public awareness campaigns, and capacity development. Regional initiatives are clearly necessary for combating trafficking, but the question remains how effectively the strategies and action plans are being implemented at the respective national levels, given the lack of national level resources.

It is important to listen to the voices of those personally affected by trafficking. The women and girls interviewed during the CGA regional consultations recommended that the Government should prioritize the creation of job opportunities in villages and the development of legislation that penalizes violators in all sectors, and that it should furthermore emphasize appropriate education and vocational training, including confidence building. These three areas of focus would, in their opinion, make great headway in the fight against trafficking of women and children.



International migration in Asia has changed substantially over the past 2 decades in terms of its magnitude, directions, and character. Migration for economic reasons has experienced the most rapid growth, and labor migration is expected to be significant to the countries of the region in the foreseeable future. After the Asian financial crisis in 1997–1998, Indonesian migrant workers were among the fastest-growing migrant population in Asia.

Before 1980, there was little labor out-migration from Indonesia. However, starting in the second half of the 1980s it started to grow rapidly, with numbers nearly doubling from 1989–1994 to 1994–1998. The number of Indonesian migrant workers is estimated to be around 4 million, with an annual flow<sup>130</sup> of migrants of approximately 300,000–400,000 (Table 6.1). This is approximately 4% of the total workforce in Indonesia. At the national level the economic impact of migration might be limited, but it is of major significance at the local level in terms of economic contribution and in absorbing labor surpluses in the regions where the migrants originate.

**Table 6.1: Number of Migrants, Formal and Informal, Disaggregated by Sex, 1994–2004**

Period	Formal		Informal		Total	
	Male	Female	Male	Female	Male	Female
1994–1998					440,033	1,020,071
2002	97,988	23,493	18,791	340,121	116,779	363,614
2003	90,271	64,451	14,446	188,977	104,717	253,428
2004	68,648	47,583	15,427	249,032	84,075	296,615

Note: Migrants working in the formal sector are those who are hired by firms/companies in the host country; while migrants working in informal sector are those who are employed by individuals/single households in the host country. For an example, a male migrant who is employed by a family to work as a driver is categorized as an informal worker. The same person could be categorized as a formal worker if he is working as a driver in the host country but hired by a company.

Source: Ministry of Manpower and Transmigration.

In 2002, the five leading destinations for Indonesian migrant workers were Saudi Arabia; Malaysia; Taipei, China; Hong Kong, China; and Kuwait (Figure 6.1 and Figure 6.2). The Republic of Korea and Singapore emerged in the top five destination countries in 2003, taking the place of Taipei, China and Hong Kong, China. From 1989 to 1994, the Middle East, essentially Saudi Arabia, remained an important destination for migrants, but there was a significant increase in the relative importance of Southeast Asia, which accounted for one third of total migration, as Malaysia and Singapore became labor-scarce economies and began to import labor from Indonesia. The concentration of Indonesian migrants in Malaysia, Saudi Arabia, and Singapore is as high as 90%.<sup>131</sup>

<sup>130</sup> The flow of migrant workers refers to the numbers going out of a sending country or entering a receiving country during a particular period of time, usually 1 year.

<sup>131</sup> Ministry of Manpower and Transmigration. From [www.tki.or.id](http://www.tki.or.id).

Indonesian men pre-dominate in migration to the Republic of Korea and United States, while women predominate in almost all of the other destination countries. Women make up the bulk of migrants to Malaysia and Saudi Arabia. In 2002, 53% of all female migrants went to Saudi Arabia.<sup>132</sup> In the same year, female migrants to Saudi Arabia outnumbered male migrants by nearly 11 to 1.

### Regular and Irregular Migration

Countries to which a majority of women migrate have a high demand for household labor, thus favoring women's employment. These women work as domestic helpers or caregivers (caring for babies, small children, or the elderly), and are also known as informal sector workers. Countries such as the Republic of Korea and Taipei,China have a greater demand for factory workers—considered formal sector workers—for which male workers are preferred.<sup>133</sup> According to the Indonesian Government, migrants find jobs in domestic work (23%), manufacturing (36%), agriculture (26%), and construction (8%).<sup>134</sup>

Irregular migration has accompanied the rise of regular migration in Southeast Asia. One estimate holds that 60% of Indonesian workers in Malaysia are irregular.<sup>135</sup>

Stricter border controls and entry requirements in destination countries, poverty, conflict, and

Figure 6.1: Top Destination countries for Female Migrants

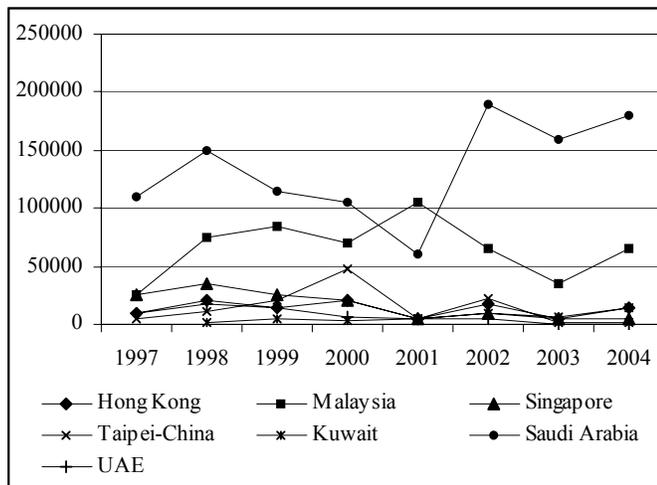
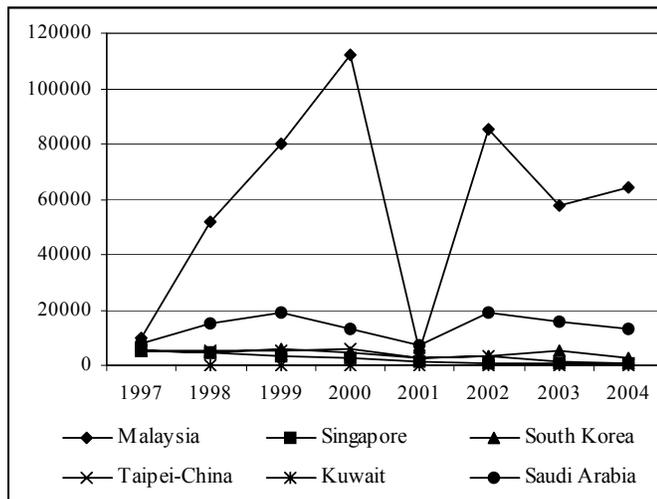


Figure 6.2: Top Destination Countries for Male Migrants



<sup>132</sup> Ibid.

<sup>133</sup> USAID, ICMC, and ACILS. 2003. *Trafficking of Women and Children in Indonesia*. Jakarta.

<sup>134</sup> Human Rights Watch. 2004. *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia*. New York.

<sup>135</sup> IOM. 2003. *Labor Migration in Asia: Trends, Challenges and Policy Responses in Countries of Origin*. Geneva.

natural disasters in sending countries have increased irregular migration. While regular migration may contribute to lifting the income of migrants and their families, increasing independence, and empowering women earning their own income, irregular migrants are highly vulnerable. Irregular migrants do not have any guarantees for tenure, minimum wages, and work conditions. It is very difficult to obtain reliable data on the magnitude and development of irregular migration. One study points out that the number of irregular migrant workers going overseas is higher than the number going with official approval. It estimated that there were approximately a total of 480,250 Indonesian irregular migrants in Republic of Korea; Malaysia; and Taipei, China combined in 1997. The annual number of regular migrants getting proper clearance stood at about 321,300 during the period 1995–1999 (IOM, *Labour Migration in Asia*, pp. 16–17).

