

SERI DOKUMEN KUNCI 18

Laporan Independen  
Komisi Nasional Anti Kekerasan Terhadap Perempuan

**30 TAHUN PELAKSANAAN  
KESEPAKATAN GLOBAL BEIJING  
PLATFORM FOR ACTION (BPfA+30)  
DI INDONESIA**

Disampaikan kepada  
Commission on the Status of Women (CSW)

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

2024



Komisi Nasional Anti Kekerasan Terhadap Perempuan  
(Komnas Perempuan)

Laporan Independen  
Komisi Nasional Anti Kekerasan  
Terhadap Perempuan  
tentang

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Juni 2024



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TERHADAP PEREMPUAN**

30 Tahun Pelaksanaan Kesepakatan Global  
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di Indonesia

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KOMISI NASIONAL ANTI KEKERASAN TERHADAP PEREMPUAN

2024

UNDANG-UNDANG REPUBLIK INDONESIA  
NOMOR 28 TAHUN 2014 TENTANG HAK CIPTA

LINGKUP HAK CIPTA

Pasal 1

Hak Cipta adalah hak eksklusif pencipta yang timbul secara otomatis berdasarkan prinsip deklaratif setelah suatu ciptaan diwujudkan dalam bentuk nyata tanpa mengurangi pembatasan sesuai dengan ketentuan peraturan perundang-undangan.

KETENTUAN PIDANA

Pasal 113

- (1) Setiap Orang yang dengan tanpa hak melakukan pelanggaran hak ekonomi sebagaimana dimaksud dalam Pasal 9 ayat (1) huruf i untuk Penggunaan Secara Komersial dipidana dengan pidana penjara paling lama 1 (satu) tahun dan/atau pidana denda paling banyak Rp100.000.000 (seratus juta rupiah).
- (2) Setiap orang yang dengan tanpa hak dan/atau tanpa izin Pencipta atau pemegang Hak Cipta melakukan pelanggaran hak ekonomi Pencipta sebagaimana dimaksud dalam Pasal 9 ayat (1) huruf c, huruf d, huruf f, dan/atau huruf h untuk Penggunaan Secara Komersial dipidana dengan pidana penjara paling lama 3 (tiga) tahun dan/atau pidana denda paling banyak Rp500.000.000,00 (lima ratus juta rupiah).
- (3) Setiap Orang yang dengan tanpa hak dan/atau tanpa izin Pencipta atau pemegang Hak Cipta melakukan pelanggaran hak ekonomi Pencipta sebagaimana dimaksud dalam Pasal 9 ayat (1) huruf a, huruf b, huruf e, dan/atau huruf g untuk Penggunaan Secara Komersial dipidana dengan pidana penjara paling lama 4 (empat) tahun dan/atau pidana denda paling banyak Rp1.000.000.000,00 (satu miliar rupiah).
- (4) Setiap Orang yang memenuhi unsur sebagaimana dimaksud pada ayat (3) yang di lakukan dalam bentuk pembajakan, dipidana dengan pidana penjara paling lama 10 (sepuluh) tahun dan/atau pidana denda paling banyak Rp4.000.000.000,00 (empat miliar rupiah).

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KOMISI NASIONAL ANTI KEKERASAN TERHADAP PEREMPUAN  
TENTANG 30 TAHUN PELAKSANAAN KESEPAKATAN GLOBAL  
BEIJING PLATFORM FOR ACTION (BPfA+30) DI INDONESIA**

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Laporan ini ditulis dalam Bahasa Indonesia. Komnas Perempuan adalah pemegang tunggal hak cipta yang bertanggung jawab terhadap seluruh isi laporan ini. Laporan ini dibiayai oleh Anggaran Pendapatan dan Belanja Negara (APBN). Dilarang untuk memperjualbelikannya. Meskipun demikian, silahkan menggandakan sebagian atau seluruh isi dokumen untuk kepentingan pendidikan publik atau advokasi kebijakan sebagai bagian upaya memajukan pemenuhan hak Perempuan korban kekerasan dan pelembagaan pengetahuan dari Perempuan. Untuk Pengutipan referensi wajib menggunakan sumber: Komnas Perempuan (2024).

**Untuk Pengutipan referensi wajib menggunakan sumber: Komnas Perempuan (2024).**

Cetakan pertama, Juni 2024

viii + 124 pp.; 15 x 23.5 cm.

NATIONAL COMMISSION ON  
VIOLENCE AGAINST WOMEN **KOMNAS PEREMPUAN**  
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# DAFTAR SINGKATAN

3T	Tertinggal, Terdepan, dan Terluar
AHH	Angka Harapan Hidup
AI	Artificial Intelligence
AIDS	Acquired Immune Deficiency Syndrome
AJI	Aliansi Jurnalis Independen
AMDAL	Analisis Mengenai Dampak Lingkungan
ARV	Antiretroviral
ASEAN	Association of Southeast Asian Nation
ASN	Aparatur Sipil Negara
Bareskrim POLRI	Badan Reserse Kriminal Kepolisian Negara Republik Indonesia
BAWASLU	Badan Pengawas Pemilu
BLKLN	Balai Latihan Kerja Luar Negeri
BLT	Bantuan Langsung Tunai
BPASN	Badan Pertimbangan Aparatur Sipil Negara
BPfA	Beijing Platform for Action
BPJS	Badan Penyelenggara Jaminan Sosial
BPS	Badan Pusat Statistik
BPVP	Balai Pelatihan Vokasi dan Produktivitas
BP2MI	Badan Pelindungan Pekerja Migran Indonesia
BUMN	Badan Usaha Milik Negara
CALEG	Calon Anggota Legislatif
CAT	The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CATAHU	Catatan Tahunan
CEDAW	The Convention on the Elimination of All Forms of Discrimination against Women
CoP	Centre of Peace
COVID	Corona Virus Disease 2019
CPMI	Calon Pekerja Migran Indonesia

CPNS	Calon Pegawai Negeri Sipil
CRPD	The Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organization
CV	Curriculum Vitae
DCT PARPOL	Daftar Calon Tetap Partai Politik
DIM	Daftar Inventaris Masalah
Dittipid PPA dan PPO	Direktorat Tindak Pidana Perlindungan Perempuan dan Anak dan Pidana Perdagangan Orang
DKU	Dengar Keterangan Umum
DOM	Daerah Otonomi Militer
DPR	Dewan Perwakilan Rakyat
DPRD	Dewan Perwakilan Rakyat Daerah
FGD	Focus Group Discussion
FMGC	Female Genital Mutilation and Circumcision
FPIC	Free, Prior and Informed Consent
FPL	Forum Pengada Layanan
HAM	Hak Asasi Manusia
HIV	Human Immunodeficiency Virus
IAKN	Institut Agama Kristen Negeri
IDP'S	Internally Displaced People
IKN	Ibu Kota Negara
ILO	International Labour Organization
Inpres	Instruksi Presiden
IOM	International Organization for Migration
IPPI	Ikatan Perempuan Positif Indonesia
ITE	Informasi dan Transaksi Elektronik
ITERA	Institute Teknologi Sumatera
K3	Kesehatan dan Keselamatan Kerja
KBG	Kekerasan Berbasis Gender
KBGO	Kekerasan Berbasis Gender Online
KBK	Kawasan Bebas dari Kekerasan
KDRT	Kekerasan dalam Rumah Tangga
Kemenag	Kementerian Agama

Kemendagri	Kementerian Dalam Negeri
Kemendikbud	Kementerian Pendidikan dan Kebudayaan
Kemenkes	Kementerian Kesehatan
Kemenkumham	Kementerian Hukum dan Hak Asasi Manusia
Kemenko PMK	Kementerian Koordinator Bidang Pembangunan Manusia dan Kebudayaan
Kemensos	Kementerian Sosial
Kepmenaker	Keputusan Menteri Tenaga Kerja
Keppres	Keputusan Presiden
KK	Kartu Keluarga
KKR Aceh	Komisi Kebenaran dan Rekonsiliasi Aceh
KMS	Kekerasan Mantan Suami
KND	Komisi Nasional Disabilitas
Kominfo	Kementerian Komunikasi dan Informasi
Komnas HAM	Komisi Nasional Hak Asasi Manusia
Komnas Perempuan	Komisi Nasional Anti Kekerasan terhadap Perempuan
Konflik TPL	Konflik PT. Toba Pulp Lestari
KPAI	Komisi Perlindungan Anak Indonesia
KPI	Komisi Penyiaran Indonesia
KPPPA	Kementerian Pemberdayaan Perempuan dan Perlindungan Anak
KPU	Komisi Pemilihan Umum
KS	Kekerasan Seksual
KSBE	Kekerasan Seksual Berbasis Elektronik
KSBG	Kekerasan Siber Berbasis Gender
KTAP	Kekerasan terhadap Anak Perempuan
KTI	Kekerasan terhadap Istri
KtP	Kekerasan terhadap Perempuan
KTP	Kartu Tanda Penduduk
KUHP	Kitab Undang-Undang Hukum Pidana
KuPP	Kerjasama untuk Pencegahan Penyiksaan
K/L	Kementerian/Lembaga
LBH APIK	Lembaga Bantuan Hukum Asosiasi Perempuan Indonesia untuk keadilan

LBK	Layanan Berbasis Komunitas
LNHAM	Lembaga Nasional Hak Asasi Manusia
LPSK	Lembaga Perlindungan Saksi dan Korban
MA	Mahkamah Agung
MCK	Mandi, Cuci, Kakus
MK	Mahkamah Konstitusi
MoU	Memorandum of Understanding
MPR	Majelis Permusyawaratan Rakyat
NHRI	National Human Rights Institutions
NKRI	Negara Kesatuan Republik Indonesia
NTT	Nusa Tenggara Timur
ODHA	Orang Dengan HIV/AIDS
OPCAT	The Optional Protocol to the Convention Against Torture
ORI	Ombudsman Republik Indonesia
P2GP	Pemotongan/Perlukaan Genitalia Perempuan
P2TP2A	Pusat Pelayanan Terpadu Perlindungan Perempuan dan Anak
P3AKS	Perlindungan dan Pemberdayaan Perempuan dan Anak dalam Konflik Sosial
P3MI	Perusahaan Penempatan Pekerja Migran Indonesia
P3SPS	Penyiaran dan Pedoman Perilaku Penyiaran dan Standar Program Siaran
PEN	Pemulihan Ekonomi Nasional
PERDA	Peraturan Daerah
Permenkes	Peraturan Menteri Kesehatan
Permendikbud	Peraturan Menteri Pendidikan dan Kebudayaan
Permendikbudristek	Peraturan Menteri Pendidikan, Kebudayaan, Riset, dan Teknologi
Perpres	Peraturan Presiden
Perppu	Peraturan Pemerintah Pengganti Undang-Undang Republik Indonesia
PHK	Pengakhiran Hubungan Kerja
PI	Protection Internasional
PILEG	Pemilihan Umum Legislatif

PILKADA	Pemilihan Kepala Daerah
PKH	Program Keluarga Harapan
PKPU	Peraturan Komisi Pemilihan Umum
PKT	Padat Karya Tunai
PMA	Peraturan Menteri Agama
PMI	Pekerja Migran Indonesia
PNS	Pegawai Negeri Sipil
POKJA	Kelompok Kerja
PP	Peraturan Pemerintah
PPh	Pajak Penghasilan
PPHAM	Perempuan Pembela Hak Asasi Manusia
PPKS	Pencegahan dan Penanganan Kekerasan Seksual
PPMI	Pelindungan Pekerja Migran Indonesia
PPRT	Perlindungan Pekerja Rumah Tangga
PR2Media	Pemantau Regulasi dan Regulator Media
PRT	Pekerja Rumah Tangga
PSBB	Pembatasan Sosial Berskala Besar
PSKK UGM	Pusat Studi Kependudukan dan Kebijakan Universitas Gadjah Mada
PSN	Proyek Strategi Nasional
PTKIN	Perguruan Tinggi Keagamaan Islam Negeri
PTM	Penyakit Tidak Menular
PTN	Perguruan Tinggi Negeri
PTS	Perguruan Tinggi Swasta
RAD	Rencana Aksi Daerah
RAN	Rencana Aksi Nasional
RAN PE	Rencana Aksi Nasional Pencegahan dan Penanggulangan Ekstremisme Berbasis Kekerasan Yang Mengarah Pada Terorisme
RI	Republik Indonesia
RLS	Rata-Rata Lama Sekolah
RP	Ranah Personal
RP3	Rumah Perlindungan Perempuan Pekerja
RSJ	Rumah Sakit Jiwa

