

The National Commission on Violence against Women  
(Komnas Perempuan)'s Response to Call for Inputs of  
Expert Mechanism on the Right to Development on

# Women's Active, Free and Meaningful Participation in Development, with Emphasis on Decision-Making



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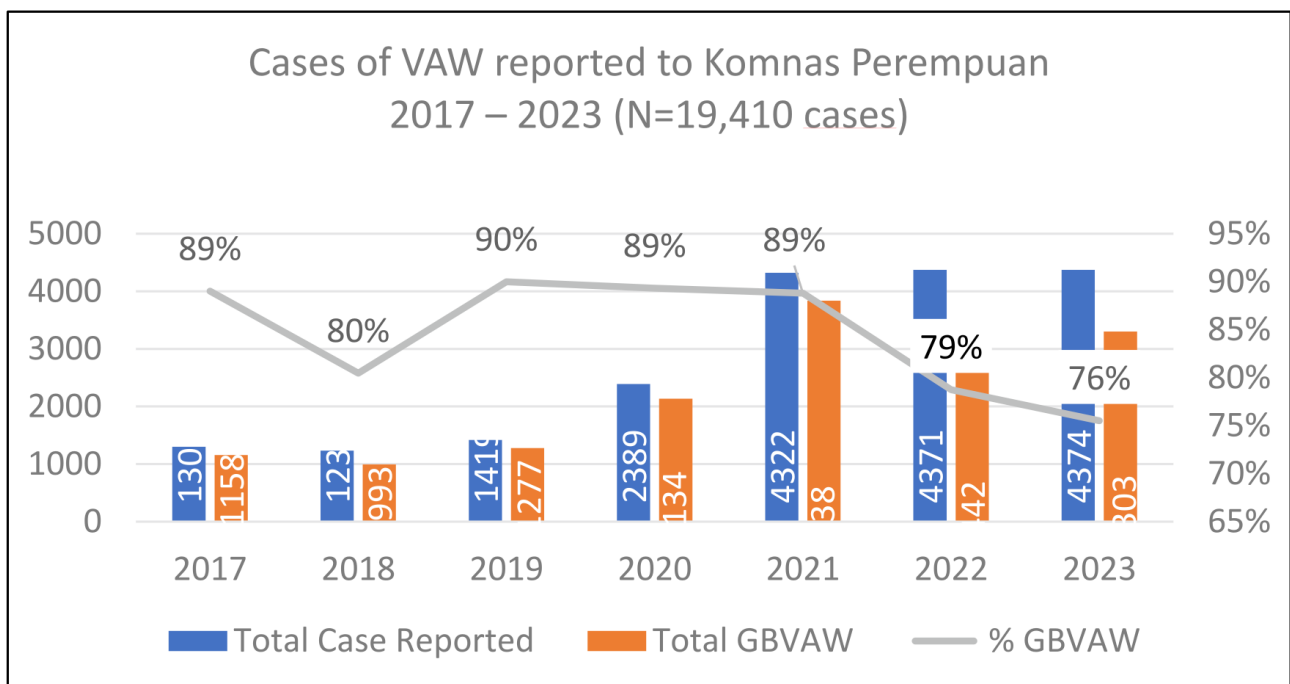
NATIONAL COMMISSION ON  
VIOLENCE AGAINST WOMEN **KOMNAS PEREMPUAN**  
KOMISI NASIONAL ANTI KEKERASAN TERHADAP PEREMPUAN

Jakarta, 9 June 2024

**T**HE National Commission on Violence Against Women (Komnas Perempuan) is one of National Human Rights Institutions (NHRIs) in Indonesia. In line with its mandate, Komnas Perempuan plays a crucial role in transforming policies and practice to promote the elimination of all forms of violence against women in Indonesia and the advancement of women’s human rights. Komnas Perempuan conduct monitoring, fact-finding, and documenting cases of violence against women, and perform strategic studies related to women’s human rights including relevant international instruments for women’s human rights protection. Based on findings, Komnas Perempuan provides input and recommendations to stakeholders at both national and regional levels to create conducive conditions for the elimination of all forms of gender-based violence against women in Indonesia.

**1. Women’s participation in development and gender equality, including women’s access to education, employment, health, comprehensive care systems, and protection against discrimination and violence, showing data, preferably disaggregated taking into account the diversity of women, e.g., by sex, gender, age, disability, social conditions, ethnic, religious, national or cultural origin, etc.**

Gender based violence (GBV) is a determinant hindrance to women enjoyment to the right to development. In 2023, Komnas Perempuan received a total of 4,374 complaints, amongst which were 3,303 cases of gender-based violence against women (GBVAW). Of these GBVAW cases, 1,944 cases occurred in the personal domain, 1,271 cases in the public domain, and 88 cases in the state domain. The number of cases reported in 2023 is slightly lesser than in 2022. The trend of reporting cases to Komnas Perempuan in the past 7 years is shown in the bellow chart.