Irregular migrants to Malaysia have experienced particular difficulties and vulnerabilities, nonpayment of wages, no contact with their family members, a high incidence of arrest, and constant risk of being deported back to their home country.<sup>136</sup> Mass deportations of Indonesian irregular migrants in Malaysia were carried out in 2002 and 2005.<sup>137</sup> At one stage the Malaysian Government offered amnesty to irregular migrants who were willing to be shipped home voluntarily. When the deadline passed, irregular migrants had to go through the legal court system, be sentenced, punished, and eventually deported. In 2002 it was estimated that there were about 600,000 Indonesian irregular migrants in Malaysia. When the amnesty period ended, only about 135,000 people had been sent home.<sup>138</sup> The deportation in 2005 was on a larger scale. The number of Indonesian irregular migrants was estimated at about 626,000, mostly from the eastern part of the country, Sulawesi, Nusa Tenggara Barat and Nusa Tenggara Timur. When the amnesty ended, 335,550 people were shipped back to Indonesia.<sup>139</sup> The Indonesian Government has proactively requested extension of the amnesty, thus allowing more time for the migrants to voluntarily return home.

Despite the frequently high costs of using illegal rather than legal channels, many migrants still prefer the illegal option because the process is less time consuming. Some illegal agencies send migrants abroad in a matter of days, rather than months. They can bypass training and health examinations, both requirements which are needed for regular migration.

Most regular labor migration in Indonesia occurs through licensed recruitment agencies, or Perusahaan Jasa Tenaga Kerja Indonesia (PJTKIs). Over 400 licensed recruitment agencies operate in the country. Countless more operate illegally.<sup>140</sup> Even some legal recruitment agencies operate outside official procedures for recruiting overseas migrant workers. The requirements for becoming a recruitment agency are very simple, and once an agency has a license, it does not have to undergo

<sup>136</sup> Ananta, Aris and Evi Nurvidaya Arifin. 2004. *International Migration in Southeast Asia*. Institute of Southeast Asian Studies, Singapore.

<sup>137</sup> Ibid.

<sup>138</sup> See [www.gatra.com](http://www.gatra.com), 26 July 2002, *RI akan Meminta Klarifikasi Malaysia Soal TKI Ilegal*.

<sup>139</sup> *Kompas*. 2005. Ribuan TKI Ilegal di Malaysia Memilih Bertahan dalam Hutan. 6 February.

<sup>140</sup> *Human Rights Watch*. 2004. Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia. New York.

a review to renew it on a regular basis. Recruitment agencies normally hire recruiters (calos) that mediate the contact between the villagers and the recruitment agencies.<sup>141</sup>

Recruitment agencies control all stages of the placement cycle. They are involved in workers' recruitment, document provision, foreign work permit applications, training, transit, and placement with an employer.<sup>142</sup> In the case of domestic workers, recruitment agencies help the domestic worker apply for a passport, obtain a temporary employment visa, secure medical clearance (migrant workers are tested for pregnancy and infections like tuberculosis), obtain insurance, and participate in training programs.

### **Women Migrant Workers**

A significant trend in Indonesia is the gendered nature of migration. In 2004, almost 80% of all migrants were women and 95% of them worked in the informal sector as domestic helpers and caregivers. Women are independently migrating particularly to Hong Kong, China; Malaysia; Saudi Arabia and Singapore. Four specific factors have contributed to the increase in women's international migration from Indonesia. The first was the economic crisis of 1997, which had a devastating impact on workers. Formal and informal sector jobs decreased significantly, resulting in lay-offs of women in particular. In 1995–1996, there were 48 male migrants for every 100 female migrants. In a dramatic shift, in 1997–1998 the ratio declined to 20 male migrants for every 100 female migrants.<sup>143</sup>

Second is the growing demand for women workers abroad, combined with limited employment opportunities in Indonesia offering a competitive wage for unskilled labor. An unpublished World Bank study indicates that the salary for informal workers in Jakarta is Rp200,000–500,000, compared to Rp1.2 million in Saudi Arabia and Rp4.2 million in Hong Kong, China.

Third, official labor migration policies of the Government actively promote recruitment of women in collaboration with the recruitment agencies (PJKTIs). In the mid-1980s, amid public outrage over report of the abuse of Indonesian female migrant workers in Saudi Arabia, the Government officially called for a reduction in the numbers of female workers, declaring that Indonesia would no longer send unskilled workers abroad. However, demand for unskilled women for domestic workers in receiving countries was such that the regulations were largely ignored and women continued to constitute a large percentage of the migrant workers sent to Saudi Arabia.

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<sup>141</sup> Raharto, Aswatini. 2002. *Indonesian Female Labour Migrants: Experiences Working Overseas* (a case study among returned migrants in West Java. Research Center for Population, Indonesian Institute of Sciences, Jakarta. Paper presented at the 2002 International Union for the Scientific Study of Population, Regional Population Conference on Southeast Asia's Population in a Changing Asian Context. Bangkok, Thailand, 10–13 June 2002.

<sup>142</sup> Sondakh F. and T. Naovalitha. 2003. *Indonesia: Female Migrant Workers' Vulnerability: In Search of Solutions*. World Bank.

<sup>143</sup> Hugo, G. 2000. Establishing the information needs of Indonesian International Labour Migrants. Background and methodology. Paper presented at the Workshop on Kebutuhan informasi dan Tenaga kerja migrant Indonesia, Jakarta, 20–23 May 2000, PPT-LIPI in collaboration with ILO.

Finally, women are encouraged to migrate through the active role of recruiters (calos). Recruiters are the main source of information for local women seeking employment abroad, and play a significant role in influencing people to become labor migrants.

As most women migrants serve as domestic helpers or caregivers, it is clear that gender stereotypes reflecting women's traditional roles are carried over to work that women do in the international job market. Indonesia, along with the Philippines and Sri Lanka, is a major supplier of domestic workers globally. Cases of abuse and mistreatment of women workers have attracted significant attention nationally and internationally. NGOs have documented many cases of overwork, poor working conditions, physical and sexual abuse, as well as numerous practical and legal obstacles to decent working and living conditions.<sup>144</sup> The mistreatment of migrant workers can take place at various stages during the migration process: during the predeparture, placement, and postplacement stages.

*Mistreatment at the predeparture stage.* The placement fee paid by migrant workers is in many cases higher than the official placement fee dictated by the Ministry of Manpower and Transmigration. For example the official placement fee for Malaysia is Rp500,000, but the actual fee paid by migrants can be as high as Rp800,000. The official placement fee for Saudi Arabia and other Middle Eastern Countries is also Rp500,000, but here the actual fees paid by the migrant workers range from Rp600,000 to Rp3,7 million.<sup>145</sup> Indonesian domestic workers pay an equivalent of 8 months salary, where Filipinos pay a placement fee equivalent of 5 months salary.<sup>146</sup> At the predeparture stage, recruiters often extract a fee from the migrant workers even though they already receive a commission from the recruitment agencies. While migrants who seek employment in plantations, factories, and construction often pay large fees up front, domestic workers may pay by having their salary withdrawn for several months, or by borrowing money from recruiters or local moneylenders at very high interest rates.<sup>147</sup> Some migrant workers end up in significant debt before they even leave.<sup>148</sup>

It is obligatory for PJTKIs to train prospective migrant workers. PJTKIs are allowed to contract out the training activities to BLKLN (overseas worker training centers) or to other PJTKIs that already have their own training center. After operating for a maximum of 5 years, it is obligatory for PJTKIs to establish their own BLKLN. Ideally, the training center should be a separate facility from the dormitories, known as shelters, where the workers are housed until their departure. However, it is not uncommon for PJTKIs to hold training and house aspiring migrant workers in the same building, usually in a large house fenced with high walls. Shelters/training centers are often overcrowded, and the quality of the training is low. The PJTKI staff running the shelters generally restrict women's mobility and bar them from leaving the premises. There have been some reports that women are provided with inadequate food and water, and exposed to verbal

<sup>144</sup> Ibid.

<sup>145</sup> Sondakh, F. and T. Naovalitha. 2003. *Indonesia: Female Migrant Workers' Vulnerability: In Search of Solutions*. World Bank.

<sup>146</sup> 2005. ADB. Draft Final Report, Southeast Asia Workers' Remittance Study. Manila.

<sup>147</sup> Ibid.

<sup>148</sup> USAID, ICMC), and ACILS. 2003. *Trafficking of Women and Children in Indonesia*. Jakarta.

and physical abuse.<sup>149</sup> It is not uncommon for women to wait in training centers for as long as 9 months while the documentation needed to work abroad is processed on their behalf.

The training comprises housekeeping, child care, and language skills. The training does not include sufficient information on the sorts of problems migrant workers might encounter abroad, how they can protect themselves or seek assistance, and so on. In addition to training provided by PJTKIs, aspiring migrant workers also have to take a one-day predeparture orientation under the supervision of the local Manpower Unit.