RT	Rukun Tetangga
RUU	Rancangan Undang-Undang
RW	Rukun Warga
SATGAS	Satuan Tugas
SD	Sekolah Dasar
SDA	Sumber Daya Alam
SDG's	Sustainable Development Goals
SDM	Sumber Daya Manusia
SE	Surat Edaran
SKB	Surat Keputusan Bersama
SOP	Standar Operasional Prosedur
SPPT PKKTP	Sistem Peradilan Pidana Terpadu Penanganan Kasus Kekerasan Terhadap Perempuan
SP/SB	Serikat Pekerja/Serikat Buruh
SSB	Seram Bagian Barat
STABN	Sekolah Tinggi Agama Buddha Negeri
STAHN	Sekolah Tinggi Agama Hindu Negeri
STAKATN	Sekolah Tinggi Agama Katolik Negeri
TIM PPHAM	Tim Penyelesaian Non-Yudisial Pelanggaran HAM yang Berat di Masa Lalu
TPPO	Tindak Pidana Perdagangan Orang
TPU	Tempat Pemakaman Umum
TRC	The Truth and Reconciliation Commission
UGM	Universitas Gadjah Mada
UPTD PPA	Unit Pelaksana Teknis Daerah Perlindungan Perempuan dan Anak
UU	Undang-Undang
UU CIPTAKER	Undang-Undang Cipta Kerja
UU PKDRT	Undang-Undang Penghapusan Kekerasan dalam Rumah Tangga
UU TPKS	Undang-Undang Tindak Pidana Kekerasan Seksual
WHRD	Women Human Rights Defenders
WNA	Warga Negara Asing
WNI	Warga Negara Indonesia

# KATA PENGANTAR

Laporan ini disusun oleh Komisi Nasional Anti Kekerasan terhadap Perempuan (Komnas Perempuan), salah satu mekanisme HAM di Indonesia berupa badan negara yang independen untuk penegakan hak-hak perempuan dan penghentian kekerasan terhadap perempuan di Indonesia. Komnas Perempuan didirikan berdasarkan Keputusan Presiden No. 181/1998 yang kemudian diperkuat dengan Peraturan Presiden No. 65/2005 dan diperbarui dengan Peraturan Presiden No. 8/Tahun 2024 tentang Perubahan Atas Peraturan Presiden Nomor 65 Tahun 2005 tentang Komisi Nasional Anti Kekerasan Terhadap Perempuan. Perpres tersebut mengamanatkan mandat Komnas Perempuan, di antaranya adalah memberikan saran dan pertimbangan kepada pemerintah, lembaga legislatif dan yudikatif serta organisasi-organisasi masyarakat guna mendorong penyusunan dan pengesahan kerangka hukum dan kebijakan yang mendukung upaya-upaya pencegahan dan penanggulangan segala bentuk kekerasan terhadap perempuan Indonesia serta perlindungan, penegakan, dan pemajuan hak-hak asasi manusia perempuan. Selain itu, mengembangkan kerja sama regional dan internasional untuk meningkatkan upaya-upaya pencegahan dan penanggulangan segala bentuk kekerasan terhadap perempuan Indonesia serta perlindungan, penegakan dan pemajuan hak-hak asasi manusia perempuan.

Dalam rangka menjalankan mandat tersebut Komnas Perempuan menyiapkan laporan pelaksanaan Beijing Platform for Actions (BPFA +30), bersamaan dengan 10 (sepuluh) tahun Agenda Pembangunan Berkelanjutan 2030, dan Tujuan Pembangunan Berkelanjutan (SDGs). Kesempatan tersebut merupakan peluang bagi Komnas untuk memberi masukan kepada Pemerintah, dalam hal ini Kementerian Pemberdayaan Perempuan dan Perlindungan Anak sebagai kementerian yang ditugaskan untuk mengawal Laporan pelaksanaan BPFA+30 di Indonesia, dan akan disampaikan oleh Pemerintah Indonesia kepada Komisi Status Perempuan (CSW) di Perserikatan Bangsa-Bangsa (PBB).

Laporan ini merupakan kompilasi data Komnas Perempuan dari hasil-hasil pemantauan lapangan, pengaduan korban yang diterima langsung oleh Komnas Perempuan, dan data yang diserahkan oleh lembaga layanan yang merupakan mitra kerja Komnas Perempuan. Laporan ini fokus pada 12 bidang kritis khusus yang menjadi tugas Komnas Perempuan, yakni kekerasan terhadap perempuan dan hak perempuan yang menjadi korban kekerasan termasuk kekerasan seksual, baik yang beririsan langsung maupun tidak langsung dengan 12 bidang kritis BPFA yaitu: 1) Perempuan dan kemiskinan; 2) Perempuan dalam Pendidikan dan Pelatihan; 3) Perempuan dan Kesehatan; 4) Kekerasan terhadap Perempuan; 5) Perempuan dalam Situasi Konflik Bersenjata; 6) Perempuan dalam Ekonomi; 7) Perempuan dalam Kekuasaan dan Pengampilan Keputusan; 8) Perempuan dalam Mekanisme Institusional untuk Pemajuan Perempuan; 9) HAM perempuan; 10) Perempuan dan Media; 11) Perempuan dan Lingkungan Hidup; serta 12) Anak Perempuan.

Laporan ini selain menjadi masukan bagi Pemerintah dalam menyusun Laporan pelaksanaan BPFA+30, Komnas Perempuan sebagai lembaga HAM independen juga menyampaikan laporan ini secara khusus kepada UN Women di tingkat regional dengan tembusan kepada UN Women di Jakarta.

Kami menyampaikan penghargaan dan terima kasih kepada semua pihak atas perhatian dan dukungan Ibu, Bapak dan rekan-rekan sekalian, khususnya Tim Penyusunan Laporan Pelaksanaan BPFA+30 Komnas Perempuan yang terdiri dari komisioner lintas subkom, Badan Pekerja dan staf lintas unit kerja. Semoga laporan ini bermakna sebagai wujud kebersamaan dalam rangka menghadirkan Indonesia yang aman, damai dan sentosa tanpa kekerasan bagi semua, tanpa kecuali. Jika ada kekurangan dalam laporan ini mohon dimaafkan.

Salam Indonesia,

**Andy Yentriyani**

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SECTION I:

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**EXECUTIVE  
SUMMARY**



## SECTION I:

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# EXECUTIVE SUMMARY

Laporan BPFA+ 30 yang disusun oleh Komnas perempuan secara independen sebagai Lembaga HAM dengan mandat khusus untuk penghapusan kekerasan terhadap perempuan di Indonesia. Secara garis besar meliputi:

1. Kemajuan atau capaian lima tahun terakhir dalam upaya penghentian kekerasan terhadap perempuan, antara lain:
  - a. Penghapusan Tindak Pidana Kekerasan Seksual. Terbit sejumlah peraturan perundang-undangan antara lain: (i) Undang-Undang No 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual (UU TPKS);(ii). Undang-Undang No. 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana (KUHP) mengakomodasi perluasan definisi perkosaan, memperluas jaminan menghentikan kehamilan yang tidak diinginkan, dan pasal penghubung dengan UU TPKS; (iii) UU No. 17 Tahun 2023 tentang Kesehatan yang menjamin hak korban Tindak Pidana Kekerasan Seksual untuk mendapatkan layanan pemulihan; (iv) Permendikbudristek No 30 Tahun 2021 dan Nomor 46 Tahun 2023 tentang Pencegahan dan Penanganan Kekerasan di Lingkungan Satuan Pendidikan di bawah Kemendikbud, Peraturan Menteri Agama Nomor 73 Tahun 2022 tentang Pencegahan dan Penanganan Kekerasan Seksual di Satuan Pendidikan di bawah Kementerian Agama; dan (v) Peraturan Menteri Ketenagakerjaan No. 88 Tahun 2023 tentang Pedoman Pencegahan dan Penanganan Kekerasan Seksual di Tempat Kerja.
  - b. Perempuan dalam konflik dan bencana, meliputi kekerasan dan diskriminasi terhadap perempuan dalam konteks intoleransi berbasis agama/kepercayaan, pelanggaran HAM masa lalu, konflik dan bencana akibat

dampak pembangunan, bencana alam maupun bencana lainnya. Ada UU Penanganan Bencana dan UU Penanganan Konflik Sosial memberi perhatian khusus pada kondisi dan kepemimpinan perempuan dalam konteks konflik; Peraturan Pemerintah tentang perlindungan dan pemberdayaan perempuan dan anak di dalam konflik sosial (P3AKS), Rencana aksi Nasional dan Rencana Aksi Daerah (RAN dan RAD) P3AKS. Namun terkait diskriminasi terhadap perempuan dalam konteks intoleransi berbasis agama/kepercayaan dan pelanggaran HAM masa lalu meskipun sudah ada regulasinya namun implementasinya belum sebagaimana diharapkan.

- c. Perempuan pekerja, terutama perempuan pekerja migran, perempuan pekerja rumah tangga, pekerja rumah-rumahan dan pekerja hiburan. Terbit sejumlah regulasi: Peraturan Pemerintah (PP) Nomor 59 Tahun 2021 tentang Pelaksanaan Pelindungan Pekerja Migran Indonesia; Peraturan Menteri Pemberdayaan Perempuan dan Perlindungan Anak Nomor 1 Tahun 2023 tentang Penyediaan Rumah Perlindungan Pekerja Perempuan di Tempat Kerja; Keputusan Menteri Ketenagakerjaan Nomor 88 Tahun 2023 tentang Pedoman Pencegahan dan Penanganan Kekerasan Seksual di Tempat Kerja; Surat Edaran Nomor SE-3/MBU/04/2022 tentang Kebijakan Berperilaku Saling Menghargai di Tempat Kerja (*Respectful Workplace Policy*) di Lingkungan Badan Usaha Milik Negara.
- d. Pengentasan Kemiskinan Ekstrem. Telah terbit Inpres Nomor 4 tahun 2022 tentang Percepatan Penghapusan Kemiskinan Ekstrem yang mengamanatkan kepada 22 kementerian, 6 lembaga, dan pemerintah daerah untuk mengambil langkah-langkah intervensi untuk melakukan percepatan penghapusan kemiskinan ekstrem; Keputusan Menko PMK nomor 32 tahun 2022 tentang Pedoman Umum Pelaksanaan Program Percepatan Penghapusan Kemiskinan Ekstrem.
- e. Perempuan tahanan dan serupa tahanan, termasuk kondisi disabilitas. Komnas Perempuan bersama Kom-

si Nasional Hak Asasi Manusia (Komnas HAM), Komisi Perlindungan Anak Indonesia (KPAI), Lembaga Perlindungan Saksi dan Korban (LPSK), Ombudsman Republik Indonesia (ORI) dan Komisi Nasional Disabilitas (KND) yang tergabung bersama dalam Kerjasama untuk Pencegahan Penyiksaan (KuPP) menggagas mekanisme nasional pencegahan penyiksaan di rumah tahanan dan lembaga pemasyarakatan serta serupa tahanan.