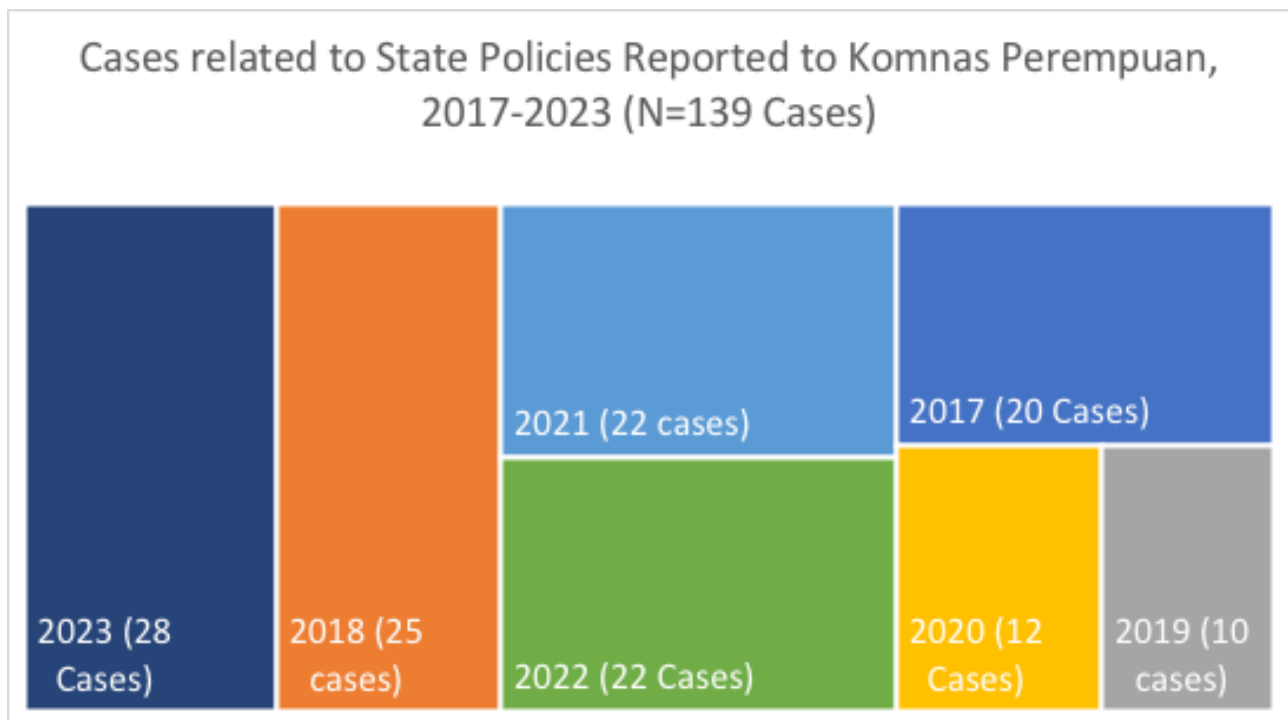


The cases reported in 2023 occurred in the public domain predominantly consisting of electronic-based sexual violence (ESBV) with 838 cases or 66% of the total cases. Workplace violence and violence in public places each accounted for 100 cases (8%) and 94 cases (7%) respectively. Friends in social media were the most common perpetrators in the public domain, accounting for 447 perpetrators or 35% of the total reported perpetrators. There were also 4 complaints related to domestic workers’ cases.

Data in 2023 showed that the majority of victims were aged 18-24, reaching 1,342 individuals, while the majority of perpetrators were aged 25-40, with 568 reported cases. The majority of both victims and perpetrators

of violence had a high school education background. In terms of occupational characteristics, the majority of victims worked as students (967), private employees (568), and housewives (364), while the most common perpetrators were private employees (422) and students (283). Cases of gender-based violence in the domestic realm reported to Komnas Perempuan were dominated by violence against wives (674 cases), violence by former partners (618 cases), and violence in dating relationships (360 cases). The majority of perpetrators of such violence were former partners (550 cases), followed by boyfriends (462 cases), and husbands (174 cases).

In 2023, Komnas Perempuan also received 88 cases GBVAW occurred in state domain, including 28 cases related to state policies, comprising of 21 cases of land dispute and natural resources conflicts, 3 cases of forced eviction, and 3 cases related to discriminatory policies against religious or sexual minority groups. The total number of similar cases reported to Komnas Perempuan in the past 7 years are 139 cases as shown in the diagram below.



Discriminatory bylaws are arguably the evidence and result of women's limited participation in decision making processes of public policy, and will lead to the reinforcement of multi basis discrimination against women. By mid 2024 Komnas Perempuan identifies at least 305 discriminatory bylaws, including:

- a. At least 73 regulations or policies obliging Muslim attire for government employees, students, and teachers in higher education institutions. The enactment of this obligation is disproportionately disadvantageous for women, particularly of religious minority, and has resulted in mental health disturbances – some experienced suicidal urge - and discrimination in access to employment and social welfare programs. These regulations entail sanctions such as disciplinary actions, criminal penalties, warnings, and expulsion from school;
- b. Regulations creating obstacles for religious minority women to worship due to licensing barriers. The policy followed with violent protests by intolerant groups leads to prolonged distress and trauma, such as evident in the experience of Christian congregants in Aceh Singkil Regency and churches in Serang and Cilegon Regencies. Specific regional policies on places of worship aggravates the discrimination, such as in provinces like Aceh and Bali;
- c. Regulations restricting religious activities at both national and regional levels for Ahmadiyya congregants, directly impacting Ahmadiyya women's ability to enjoy the right to security in their public participation beside in their religious practices.