It is not surprising that many migrants prefer illegal channels. But there can be very high costs. The Ministry of Manpower and Transmigration often only investigates complaints (such as unpaid wages or other labor rights violations) that are claimed by regular/legal migrants. In the receiving country, illegal migrants are at risk of being arrested, detained, and deported under the immigration laws. In some cases, women end up being trafficked, forced to work in a different job from the one they were promised during recruitment.<sup>150</sup> The Government of Indonesia established the Directorate for the Protection of Indonesian Citizens and Legal Entities in 2003. The new Directorate, housed under the Ministry of Foreign Affairs, is tasked with assisting all migrant workers in resolving their problems, irrespective of their regular or irregular status in the destination countries.

*Mistreatment during placement.* The incidence of abuse of domestic workers in receiving countries is alarming. According to the National Commission on Violence Against Women, there were 2,598 cases of violence against Indonesian women migrant workers working abroad in 2002. But it is important to note that these are only recorded cases, and many go unreported. When they arrive in their destination country, many migrant domestic workers do not often know the local language and encounter difficulties in communicating with their employers. Sometimes employers take their inability to communicate as a sign of incompetence and this contributes to tension and conflict. Lack of communication skills is mainly due to the poor training at the predeparture stage. Some female migrants are sexually abused by their employers, and they do not dare talk about the violence for fear of not being believed.<sup>151</sup> Domestic workers' rights to privacy are often violated. The type of violation varies from one destination country to another. They frequently work long hours, have low wages—and in some cases no wages at all—and unknown numbers suffer psychological trauma.<sup>152</sup> With the exception of Hong Kong, China domestic helpers in destination countries often do not have a day off. Most domestic workers in Saudi Arabia are forbidden to leave their workplace due to a local custom that limits women's mobility if not accompanied by male family members. The Indonesian Consulate General in Jeddah shows that cases reported to

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<sup>149</sup> Human Rights Watch. 2004. "Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia." New York.

<sup>150</sup> See footnote 149.

<sup>151</sup> UN ECOSOC. 2004. *Specific Groups and Individual Migrant Workers*. Commission on Human Rights, Sixtieth session. 12 January.

<sup>152</sup> Ibid.

the consulate relate to unpaid salaries (37.4%), verbal abuse (16.9%), physical abuse (8.0%), and sexual harassment (2.6%).<sup>153</sup>

These issues are due to ineffective recruitment and protection systems for migrants, ineffective monitoring and enforcement of human rights for overseas workers (especially where labor contracts are unenforceable), and a lack of accurate information and education of migrants on their rights. These vulnerabilities inhibit the ability of women to earn money from working abroad, decrease their capacity to remit funds to their family, and generally worsen their quality of life.

*Mistreatment at the postplacement stage.* When migrants return to Indonesia they can be exposed to mistreatment as well. Some government policies that were intended to support migrant workers have actually had the opposite effect. One example is the designation of a special terminal at Jakarta's international airport for returning migrant workers. Returnees, their families, and NGOs that represent them have reported extortion by airport employees and government agents in the form of demands for illegal fees and poor currency exchange rates.<sup>154</sup>

Despite long working hours and difficult conditions, the dream of going abroad as a domestic helper is a real aspiration for many young, rural, and uneducated Indonesian women. A 2003 USAID study found that most official female migrant workers are 29–34 years old, though women migrating from rural areas are generally younger (15–25 years old). According to a survey conducted among female migrant workers returning to Indonesia, around 45% had primary school education, while around 14% had no education at all. They were previously unemployed or farm laborers, and in terms of marital status, the majority of Indonesian women working in Saudi Arabia were married—though other studies have indicated that a significant number of migrants are unmarried.<sup>155</sup>

Women migrate for several reasons including difficulties in finding paid employment in their village; a desire to help the family; the dream of being like other successful returnee migrants; the need to pay off debts; and disappointment with their husband.<sup>156</sup> The relatively high wages abroad are very tempting, and many women work abroad repeatedly, often leaving husbands, children, and families back in the village. Their absence has potential negative consequences on relationships with their spouse as well as with their children. Compared to other migrant workers, Indonesians have very little contact with home country family members. Only one in three Indonesians working in Japan; Hong Kong, China; Malaysia; and Singapore had contact with their family members at least once a week.

<sup>153</sup> IOM. 2003. *Labour Migration in Asia: Trends, Challenges and Policy Responses in Countries of Origin*. Geneva.

<sup>154</sup> Human Rights Watch. 2004. *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia*. New York.

<sup>155</sup> USAID, ICMC, and ACILS. 2003. *Trafficking of Women and Children in Indonesia*. Jakarta.

<sup>156</sup> Sondakh, F. and T. Naovalitha. 2003. *Indonesia: Female migrant workers' vulnerability: In search of solutions*. World Bank, 2003.

## A Regional Perspective

Migrants come from all over Indonesia, but particularly from South Sulawesi, East and West Java, West Kalimantan, North Sumatra, and East and West Nusa Tenggara. According to data on deportations from Sabah, Malaysia, 40% of irregular migrants were from South Sulawesi, 33% from East Nusa Tenggara, 13% from East Java, and 7% from West Nusa Tenggara.<sup>157</sup> The greater Yogyakarta area and neighboring areas such as Magelang also send significant numbers of migrant workers abroad, especially to Malaysia.

Interviews with five female migrant workers in Yogyakarta were conducted as part of the regional consultations. The women, from Magelang, Solo, and Yogyakarta, went to work as domestic helpers in Malaysia, Singapore, and Saudi Arabia (Box 6.1). All had only an elementary school education and became migrant workers when they were 19–21 years of age. They migrated to help their parents and all expected to have a better life later when they got married. Their dreams and intentions were simple—to improve their lives. Therefore, it was an easy decision when agents sought them out in their villages and offered them jobs abroad. The agents dealt with the migrants' travel arrangements, passport applications, and travel costs. The salaries they received ranged from about RM250–350 (US\$ 66–93) per month for those who worked in Malaysia to S\$240–250 (US\$142–148) per month for those in Singapore. As agreed, they did not receive a salary for the first 3–7 months: it was deducted to repay their loans from the agents. After their loans were paid off, they collected their full salary. All of them kept their salary with their employers during their working period, only collecting it when they went back to Indonesia.

While all five women said that they enjoyed working abroad, each experienced some form of violence during the recruitment and working period. While most did not experience any physical violence, all of them admitted to some psychological violence, including verbal abuse, not being allowed to follow their religious practices, and not being allowed to keep their own passports. All of them had to work 7 days a week, without a day off, at an average of 15–20 working hours per day. None of them had health insurance.

### Box 6.1: One Woman's Experience of Migration

Waryanti has three children. She was a domestic worker in Singapore from 2000 to 2004. While she experienced many problems, she was among those who felt that migration was not such a bad experience. Her worst experience was during the time she spent in a shelter in Jakarta. "We were not allowed to write letters to our family without the agent's permission, we were repressed. I had no choice but to accept the condition. If I wanted to go home, I had to pay Rp1 million, which I did not have at that time."

"I sent money home without any problem, but when I arrived home, I found the story was different. I heard my husband used the money for dating other women but I felt uneasy about asking him and I did not want to make any trouble.

"Language is the most important thing if we want to go to Singapore. English for daily use was introduced in the shelter; however, it was very difficult in the shelter and nothing came into the brain. I was able to speak English when I worked and learned by using it. In the shelter, we were shouted at by the teachers and that is why we were not able to learn anything. I am happy I can speak another language.

*Source:* Regional consultations, Yogyakarta, December 2004.

<sup>157</sup> USAID, ICMC, and ACILS. 2003. *Trafficking of Women and Children in Indonesia*. Jakarta.

Some of the women were interested in seeing a different country and having new experiences, and they saw Malaysia as a stepping stone to gaining the qualifications that would make them better candidates for more lucrative jobs in Hong Kong, China; Middle East; or Singapore. They chose domestic work because it did not involve having to pay any money upfront, and they would receive free board and lodging, thereby enabling them to save more money. Another perceived advantage of being a migrant worker was that they could realize their dream of helping their parents and of improving their houses. They could also buy goods that were unaffordable in Indonesia. The five informants felt that their experiences had generated significant changes within themselves—they were able to speak foreign languages (English or Arabic) and were no longer afraid to meet and speak with other people.