- f. Penguatan kelembagaan Komnas Perempuan meliputi penguatan mekanisme dan infrastruktur daya tanggap, daya pengaruh dan tata kelola Komnas Perempuan sebagai mekanisme khusus HAM serta penguatan daya dukung negara dan masyarakat untuk kepemimpinan Perempuan Pembela HAM.
2. Bangunan pengetahuan dan dukungan publik. Produk bangunan pengetahuan yang dihasilkan Komnas Perempuan dalam bentuk publikasi, di antaranya Catatan Tahunan (CATAHU), yaitu tentang kasus kekerasan yang dilaporkan kepada Komnas Perempuan, membangun sinergi basis data (*database*) bersama KPPPA (Simfoni PPA), Komnas Perempuan (Sintaspuan), dan Forum Pengada Layanan (Titian Puan), melakukan pemantauan kasus kekerasan terhadap perempuan dalam konteks konflik sumber daya alam, pelaksanaan keadilan restoratif, pekerja migran, kondisi perempuan terpidana mati, femisida, perempuan yang berkonflik dengan hukum dan profil Perempuan Pembela HAM (PPHAM). Kerjasama antar lembaga di antaranya melalui Komisi Kebenaran dan Rekonsiliasi Aceh (KKR Aceh), Kerjasama empat LNHAM untuk Koordinasi dan Pemantauan Bersama dalam Pencegahan dan Penanganan Korban Tindak Pidana Kekerasan Seksual dan Kerjasama dengan Komnas HAM dan LPSK tentang Mekanisme Respons Cepat untuk Perlindungan dan Keamanan Pembela HAM.
  3. Tantangan dan Kemunduran.
    - (i) Komnas Perempuan mencatat berkurangnya kebijakan diskriminatif dari 421 kebijakan di tahun 2016 menjadi 305 kebijakan di tahun 2021. Namun, pada 2021 terdapat 20 pemerintah daerah yang mengesahkan kebijakan yang mengontrol tubuh perempuan. Komnas Perempuan

memantau masih berlakunya tindakan diskriminasi terhadap perempuan secara langsung melalui pengaturan kewajiban busana berdasarkan ajaran salah satu agama yang diberlakukan kepada Pegawai Negeri Sipil (PNS), siswa perempuan, pegawai baik di lingkungan pemerintahan/lembaga negara, lingkungan pendidikan maupun lingkungan kantor swasta. Pada 2021, Pemerintah menerbitkan Surat Keputusan Bersama (SKB) 3 Menteri yaitu Menteri Agama, Menteri Pendidikan dan Kebudayaan serta Menteri Dalam Negeri tentang Penggunaan Pakaian Seragam dan Atribut Bagi Peserta Didik, Pendidik dan Tenaga Kependidikan di Lingkungan Sekolah yang Diselenggarakan Pemerintah Daerah pada Jenjang Pendidikan Dasar dan Menengah (SKB Seragam). Kebijakan ini yang merupakan komitmen Pemerintah untuk menjaga menjaga empat pilar bernegara yaitu Pancasila, UUD 1945, keutuhan NKRI, dan Bhinneka Tunggal Ika serta sebagai respon atas adanya pemaksaan atau pelarangan penggunaan pakaian yang merujuk pada identitas agama atau keyakinan mayoritas penduduk di daerah tersebut. Namun, kebijakan ini dibatalkan melalui mekanisme *judicial review* di Mahkamah Agung. Paska pembatalan SKB 3 Menteri tersebut, Kementerian Pendidikan dan Kebudayaan yang menerbitkan Permendikbud Nomor 50 Tahun 2022 Tentang Pakaian Seragam yang memberikan panduan agar penggunaan pakaian seragam memperhatikan hak setiap Peserta Didik untuk menjalankan agama dan kepercayaan kepada Tuhan Yang Maha Esa sesuai keyakinannya.

(ii) Tantangan pelaksanaan UU TPKS. UU Nomor 27 tahun 2022 tentang Perlindungan Data Pribadi dan UU No.1 tahun 2024 tentang ITE tidak mengadopsi upaya pencegahan kekerasan seksual online dan dirumuskan secara netral gender, yang tidak mengakui pengalaman berbeda antara laki-laki dan perempuan di dunia siber. Sampai dengan dua tahun pengesahannya, dari 7 (tujuh) peraturan pelaksana UU TPKS, baru dua peraturan yang disahkan, tersisa lima peraturan yang belum disahkan dan melampaui tenggat waktu UU TPKS. Hal ini menjadi salah satu penyebab belum optimalnya pemenuhan hak-hak korban TPKS.

4. Praktik baik yang relevan bagi negara lain: a) Indonesia belum meratifikasi OPCAT namun melakukan inisiatif untuk pencegahan penyiksaan melalui Kerjasama untuk Pencegahan Penyiksaan (KuPP). Komnas Perempuan, Komnas HAM, KPAI, Komisi Nasional Disabilitas, Ombudsman RI dan LPSK menandatangani perjanjian bersama untuk advokasi dan mencegah penyiksaan dan perlakuan atau penghukuman lain yang kejam, tidak manusiawi atau merendahkan martabat manusia di lembaga/tempat-tempat penahanan dan serupa tahanan. b) Layanan bagi perempuan korban di wilayah kepulauan yang dikembangkan oleh lembaga gereja di Kabupaten Maluku Barat Daya. Gereja mengembangkan layanan berbasis komunitas (LBK) bagi perempuan korban dengan melibatkan pemerintah daerah, kader desa, institusi keagamaan dan tokoh adat. Di antaranya melalui klasis GPM Leti Moa Lakor (Lemola) melakukan penjangkauan korban karena belum tersedianya lembaga layanan korban pemerintah. c) Pengembangan model *centre of peace* sebagai ruang pendidikan publik untuk meningkatkan kepemimpinan, keterwakilan dan partisipasi perempuan dalam pencegahan konflik, resolusi, pembangunan perdamaian, dan aksi kemanusiaan. Dilakukan di daerah pasca konflik dan bencana, di antaranya di Kepulauan Ambon Maluku, Aceh, Poso Sulawesi Utara, Sambas- Kalimantan Barat dan Sampit-Kalimantan Tengah.
5. Untuk mempercepat penghapusan segala bentuk kekerasan terhadap perempuan di Indonesia, diperlukan penguatan kelembagaan LNHAM khususnya Komnas Perempuan, Forum Pengada Layanan (FPL), UPTD-PPA dan lembaga pendamping korban berbasis komunitas terkait tata kelola, infrastruktur, dan sumberdaya kelembagaan yang responsif, inklusif, independen, dan berkelanjutan.



SECTION II:

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**PRIORITIES,  
ACHIEVEMENTS,  
CHALLENGES AND  
SETBACKS**



## SECTION II:

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# PRIORITIES, ACHIEVEMENTS, CHALLENGES AND SETBACKS

**1** *Over the past five years, what have been the most important achievements, challenges and setbacks in progress towards gender equality and the empowerment of women? In the narrative report, please explain why your country considers these important, how it has addressed them, the challenges encountered and the factors that have enabled progress or led to setbacks in each case. Where relevant and possible, please provide data to support your responses (3- 5 pages).*

- ❖ Capaian penting dalam konteks pemberdayaan perempuan dan kesetaraan gender di antaranya berkaitan dengan penghapusan kekerasan terhadap perempuan:
  - a. Pengesahan Perundang-undangan tentang Kekerasan Seksual. Capaian signifikan dalam lima tahun ini adalah pengesahan Undang-Undang No 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual (UU TPKS). Kehadiran UU TPKS memberikan jaminan menyeluruh rangkaian sistem pencegahan, pemulihan, perlindungan dan penanganan TKPS yang melibatkan berbagai pemangku kebijakan terkait.
  - b. Pengesahan Undang-Undang No. 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana (KUHP) telah mengakomodasi definisi perkosaan sesuai dengan standar norma internasional, dengan memperluas jaminan penghentian kehamilan yang tidak diinginkan. UU KUHP juga memiliki pasal penghubung dengan UU TPKS sehingga korban dapat mengakses hak-hak sebagaimana diatur dalam UU TPKS.

- c. Pencegahan dan Penanganan Kekerasan Seksual di lingkungan lembaga pendidikan, tercatat pengesahan Permendikbudristek No 30 Tahun 2021 Tentang Pencegahan dan Penanganan Kekerasan Seksual di Lingkungan Perguruan Tinggi dan Permendikbud Nomor 46 Tahun 2023 tentang Pencegahan dan Penanganan Kekerasan di Lingkungan Satuan Pendidikan Kemendikbud, Peraturan Menteri Agama Nomor 73 Tahun 2022 tentang Pencegahan dan Penanganan Kekerasan Seksual di Satuan Pendidikan Kementerian Agama; dan di lingkungan ketenagakerjaan terbit Peraturan Menteri Ketenagakerjaan No. 88 Tahun 2023 Tentang Pedoman Pencegahan dan Penanganan Kekerasan Seksual di Tempat Kerja.
- d. Perlindungan Perempuan Pembela HAM. Berdasarkan Catatan Tahunan (CATAHU) 2020-2023, tercatat 67 kasus kekerasan terhadap PPHAM. Pada 2020, Komnas Perempuan bersama Protection Internasional (PI) menyusun Manual Perlindungan bagi PPHAM untuk peningkatan kapasitas keamanan PPHAM. Pada 2021 Komnas Perempuan bersama Komnas HAM dan LPSK menyusun mekanisme respon cepat untuk merespon kasus-kasus darurat yang harus ditangani.
- e. Peraturan Presiden No. 39 Tahun 2020 tentang Akomodasi yang Layak untuk Penyandang Disabilitas dalam Proses Peradilan. Perpres ini mengatur tentang akomodasi yang Layak untuk Penyandang Disabilitas dalam Proses peradilan yang mencakup penyediaan pelayanan serta sarana dan prasarana. Dalam penyediaan akomodasi yang layak ada hal yang ditekankan dalam PP ini, yakni penilaian personal, penyediaan pendamping penyandang disabilitas, dan penerjemah.
- f. Sinergi Data Bersama. Pada 22 Desember 2019 KPPPA, Komnas Perempuan, dan Forum Pengada Layanan melakukan sinergi data dan pemanfaatan sistem pendokumentasian secara terpilah kasus kekerasan terhadap perempuan untuk mewujudkan keterpaduan sistem pendokumentasian kasus kekerasan terhadap

perempuan. Kemen PPPA mengembangkan sistem basis-data kekerasan terhadap perempuan yang disebut “Simfoni PPA. Komnas Perempuan mengembangkan sistem basis-data kekerasan terhadap perempuan yang disebut “Sintaspuan”, Forum Pengada Layanan (FPL) mengembangkan sistem basis-data penanganan kasus kekerasan terhadap perempuan dengan nama “Titian Puan”.

- g. Partisipasi Perempuan dalam Politik. Tingkat partisipasi perempuan di ranah politik pada pemilihan legislatif (Pileg) menunjukkan peningkatan, meski belum mencapai target 30%. Komnas Perempuan mencatat dari 10.323 bakal calon legislatif pada Pemilu 2024, terdapat 3.896 (37,7%) bakal calon legislatif perempuan dan 6.427 (62,3%) bakal calon legislatif laki-laki. Hasil Pemilu 2024 mencatat angka keterwakilan perempuan meningkat menjadi 22,1% atau 128 kursi dari 580 kursi DPR, lebih tinggi 1,6% dibanding Pemilu 2019 dengan keterwakilan perempuan 20,5%. Terkait tantangan dan kemunduran, KPU menerbitkan Peraturan KPU No. 10 Tahun 2023 yang mengatur penghitungan 30% (tiga puluh persen) jumlah Bakal Calon perempuan di setiap daerah pemilihan yang menghasilkan angka pecahan kurang dari 50 (lima puluh), hasil penghitungan dilakukan pembulatan ke bawah. Hal ini mengakibatkan pencalonan keterwakilan perempuan paling sedikit 30% (tiga puluh persen) tidak terpenuhi. Mahkamah Agung (MA) melalui putusan Perkara Nomor 24 P/HUM/2023 memerintahkan KPU untuk mengoreksi PKPU 10/2023, Badan Pengawas Pemilu (Bawaslu) memerintahkan KPU untuk memperbaiki 267 daerah pemilihan agar memenuhi kuota 30% perempuan. Kedua perintah tersebut tidak ditindaklanjuti oleh KPU. Keengganan KPU melaksanakan Putusan Mahkamah Agung (MA) dan Bawaslu tentang perhitungan ke atas terhadap suara di bawah 0,50 menunjukkan pengerdilan dan tidak dipahaminya dasar tindakan afirmasi khusus kepemimpinan perempuan. Di sisi lain, tantangan budaya patriarki masih mengakar di

masyarakat hingga terjadi penolakan terhadap kepemimpinan perempuan di berbagai level.