- d. There are approximately 116 policies risking women of arbitrary arrest due to raising suspicion as sex worker. These regulations are particularly disadvantageous for women with low economic background.
- e. The Supreme Court's Internal Policy (Circular Letter Number 2 of 2022), which prohibit judges to record interreligious marriage;
- f. Ministerial Regulations that provide administration barrier for women adherent to indigenous beliefs to register their marriage, to obtain religious class at school according to their faith and to be employed as public officials. The regulation requiring religious leaders of indigenous beliefs to be administratively registered by the state for their marriage to be eligibly registered, a requirement not applied to followers of other religions. Failure in registering marriage will lead to multiple discrimination, including the lack of civic right of the child to be legally registered with the name of the father besides the name of the mother in birth certificate, the limited access to government programs aimed at family, and the reduction of legal protection of the women in marriage and its dissolution.

## 2. National and local institutional framework for women's rights and gender equality, including civic space and the level of women's participation in this framework.

The 1945 Constitution of Indonesia guarantees the fulfilment of women's rights, alongside various regulations and legislation. Article 28H sub-article (2) explicitly recognizes the right to affirmative action, and Article 28I sub-article (2) recognizes the right to be free from all kind of discrimination.

Except the Convention against enforced disappearance, Indonesia has ratified other 8 primary UN treaties, including the UN Convention on the Elimination of All Forms of Discrimination against Women through Law Number 7 of 1984. There are also the Law Number 39 of 1999 concerning Human Rights, Law Number 23 of 2004 on Anti-Domestic Violence, Law Number 21 of 2007 on Combating Trafficking in Persons, Law No. 8 of 2016 on Rights of People with Disability, Law on Child Protection, and Law Number 12 of 2022 on Anti-Sexual Crime. All has specific attention to gender based discrimination against women.

There are also Presidential Decree No. 9 of 2000 concerning Gender Mainstreaming Development and Presidential Regulation No. 59 of 2017 concerning the Implementation and Achievement of Sustainable Development Goals (SDGs).

In ensuring women's active participation in political sphere, there are amongst other:

- a. Law No. 2 of 2011 on Political Parties and Law No. 8 of 2012 on Elections ensuring minimum 30% of women representation in their list of candidates. Noteworthy that the Constitutional Court annulled the zipper system in this quota policy. The law on Election also obliges the minimum of 30% women's participation is all election related bodies.
- b. Law No. 6 of 2014 on Villages ensuring women participation in decision making process in the management of the villages

Despite the existence of legal frameworks, challenges persist in ensuring the full realization of women's rights. Gender-based violence and discrimination continue to hinder progress toward gender equality. Furthermore, diverse level of commitment towards women's human rights as well as limited capacity in integrating gender perspectives in public policies and political decisions exacerbates the marginalization of women, particularly those of vulnerable groups. The issuance of discriminatory policies is the result of this situation.

Another example is the General Election Commission Regulation No. 10 Year 2023 that reduce the commitment to affirmative measure for women representation in election. The regulation was then annulled by Supreme Court following request of Judicial Review by women's group.

Therefore, concerted efforts are required to address these systemic barriers and ensure the effective implementation of laws and regulations to ensure active and meaningful participation in decision making processes and mechanism to promote gender equality and protecting the rights of all women and girls, including those with disabilities.

### 3. Data and examples about national and local leadership and level of women's representation in public life, especially in government and other public institutions, as well as in the private sector.

The Human Development Index (HDI) of Indonesia 2023 showed that female HDI at 70.96, significantly lower than the male counterpart at 77.26.<sup>1</sup> This underscores the persistent inequality faced by Indonesian women in development. Moreover, the 2023 Annual Report (CATAHU) by Komnas Perempuan, which over the last two decades serves as the only national compilation of cases of VAW reported to Komnas Perempuan and other agencies, revealed at least 401,975 cases of GBVAW.

Nevertheless, the gender development index (GDI) is increasing from 91,63 in 2022 to 91,85 2023. Likewise, the Gender Inequality Index (GII), from 0,459 in 2022 to 0.447 in 2023.

According to 2022 data from the Central Statistics Agency (BPS), the proportion of Indonesian women in managerial roles dropped to 32.26% in 2022 from 32.5% in 2021 and 33.8% in 2020. However, there was a significant increase in 2023 to reach 35,02%.<sup>2</sup>

The percentage of senior female officials in Indonesia has been disturbingly low, from 14% in 2020 to 17% in 2022. This is despite the number of female officials are far more in number than the male. In 2022, 53% of 3.890.579 officials were women.

This gap in leadership position of female workers and officials is linked to the persistent patriarchal norms, gender stereotypes, and discrimination. Awareness of women's economic rights, including the right to work and earn a decent livelihood, is growing alongside efforts to combat workplace gender discrimination and ensure equal access to economic opportunities. Female leadership in the workforce can enhance access to fair employment devoid of gender biases. The proportion of women in managerial roles signifies their ability to engage and excel in leadership at all levels of decision-making. Female managers possess unique traits compared to their male counterparts, driving better business performance and fostering more inclusive leadership, motivating other female professionals to actively participate. Nonetheless, women still encounter challenges in balancing career aspirations with familial responsibilities, often leading to career sacrifices for family care.

Additionally, the limited educational attainment among women often confines them to lower-ranking positions. BPS data shows that the highest proportion of women in managerial positions are diploma I/II/III graduates at 42.54%, followed by primary school graduates at 40.82%, junior high school graduates at 33.99%, vocational high school graduates at 31.01%, university graduates at 30.38%, and general high school graduates at 27.65%.