### Remittances

Migrant remittances represent the most direct, immediate, and far-reaching benefit to migrants and their countries of origin. Despite the social costs, a great number of families of migrant workers rely on remittances as a substantial, if not the main, source of funds for their basic needs. The official remittances from overseas Indonesian workers were around US\$1.2 billion a year in 1998 and 1999. They reached a peak of almost US\$2 billion in 2001.<sup>158</sup> According to the Ministry of Manpower and Transmigration, remittances from January–April 2004 had over US\$450 million.<sup>159</sup> The actual volume of remittances is likely to be much higher as many overseas workers do not use formal channels, i.e., banks, to transfer their remittances.

Measured by the share of official remittances in gross domestic product (GDP), remittances have not played a significant role in the Indonesian economy. In most of the 1983–2000 period, the share was usually less than 0.5%, with the highest at only 1.15% in 1998.<sup>160</sup> According to 2001 figures, official remittance flows to Indonesia were only 1.3% of GDP.

The macro picture of remittances for Indonesia as a whole masks some of the regional differences. Several districts in Indonesia receive large volumes of remittances as a proportion of their local economy. For example, in Ponorogo, East Java, remittances amount to Rp300–360 billion each year. This is approximately Rp25 billion higher than local revenues.<sup>161</sup> In 1995 total remittances to West Nusa Tenggara were about Rp111 million (US\$11,600) per month, and constituted 3.8% of the provincial economy.<sup>162</sup>

Despite a lack of large scale studies on the impact of remittances on receiving households and nonreceiving households, there have been many small-scale studies and there is a great deal of anecdotal evidence. Some suggest that the funds extorted by agents involved in labor-sending

<sup>158</sup> Ministry of Manpower and Transmigration. Available: [www.tki.or.id](http://www.tki.or.id), downloaded May 2005.

<sup>159</sup> *The Jakarta Post*. 2004. Remittance of Migrant Workers Went Up.. 24 July.

<sup>160</sup> Ananta, Aris and Evi Nurvidaya Arifin. 2004. *International Migration in Southeast Asia*. Institute of Southeast Asian Studies, Singapore.

<sup>161</sup> Sondakh, F. and T. Naovalitha. 2003. *Indonesia: Female Migrant Workers' Vulnerability: In Search of Solutions*. World Bank.

<sup>162</sup> See footnote 161.

activities represent a very lucrative business in Indonesia, and that the money channeled to these individuals can be much larger than that actually going to the migrants and their families. Most remittances are sent through banks and mail services or through intermediaries. The latter is risky, as remittances sent through this channel may disappear.<sup>163</sup>

The ADB Southeast Asian Workers' Remittance Study shows that the top 3 spending categories from remittances are food, house and education. It also finds that 48% of the Indonesian respondents use remittances to repay loans.

Indonesians in Japan more often mentioned education, followed by savings and food as the most important remittance expenditures. Indonesians remitting from Hong Kong, China, meanwhile, most frequently mentioned savings, followed by education and business investments.<sup>164</sup> Remittances are an important source of financial capital for households, ensuring that they can meet their basic needs, and in some cases leading to improved livelihoods. Studies on remittances generally do not address the issue from a gender perspective, such as studying how gender relations change when women contribute a significant amount of remittances to the household, or whether there are differences in terms of the share of remittances that go to the household, and how much is spent by individual migrants.

Indonesian women migrant workers make important contributions to the national economy. However, the harassment and human rights abuses that many women experience as overseas workers are a high personal price to pay.

### **Regulations and Policies**

Indonesia regulates labor migration through ministerial decrees. Two decrees issued by the Ministry of Manpower and Transmigration were intended to protect migrant workers. These are the 2002 Labor Ministerial Decree on the Placement of Migrant Workers Overseas, and the 2003 Labor Ministerial Decree on Insurance. In practice, however, these decrees focus on recruitment procedures and administrative aspects of insurance policies, and do not usefully address protection for migrant workers. Moreover, the Coordinating Board of Indonesian Overseas Employment, established to ensure implementation of the decrees, is not particularly effective in doing so.

Bill 39/2004 enacted on 18 October 2004 on recruitment and placement of workers overseas purports to address the human rights of migrant workers. It covers recruitment, training, and conditions of employment, and applies to all overseas migrant workers. According to the bill, recruitment and placement can only be facilitated by agencies or individuals licensed by the Ministry of Manpower and Transmigration. Migrant workers must be a minimum of 18 years old, and at least 21 for informal sector work. They must have at least a junior secondary education, must be registered at the relevant district government agency, must have received training, and must be covered by death and disability insurance.<sup>165</sup> The passage of a national migrant workers'

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<sup>163</sup> Ibid.

<sup>164</sup> ADB. 2005. Draft Final Report, Southeast Asia Workers' Remittance Study. Manila.

<sup>165</sup> Draft Law 39/2004.

placement and protection bill is an important step forward in establishing legal protection for overseas workers. Local and regional initiatives are nonetheless also needed, given the Indonesian decentralization context.<sup>166</sup>

The new legislation serves the interests of migrant workers, and specifically addresses the vulnerability of women migrant workers in the informal sector. Although the bill indicates that migrants should receive training, it does not include a maximum time limit on how long a prospective worker may be kept in a training center (i.e., a shelter). Furthermore, it does not set minimum standards for work hours, overtime, days off, or compensation for workplace injuries.<sup>167</sup> The focus of the legislation is on the facilitation of the recruitment and placement process, and in this respect does not prioritize the welfare and rights of migrant workers once they are in their host countries. There remain concerns about:

- the capacity and commitment of government agencies to monitor and enforce the bill;
- the adequacy of the legislative framework to offer meaningful human rights protection to women workers;
- the lack of adequate training of migrant workers;
- the continued mistreatment and abuse of women migrant workers throughout the migration process; and
- the lack of adequate information for workers, their families, communities, and local government agencies to make informed decisions about the migration process.

NGOs have consistently emphasized the plight of Indonesian domestic workers. In 2003, Indonesian groups collaborated to submit a report to the UN Special Rapporteur on the Human Rights of Migrants. The report highlighted abuses faced by domestic workers. Local NGOs work on various aspects of migrant workers' rights, including grassroots organizing, provision of health and legal services, research, and policy advocacy. Other groups in Indonesia have expanded their outreach efforts to organize workers who have returned from abroad, and to provide services to those who suffered abuses. Two important networks include KOPBUMI, a federation of migrant workers' organizations, and a coalition of women's organizations called the Women's Movement for the Protection of Migrant Workers (GPPBM).<sup>168</sup>

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<sup>166</sup> Human Rights Watch. 2004. *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia*. New York.

<sup>167</sup> Ibid.

<sup>168</sup> Ibid.



This chapter summarizes seven key findings of this Country Gender Assessment and offers recommendations to achieve enhanced gender equality in Indonesia in each area of finding. The country has made critical economic and human development gains in recent years. These gains include a steady reduction of extreme poverty, improved access to basic services, and improved governance structures. Central to these gains has been the development of Indonesia's democracy, most significantly manifested in the process of decentralization. Regional autonomy has placed district-level governments at the center of decision-making, providing more opportunities for public participation in the political process, and thereby putting pressure on the public sector to deliver services to men and women alike.

Indonesia cannot afford to allow gender discrimination, as gender inequalities limit the full potential of the country. Gender discrimination and inequalities generate inefficiencies and act as a brake on economic development. Proactive policies to bring down persistent constraints to women's active and equal participation in social and economic development need to be prioritized.

Existing government plans and strategies include many constructive actions to address development issues, including the national MTDP (RJPM) 2004–2009. The MTDP aims to develop democracy and good governance, provide equal access to quality education and health services, implement innovative ways to improve access to education and health care services, and strengthen the social rights of the poor including legal protection and employment. Unfortunately, the Plan is gender blind in that it does not recognize gender inequalities or the need for specific policy measures to address them. A table showing entry points for addressing gender issues in the MTDP can be found in Appendix 2.