- h. Komisi Nasional Anti Kekerasan terhadap Perempuan (National Commission of Violence Against Women). Capaian Komnas Perempuan secara Kelembagaan sebagai LNHAM, di antaranya terbit Perpres No. 55 Tahun 2023 tentang Honorarium dan Fasilitas bagi Komisi Paripurna dan Badan Pekerja Komisi Nasional Anti Kekerasan Terhadap Perempuan dan Perpres No. 08 Tahun 2024 Tentang Perubahan Atas Perpres 65 Tahun 2005 tentang Komnas Perempuan. Perpres nomor 55 Tahun 2023, merupakan pengakuan negara terhadap kelembagaan Komnas Perempuan dalam bentuk pemberian honorarium dan fasilitas kerja lebih layak. Dengan perubahan Perpres, jumlah Badan Pekerja bertambah menjadi 95 orang dari sebelumnya hanya 45 orang. Berkaitan dengan tantangan dan kemunduran, upaya untuk penghormatan, perlindungan, pemenuhan dan pemajuan HAM di Indonesia belum sebagaimana diharapkan, antara lain: HAM belum dianggap prioritas sebagaimana tercermin dalam pemahaman tentang tupoksi LNHAM belum merata di lingkungan lembaga negara sehingga menimbulkan anggapan bahwa keberadaannya tidak dibutuhkan, tidak relevan, atau tumpang tindih. Peminggiran isu perempuan di tataran birokrasi dan tata kelola lembaga negara, tercermin dari kemunculan berulang isu peleburan Komnas Perempuan dan peleburan KPPPA pada setiap pergantian kepemimpinan nasional.
- ❖ Dalam konteks pemberdayaan perempuan dan kesetaraan gender, terdapat beberapa tantangan yang dihadapi, di antaranya:
  - a) Penyelesaian pelanggaran Berat HAM di Masa Lalu masih terkendala secara politik. Upaya negara untuk memenuhi hak-hak korban melalui pengungkapan kebenaran belum sepenuhnya diselesaikan. Komisi Kebenaran dan Rekonsiliasi Nasional (TRC), yang menjadi mandat dari Ketetapan MPR dan salah satu mekanisme penyelesaian pelanggaran HAM Masa

Lalu belum dibentuk kembali. ‘Tim Penyelesaian Non-Yudisial Pelanggaran Berat HAM di Masa Lalu’ (Tim PPHAM) berdasarkan Keputusan Presiden Nomor 17 Tahun 2022 memiliki mandat untuk pengungkapan dan penyelesaian non-yudisial pelanggaran HAM yang berat masa lalu serta merekomendasikan upaya pemulihan korban dan langkah-langkah untuk mencegah keberulangan. Pada akhir 2022, Tim PPHAM melaporkan perkembangan terakhir kerja tim bahwa Tim sudah mengunjungi sejumlah korban dari 12 kasus dugaan pelanggaran Berat HAM di Masa Lalu dan berdiskusi dengan korban maupun masyarakat sipil yang mendampingi korban untuk mencari keadilan. Instruksi Presiden Nomor 2 Tahun 2023 tentang Pelaksanaan Rekomendasi Penyelesaian Non-Yudisial Pelanggaran HAM Berat, namun pelaksanaannya belum maksimal. Dalam implementasinya, penyelesaian non yudisial banyak menggunakan metode rekonsiliasi yang menguatkan narasi militeristik, selanjutnya diadopsi oleh pemerintah daerah dalam penanganan kasus-kasus konflik sehingga menutup hak korban atas kebenaran. Oleh karenanya, perlu meninjau ulang makna penyelesaian non yudisial yang tidak hanya memberikan bantuan ekonomi dan sosial namun perlu melihat dampak sosial jangka panjang terkait kualitas hidup korban secara bermartabat.

- b) Hak Bebas dari Penyiksaan dan Perlakuan Semena-mena Lainnya. Komnas Perempuan mencatat bahwa Indonesia berkomitmen untuk mengakui dan menjamin hak untuk bebas dari penyiksaan dan perlakuan semena-mena lainnya (*ill-treatment*) dengan pengesahan *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)* melalui dan Kovenan Internasional Hak-hak Sipil dan Politik. Di samping itu melalui Tap MPR No.6/2000 instansi Kepolisian dipisah dari TNI. Namun, hingga kini Indonesia belum juga mengesahkan Protokol Opsional Konvensi Menentang Penyiksaan dan Konvensi Penghilangan Orang Secara Paksa. Pengesahan Protokol Opsional ini pen-

ting sebagai payung hukum bagi penyusunan dan pelaksanaan Mekanisme Perlindungan Nasional dari tindak penyiksaan dan ill-treatment berbasis gender dan interseksinya yang berlaku bagi pelaku aktor-aktor negara maupun aktor-aktor non negara. Kejahatan kemanusiaan penghilangan paksa juga merupakan tindak penyiksaan dan ill treatment, bahkan merupakan kejahatan berlanjut (*continuous crimes*). Selain terhadap korban, penderitaan juga ditanggung oleh keluarga akibat tidak mengetahui di mana dan bagaimana kondisi dari anggota keluarganya. Negara juga belum melakukan pendataan terkait kepastian jumlah korban penghilangan paksa dari berbagai peristiwa pelanggaran HAM yang terjadi di Indonesia.

- c) Perempuan Pekerja. Situasi pemenuhan hak, perlindungan dan keselamatan kerja perempuan pekerja masih menjadi tantangan besar di mana situasi kerja layak, kesehatan dan keselamatan kerja bagi perempuan pekerja masih belum terpenuhi. Pelanggaran hak maternitas, diskriminasi terhadap perempuan disabilitas dan minoritas orientasi seksual masih terjadi. Konvensi ILO 190 tentang Kekerasan dan Pelecehan di Dunia Kerja belum diratifikasi dan Kepmenaker No. 88 Tahun 2023 belum optimal dilaksanakan sehingga pelecehan dan kekerasan seksual masih terjadi.

Kajian Komnas Perempuan terkait Konvensi ILO 190 (2021) menemukan bentuk kekerasan di dunia kerja meliputi kekerasan fisik, kekerasan ekonomi, kekerasan seksual di antaranya pelecehan seksual termasuk *cat-calling*, pelecehan seksual verbal, pemerkosaan, dan kekerasan seksual berbasis elektronik (KSBE). Ditemukan pula penghukuman yang tak manusiawi dan merendahkan martabat manusia yakni pekerja dijemur di pekarangan dan dijadikan tontonan para pekerja lainnya. Di sisi lain, tidak diakuinya pekerja di sektor informal (seperti pekerja rumahan, PRT, *unpaid care work*) dalam kebijakan nasional mengakibatkan perempuan pekerja informal mengalami kerentanan berlapis.

Dalam konteks pekerja migran, perlindungan belum optimal karena UU No.18 tahun 2017 tentang Pelindungan Pekerja Migran (PPMI) belum terimplentasi dengan baik. UU ini memandatkan 28 peraturan pelaksana dalam jangka waktu dua tahun sejak diundangkan. Dalam perkembangannya peraturan pelaksana disederhanakan menjadi 13 peraturan pelaksana. Namun sampai tahun 2024 ini baru 1 (satu) peraturan pelaksana yang diterbitkan, yakni Peraturan Pemerintah No 59 Tahun 2021 Tentang Pelaksanaan Pelindungan Pekerja Migran Indonesia. Sayangnya, di tengah upaya mengimplementasikan UU PPMI, negara justru menerbitkan UU No 11 Tahun 2020 tentang Cipta Kerja yang melemahkan sistem pengawasan P3MI. Data BP2MI mencatat pada 2020, jumlah perempuan pekerja migran adalah 90.454 orang dan laki-laki sebanyak 22.982. Pada 2021, jumlah perempuan pekerja migran jauh lebih tinggi, sebanyak 63.853 orang dibandingkan laki-laki pekerja migran sejumlah 8.771 orang. Sektor terbanyak dikerjakan perempuan adalah PRT dan perkebunan sawit. Masih ditemukan perlakuan tidak manusiawi dan kekerasan seksual seperti pemaksaan kontrasepsi, penahanan dokumen, biaya penempatan masih harus dibayar dengan cara mencicil padahal seharusnya *zero-cost*, persyaratan surat wali sementara perempuan pekerja migran bersangkutan sudah berusia di atas 18 tahun.

Situasi ini tak luput akibat dari lambatnya penerbitan seluruh aturan pelaksana dari UU PPMI yang dilahirkan pada 2017 yang lalu. UU ini memandatkan 28 peraturan pelaksana dalam jangka waktu dua tahun sejak diundangkan. Dalam perkembangannya peraturan pelaksana disederhanakan menjadi 13 peraturan pelaksana. Namun sampai tahun 2024 ini baru 1 (satu) peraturan pelaksana yang diterbitkan, yakni Peraturan Pemerintah No 59 Tahun 2021 tentang Pelaksanaan Pelindungan Pekerja Migran Indonesia. Sayangnya, di tengah upaya mengimplementasikan UU

PPMI, negara justru menerbitkan UU No 11 Tahun 2020 tentang Cipta Kerja yang melemahkan sistem pengawasan P3MI.

- d) Peraturan Komisi Pemilihan Umum Nomor 10 Tahun 2023 tentang Pencalonan Anggota Dewan Perwakilan Rakyat, Dewan Perwakilan Rakyat Daerah Provinsi, dan Dewan Perwakilan Rakyat Daerah Kabupaten/Kota (PKPU 10/2023). Peraturan KPU No 10 tahun 2023 ini menggantikan PKPU sebelumnya dan mengubah pembulatan ke atas menjadi pembulatan ke bawah jika angka desimal di bawah 50. Komnas Perempuan mengajukan pendapat hukum dalam bentuk Sahabat Pengadilan (*amicus curiae*) kepada MA berkaitan dengan permohonan uji materiil PKPU 10/2023 ini dan Putusan MA memerintahkan KPU untuk mengoreksi PKPU 10/2023, namun tidak dilaksanakan.

Hasil pemantauan Komnas Perempuan menunjukkan bahwa 30% keterwakilan perempuan belum terpenuhi. Masih terdapat penolakan dan hambatan-hambatan sosial, budaya dan politik baik di tingkatan partai politik, negara maupun masyarakat terhadap kepemimpinan perempuan. Seperti intimidasi, pencurian suara, penyerangan seksual, pemecatan terhadap caleg perempuan terpilih, dan penolakan kepemimpinan karena jenis kelamin perempuan. Ini menunjukkan perempuan Indonesia masih memiliki hambatan keterpilihan yang berbeda dibandingkan laki-laki.

- e) Pengaturan terkait ketentuan perpajakan, sahnya perkawinan dan alasan perceraian yang diskriminatif. UU No. 1 Tahun 1974 tentang Perkawinan. UU Perkawinan menyatakan bahwa suami adalah kepala keluarga dan istri ibu rumah tangga (Pasal 31). Pengaturan ini terkait ketentuan perpajakan. Keluarga dianggap sebagai satu kesatuan ekonomi yang artinya penghasilan atau kerugian dari seluruh anggota keluarga termasuk perempuan kawin, digabungkan sebagai satu kesatuan yang dikenai pajak dan pemenuhan kewajiban pajaknya dilakukan oleh kepala keluarga. Hal ini berdampak pada diskriminasi tang-

gungan upah dalam tanggungan pajak PPH 21. Status perempuan pekerja yang sudah menikah dilibatkan dan perempuan kepala keluarga tunggal (ibu tunggal)/janda terutama karena kematian suami/pasangan — yang memiliki anak tetapi kewajiban pajaknya tidak memperhitungkan tanggungan anak-anak yang berada dalam tanggungjawabnya. Berbeda dengan suami yang otomatis mendapatkan pengurangan tanggungan pajak, seorang Ibu tunggal harus mengurus administrasi yang cukup rumit untuk mendapatkan pengurangan tanggungan pajak tersebut.