In politics, women's leadership and representation remain elusive goals burdened by systemic barriers, including those posed by existing regulations aimed at perpetuating power imbalances. Female representation in parliament is particularly concerning. Despite reforms, the Indonesian House of Representatives (DPR) has never met the 30% quota for female parliamentarians.

The number of women in the DPR fluctuated over the years, reaching a peak of 120 (20.87%) in the 2019 election. Whilst waiting for final decision regarding the 2024 General Election result, it is estimated that percentage of female members of parliament will decrease to less than 20%. The reluctance of General Election Commission to implement Supreme Court and Election Supervisory Agency decisions for ensuring affirmative measure and its approval to Party List Candidates (DCT) without meeting the 30% female representation requirement are arguably the factors to this decrease. The lack of women's representation is also observable in the Election Organizers at both central and regional levels and other state institutions.

Meanwhile, an encouraging increase is observable in judiciary institution. BPS recorded that there were only

1 <https://www.bps.go.id/id/statistics-table/2/NDYyIzI=/indeks-pembangunan-manusia--ipm--menurut-jenis-kelamin.html>

2 <https://www.bps.go.id/id/statistics-table/2/MjAwMyMy/proporsi-perempuan-yang-berada-di-posisi-manajerial-menurut-provinsi.html>

28,81% of women in judiciary institutions in 2021. According to Supreme Court, in 2024 there are approximately 29% of female judges or 2.211 from the total of 7,729 judges all over the country.<sup>3</sup> However, only 24% hold the leadership position in the office of court, and the number falls to less than 20% in appeal court.

In addition, in all monitoring of cases related to land dispute and natural resources conflicts, including those related to National Strategic Development Projects such as dam and geothermal based electricity plantation, Komnas Perempuan always receive the complaints regarding the lack of access to take part in decision making process. This is particularly evident in the experience of indigenous women, who are facing marginalization by both the state and their community due to their gender position.

#### **4. Studies/reports and impact assessments of national experiences of women's empowerment including the adoption of temporary affirmative actions and corrective measures - on women's access to development and on the correlative evolution of the country's development outcomes.**

Results of Komnas Perempuan's monitoring, facts findings, and documentation of cases of violence against women, as well as our strategic studies related to women's human rights has shown the urgent need to strengthen affirmative measures to ensure women's better access to development.

The lack of women's access to decision making in the formulation of public policy, for instance, has resulted in discriminatory by laws in the name of morality, religiosity and majority. These discriminatory bylaws include the regulation of curfew, obligation to veil and potential arbitrary arrest of women raising suspicion of being sex workers. These bylaws are particularly disadvantaging women of minority groups, and those with low economic status.<sup>4</sup>

In response to Komnas Perempuan's recommendation to guarantee women's rights in policy making process and the policy formulation, the Government has issued several regulations to handle discriminatory bylaws, including by the Minister of Women Empowerment and Child Protection No. 6 of 2023 concerning Gender Equality Parameters in Legislation and Other Legal Instruments. This regulation serves as a crucial instrument aiming at providing guidance to regional authorities to measure gender perspectives within the scope of legislation making process and the content.

Since this is only in an initial phase of its implementation, result is yet to be observed. Komnas Perempuan also expect the regulation is applied in the decision making process regarding planning and monitoring of natural resources exploitation and of national strategic development project.

Komnas Perempuan also recently finalized its report on monitoring of the policies and practices of restorative justice in 9 Provinces, 23 regions/municipalities. Restorative justice requires free consent of women victims to engage in the negotiation processes. However, the monitoring found that women victims has limited access to provide genuine consensual agreement to participate in restorative process. Most of the time, the decision to go for restorative justice process was made by other, particularly male, member of the women's family. Many of victims also did not participate substantively in the process and no affirmative measures are found to ensure substantive engagement of women in response to the gendered power structure. Women of indigenous groups were at particular risk of being absent in the process since the indigenous mechanism applied for restorative justice processes did not recognize the right of women as a subject before the law. Since restorative justice has been decided by the government as the direction for the law development in Indonesia, Komnas Perempuan is preparing tools to follow up the findings and recommendations in order to ensure better participation of women in the respective processes.

<sup>3</sup> <https://www.mahkamahagung.go.id/id/berita/6245/tingkatkan-kualitas-kepemimpinan-hakim-perempuan-bphi-gelar-seminar-internasional>

<sup>4</sup> [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/session13/ID/Komnas\\_Perempuan\\_UPR\\_IDN\\_S13\\_2012\\_KomnasPerempuan\\_Annex12\\_E.pdf](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/session13/ID/Komnas_Perempuan_UPR_IDN_S13_2012_KomnasPerempuan_Annex12_E.pdf)

## 5. Examples of relevant indicators and procedures designed and applied at the national and/or local level to systematically measure and evaluate women's participation in development, including decision-making, and in the enjoyment of development benefits.

Following up its monitoring findings of discriminatory bylaws in the name of morality, religiosity and majority (2009), Komnas Perempuan develop a set of indicators to measure the constitutionality of the policy issued at both national and regional levels. The term constitutionality is adopted to emphasize the Constitutional mandate against discrimination and on the State's responsibility in the fulfilment of human rights. The indicators are set up as such to locate the women's and other marginalize groups' access to decision making substantively. The indicators have been used by Komnas Perempuan throughout 2010-2024 to evaluate the process and content of laws, regulations and policies. It is also an advocacy tool to engage national and local government to develop their policy and correct their practices in the implementation of participatory principle in decision making processes.