### **Seven Main Findings**

#### **FINDING 1: WOMEN'S PARTICIPATION IN PAID EMPLOYMENT AND WOMEN'S ACCESS TO PRODUCTIVE RESOURCES NEED TO BE IMPROVED**

It has become increasingly difficult for women to gain access to employment in the formal sector. The majority of the poor live in rural areas, and while the agriculture sector has been the backbone of rural employment, it cannot continue to absorb labor entrants as it has done so far without significant changes. There are few alternatives for rural people. While men in the rural informal sector are increasingly self-employed, women tend to work as unpaid workers. These alternatives result in decreased household incomes and low levels of women's economic empowerment.

Differences in land tenure rights between women and men contribute to structural inequality and to poverty for women and their families. Despite the fact that Indonesian Law formally adopts the concept of joint ownership of marital property or property purchased during marriage, few parcels of land are registered in the joint names of husbands and wives.

**Recommendations:**

1. Provide training and skills development to women. Job opportunities in the formal sector tend to be for the better educated. Economic empowerment for most women is related to improved opportunities in nonfarm employment that are mostly in micro and small enterprises and in the informal sector. Support to women may include increasing their access to training, affordable credit, and business development services. Better skills will improve women's opportunity to enter the labor market as self-employed in rural and urban areas. Other interventions might include integration of training into employment promotion strategies and support for community-based adult education programs responsive to the situation and interests of those who missed out on basic education in their youth.
2. Enforce labor laws that reduce discrimination against women. The recent labor law stipulates that women have equal access to employment. These rights should be protected by government action. For example within the civil service, reserved quotas for women should be given to women who are qualified for the posts.
3. Modalities to ensure gradual extension of social security benefits to the informal sector should be assessed. Social security is currently available only to formal sector employees.
4. Provide women with improved and secure access to land and natural resources. While in principle the law stipulates that married women and men should co-sign the land title for marital property, this is rarely enforced. Awareness should be raised about women's land rights among women, men, and government officials.

**FINDING 2: GENDER INEQUALITY IN ACCESS TO EDUCATION IS MOST SEVERE AMONG THE POOR AND IN RURAL AREAS**

The importance of girls' education cannot be overstated. It opens the way to improved livelihoods for women themselves and for future generations. The design of the school systems plays an important role in facilitating equitable access for girls and boys. Gender gaps in access to education have decreased. However, they are still evident in women's literacy rates as compared with that of men's (86% vs. 94%), and women still have fewer mean years of schooling (6.5 vs. 7.6 for men). Across both rural and urban areas, boys and girls at the primary level are now enrolled in equal numbers, however, at the junior and senior secondary level there is a significant difference between rural and urban areas. Around 18% of children drop out before completing primary school, and drop-out rates are higher for girls than boys. Education levels have a significant impact on wage differences between women and men. At each level of school completion (from nongraduation from primary school to beyond senior secondary graduation), the ratio of female to male earnings significantly favors men.

**Recommendations:**

1. Address the deep-rooted social barriers to girls' participation in education. Parents' and communities' perceptions about the role of girls can be influenced and changed. Parents and communities need to be persuaded that girls need an

adequate level of education and that education is a necessary investment. Indonesian women's active participation on school management committees should be increased.

2. Increase girls' enrolment in junior secondary school, especially in rural areas. Married women should be able to continue schooling. Innovative and flexible provision is needed beyond the formal school system. There should be additional resources to support interventions for women and out-of-school girls, particularly in nonformal education.

### **FINDING 3: HEALTH SERVICES ARE NOT REACHING RURAL WOMEN AND GIRLS**

Indonesia continues to have one of the highest maternal mortality ratios (MMRs) in Southeast Asia. One of the main factors is the differential access to health care between the wealthy and the poor. Only 21% of poor women have their birth supervised by midwives. Other causes of maternal mortality are unsafe abortion and early pregnancies. The use of contraceptives among men is very low at 3%, while contraceptive use among women is 61%. Consequently women in low-risk population in both rural and urban areas show surprisingly high levels of sexually transmitted infections. Among identified HIV/AIDS high-risk groups are sex workers and migrant workers both groups of which are dominated by women.

#### **Recommendations:**

1. Make health services affordable and accessible to poor women. Improve access to coverage to cost effective and quality maternal and neonatal health care. For example, barriers to access health services such as the costs of transportation should be addressed. Involve regional governments in the provision and utilization of available maternal and neonatal health services, and increase the number of midwives in rural areas. Expand the number of posyandus (community-based integrated health centers).
2. Increase outreach activities and culturally appropriate health education. Outreach strategies need to take into consideration women's cultural beliefs and preferences concerning childbirth and pregnancy. Resources for basic health facilities and outreach visits in geographically underserved areas need to be increased to strengthen the delivery of safe motherhood services. Outreach services include immunization, antenatal care, contraception, nutrition counseling and monitoring, and other health services.
3. Involve men in family planning. In most cases family planning programs and services do not target the male population, even though most men have significant decision-making power in determining the use of contraceptives. Health care personnel need to be gender-sensitized in terms of family planning.

**FINDING 4: THE INSTITUTIONAL FRAMEWORK FOR GENDER MAINSTREAMING NEEDS TO BE STRENGTHENED**

The institutional framework for gender mainstreaming at national and regional levels in Indonesia has been established, but the actual implementation of gender-sensitive policies and programs are weak. Strengthening institutions at national and regional levels ensuring that gender is mainstreamed in policies and programs is essential for improving gender equality and promoting women's empowerment.

**Recommendations for the State Ministry for Women's Empowerment:**

1. Provide technical support to assist local governments in developing performance indicators and together with the Ministry of Finance assist regional governments in quantifying them in the budget.
2. Initiate a systematic effort to ensure that all institutions at the national level collect data disaggregated by sex. Technical guidelines from the sector departments and agencies in Jakarta should be provided to the districts and provinces regarding routine sex-disaggregated data collection.
3. Establish gender-sensitive standard performance criteria for all local government programs.
4. Monitor and evaluate the gender implications of legislation, enforcement, and services, related to the recent revision of Law 32/2004 on Regional Autonomy and Law 33/2004 on Regional Fiscal Balance.
5. Address gender equality issues in the MTDP through capacity development of key departments at the national level (SMWE, BAPPENAS, and Ministry of Home Affairs and Regional Autonomy).
6. Monitor trends and track key gender issues at the national and regional levels. This includes collecting and analyzing sex-disaggregated data and sustainable capacity development of key sector offices at the regional level.
7. Involve WED staff at the subnational level in sector policies, programs, and activities at the relevant level to ensure that gender dimensions are incorporated into subnational policies and programs.
8. Monitor the impact of decentralization on gender equality outcomes at the subnational level, including regular review of the planning processes (including budgets); changes in service delivery (particularly in areas related to health, water supply and sanitation, employment, and infrastructure), and discriminatory and gender-insensitive regulations and laws.
9. Identify, assist, and reward districts that perform well in implementing gender mainstreaming policies. Build a strategic core group of best practice districts or sectors, programs, and projects, to be used as demonstration models of the practical impacts and benefits of gender mainstreaming. Model districts or sectors could become a resource for their province or region.
10. Further strengthen SMWE capacity to facilitate sector departments and local governments in implementing gender mainstreaming policies and practices beyond simple gender awareness socialization training. This includes capacity to assess,

- identify, and monitor the effectiveness of regional governments in implementing gender mainstreaming.
11. Conduct a comprehensive evaluation of the impact of SMWE and donor-supported projects in terms of mainstreaming gender in policies and programs to provide guidance for future projects and programs.

### **Recommendations for Regional and Local Governments:**

Government officers at the provincial and district levels are mainly trained at training institutions administered by the Ministry of Home Affairs and Regional Autonomy. Routine management training offers an entry point for mainstreaming gender equity concerns into the training curriculum and subsequently throughout the administration.