Terkait dengan sahnya perkawinan, MA menerbitkan SEMA Nomor 2 Tahun 2023 tentang Petunjuk Bagi Hakim dalam Mengadili Perkara Permohonan Pencatatan Perkawinan Antar Umat Beragama dan Kepercayaan. Surat Edaran melarang hakim mengabulkan permohonan penetapan perkawinan beda agama. Larangan ini menyebabkan pasangan beda agama tidak dapat mencatatkan perkawinannya. Sementara terkait alasan perceraian yang diskriminatif, UU Perkawinan menyebutkan: “Salah satu pihak atau pasangan mendapat cacat badan atau penyakit dengan akibat tidak dapat menjalankan kewajibannya sebagai suami/istri” (Pasal 39 Ayat 2) dan alasan poligami menyebutkan: “istri mendapat cacat badan atau penyakit yang tidak dapat disembuhkan” (Pasal 4 Ayat 2). Alasan-alasan tersebut berdampak para perempuan penyandang disabilitas yang dapat diceraikan atau dipoligami oleh suaminya.

- f) Femisida belum dikenal dalam perundang-undangan nasional. Pemerintah Indonesia melalui kepolisian dan BPS belum melakukan pendataan terpilah mengenai pembunuhan terhadap perempuan yang tergolong femisida dan masih diperlakukan sebagaimana pembunuhan pada umumnya. Pencatatan jumlah kematian perempuan menyumbang pendataan terhadap indikator 16.1.1 SDGs, sehingga negara perlu untuk mendokumentasikan kasus femisida untuk membangun program pencegahan dan penanganan yang memenuhi keadilan bagi korban dan keluarganya.

- ❖ Selain mengalami kemajuan dan memiliki tantangan dalam konteks pemberdayaan perempuan dan kesetaraan gender yang berkaitan dengan penghapusan kekerasan terhadap perempuan, terdapat juga beberapa aspek yang mengalami kemunduran, di antaranya:
  - a) Kriminalisasi terhadap kebebasan berekspresi, berpendapat yang disampaikan secara damai berdampak terhadap Perempuan Pembela HAM (PPHAM). Potensi ini terdapat dalam pengaturan UU KUHP 2023 dan revisi UU ITE terkait dengan tindak pidana pencemaran nama baik PPHAM yang mempromosikan dan memperjuangkan hak asasi perempuan.
  - b) Jaminan perlindungan terhadap perempuan pekerja informal. RUU PPRT selama 20 tahun belum juga dibahas. Tantangan dalam percepatan pembahasan UU PPRT adalah bias kelas yang mengukuhkan kedermawanan pemberi kerja sebagai “majikan”. Tanpa perlindungan hukum, perempuan pekerja rumah tangga tak hanya rentan mengalami diskriminasi dan kekerasan berbasis gender tetapi juga pemiskinan akibat eksploitasi berupa jam kerja yang panjang dan tanpa upah lembur serta tak memiliki peluang untuk penguatan kapasitas.
  - c) Lahirnya UU Ciptaker. Pengesahan UU No. 11 Tahun 2020 tentang Omnibus Law Undang-Undang Cipta Kerja (UU Ciptaker) merupakan kemunduran bagi pemenuhan hak perempuan pekerja. Kluster Ketenagakerjaan berpotensi melanggar hak perempuan pekerja karena perlindungan parsial dengan pengecualian perlindungan terhadap pekerja sektor informal, dan tidak ada upaya peningkatan perlindungan hak maternitas; menurunkan standar perlindungan upah yang sudah ditetapkan dalam UU Ketenagakerjaan; mengarahkan pekerja untuk bekerja dengan jam kerja yang panjang dan memotong waktu mereka untuk keluarga dan lingkungan sosial, UU Ciptaker pun masih menggunakan istilah “Penyandang Cacat” yang menguatkan kembali stigma negatif bagi penyandang disabilitas, memberikan kemudahan bagi perusahaan

untuk melakukan pemutusan hubungan kerja (PHK) terhadap penyandang disabilitas, mengubah syarat dan mekanisme perizinan Perusahaan Penempatan Pekerja Migran Indonesia (P3MI) serta tata cara yang semula diatur dalam UU PPMI yang berpotensi melonggarkan pengawasan dan perizinan (P3MI).

UU Cipta Kerja juga berdampak terhadap pengelolaan dan perlindungan lingkungan hidup yang berpotensi memicu konflik sumber daya alam maupun perusakan lingkungan hidup, melalui: (a) Perizinan pemanfaatan kawasan hutan yang mudah; (b) hilangnya AMDAL sebagai langkah pencegahan perusakan lingkungan dan perlindungan lingkungan.

**2. *Over the past five years, what have been the top five priorities for accelerating progress for women and girls in your country through laws, policies and/or programmes? In the narrative report, please explain why your country considers these priorities and how it has addressed them. Where relevant and possible, please provide data to support your responses (3-5 pages).***

- ❖ Untuk mempercepat kemajuan bagi perempuan dan anak perempuan, tertuang dalam 5 (lima) isu prioritas tahun 2020-2025 dan pengarusutamaan perspektif disabilitas dan kepulauan. Kelima isu prioritas tersebut adalah:
  - a) Perempuan dalam konflik dan bencana, meliputi persoalan kekerasan dan diskriminasi yang dihadapi perempuan dalam konteks intoleransi berbasis agama/kepercayaan, pelanggaran HAM masa lalu, konflik dan bencana akibat dampak pembangunan nasional, bencana alam maupun bencana lainnya termasuk wabah penyakit dan perubahan iklim. Mengembangkan norma standar, kebijakan, dan mekanisme pencegahan dan penanganan kekerasan dan diskriminasi, terutama melalui mekanisme harmonisasi kebijakan dan penataan regulasi, merupakan fokus kerja dalam isu prioritas ini. Pengembangan model *centre of peace* dan memorabilia menjadi usulan Komnas Perempuan sebagai ruang pendidikan publik untuk pencegahan dan penanganan kekerasan dan diskriminasi terhadap

perempuan dalam konteks konflik dan bencana. Konflik dan bencana merupakan salah satu tantangan utama yang dihadapi oleh Indonesia, faktor pemicunya di antaranya intoleransi, tata kelola sumber daya alam yang belum berperspektif keberlanjutan dan perubahan iklim serta pembangunan infrastruktur. Dari pemantauan Komnas Perempuan, dampak yang dihadapi perempuan dalam situasi konflik dan bencana di antaranya adalah kehilangan hak-hak dasar dan menjadi pengungsi;

- b) Perempuan pekerja, terutama perempuan pekerja migran, perempuan pekerja rumah tangga, pekerja rumahan dan pekerja hiburan. Pembaruan data dan pengetahuan tentang situasi yang dihadapi oleh perempuan pekerja digunakan sebagai pembaruan substansi hukum yang berperspektif HAM dan keadilan gender, serta pemantauan penegakan hukum. Isu ini dijadikan sebagai salah satu isu prioritas karena Komnas Perempuan menilai jika pekerja rumahan, pekerja rumah tangga dan pekerja migran merupakan kelompok yang rentan mengalami eksploitasi dan kekerasan, termasuk kekerasan seksual;
- c) Perempuan tahanan dan serupa tahanan, termasuk kondisi disabilitas. Kasus-kasus penyiksaan dan perbuatan/hukuman yang kejam, tidak manusiawi dan merendahkan martabat manusia merupakan sebuah fenomena gunung es di Indonesia. Diperlukan pengembangan mekanisme pencegahan penyiksaan dan perlindungan berbasis HAM, gender dan inklusi bagi perempuan dalam situasi tahanan dan serupa tahanan yang menyorot pada kondisi perempuan disabilitas. Komnas Perempuan bersama Komisi Komnas HAM, KPAI, LPSK, ORI dan KND yang tergabung bersama dalam Kerjasama untuk Pencegahan Penyiksaan (KuPP) telah mengagagas mekanisme nasional pencegahan penyiksaan di rumah tahanan dan lembaga pemasyarakatan serta serupa tahanan. Di antaranya pusat rehabilitasi, rumah sakit jiwa, panti asuhan, panti sosial, penampungan pekerja migran dan pengungsi. Isu perempuan dalam tahanan dan serupa tahanan

menjadi prioritas Komnas Perempuan, mengingat perempuan sebagai salah satu kelompok rentan memiliki risiko khusus terhadap penyiksaan dan perlakuan sewenang-wenang ketika dalam proses peradilan pidana maupun saat berada di tempat-tempat serupa tahanan;

- d) Perempuan korban kekerasan seksual, terutama di dalam konteks keluarga, lembaga pendidikan dan ruang siber. Pembaruan substansi hukum agar berperspektif gender dan non-diskriminatif dan pengembangan model sistem peradilan pidana terpadu penanganan kekerasan terhadap perempuan pemantauan akses keadilan bagi perempuan korban di wilayah pelaksanaannya menjadi fokus kerja di isu prioritas ini. Juga, pengembangan norma standar dan mekanisme pencegahan dan penanganan kekerasan seksual di berbagai institusi lintas sektor, yang dirumuskan dalam kebijakan kawasan bebas kekerasan. Perempuan korban kekerasan seksual masih menjadi isu prioritas Komnas Perempuan karena jumlah dan ragamnya semakin meningkat dengan merujuk hasil pemantauan Komnas Perempuan; dan
  - e) Penguatan kelembagaan Komnas Perempuan memuat penguatan mekanisme dan infrastruktur daya tanggap, daya pengaruh dan tata kelola Komnas Perempuan sebagai mekanisme khusus HAM serta penguatan daya dukung negara dan masyarakat untuk kepemimpinan Perempuan Pembela HAM. Sebagai lembaga nasional Hak asasi manusia (HAM), Komnas Perempuan merasa perlu untuk melakukan penguatan pada daya tanggap dan akuntabilitasnya. Sehingga isu ini menjadi salah satu isu yang penting untuk dijadikan prioritas agar Komnas Perempuan bisa senantiasa berupaya untuk berpartisipasi dalam pemajuan dan perlindungan hak asasi perempuan di Indonesia.
- ❖ Kelima isu prioritas ini dikawal dengan menggunakan tiga perspektif utama dan dua pendekatan khas. Ketiga perspektif itu adalah: (a) hak-hak konstitusional perempuan dan kerangka bebas dari segala bentuk kekerasan terhadap perempuan dan penyiksaan, (b)

kepulauan, dan (c) disabilitas. Perspektif ini juga mempertimbangkan posisi perempuan sebagai pembela HAM. Sedangkan pendekatan khas yang dimaksud adalah pendekatan kepemimpinan perempuan serta pendekatan membangun gerakan lintas batas baik dari aspek sektor, institusional maupun geografis di tingkat lokal, nasional dan internasional. Kelima isu ini dipilih melalui proses partisipatif bersama badan pekerja dalam rapat kerja dengan mempertimbangkan PETA JALAN Penghapusan Kekerasan terhadap Perempuan 2020-2045 dan usulan Rencana Strategis Komnas Perempuan 2020-2025 yang berbasis pada pengetahuan, keahlian dan pengalaman Komnas perempuan.