## 6. Public policies, diagnostics, assessments, evaluations and data, including action plans and priority groups and areas, at the national and/or local level, to identify and overcome challenges to women's and girls' access to equal opportunities and participation in decision-making processes.

Women's indigenous participation in development remains limited, primarily due to the enduring presence of patriarchal culture within Indonesian society. Furthermore, the prevailing development policies have prioritized extractive industries characterized by a masculine ethos, alongside extensive infrastructure projects. This exploitation and exploration of land not only expedite environmental degradation but also exacerbate the vulnerability of women to various forms of gender-based violence.

Concurrently, activities labelled as national strategic projects often encroach upon or exploit Indigenous Community Managed Areas. Consequently, in instances of agrarian or spatial conflict, women consistently emerge as the most adversely affected group. This situation is linked to Indonesia's patriarchal agrarian culture, wherein women's roles in preserving the livelihoods are deeply intertwined with their engagement with natural environment. Thus, during conflicts over natural resources, women invariably find themselves at the forefront of defending the land, both as their source of livelihood and cultural heritage.

Several policy instruments ensuring protection of women's right in development have been promulgated at both the national and international levels, including:

- a. The CEDAW Convention, ratified through Law No. 7 of 1984, imposes upon Indonesian Government the obligation to implement and uphold the rights enshrined in the Convention. In executing these mandates, Indonesia need to refer to the interpretation of the Convention as articulated in its commitments, such as CEDAW General Recommendation No. 39 on the Rights of Indigenous Women and Girls. This recommendation provides guidance to States Parties on legislative, policy, and other pertinent measures to ensure the fulfilment of their obligations concerning the rights of indigenous women and girls. This general recommendation applies to indigenous women and girls both within and beyond indigenous territories.
- b. Indonesia has also acceded to the United Nations Declaration on the Rights of Indigenous Peoples, guaranteeing the fundamental rights and specific needs of indigenous women as articulated in Article 22, which mandates states to ensure and protect indigenous women from all forms of discrimination.
- c. The Constitutional Court Decision No. 35/PUU-X/2012 on Customary Forests in 2012 represents a commendable effort to acknowledge and safeguard the rights of indigenous communities over their natural resources.



Notwithstanding these policy endeavours, numerous challenges persist, including extensive infrastructure politics exacerbated by legal non-compliance, policy disjunctions between central and regional administrations, corporate impunity and dominance, and perspectives that marginalize indigenous communities.

The persisting issues confronting indigenous communities pertaining to the inconsistency of government recognition regarding the collective rights of indigenous communities to land. Reports of expropriation, displacement, and relocation of communities from customary land and territories by both the state and corporations without the consent of indigenous communities have resulted in violation of legal protection and recognition by the state to indigenous communities.

In 2016, the National Commission on Violence against Women, alongside the National Commission on Human Rights (Komnas HAM), conducted investigations into 40 cases of violence against indigenous women in 7 regions: Sulawesi, Sumatra, Kalimantan, Java, Maluku, Nusa Tenggara, and Papua. This investigation identified the forms and patterns of violence or human rights violations against indigenous women. For example, the lack of recognition of customary forests has led to their obliteration, resulting in blurred boundaries and altered forest functions without prior consultation or approval from indigenous communities subsisting within the forest.

As part of the indigenous communities, indigenous women suffer from violations of their collective rights in economic, social, and cultural domains, as well as civil and political rights due to the lack of recognition by the state of customary legal communities. However, the violence endured by indigenous women is not solely perpetrated by the state and corporations encroaching upon their customary territories. Indigenous women also encounter complex, multidimensional, and interrelated violence and discrimination perpetrated by the members of their community and in their personal lives. Consequently, indigenous women encounter multifaceted disadvantages relating to their status as members of indigenous communities.

Meanwhile the contradictory situation in legal system is aggravated by the issuance of the Law Number 11 of 2020 concerning Job Creation. It opens the potential environmental ramifications as it eliminates environmental permit requirements and environmental impact assessments in the name of job creation. Thus arguably, the implementation of this law will imperil indigenous women's access to land.

The extensive adverse impacts of development programs on indigenous communities, particularly women, are also observed in the current ongoing construction of the new capital city of Indonesia in East Kalimantan, called Ibukota Nusantara (IKN). The IKN development project has resulted in rapid deforestation as land clearing is necessary for the development. Women of indigenous groups are facing the various consequences of the deforestation.

In addition, according to data from the National Commission on Violence against Women (2020), there are 49 cases of Natural Resources and Spatial Planning conflicts from 2003 to 2019, 14 cases of Natural Resources conflicts directly impacted the lives of indigenous communities.

It is noteworthy that the existence of indigenous communities has been partially acknowledged in several laws, including the 1945 Constitution, which has been amended since 2000 and 2002. The Constitution mandates the enactment of laws as a state responsibility to provide recognition, respect, and protection to indigenous legal community units. However, since 2004 to date, the anticipated legislation has remained solely a Draft Law. It has been repeatedly included in the national legislative program without clear deadline and agenda of its deliberation to be issued as a law.