1. Lecturers (*widyaswara*) should improve their knowledge and skills regarding gender concepts and gender mainstreaming. This should include how they can integrate gender into analytical methods used for planning. There should be regular monitoring by the relevant agency as to the effectiveness of applying gender approaches in the training.
2. The Project Management Course (*Kursus Manajemen Proyek*) delivered to district officials should be redesigned to be gender responsive with real examples from work situations. Women's studies centers with sufficient capacity could be involved in this process. Trainers should be given appropriate training and the courses regularly evaluated to ensure that the training provides sufficient depth of information for participants to apply it in their work. The training and its results should be monitored and evaluated.
3. Gender awareness-raising and training in the practical application of gender principles in their work situation should be provided to field level and subdistrict officers. Supervision and monitoring of how they apply these principles should be undertaken.
4. In line with Presidential Decree 9/2000 on Gender Mainstreaming and other instructions and circulars, the accountability reports from the administration (which inform the bupati's (head of district) accountability report to the local legislature) must include reports on how the various sectors and agencies have mainstreamed gender and addressed gender issues.
5. A system for monitoring and reporting on gender mainstreaming at district level should be established.
6. Technical guidelines to promote gender equality in village, subdistrict, and district discussions in the formal bottom-up planning process are required. This will ensure that more than the quantitative question (equal numbers of women and men) is considered, and that the capability of women and opportunities given to them to express opinions are also considered. Monitoring and reporting of the quantitative and qualitative aspects of women's participation should be incorporated in routine reports.
7. Training material—the Village Development Participatory Planning Packet (*Perencanaan Partisipatif Pembangunan Masyarakat Desa* or P3MD)—provided by

the Office for Community Empowerment to communities to increase their participation in development planning and implementation, must be made gender responsive.

**Recommendations for Women’s Empowerment Divisions:**

1. Systematic training of heads and senior personnel of all WEDs in gender analysis should be held using practical approaches that can be applied in their day-to-day work. Ideally this should include fieldwork to collect qualitative and quantitative data for analysis.
2. Skills in information collection, analysis, and management should be prioritized within the WED. This should include understanding the need for data collection, being able to identify the necessary data, and establishing an information management system.
3. WEDs should establish a yearly system of sex-disaggregated data collection from the sectors and agencies so that they can identify locally relevant gender issues. Currently, sex-disaggregated data are not collected by the local administration. The data should form the basis of a yearly report on gender inequalities in the district from the division to the elected head of the local government and to the Regional People’s Representative Council (DPRD).
4. The role of the WEDs as coordinators, monitors, and evaluators should be emphasized. Strategies should be developed to encourage recognition of the value of the WEDs and to prevent their absorption into other sections of the administration. The minimum management level for the head of WEDs should be established at echelon 3.
5. WEDs should lobby within local legislatures to require that the bupati’s accountability report provide a statement on the gender responsiveness of the various dinas (local government sectoral offices) and agencies.
6. Monitoring gender mainstreaming within the administration should be a core function of WEDs. A simple but practical monitoring tool to assist their monitoring activities should be developed. Reporting should be annual, following the development of Repetada (local development plan) and budget allocations. Reporting on gender mainstreaming and gender issues should be to the bupati and SMWE. Incentives should be developed to reward those sectors and agencies that are taking steps to mainstream gender in the development of policies and programs and in their everyday work.

**Recommendations for Regional Development Planning Agencies:**

1. BAPPEDA is a powerful gatekeeper in the district development planning process. It is essential that the senior officers of the agency understand the value of a gender mainstreaming approach for achieving more effective and efficient development. Intensive training should be provided to the agency, including the development of gender-responsive indicators.

2. Cooperation between BAPPEDA and the WED at district level should be strengthened. A bupati's decree (Surat Keputusan) should be sought to ensure clarification of the fact that gender mainstreaming is the responsibility of the administration and that development proposals must comply with gender-responsive criteria

#### **FINDING 5: THE PARTICIPATION OF WOMEN IN DECISION MAKING IS ESSENTIAL AT ALL LEVELS**

Indonesian women have played an increasingly important role in development, but they are still vastly underrepresented in governance and decision-making processes at all levels. If women are to play an equal part in development, they must be empowered politically and economically, which includes being adequately represented at all levels of decision-making. Equal access to and full participation in power structures and involvement in all development efforts are essential for gender equality and sustainable development.

#### **Recommendations:**

1. Set specific targets and implementing measures to substantially increase the number of women in political decision making, and increase the number of women if necessary through positive action in all government and public administration positions.
2. Monitor and evaluate progress in the representation of women through regular collection, analysis, and dissemination of quantitative and qualitative data on women and men at all levels in various decision-making positions in the public and private sectors, and disseminate data on the number of women and men employed at various levels in national and local governments on a yearly basis.
3. Ensure that women and men have equal access to the full range of public appointments and set up mechanisms within the governments for monitoring progress in this field.
4. Conduct a time use survey to recognize that shared work and parental responsibilities between women and men promote women's increased participation in public life, and take appropriate action to achieve this, including measures to reconcile family and work life.
5. Support NGOs and research institutions that conduct studies on women's participation in and the impact on decision making and the decision-making environment.
6. Implement a quota system to push women's participation in political parties toward 30% over the next 3–5 years.
7. Develop initiatives within political parties that allow women to participate fully in all internal policy-making structures and in appointing and electoral-nomination processes.
8. Support the promotion of women in decision-making roles at the subnational level, through capacity development of candidates, parties, NGOs, and civil society.

9. Provide legal and political literacy training to enable local women to influence political, economic, and social decision-making processes.

**FINDING 6: VIOLENCE AGAINST WOMEN TAKES MANY FORMS, AND FEW SERVICES ARE AVAILABLE TO VICTIMS**

Violence against women is unacceptable, and a great deal more can be done in the effort to stamp it out. Data are inherently difficult to come by—there are no exact figures as most violence committed is not reported. Domestic violence, for example, is still considered a private issue. Trafficking of persons is an act of violence and measures need to be put in place to prevent its spread.

**Recommendations:**

1. Implement national and international human rights norms and instruments as they relate to violence against women.
2. Promote active and visible policies and programs related to violence against women. Programs should be aimed at increasing understanding of the causes, consequences, and mechanism of violence against women among those responsible for implementing these policies, such as law enforcement officers, police personnel, and judicial, medical, and social workers.
3. Provide access to justice for women who are subjected to violence, as provided for by national legislation, and inform women about their rights.
4. Formulate and implement action plans to eliminate violence against women at the local level.
5. Adopt appropriate measures, particularly in schools, to modify the social and cultural patterns of men's and women's conduct to eliminate prejudices, customary practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles of women and men.
6. Create and finance training programs for judicial, legal, medical, social, educational, police, and migrant personnel, in order to avoid abuse of power leading to violence against women. Sensitize personnel to the nature of gender-based acts and threats of violence so that fair treatment of female victims can be assured.
7. Initiate public awareness campaigns on violence against women.
8. Support NGOs in their efforts to combat violence against women.
9. Provide shelters and relief support for girls and women who have been subjected to violence, including medical, psychological, and other counseling services and free or low-cost legal aid.
10. Support improved monitoring of complaints, prosecutions, convictions, and sentences relating to trafficking offenses to identify enforcement patterns and gaps.
11. Develop a bilateral or regional database on trafficked persons, and facilitate exchange of information and repatriation.
12. Support NGOs working on legal literacy and legal empowerment of women, including paralegal training.

13. Support capacity development of local government officials, especially elected women, to promote community awareness and monitoring of trafficking.
14. Train police investigators, magistrates, prosecutors, and judges on trafficking and women's and children's rights.
15. Address legal issues related to irregular migration and trafficking and its prevention within programs, such as support to public service reforms, anticorruption efforts, local governance, strengthening of social safety nets, law reforms, legal empowerment, and access to justice.

### **FINDING 7: THE RIGHTS OF INTERNATIONAL MIGRANTS REQUIRE PROTECTION**

Poverty, unemployment, and lack or limited formal education are some of the forces that drive increasing numbers of Indonesian women to migrate abroad and to enter into informal employment sectors such as domestic work in the host country. Cumbersome immigration and labor procedures force potential migrants including women to depend on third parties to help them find work abroad, leaving them vulnerable to mistreatment. Migrants workers are mistreated not just during the departure phase of their migration, but upon return as well. Even when migration occurs legally, abuse is widespread.

#### **Recommendations:**

1. Initiate operational regulations for international migration that are transparent not cumbersome and guarantee the protection of migrant workers during the departure as well as return phases of their passage.
2. Develop a mechanism for monitoring these processes, including during workers' transit to and from their country of destination.
3. Establish recruitment, training, and placement policies that protect fully migrant domestic workers' human rights. Include provisions for a standard contract that specifies work responsibilities, and regulations on hours of work, rest days, regular payment of wages, and compensation for injuries.
4. Regulate and monitor the practices of labor recruitment agencies. Impose substantial penalties on agents who violate these regulations.
5. Provide support services for migrant domestic workers and strengthen the capacity of NGOs to assist them.
6. Disseminate information on domestic workers' rights and the obligations of labor agents, employers, and governments up to the grass roots level to reduce migrants' dependency on intermediaries.
7. Monitor and enforce labor standards in the workplace.