- ❖ Isu-isu prioritas di atas akan dijalankan oleh Komnas Perempuan sesuai dengan mandat dan kewenangannya. Komnas Perempuan akan melaksanakan pengkajian dan penelaahan terhadap berbagai peraturan perundang-undangan yang berlaku, serta berbagai instrumen internasional yang relevan bagi perlindungan hak-hak asasi perempuan; melaksanakan pemantauan, termasuk pencarian fakta dan pendokumentasian kekerasan terhadap perempuan dan pelanggaran HAM perempuan, serta penyebarluasan hasil pemantauan kepada publik dan pengambilan langkah-langkah yang mendorong pertanggungjawaban dan penanganan. Sintesis hasil temuan menjadi dasar dalam penyusunan rekomendasi kebijakan; memberi saran dan pertimbangan kepada pemerintah, lembaga legislatif, dan yudikatif, serta organisasi-organisasi masyarakat guna mendorong penyusunan dan pengesahan kerangka hukum dan kebijakan yang mendukung upaya-upaya pencegahan dan penanggulangan segala bentuk kekerasan terhadap perempuan, serta perlindungan HAM penegakan dan kemajuan hak-hak asasi perempuan.
- ❖ Hasil pemantauan, pengkajian kebijakan dan pengetahuan yang dimiliki oleh Komnas Perempuan, pemahaman atas segala bentuk kekerasan terhadap perempuan Indonesia dan upaya-upaya pencegahan dan penanggulangan, serta penghapusan segala bentuk kekerasan terhadap perempuan akan juga disebarluaskan melalui publikasi.

Komnas Perempuan juga mengembangkan kerja sama regional dan internasional guna meningkatkan upaya-upaya pencegahan dan penanggulangan segala bentuk kekerasan terhadap perempuan Indonesia, serta perlindungan, penegakan dan pemajuan hak-hak asasi perempuan.

**3. *Over the past five years, what specific actions have you taken to prevent discrimination and promote the rights of marginalized groups of women and girls? In the narrative report, please provide details of up to three concrete examples, including aims and scope of measures taken, target population, budget, impact evaluations, lesson learnt, and links to further information. Where relevant and possible, please provide data to support your responses (2 pages max.).***

- ❖ Penghapusan Perda-perda Diskriminatif. Komnas Perempuan mencatat berkurangnya kebijakan diskriminatif dari 421 kebijakan di tahun 2016 menjadi 305 kebijakan di tahun 2021. Namun, pada 2021 terdapat 20 pemerintah daerah yang mengesahkan kebijakan yang mengontrol tubuh perempuan. Komnas Perempuan memantau masih berlakunya tindakan diskriminasi terhadap perempuan secara langsung melalui pengaturan kewajiban busana berdasarkan ajaran salah satu agama yang diberlakukan kepada Pegawai Negeri Sipil (PNS), siswa perempuan, pegawai baik di lingkungan pemerintahan/lembaga negara, lingkungan pendidikan maupun lingkungan kantor swasta. Kewajiban berbusana diatur melalui peraturan daerah atau peraturan kepala daerah. Pada 2021, Pemerintah menerbitkan Surat Keputusan Bersama (SKB) 3 Menteri yaitu Menteri Agama, Menteri Pendidikan dan Kebudayaan serta Menteri Dalam Negeri tentang Penggunaan Pakaian Seragam dan Atribut Bagi Peserta Didik, Pendidik dan Tenaga Kependidikan di Lingkungan Sekolah yang Diselenggarakan Pemerintah Daerah pada Jenjang Pendidikan Dasar dan Menengah (SKB Seragam). Kebijakan ini yang merupakan komitmen Pemerintah untuk menjaga menjaga empat pilar bernegara yaitu

Pancasila, UUD 1945, keutuhan NKRI, dan Bhinneka Tunggal Ika serta sebagai respon pada adanya pemaksaan atau pelarangan penggunaan pakaian yang merujuk pada identitas agama atau keyakinan mayoritas penduduk di daerah tersebut. Namun, kebijakan ini dibatalkan melalui mekanisme *judicial review* di Mahkamah Agung berdasarkan permohonan dari salah satu organisasi masyarakat dengan argumen pengaturan busana adalah kearifan lokal di daerahnya. Paska dibatalkannya SKB 3 Menteri tersebut, baru Kementerian Pendidikan dan Kebudayaan yang menerbitkan Permendikbud Nomor 50 Tahun 2022 Tentang Pakaian Seragam yang memberikan panduan agar penggunaan pakaian seragam memperhatikan hak setiap Peserta Didik untuk menjalankan agama dan kepercayaan kepada Tuhan Yang Maha Esa sesuai keyakinannya.

- ❖ **Inisiatif KuPP untuk Pencegahan Penyiksaan.** Meskipun Indonesia belum meratifikasi OPCAT, namun lima lembaga yaitu Komnas HAM, Komnas Perempuan, KPAI, Ombudsman RI dan LPSK pada tahun 2016 telah menandatangani kesepakatan bersama (MoU) dengan Kemenkumham RI tentang pembentukan mekanisme pencegahan nasional. Pada 2018, lima lembaga menandatangani perjanjian Kerjasama untuk Pencegahan Penyiksaan (KuPP) yang merupakan komitmen bersama untuk melakukan advokasi dan mencegah penyiksaan dan perlakuan atau penghukuman lain yang kejam, tidak manusiawi atau merendahkan martabat manusia di lembaga/ tempat-tempat penahanan dan serupa tahanan. Pada 2023, kerjasama diperbaharui dengan menambah satu anggota yaitu Komisi Nasional Disabilitas (KND). Hingga saat ini KuPP telah melakukan pemantauan-pemantauan di Rumah Tahanan, Lembaga Masyarakatan, memantau situasi kondisi para perempuan terpidana mati serta panti-panti rehabilitasi sosial yang ada di beberapa wilayah. Selain itu, dalam kaitan dengan penyusunan laporan implementasi 25 Tahun Ratifikasi Konvensi Anti Penyiksaan di Indonesia, telah menyelenggarakan Dengar Keterangan Umum (DKU) di 3 (tiga) wilayah dan 1 (satu) di Nasional mengenai

dugaan kasus-kasus penyiksaan dan ill-treatment dengan memanggil para korban, terduga pelaku dan ahli. Ke depannya KuPP akan mengembangkan modul pelatihan bersama untuk peningkatan kapasitas aparat penegak hukum dan lembaga layanan dalam memahami dan mengimplementasikan Konvensi Menentang Penyiksaan.

- ❖ **Hak maternitas pada perempuan pekerja, layanan aborsi aman, Pemotongan/Perlukaan Genitalia Perempuan (P2GP).** Komnas Perempuan menggagas integrasi layanan aborsi aman untuk korban kekerasan seksual dalam Sistem Peradilan Pidana Terpadu Penanganan Kasus Kekerasan Terhadap Perempuan (SPPT PKKTP). Konsepnya adalah, layanan yang berada pada ruang lingkup penyelenggaraan Sistem Peradilan Pidana Terpadu yaitu Kepolisian, Kejaksaan dan Pengadilan, terintegrasi dengan lembaga layanan pemulihan korban yang meliputi di antaranya layanan kesehatan (Kementerian Kesehatan), layanan pendampingan dan pemberdayaan korban (Kementerian Pemberdayaan Perempuan dan Perlindungan Anak (KPPPA), perlindungan saksi dan korban (Lembaga Perlindungan Saksi dan Korban/LPSK), juga layanan reintegrasi sosial (Kementerian Sosial). Untuk mewujudkan integrasi tersebut, maka koordinasi di level pusat harus dibangun dengan kuat terlebih dahulu sehingga implementasi di daerah dapat didorong dengan peraturan dan kebijakan yang mendukung untuk pelaksanaannya.

Tahun 2019, Komnas perempuan telah mengeluarkan kertas kebijakan pencegahan P2GP Bersama Kementerian Agama dan Kementerian Pendidikan yang digunakan sebagai alat advokasi mencegah praktik P2GP yang masih terus terjadi di Indonesia. Pada 2022, Komnas Perempuan bersama dengan jaringan organisasi masyarakat sipil (OMS) telah menyelenggarakan Dialog Nasional untuk penghapusan praktik ini. Merespon hadirnya peta jalan (*road map*) dan RAN Pencegahan P2GP 2021 yang dikeluarkan oleh Kementerian PPPA, Komnas perempuan melakukan *monitoring* dan evaluasi pada implementasi program-program pencegahan P2GP yang telah dilakukan oleh kementerian terkait sesuai mandat RAN

tersebut. Selain itu, advokasi juga diarahkan pada potensi penyiksaan yang terjadi karena dampak praktik P2GP yang berlangsung lama dan mempengaruhi kehidupan perempuan dan organ reproduksinya.

Terkait hak-hak pekerja perempuan di sektor formal maupun informal, sejak 2021 Komnas perempuan memantau pelaksanaan kebijakan yang mengatur soal pemenuhan hak maternitas. Hal ini karena pemenuhan hak maternitas merupakan salah satu isu penting dalam promosi dan perlindungan perempuan pekerja dari kekerasan dan diskriminasi. Pemantauan dilakukan sebagai cara merespon kasus-kasus pelanggaran hak maternitas yang diadukan ke Komnas Perempuan. Selain itu, implementasi UU Ciptaker juga berpotensi mengancam perempuan pekerja kehilangan hak maternitasnya. Laporan pemantauan dan rekomendasi yang disusun adalah upaya advokasi untuk membangun standar perlindungan bagi perempuan pekerja, yang berbasis pada kebutuhan dan situasi mereka.

**4. *Over the past five years, how has the confluence of different crises affected the implementation of the BPfA in your country, and what measures have you taken to prevent their negative impact on progress for women and girls? In the narrative report, please give concrete examples of the effects of different crises on specific critical areas of concern and of measures your country has taken to prevent a reversal of progress and respond in a gender-responsive manner (1 page max.).***

- ❖ Pandemi Covid 19. Di masa pandemi COVID-19, angka kekerasan terhadap perempuan meningkat. Jumlah pengaduan yang dilaporkan ke Komnas Perempuan meningkat 68% pada 2020 dan 80% tahun 2021. Laporan kajian tentang Pengada Layanan oleh Komnas Perempuan (2020) menunjukkan: (i) adanya perubahan waktu dan cara kerja lembaga layanan di mana waktu layanan menjadi lebih panjang. Hal ini karena pengalihan layanan langsung (*offline*) menjadi layanan daring (*online*) yang kemudian berdampak pada kualitas layanan, korban perempuan disabilitas sulit dijangkau dan mendapat layanan maksimal; b) Rumah Aman tidak dapat diakses

korban kewajiban syarat bebas COVID-19 dan di sejumlah wilayah Rumah Aman ditutup karena alasan kesehatan.

Pandemi Covid-19 menyebabkan tertundanya program-program penghapusan kekerasan terhadap perempuan karena semua perhatian beralih fokus pada penanganan pandemi. Hal ini berdampak misalnya, terhentinya program pencegahan perkawinan anak, pencegahan P2GP, layanan kesehatan terhadap perempuan HIV AIDS dan juga perempuan korban kekerasan seksual. Ketidakesetaraan gender yang terjadi selama ini semakin menunjukkan dampaknya saat pandemi Covid 19 ketika perempuan mengalami dampak yang tidak proporsional.

Berdasarkan kondisi tersebut, Komnas Perempuan merekomendasikan agar pemerintah memperkuat kebijakan jangka panjang untuk mengatasi dampak pandemi Covid 19 dengan perhatian program pada perempuan dengan kerentanan berlapis (disabilitas, lansia, perempuan HIV/AIDS dan penyandang stigma sosial lainnya dan kelompok minoritas). Pemerintah juga harus memastikan adanya kontinuitas dan peningkatan dukungan bagi pemenuhan hak keadilan dan pemulihan perempuan korban kekerasan. Dampak krisis yang tidak proporsional terhadap perempuan seharusnya menjadi alarm bagi negara untuk mempercepat tercapainya kesetaraan gender.

- ❖ Keragaman identitas dan ekspresi gender. Keengganan menyikapi isu keberagaman gender menyebabkan negara kehilangan daya yang lebih optimal untuk menyikapi persoalan kekerasan yang dihadapi oleh perempuan dalam situasi gender dan seksual berorientasi yang berbeda.<sup>1</sup> Misalnya kesulitan dalam mengenali berapa

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1 There are at least 12 (twelve) regions and 2 (two) universities that have discriminatory policies against non-conforming gender expression and heteronormativity, such as in Bogor, Makassar, Bandung City, Medan City, Garut Regency, West Sumatra Province, Tarakan City, Bekasi City, Kota Pekanbaru, Karawang District, and Parigi Moutong District. For example, one of the by-laws prohibits couples who are not married to each other and those of the same sex, namely lesbian, gay, bisexual and transgender to be in a room of boarding houses and/or rooms of rented houses, hotels, guesthouses. Komnas Perempuan's annual report 2023 also recorded various forms of gen-

banyak orang yang mengalami kekerasan karena dia adalah transpuan. Hal ini menyulitkan negara untuk bisa mengambil tindakan yang tepat dalam menyikapi kekerasan.