## **7. International cooperation projects (including impact assessment of their implementation) to empower women, including young women and girls and those affected by intersectional discrimination, to prevent, remedy and overcome inequalities and discrimination that affect them.**

Whilst state budget serves as the primary financial resources in conducting its mandates, Komnas Perempuan has collaborative programs with international organizations. For example, over the past four

years collaboration between Komnas Perempuan and UNFPA has been centred on preventing gender-based violence against women. This comprehensive program encompasses various activities, including the 16 Days of Activism against Gender-Based Violence campaign, advocacy for the enactment of Law No. 12 of 2022 on the Prevention of Violence against Women, and the development of reproductive health and anti-violence training modules tailored for women with disabilities. Additionally, UNFPA supports Komnas Perempuan in publishing a cohesive database report from three institutions on gender-based violence against women, along with annual records on such violence.

Komnas Perempuan enjoys strong support from the UNWomen in its work on monitoring and reporting. In 2021-2023, the collaboration also covered the periodic monitoring to the situation of women in Papua in their access, control and benefits to the development of services for women victims of violence who are also live with HIV/AIDS.

There is also collaboration of Komnas Perempuan with the EU focuses on advocating for the Indonesian Government's ratification of The Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Under this initiative, Komnas Perempuan, alongside other national human rights institutions in Indonesia, forms a consortium for torture prevention that conduct joint monitoring of detainees to ensure the prevention of torture and other forms of cruel, inhuman, or degrading treatment or punishment in detention facilities, with particular attention to human rights defenders, including women human rights defenders and members of community who are detained due to their activism.

## 8. Civil society initiatives to overcome challenges and assess opportunities and progress in women's active, free and meaningful participation.

Ensuring access, participation, control, and benefits for women is paramount in development efforts. Access to information throughout the planning, implementation, and evaluation phases is crucial, as the comprehensive impacts, both positive and negative, greatly affect women's lives. Participation should not merely on presence but also involve providing ample space for women's voices in inclusive discussions. Moreover, it's essential to assess the extent to which women's considerations influence decisions when their voices are heard in significant forums.

Responding to this matter, civil society in particular has pivotal role in advancing women's access to their rights to development. For example in the case of Demak, Central Java, the civil society initiative started with advocacy for the legal identity of women fisherfolk in Indonesia in order to be able to access government programs for fisherfolks. The successful three-year advocacy effort culminated in 2019, marking the first legal recognition of women fisherfolk's identity in Indonesia. As a lobby group, the women fisherfolks advocated against sand mining that has adverse environmental and societal impacts. The lack of real benefits for the community from development efforts led to open protests when dialogue spaces failed to accommodate the voices of the marginalized. In the meetings they were also trained to strengthen their capacity in lobbying and campaigns.

Women empowerment initiatives are promoted through regular meetings of women's groups. Meetings also serve as spaces for emotional and economic empowerment, notably through cooperatives. Economic self-reliance for fisherwomen is crucial in asserting sovereignty over their lives. Additionally, awareness of women's vulnerability to violence led them to establish paralegal post for the protection of women and child victims of violence.

In another case study in NTT, local institutions responded to government-led development aimed at climate change adaptation but with lack of public participation of the affected community. The wave breaking project has disadvantageous economic impact as it hinders fishermen's boat parking. Following public consultation, the local institution advocated for slipway construction to facilitate boat parking. The consultation also identified actions to respond to the negative impacts of the development project to women. Thus, the response also includes makeup artist training, which, although unconventional, proved beneficial. Demand for make-up artist is high due to the number of cultural festivities such as weddings. This kind of initiative addressed a specific local need and provided meaningful economic empowerment for women.

In another case study in forestry sector in Jambi, local institutions facilitated the formulation of community consensus to reduce deforestation rates. Collaborative projects aimed at forest conversion and the establishment of girls' schools were implemented to provide spaces for women to process their experiences, discuss village development, and enhance their capacity to participate in community development mechanisms.

In addition, since 2001, Komnas Perempuan initiated the establishment of Pundi Perempuan as Indonesia's first women's fund, in response to the escalating cases of violence against women in the country and the limited resources for accompanying women victims to process their cases. This initiative is jointly managed with Indonesia for Humanity (IKa) from 2003 onwards. Pundi Perempuan primarily supports civil society institutions offering services like Women's Crisis Centers (WCC), which aid women and children affected by violence, women human rights defenders, and women's communities or organizations in Indonesia. Through public fundraising activities, as of 2023, Pundi Perempuan has assisted 2,441 women victims of violence by disbursing resources to 124 service-providing organizations, 3 groups of female victims, 5 individual humanitarian workers, and 4 revolving funds for women's economic empowerment.

**9. Public-private initiatives, including those with local, rural and indigenous institutions and communities, to empower women and promote their active, free and meaningful participation in development, including in decision-making. Rights to Development in the context of women cannot be realized without the voices of women being present in every process. It's impossible to discuss women's rights to Development when their voices are absent from the discussion forum (how can we fight if it's not on the table?).**

In various monitoring of natural resources conflicts context, Komnas Perempuan regularly received mixed information on the corporates' sponsored initiatives to empower local community, including women. On one hand, the initiatives were recognized, particularly when they open job opportunities to the local and also provide reliefs to the economic burden. On the other hand, the initiatives were identified as a tool to divide the community in their advocacy against the corporates' activity in exploring and exploiting the land. Although the initiatives are formulated through participatory processes, the job opportunities offered as well as the charity efforts are perceived unequal with the loss suffered by multi generation onwards.