#### **The Way Forward: Gender Equality, MDGs, and Poverty Reduction**

With less than a decade left to meet the Millennium Development Goals, a renewed focus on gender issues is essential. The promotion of gender equality and the empowerment of women does not fall solely within MDG3. Because women comprise more than half of the population,

gender equality is vital to the achievement of each and every MDG. The Indonesian Government's 2005 progress report on the MDGs<sup>169</sup> recognizes a number of outstanding challenges in the efforts to reduce the gender gap and recommends four key policies and programs to address them. They are (i) improving women's participation in political processes and improving their public position; (ii) improving education and health services to improve women's quality of life, (iii) revising legal instruments to protect women against violence, exploitation, and discrimination; and (iv) mainstreaming gender at all levels of government, particularly at the district/municipality level.

Closing gender gaps will ultimately enhance economic growth and reduce poverty in Indonesia. This Country Gender Assessment's seven main findings and the accompanying recommendations support the Government's four key policy areas and together form the core of a strategy for the advancement of gender equality and the empowerment of women in Indonesia.

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<sup>169</sup> BAPPENAS. 2005. *Summary. Indonesia Progress Report on the Millennium Development Goals*. Jakarta: National Development Planning Agency (BAPPENAS).

## Appendix 1: Socioeconomic Data

This Appendix contains selected Socioeconomic Data for North Sumatra, Yogyakarta, South Sulawesi, Papua, and West Kalimantan, the districts in which the regional consultations were undertaken.

Appendix Table 1.1: North Sumatra

Indicator, Year	
GDP per capita (US\$), 2002	—
GDP, annual growth rate, 2002 (%)	
Female share of earned income, 2002 (%)	29.7
Male share of earned income, 2002 (%)	70.3
Female workforce, 2002 (%)	
Agriculture	58.5
Manufacturing	7.0
Trade	15.5
Services (excluding trade)	14.3
Male workforce, 2002 (%)	
Agriculture	53.6
Manufacturing	6.3
Trade	14.5
Services (excluding trade)	19.0
Female workforce classified as unpaid family workers, 2002 (%)	42.5
BPS Census 2000	11,642,000
2003 population (voters and population registration)	11,923,000
Growth rate of population, 2000 (%)	—
Population sex ratio (male over female), 2003	99.8
Women in the population, 2002 (%)	49.5
Annual population growth rate, BPS Census 2000 (%)	—
Total number of households, 2003	2,820,000
Female-headed households (%)	12.8
Urban population, 2003 (%)	43.3
<b>(North Sumatra, continued)</b>	
Female labor force participation rate, 2002 (%)	41.3
Unemployment (total number), 2003	—
Female life expectancy at birth (years), 2002	69.2
Male life expectancy at birth (years), 2002	65.3
Birth deliveries assisted by medical personnel (%)	84.6
Human Development Index rank, 2002	7
Gender Development Index rank, 2002	6
Female adult literacy rate (age 15 and above), 2002	94.3
Male adult literacy rate (age 15 and above), 2002	97.9
Population below the poverty line (urban and rural), 2002 (%)	15.8
Women out of total members of the local legislature, 2002 (%)	3.5
Population without access to clean water, 2002	41.8
Population without access to health facilities, 2002	30.4
Women in senior official, managerial, and technical staff positions, 1999	53.8

— = data not available.

Sources: BPS. 2000. Census 2000; BPS. 2003. *2003 Statistical Yearbook of Indonesia*; and BPS/BAPPENAS/UNDP. 2004. *Indonesia Human Development Report 2004*; and BPS. 2002. SUSENAS 2002.

Appendix Table 1.2: Yogyakarta

Indicator, Year	
GDP per capita (US\$), <sup>a</sup> 2002	520.1
GDP, annual growth rate, 2002 (%)	—
Female share of earned income, 2002 (%)	33.4
Male share of earned income, 2002 (%)	66.6
Female workforce, 2002 (%)	
Agriculture	41.3
Manufacturing	15.1
Services (excluding trade)	17.0
Male workforce, 2002 (%)	
Agriculture	37.5
Manufacturing	13.1
Services (excluding trade)	22.0
Female workforce classified as unpaid family workers, 2002 (%)	
Kulon Progo Regency	40.5
Bantul Regency	25.4
Gunung Kidul Regency	62.4
Sleman Regency	14.0
Yogyakarta Municipality	9.9
Female workforce classified as unpaid family workers, 2002 (%)	
Kulon Progo Regency	40.5
Bantul Regency	25.4
Gunung Kidul Regency	62.4
Sleman Regency	14.0
Yogyakarta Municipality	9.9
Female-headed households, 2002 (%)	
Kulon Progo	17.3
Bantul	14.5
Gunung Kidul	14.5
Sleman	16.6
Yogyakarta Municipality	30.5
BPS Census 2000	3,121,000
2003 population (voters and population registration)	3,211,000
Growth rate of population, 2000 (%)	0.96
Population sex ratio (male over female), 2003	98.3
Women in the population, 2000 (%)	50.3
Annual population growth rate, BPS Census 2000 (%)	0.72
Total number of households, 2003	992,000
Urban population, 2000 (%)	58
Female labor force participation rate, 2002 (%)	44.4
Unemployment (total number), 2003	98,559
Female life expectancy at birth (years), 2001	74.2
Male life expectancy at birth (years), 2001	70.4
Human Development Index rank, 2002	3
Gender Development Index Rank, 2002	2
Female adult literacy rate (age 15 and above), 2002	77.5
Male adult literacy rate (age 15 and above), 2002	90.4

**Yogyakarta, continued**

Population below the poverty line (urban and rural), 2002 (%)	16.1
Women out of total members of the local legislature, 2004 (%)	—
Population without access to clean water, 2002	38.9
Population without access to health facilities, 2002	7.7
Women in senior official, managerial, and technical staff positions, 2002	37.4

— = data not available.

<sup>a</sup> Per capita gross domestic product without oil and gas at current market prices calculated at the set exchange rate of US\$1 = Rp9,000.

Sources: BPS 2000. *Census 2000*; 2003 *Statistical Yearbook of Indonesia*; and BPS/BAPPENAS/UNDP. 2002. *Indonesia Human Development Report 2004*; BPS. 2002. *SUSENAS 2002*

**Appendix Table 1.3: South Sulawesi**

Indicator, Year	
GDP per capita (US\$), <sup>a</sup> 2002	488.1
GDP, annual growth rate, 2002 (%)	3.3
Female share of earned income, 2002 (%)	29.4
Male share of earned income, 2002 (%)	70.6
Male workforce, 2002 (%)	
Agriculture	62.0
Manufacturing	4.5
Trade	25.3
Services (excluding trade)	16.9
Female workforce, 2002 (%)	
Agriculture	48.8
Manufacturing	8.2
Trade	11.7
Services (excluding trade)	17.1
Female workforce classified as unpaid family workers, 2002 (%)	40.8
BPS Census 2000	8,051,000
2003 population (voters and population registration)	8,253,000
Annual population growth rate, 2003 (%)	0.83
Population sex ratio (male over female), 2003	95.3
Women in the population, 2002 (%)	51.0
Total number of households, 2003	1,966,000
Female-headed households (%)	14.95
Urban population, 2003 (%)	22.9
Female labor force participation rate, 2002 (%)	33.9
Unemployment (total number), 2003	—
Female life expectancy at birth (years), 2002	70.5
Male life expectancy at birth (years), 2002	66.5
Birth deliveries assisted by medical personnel, 2002 (%)	57.3
Human Development Index rank, 2002	21
Gender Development Index rank, 2002	22

**South Sulawesi, continued**

Gender Empowerment Measure rank, 2002	23
Female adult literacy rate (age 15 and above), 2002	80.8
Male adult literacy rate (age 15 and above), 2002	86.6
Population below the poverty line (urban and rural), 2002 (%)	—
Women out of total members of the local legislature, 2002 (%)	2.7
Population without access to clean water, 2002	45.1
Population without access to health facilities, 2002	27.3
Women in senior official, managerial, and technical staff positions 1999	46.2
— = data not available.	
<sup>a</sup> Per capita gross domestic product without oil and gas at current market prices calculated at the set exchange rate of \$1 = Rp9,000.	
Sources: BPS. 2000. <i>Census 2000</i> ; BPS. 2003. <i>2003 Statistical Yearbook of Indonesia</i> ; and BPS/BAPPENAS/UNDP. <i>Indonesia Human Development Report 2004</i> ; BPS. 2002. <i>SUSENAS 2002</i> .	