- ❖ *Governance Crisis*: Penyelenggaraan otonomi khusus (Aceh dan Papua). Mengurangi kapasitas pemerintah pusat untuk menyampaikan secara tegas adanya kebijakan yang salah dari pemerintah daerah otonomi khusus karena khawatir hal ini akan berimplikasi pada integritas teritorial nasional. Misalnya, tidak ada *budget preview* yang memadai di Papua untuk menjelaskan kenapa dalam otonomi khususnya perempuan Papua masih banyak yang terbelakang dan mendapatkan kekerasan. Dalam kasus penerapan Qanun Jinayat di Aceh, kritik adalah diberlakukannya penghukuman cambuk yang bertentangan dengan hak anti penyiksaan yang dijamin oleh konstitusi. Dalam konteks kasus-kasus kekerasan seksual, penerapan qanun khusus di Aceh menempatkan perempuan korban kekerasan mendapatkan hak yang lebih rendah daripada standar nasional yang diatur dalam UU TPKS.

**5. *Over the next five years, what are the priorities for accelerating progress for women and girls in your country through laws, policies and/or programmes? In the narrative report, please provide brief reflections on how you plan to address these priorities. In doing so, countries are encouraged to reflect on how their future actions will build on lessons learned from past successes and setbacks (3 – 5 pages)***

- ❖ Komnas Perempuan menyoroti pentingnya transformasi upaya penghapusan segala bentuk kekerasan terhadap

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der-based violence against transwomen, namely threats to distribute content with sexual activity of the victims, sexual torture, being forced to drink alcohol, electrocuted, and being forced to sleep with their hands hanging. In addition, transwomen face (a) bullying, (b) expulsion from home or their communities. (c) difficulty in accessing residence administration, (d) experiencing obstacles in applying for jobs at formal offices; (e) stigma as they are considered socially undesirable, social disease, and the cause of the spread of HIV/AIDS.

perempuan. Transformasi ini berdasar pada peta dan dinamika kekerasan terhadap perempuan dalam lima tahun terakhir. Upaya penghapusan kekerasan terhadap perempuan masih memiliki tantangan dalam hal:

- a) Lemahnya daya ikat rekomendasi lembaga HAM kepada pemerintah untuk upaya penghapusan segala bentuk kekerasan terhadap perempuan dan perhatian khusus pada kelompok rentan.
  - b) Literasi terhadap hal dasar seperti kekerasan berbasis gender yang masih perlu ditingkatkan di setiap unsur masyarakat hingga pemerintah.
  - c) Lemahnya political will dari pemerintah untuk meng-upayakan penyelesaian kasus pelanggaran HAM baik yang terjadi di masa lalu maupun situasi pelanggaran HAM khususnya perempuan saat ini.
  - d) Kebijakan yang belum secara komprehensif dan terpadu dalam melindungi dan pemenuhan hak perempuan maupun korban kekerasan berbasis gender, misalnya tumpang tindih UU ITE, Pornografi serta UU TPKS.
  - e) Kebijakan daerah yang diskriminatif masih banyak dikeluarkan pemerintah daerah.
  - f) Upaya pencegahan, penanganan, perlindungan, dan pemulihan korban kekerasan berbasis gender yang dilakukan pemerintah belum secara terpadu dan sinergi dan menjangkau seluruh wilayah kepulauan Indonesia. Keterbatasan alokasi anggaran menyebabkan sebagian besar program masih berorientasi pada Pulau Jawa, sehingga belum bisa mencakup kebutuhan yang diperlukan oleh masyarakat kepulauan, baik infrastruktur, SDM maupun ~~dan~~ anggaran.
  - g) Lompatan perkembangan teknologi dengan pengaruh yang kuat pada tatanan sosial dan beresonansi pada kecepatan terjadinya kekerasan berbasis gender.
- ❖ Mengacu pada tantangan dalam upaya penghapusan segala bentuk kekerasan terhadap perempuan tersebut, Komnas Perempuan menekankan 4 prioritas utama yaitu:

- a) Menguatkan tata kelola, infrastruktur, dan sumberdaya kelembagaan yang responsif, inklusif, independen, transparan dan berkelanjutan
- b) Mendorong pelaksanaan tanggungjawab negara dalam pembentukan, perbaikan, penguatan, dan implementasi hukum dan kebijakan dalam memajukan upaya penanganan kekerasan terhadap perempuan yang inklusif, terpadu, dan berperspektif kepulauan.
- c) Menguatkan peran serta masyarakat sipil dalam upaya penyikapan kekerasan terhadap perempuan yang komprehensif, efektif, dan berkelanjutan.
- d) Meneguhkan kepemimpinan perempuan dan perlindungan serta dukungan bagi perempuan pembela HAM.

SECTION III:

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**CLUSTER  
ANALYSIS**



## SECTION III:

# CLUSTER ANALYSIS

Cluster I:

**Pembangunan yang inklusif, kesejahteraan bersama, dan pekerjaan layak (inclusive development, shared prosperity, and decent work)**

6. *Over the past five years, what actions has your country taken to advance gender equality in the world of work (including informal and non-standard employment as well as entrepreneurship)? (2 pages max)*

- ❖ Pada periode laporan ini disusun, tercatat sejumlah kemajuan untuk mendorong perlindungan hak pekerja perempuan, di antaranya: Peraturan Pemerintah (PP) Nomor 59 Tahun 2021 tentang Pelaksanaan Pelindungan Pekerja Migran Indonesia; Peraturan Menteri Pemberdayaan Perempuan dan Perlindungan Anak Nomor 1 Tahun 2023 tentang Penyediaan Rumah Perlindungan Pekerja Perempuan di Tempat Kerja; Keputusan Menteri Ketenagakerjaan Nomor 88 Tahun 2023 tentang Pedoman Pencegahan dan Penanganan Kekerasan Seksual di Tempat Kerja; Surat Edaran Nomor SE-3/MBU/04/2022 tentang Kebijakan Berperilaku Saling Menghargai di Tempat Kerja (*Respectful Workplace Policy*) di Lingkungan Badan Usaha Milik Negara.
- ❖ Dalam lima tahun terakhir, Komnas Perempuan juga mencatat sejumlah tantangan, di antaranya:  
Kebijakan Kerja Layak dan Kesetaraan di Tempat Kerja: Pada 2020, DPR RI mengesahkan UU No. 11 Tahun 2020 tentang Omnibus Law Undang-Undang Cipta Kerja (UU Ciptaker), dimana didalamnya terdapat Kluster Ketenagakerjaan. Berdasarkan kajian Komnas Perempuan, klas-

ter Ketenagakerjaan berpotensi melanggar hak buruh perempuan secara substantif, karena:

- a. Pelindungan parsial pada buruh perempuan dengan pengecualian perlindungan terhadap buruh sektor informal, dan tidak ada upaya peningkatan perlindungan hak maternitas;
- b. Mengakui upah satuan waktu dan/atau upah satuan hasil, akan menurunkan standar perlindungan upah yang sudah ditetapkan dalam UU Ketenagakerjaan.
- c. Penambahan aturan waktu kerja lembur menjadi paling lama 4 (empat) jam dalam 1 (satu) hari dan 18 (delapan belas) jam dalam 1 (satu) minggu, akan mengarahkan pekerja untuk bekerja dengan jam kerja yang panjang dan memotong waktu mereka untuk keluarga dan lingkungan sosial.
- d. Masih menggunakan istilah “penyandang cacat” yang menguatkan kembali stigma negatif bagi penyandang disabilitas.

❖ **Pelanggaran Hak Pekerja Perempuan**, Berdasarkan CATAHU Komnas Perempuan. Pada 2019 tercatat 91 kasus dengan pelaku atasan kerja<sup>1</sup>, tahun 2020 tercatat 108 kasus<sup>2</sup>, pada 2021 terdapat 48 pelaku adalah majikan<sup>3</sup>, dan pada 2022 dilaporkan 100 kasus kekerasan di tempat kerja.<sup>4</sup> pada 2023. Serikat Pekerja/Serikat Buruh (SP/SB)<sup>5</sup> melaporkan diskriminasi berbasis gender yaitu perbedaan struktur dan skala upah serta kenaikan jabatan bagi perempuan pekerja, Buruh perempuan mengalami kekerasan ekonomi berupa lembur tak dibayar, dipaksa

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1 CATAHU 2029

2 CATAHU -2020

3 CATAHU -2021

4 CATAHU -2022

5 Pengaduan pada 27 November 2023 yang juga didasarkan pada Data Kekerasan terhadap Perempuan Survei Kelayakan Kerja 2023 yang diserahkan ke Komnas Perempuan. Survey ini dilakukan oleh beberapa lembaga bersama Serikat Buruh di 100 pabrik Tekstil, Garmen, Sepatu, dan Alas Kaki (TGSL) di 5 Wilayah: 3 pabrik di DKI Jakarta, 8 pabrik di Banten, 57 pabrik di Jawa Barat, 30 pabrik di Jawa Tengah, dan 2 pabrik di DI Yogyakarta. Survei melibatkan 3.065 responden yang merupakan pekerja di pabrik yang bersangkutan.

lembur dan diancam dengan surat peringatan, upah dipotong 50% dan dirumahkan.

- ❖ **Kekerasan Seksual di Lingkungan Kerja.** Berdasarkan Data Survei Kelayakan Kerja 2023 yang diserahkan ke Komnas Perempuan, dari 100 pabrik yang disurvei, pada 4 pabrik dilaporkan pernah terjadi kasus pelecehan seksual. 93 dari 2.420 responden, melaporkan pernah terjadi kasus pelecehan seksual di tempat kerja dalam satu tahun terakhir<sup>6</sup>. Kekerasan seksual di lingkungan kerja dialami seorang perempuan pekerja diantaranya dialami oleh AD pekerja alih daya di Jawa Barat yang diajak terus menerus untuk berhubungan seksual melalui 'staycation' agar kontrak kerjanya diperpanjang.<sup>7</sup>
- ❖ **Situasi Pemenuhan Hak Maternitas Perempuan Pekerja.** Komnas Perempuan telah melakukan pemantauan terhadap situasi pemenuhan hak maternitas mengenai hak perempuan pekerja seperti cuti melahirkan. Ditemukan sejumlah perusahaan tidak menerapkan mekanisme cuti haid. Syarat cuti haid dipersulit, haid dikategorikan sebagai penyakit, pemeriksaan haid dengan cara melecehkan, diganti uang, cuti tahunan dikurangi, premi kehadiran dipotong ancaman kena PHK karena hamil, PHK saat hamil dengan alasan kontrak kerja berakhir.<sup>8</sup>
- ❖ **Situasi Praktik Penampungan Perempuan Pekerja Migran.** Ditemukan sejumlah pelanggaran hak, indikasi *ill treatment* serta KBG terhadap perempuan. Antara lain, pekerjaan tanpa upah, pembatasan komunikasi, pembatasan akses ke luar area BLKLN dan kunjungan pihak luar/keluarga, pembatasan ekspresi tubuh, kekerasan, sanksi berkekerasan, pelecehan seksual dan perundungan; BLKLN dengan fasilitas asrama yang tidak sesuai dengan Ketentuan Permenakertrans No 7 Tahun 2005 tentang Standar Tempat Penampungan Calon Tenaga Kerja Indonesia.