**10. Monitoring, evaluation and follow-up mechanisms to systematically measure the situation of women in their diversity in terms of their participation in development, including gender equality, discrimination and potential barriers, as well as impact evaluations of these efforts.**

The monitoring tool used by the National Commission on Violence Against Women (Komnas Perempuan) in cases of gender-based violence against women in the context of Natural Resources and Spatial Planning/Management conflicts employs a feminist political ecology approach. This approach integrates ecological, economic, and political power analyses with a feminist perspective, offering insights into power relations influenced by gender, class, ethnicity, and religion. It acknowledges that women are not a homogeneous entity, with complex positions, functions, and issues based on class, ethnicity, and other factors, leading to varied experiences and reactions to issues among women.

The feminist political ecology approach comprises four essential components that form the framework for monitoring these cases. First, the environmental aspect focuses on analysing women's dependency on nature, both spiritually and materially. Monitoring instrument in this aspect questions the benefits women gain from meeting their strategic gender needs in the development of Natural Resources and Spatial Planning/Management, which are conflict-prone areas. Additionally, the analysis considers the impact of environmental degradation on

women's rights fulfilment in resource management and the patterns of violence and vulnerability experienced by women in this context.

Second, the political aspect concentrates on examining political ecology issues in Natural Resources and Spatial Planning/Management conflicts. Monitoring instrument in this aspect questions the political interests of both central and regional governments in investments related to these conflicts, which may intersect with ecological degradation. The analysis also evaluates the impact of policies on women, including whether policies increase women's workload during implementation.

Third, the gender aspect focuses on analysing the direct and indirect impacts of Natural Resources and Spatial Planning/Management development on women. This aspect is used to assess whether gender injustices, such as marginalization, stereotypes, subordination, violence, and excessive workloads, persist or have been overcome. It also considers gender-based violence at various levels, from individual to international, and the perspectives of environmental activist movements on women in Natural Resources and Spatial Planning/Management conflicts.

Fourth, the institutionalization of movements aspect focuses on analysing whether existing movements are the result of individual awareness and/or external encouragement and how these movement models evolve before and after institutionalization. This approach helps understand the dynamics of movements advocating for women's rights in Natural Resources and Spatial Planning/Management conflicts.

These four aspects provide an overview of the monitoring mechanism for measuring women's participation in development. Several key indicators have been established to track progress in gender equality and identify potential barriers, such as women's access to education and healthcare, women's participation in decision-making, violence against women, and women's poverty.

Whilst the instrument is applied in monitoring cases reported to Komnas Perempuan, systematic evaluation and assessment of follow up to recommendations are rarely possible due to our lack of resources. However, Komnas Perempuan advocate for the adoption of this instrument to various actors, from governments as well as civil society and private actors in order to provide periodic information regarding the respective situation.

## **11. Innovative measures, policies, methods and strategies to accelerate gender equality and women's active, free and meaningful participation in development, including those linked to the care economy.**

In efforts to achieve Sustainable Development Goal (SDG) 5 (gender equality) and address SDG 1 (end all poverty), SDG 3 (ensure healthy lives and promote well-being for all at all ages), SDG 4 (ensure inclusive and equitable quality education for all), SDG 8 (promote sustained, inclusive, and sustainable economic growth, full and productive employment), and SDG 10 (reduce inequality), optimal strategies, policies, methods, and steps are required.

Komnas Perempuan is in position to study further the linkage between care economy and access to the rights to development. It is suggested that formulation of policies, programs, and key tools involved in the transformation of the care economy to promote gender equality, human development, and inclusive and sustainable growth is essential. The proposed action framework is structured based on interventions targeting the recognition, reduction, and redistribution of unpaid care work, and promoting various development goals.

In the meantime, Komnas Perempuan has been consistently advocating for the better legal protection for women domestic workers. Based on data from the International Labor Organization (ILO), the estimated number of domestic workers worldwide is 67.1 million, of which 73.4% are women, and approximately 17% or 11.7 million are migrant domestic workers (ILO, 2019). Meanwhile, in Indonesia, the latest statistics on domestic workers were published in 2015, estimating the number of domestic workers in Indonesia to be 4.2 million (ILO, 2016). This number increased from 2.6 million in 2008 who worked as domestic workers. Hence, it is estimated that by end of 2023, there are at least 6 million domestic workers in Indonesia. Additionally, 60-70% of the estimated

total of 9 million Indonesian migrant workers are women working as domestic workers abroad (World Bank, 2017). Bureau on Migrant Workers (BP2MI) claimed that following up World Bank data there are only 4,6 million registered Indonesian workers abroad in mid 2023, leaving more than 4,4 million undocumented Indonesian migrant workers.<sup>5</sup> BP2MI also recorded 65% of 548,391 documented migrant workers in 2023 are women, of which 39% or 137,301 of them works as domestic workers and care works related positions.

Komnas Perempuan's data shows that throughout 2011-2023, there were at least 579 cases related to domestic workers recorded in the Annual Record of Violence against Women (CATAHU), including economic, physical, sexual, and psychological violence. Meanwhile, documentation of cases from the National Network for Domestic Workers Advocacy (JALA PRT) mentions that between 2012-2019, there were over 3,219 cases experienced by domestic workers, including psychological violence (isolation and captivity), physical violence, economic violence (withholding personal documents, unpaid wages, wage deductions for illness, unpaid holiday bonuses), and human trafficking.

Besides advocating for the issuance of law on protection of domestic workers, Komnas Perempuan also endorse the ratification of ILO Convention 189 and Recommendation 201 on Decent Work for Domestic Workers. The standards in ILO Convention 189 and Recommendation 201 should serve as the basis for regulations governing the protection of domestic workers in any country, including Indonesia.