**Appendix Table 1.4: Papua**

Indicator, Year	
GDP per capita (US\$), <sup>a</sup> 2002	1,044
GDP, annual growth rate, 2002 (%)	8.9
Female share of earned income, 2002 (%)	37.7
Male share of earned income, 2002 (%)	62.3
Share of employment by main industry, 2003 (%)	
Agriculture	78.3
Industry	0.7
Services	7
BPS Census 2000	2,214,000
Growth rate of population, 2000 (%)	2.25
Population sex ratio (male over female), 2003	109.4
Women in the population, 2000 (%)	47.8
Annual population growth rate, BPS Census 2000 (%)	1.49
Total number of households, 2003	645,000
Urban population, 2002 (%)	94.1
Female labor force participation rate, 2002 (%)	40.8
Unemployment (total number), 2003	67,788
Female life expectancy at birth (years), 2001	67.0
Male life expectancy at birth (years), 2001	63.2
Human development index rank, 2002	29
Gender development index rank, 2002	25
Female adult literacy rate (age 15 and above), 2003	67.5
Male adult literacy rate (age 15 and above), 2003	78.4
Population below the poverty line (urban and rural), 2003 (%)	39.3
Women out of total members of the local legislature, 2004 (%)	10.0
Population without access to clean water, 2002	61.6
Population without access to health facilities, 2002	36.1
Women in senior official, managerial, and technical staff positions, 2002	30.6

<sup>a</sup> Per capita gross domestic product without oil and gas at current market prices calculated at the set exchange rate of US\$1 = Rp9,000.

Sources: BPS. 2000. *Census 2000*; BPS. 2003. *Statistical Yearbook of Indonesia*; and BPS/BAPPENAS/UNDP. 2004. *Indonesia Human Development Report 2004*.

Appendix Table 1.5: West Kalimantan

Indicator, Year	
GDP per capita (US\$), <sup>a</sup> 2002	572.95
GDP, annual growth rate, 2002 (%)	8.7
Female shared of earned income, 2002 (%)	31.1
Male shared of earned income, 2002 (%)	68.9
Female workforce, 2002 (%)	
Agriculture	72.1
Manufacturing	4.4
Services (excluding trade)	9.8
Male workforce, 2002 (%)	
Agriculture	50.0
Manufacturing	8.0
Services (excluding trade)	12.1
Female workforce classified as unpaid family workers, 2002 (%)	83
Female-headed households, 2002	—
BPS Census 2000	4,016,000
2003 population (voters and population registration)	3,969,000
Growth rate of population, 2000 (%)	2.29
Population sex ratio (male over female), 2003	104.1
<b>(West Kalimantan, continued)</b>	
Women in the population, 2000 (%)	0.49
Annual population growth rate, BPS Census 2000 (%)	2.29
Total number of households, 2003	1,000,000
Urban population, 2000 (%)	25.4
Female labor force participation rate, 2002 (%)	39.8
Unemployment (total number), 2003	—
Female life expectancy at birth (years), 2001	66.2
Male life expectancy at birth (years), 2001	62.4
Birth deliveries assisted by medical personnel (%)	54.0
Human Development Index rank, 2002	27
Gender Development Index rank, 2002	13
Female adult literacy rate (age 15 and above), 2002	81.7
Male adult literacy rate (age 15 and above), 2002	92.0
Population below the poverty line (urban and rural), 2002 (%)	15.4
Women out of total members of the local legislature, 2002 (%)	3.6
Population without access to clean water, 2002	78.5
Population without access to health facilities, 2002	50.1
Women in senior official, managerial, and technical staff positions, 2002	43.2

— = data not available.

<sup>a</sup> Per capita gross domestic product without oil and gas at current market prices calculated at the set exchange rate of US\$1 = Rp9,000.

Sources: BPS Census 2000; Statistical Yearbook of Indonesia, BPS, 2003; and BPS/BAPPENAS/UNDP.2004. *Indonesia Human Development Report 2004*; BPS. 2002. SUSENAS 2002.

**Appendix 2: Mainstreaming Gender Concerns in the Medium–Term Development Plan**

The following table presents recommendations for mainstreaming gender concerns in the Medium-Term Development Plan 2004–2009, grouped according to three broad policies: poverty reduction, conflict resolution, and democracy and governance.

<b>Policy</b>	<b>Entry Point</b>
<p><b>Poverty</b></p> <p>Ensure access to quality education, health services</p> <p>Implement innovative ways to improve access to education and health care services</p> <p>Strengthen the social rights of the poor including legal protection and employment</p> <p>Increase civil society participation in political decision making</p> <p>Increase job opportunities in the formal sector</p>	<p>Reinforce and protect the rights of boys and girls to education and women’s rights in general through the education system and public awareness campaigns</p> <p>Provide access to literacy education services, specifically for the female population</p> <p>Develop institutions for gender-sensitive education at both the central and provincial levels</p> <p>Strengthen the capacity of educational institutions to manage and promote gender-sensitive education</p> <p>Challenge gender stereotypes in the curriculum</p> <p>Proactively target programming to increase girls’ enrolment and reduce drop-out rates</p> <p>Improve access and coverage of cost-effective and quality maternal and neonatal health care</p> <p>Empower women and families by improving their knowledge of and attitudes toward health behavior</p> <p>Involve communities in the provision and utilization of available maternal and neonatal health services</p> <p>Integrate gender-responsive HIV/AIDS prevention and community-level coping measures in health programs and project</p> <p>Build capacity in local governments and local service providers on gender-sensitive approaches to addressing health services</p> <p>Establish monitoring and evaluation indicators based on gender-disaggregated data</p> <p>Include combating violence against women in health programs</p>
	<p>Ensure participation of all community members in decision</p>

Policy	Entry Point
	<p>making at national and local levels</p> <p>Introduce affirmative action for women's participation in national and local governments</p> <p>Provide capacity development for women participating in political decision making</p> <p>Ensure women's participation in appropriate training and increase their business skills</p> <p>Ensure that the formal sector provides opportunities to women even though it requires training in nontraditional skills</p>
<p><b>Conflict Resolution</b></p> <p>Combat transnational crime including trafficking in human beings</p> <p>Protect communities from crime and violence</p>	<p>Involve civil society in conflict resolutions, including women</p> <p>Initiate gender sensitivity training of law enforcers</p> <p>Establish programs to prevent human trafficking</p> <p>Raise public awareness about human trafficking</p> <p>Include women in stakeholder forums to facilitate national reconciliation efforts</p> <p>Include awareness training on domestic violence when training police to protect communities against crime</p> <p>Include women in the establishment of community neighborhood watch groups</p>
<p><b>Democracy and Good Governance</b></p> <p>Reform outdated regulations and laws</p> <p>Eradicate all forms of legally sanctioned discrimination against minority groups</p> <p>Increase access to legal advice for the poor</p> <p>Improve administrative capacity of local governments and the delivery of social services</p> <p>Initiate civil service reforms</p>	<p>Review laws and regulations in terms of their gendersensitivity</p> <p>Eliminate discriminatory laws and regulations against women, e.g., ensure women get access to productive assets such as land, financial resources, input and information and enhance women's land security and property rights</p> <p>Provide gender-sensitive training for local governments in social service delivery</p> <p>Ensure that women and men are provided with access to free legal advice in regard to irregular migration, human</p>

<b>Policy</b>	<b>Entry Point</b>
	trafficking, and domestic violence Ensure gender-sensitive budgeting at all levels Increase technical capacities to carry out gender analysis Develop guidelines for local governments that incorporate gender dimension Ensure that more women within the civil service are promoted Assure affirmative action for recruitment of women in the civil service

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