It is noteworthy that related to the issuance of Law on Sexual Crime 2022, there are issuance of Education Ministerial Regulation No. 30 Year 2023 on Prevention and Handling Cases of Sexual Violence in Higher Education. Subsequent to this, each university is obliged to established task force for developing and executing programs of prevention and handling cases of sexual violence. Considering the impacts endures by the victims, including dropped out, this ministerial regulation is an important measure to support women's participation in education that has significant influence in their future better access to participate in development.

Similarly, the Ministerial Decree No. 88 Year 2023 on prevention and handling sexual violence in work place. The policy covers all activities related to the works, and also applied to all state offices besides private sectors. Firmer regulation and mechanisms against sexual harassment and sexual intimidation in work place are arguably enhance women's confidence to take part in decision making processes.

In addition, civil society organisations, particularly women's organizations actively create spaces for women and other marginalized groups to be involved in the local level discussion to formulate their development plan. Starting from village level discussion (*musrembangdes*), the voice and concerns of women and other marginalized groups are integrated in the considerations of the developed plan. The plan will be coordinated to higher level, from municipality to nation levels to be formulated as the national development plan for a certain period of time and to be integrated in various action plans. The initiatives to support women and other marginalized groups are also carried out in the format of trainings, discussion circles, coaching, and campaigns, including utilizing social media.

## **12. Systems, methods and strategies to facilitate, generate opportunities, measure and guarantee the active, free and meaningful participation of women, in their diversity, in decision-making processes at national, regional or international levels.**

As a national human rights institution, utilising its mandates to conduct strategic studies and to provide recommendations, as well as in order to carry out its principle of participatory approaches in its methods of works, Komnas Perempuan consistently performs public consultations in developing our plan of works as well as in developing strategies for advocating various issues related to women's human rights and elimination of gender based violence against women. To ensure substantive participation, Komnas Perempuan applies affirmative measure in the list of invitees to marginalized groups within women group, in facilitation techniques, and in reviewing considerations as the basis of the decisions made from the consultations.

<sup>5</sup> <https://news.detik.com/berita/d-6721611/bp2mi-ungkap-beda-data-dengan-world-bank-soal-wni-kerja-di-luar-negeri>

Komnas Perempuan also develops monitoring mechanisms that involves women from the affected group to take active role in documenting, analysing and identifying recommendations. For instance, the advocacy for better handling of internally displaced women was based on the monitoring result of the situation of women in the aftermath of tsunami in Aceh (2006) conducted with 19 women of affected communities. Likewise, the advocacy for remedies for women victims of human rights abuses in Papua that lead to the issuance of Special Regulation of Papua Province on this matter. As many as 21 human rights defenders, amongst those 20 are women, took the lead to monitor the practice of restorative justice in the cases of gender based violence in 9 provinces in Indonesia.

In advocating public policy, for instance in pursuing better legal protection against sexual violence, Komnas Perempuan conducted strategic studies involving more than 100 institutions providing services for women victims of violence, series of consultations with women representing various sectors in local and national levels, and numerous campaign activities to gather public involvement and support to the initiatives. The consolidated effort started in 2010, before the bill was proposed to the parliament in 2015 and then issued in 2022. Currently, Komnas Perempuan builds strategic alliances with various stakeholder, including women groups, to carry out the implementation of the law.

Furthermore, Komnas Perempuan facilitates the engagement of women from both local and national level with UN Human Rights mechanisms. This includes public consultation in formulating Komnas Perempuan's independent report to treaty bodies or submission to special procedures. We provide technical assistance for women of minority groups to generate their own shadow reports. Komnas Perempuan also facilitate women from victims and survivors as well as human rights defenders community to have direct dialogues with mandate holders in their visit to Indonesia. Komnas Perempuan translates the concluding observations from Indonesian periodic reviews or other relevant documents from UN Human Rights mechanism and disseminates them to the public; and through with discussion with women's groups we develop strategies to follow up the recommendations and on how to utilise the documents for our future advocacies.

In addition, recognizing the urgent need for a change in the mindset and perspectives among policymakers and political parties regarding women's involvement in politics, political education with a focus on women's issues must be continuously conducted to cultivate society's awareness regarding gender justice and equality in political processes. Similarly, the fulfilment of women's rights to obtain decent jobs and positions is essential. It is important for the government to further encourage women to pursue education up to the tertiary level because several positions and roles require higher education as a prerequisite. The government also needs to collaborate with the private sector and civil society to create an inclusive work environment with a gender perspective and provide opportunities for women to develop their skills.

Hence, Komnas Perempuan provides recommendations and strategic inputs to the government and other stakeholders regarding women's diversity to participate in development without discrimination, including:

- a. Developing guidance, indicators, and monitoring instrument for substantive public participation in the processes of forming legislation with special measures as affirmative to groups vulnerable to discrimination;
- b. Enhancing affirmative measures to ensure the growing of women's leadership in all public institutions/positions;
- c. Encouraging every Ministry/Institution to issue internal policies for the prevention and handling of gender-based violence against women, including creating safe spaces free from sexual violence;
- d. Ensuring gender mainstreaming (access, participation, control, and benefits) for women in every policy and program/activity of Ministries/Institutions from central to local levels.
- e. Increasing the allocation of state budget funds for services and recovery for women victims of violence and enhancing human resource capacity with a victim-centered perspective.