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6 Ibid

7 Wamenaker Turun Tangan Investigasi Kasus Ajakan Staycation Bos di Cikarang, Janji Beri Perlindungan - Halaman 3 - TribunNews.com

8 Pengaduan ke Komnas Perempuan pada 27 November 2023 dan Data Kelayakan Survey 2023

- ❖ **Diskriminasi terhadap Perempuan Pekerja dengan Disabilitas.** Pada 2022, Komnas Perempuan mendapatkan pengaduan dari DH perempuan disabilitas intelektual pegawai Kementerian Keuangan yang diberhentikan karena disabilitas intelektual.<sup>9</sup> Komnas Perempuan mengirimkan *amicus curiae* dan hakim mengabulkan gugatan, serta memerintahkan Menteri Keuangan dan Badan Pertimbangan Aparatur Sipil Negara (BPASN) untuk memulihkan hak DH.
- ❖ **Kondisi Pekerja Rumahan.** Pemantauan Komnas Perempuan menemukan adanya kerentanan berlapis pada Pekerja Rumahan dan teridentifikasi mengalami kondisi kerja tidak layak seperti: tidak memiliki perjanjian kerja tertulis, bekerja dalam waktu panjang (8 jam-15 jam per hari), penggunaan alat kerja pribadi, upah kerja di bawah ketentuan upah minimum, tidak memiliki BPJS Ketenagakerjaan, risiko Kesehatan dan Keselamatan Kerja/ K3, dan tidak memiliki kepastian atas pekerjaan yang berkelanjutan. Perempuan pekerja rumahan mengalami kekerasan berbasis gender termasuk KDRT, dan minimnya pemenuhan hak maternitas.<sup>10</sup> Untuk mendorong pengakuan dan perlindungan pekerja rumahan Komnas Perempuan memberikan Keterangan Ahli pada Permohonan Uji Materiil atas Pasal 1 angka 15 Undang-Undang No. 13 Tentang Ketenagakerjaan (MKRI No. 75/PUU-XX/2022 pada tanggal 31 Januari 2023). Meskipun MK menolak permohonan, putusan MK menekankan bahwa perlindungan terhadap pekerja rumahan telah diatur dalam berbagai peraturan perundang-undangan.

**7. *In the past five years, what actions has your country taken to recognize, reduce and/or redistribute unpaid care and domestic work, promote work-life and family balance and strengthen the rights of paid care workers?***

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9 4 Fakta PNS Disabilitas Menang Gugatan ke Sri Mulyani (detik.com)

10 Pemantauan Komnas Perempuan terhadap Kondisi Kerja Layak Perempuan Pekerja Rumahan: Kekerasan Berbasis Gender dan Hak Maternitas di Jawa Tengah, Jawa Timur, Sumatera Utara, 2023 yang memperkuat hasil pemantauan pada 2022 di DKI Jakarta, Daerah Istimewa Yogyakarta, Jawa Barat, Jawa Tengah, Jawa Timur, dan Sumatera Utara

Hingga kini, Pekerja Rumah Tangga (PRT) tidak diakui sebagai pekerja sehingga tidak mendapatkan jaminan perlindungan ketenagakerjaan. Komnas Perempuan, masyarakat sipil dan pemerintah sejak 2004 telah mendorong pengesahan RUU PPRT. Namun sampai tahun 2024 RUU PPRT belum dibahas di antara Pemerintah dan DPR RI. Kekosongan regulasi tentang PRT semakin memperburuk kondisi PRT. Berdasarkan data JALA PRT, pada 2018-2023 terdapat 2.641 kasus kekerasan kepada pekerja rumah tangga. Mayoritas kasus berupa kekerasan psikis, fisik, dan ekonomi dalam situasi kerja. Sejumlah PRT mengalami upah tidak dibayar (2-11 bulan gaji), dipecah, atau dipotong upah oleh majikan ketika sakit dan tidak dapat bekerja. Pada saat sakit, PRT tidak dapat mengklaim jaminan kesehatan, sering tidak ada kenaikan upah meskipun telah bekerja bertahun-tahun, serta tidak ada pesangon. Dalam penegakan hukum, hanya 15 persen yang mendapat hukuman sesuai dengan UU PKDRT, selebihnya pelaku mendapat hukuman ringan atau dibebaskan. Meski demikian, ada inisiatif baik dari pemerintah daerah yakni Peraturan Walikota Bandar Lampung Nomor 08 Tahun 2018 tentang Perlindungan Perempuan Pekerja Rumah Tangga Di Kota Bandar Lampung.

#### Cluster 2:

### **Pengentasan kemiskinan, perlindungan sosial, dan pelayanan sosial (poverty eradication, social protection, and social services)**

#### **10. *In the last five years, what actions has your country taken to reduce/eradicate poverty among women and girls? 2 pages max***

- ❖ **Pengentasan kemiskinan.** BPS mencatat penduduk miskin di Indonesia sebanyak 29,5 juta orang. Terkait dengan hal itu, Pemerintah Indonesia telah mengeluarkan kebijakan dan program-program pengentasan kemiskinan guna mengatasi persoalan tersebut. Peraturan terbaru adalah Inpres Nomor 4 tahun 2022 tentang Percepatan Penghapusan Kemiskinan Ekstrem yang mengamanatkan kepada 22 kementerian, 6 lembaga, dan pemerintah da-

erah untuk mengambil langkah-langkah intervensi yang diperlukan sesuai tugas, fungsi, dan kewenangan masing-masing untuk melakukan percepatan penghapusan kemiskinan ekstrem. Kemiskinan ekstrem adalah kondisi ketidakmampuan dalam memenuhi kebutuhan dasar yaitu kebutuhan makanan, air minum bersih, sanitasi layak, kesehatan, tempat tinggal, pendidikan, dan akses informasi yang tidak hanya terbatas pada pendapatan, tetapi juga akses pada layanan sosial.

- ❖ **Pelaksanaan Program Percepatan Penghapusan Kemiskinan Ekstrem.** Keputusan Menko PMK Nomor 32 Tahun 2022 tentang Pedoman Umum Pelaksanaan Program Percepatan Penghapusan Kemiskinan Ekstrem, terkait karakteristik dan jumlah rumah tangga miskin, antara lain: a) sekitar 11,26% dari kepala rumah tangga tidak dapat membaca dan menulis dengan rata-rata lama sekolah hanya 5,9 tahun; b) sekitar 70% kepala rumah tangga berpendidikan rata-rata SD sederajat ke bawah; c) sekitar satu dari tujuh kepala rumah tangga adalah perempuan; d) sekitar satu di antara lima rumah tangga memiliki anggota rumah tangga penyandang disabilitas; e) sekitar satu di antara dua rumah tangga tidak mendapat akses terhadap sanitasi layak; dan f) sekitar satu di antara tujuh rumah tangga tidak memiliki akses terhadap air minum bersih.
- ❖ **Hidup di bawah garis kemiskinan.** Angka harapan hidup (AHH) dan rata-rata lama sekolah. Jika dipilah berdasarkan jenis kelamin, sebanyak 9,68 persen dari perempuan Indonesia hidup di bawah garis kemiskinan dibandingkan persentase laki-laki yaitu 9,40 persen. Sementara jika melihat pada AHH maka perempuan di Indonesia memiliki AHH 73,46 tahun, lebih tinggi dibandingkan laki-laki yaitu 69,59 tahun. Kondisi ini memperlihatkan bahwa perempuan mengalami durasi hidup dalam kemiskinan lebih lama daripada laki-laki. Pada dimensi pengetahuan, rata-rata lama sekolah (RLS) penduduk umur 25 tahun menjadi 8,77 tahun yang tercatat pada laki-laki 9.33, sedangkan pada perempuan hanya 8.92. Hal ini berdampak pada tingginya partisipasi kerja perempuan di sektor informal hingga 65,35% (BPS 2023).

❖ **Perempuan yang hidup dalam garis kemiskinan karena berbagai kondisi.** Dalam Inpres 4/2022 tidak terdapat keterlibatan Kementerian PPPA yang selama ini memiliki tupoksi pemberdayaan perempuan. Program-program pengentasan kemiskinan juga belum memilah dengan baik antara laki-laki dan perempuan dengan latar belakang dan kebutuhan yang tentunya berbeda. Indikator yang dikembangkan tentang orang miskin belum diperinci hingga mengakomodir kelompok-kelompok yang rentan. Komnas Perempuan mendokumentasikan banyaknya perempuan yang hidup dalam garis kemiskinan karena berbagai kondisi yang dihadapi, seperti:

- a. Penghilangan paksa telah terjadi sejak 1965, terus berlangsung di masa pendudukan operasi militer di Timor Timur pada 1975-1999, penerapan operasi-operasi militer di Aceh pada 1976-2005 hingga situasi konflik di Papua. Jumlah korban penghilangan paksa hingga saat ini tidak dapat dipastikan berapa orang. Perempuan dan anak perempuan merupakan korban dari penghilangan paksa, baik sebagai orang yang dihilangkan secara paksa atau sebagai keluarga dari seseorang yang dihilangkan. Karena peristiwa tersebut mereka mengalami kerugian, salah satunya pemiskinan. Ketika laki-laki, baik suami maupun ayah menjadi korban penghilangan paksa, akan sangat berdampak pada kehidupan dan penghidupan keluarga. Istri harus hidup sebagai orang tua tunggal yang harus memikul peran berlipat ganda.
- b. *Delay in Justice* pada perempuan korban KDRT menyebabkan tekanan psikis yang dialami korban KDRT berulang dan dalam rentang waktu relatif lama, sekaligus juga pemiskinan. Perempuan karena tuntutan peran gendernya seperti mengurus dua anak usia sekolah, mencari nafkah karena penelantaran suami dan ayah, stigma sosial khususnya dari keluarga pelaku dan waktu yang lama dalam mengakses keadilan.
- c. Akibat dari tingkat pendidikan yang lebih rendah dari laki-laki, perempuan lebih banyak mendapat pekerjaan berkualifikasi rendah dengan upah rata-rata per jam

lebih sedikit, serta banyak dari mereka juga berstatus pekerja keluarga yang tidak dibayar. Sektor informal akhirnya menjadi area yang dipilih oleh perempuan untuk berpartisipasi dalam sektor ekonomi meski tidak ada pengakuan, minim perlindungan dan hampir tidak ada kebijakan yang menjamin perlindungan terhadap pemenuhan haknya dengan baik. misalnya Pekerja Rumah Tangga (PRT), Pekerja Rumahan, dan pekerja paruh waktu lainnya yang tidak mensyaratkan banyak kualifikasi serta para perempuan PMI PRT. Kondisi ini menyumbang pada angka persentase perempuan yang hidup dalam kemiskinan menjadi lebih tinggi dari laki-laki.

- d. Kekerasan berbasis gender dan konflik sumber daya alam (SDA). Kekerasan terhadap perempuan berdampak buruk berupa trauma berkepanjangan yang dapat berakibat menurunnya kualitas hidup perempuan termasuk prestasi kerja, pendidikan, hambatan dalam hubungan sosial. Sementara konflik SDA antara lain berakibat rusaknya ruang hidup perempuan dan keluarganya yang berakibat pemiskinan berkelanjutan.
- e. Indonesia meski belum meratifikasi Konvensi tentang Pengungsi Luar Negeri 1951 namun telah mengeluarkan Perpres No. 125 Tahun 2016 tentang Penanganan Pengungsi dari Luar Negeri. Melalui Perpres ini para pencari suaka ditempatkan di akomodasi yang difasilitasi dan dibiayai, antara lain oleh International Organization for Migration (IOM). Perpres ini belum menjawab persoalan mendasar yang dihadapi pengungsi yaitu akses untuk mendapatkan pendidikan secara optimal dan untuk bekerja, sehingga meskipun mendapatkan akomodasi IOM yang memenuhi biaya rumah sewa dan fasilitasnya, akan tetapi uang saku bulanan masih belum mampu mencukupi kebutuhan pokok hidup sehari-hari. Kondisi ini menyebabkan pemiskinan pengungsi, terutama perempuan yang dalam konstruksi sosial bertanggungjawab terhadap pengelolaan kebutuhan rumah tangga.

**12. In the past five years, what actions has your country taken to improve health outcomes for women and girls in your country?**

- ❖ **Akses Layanan Aborsi Aman bagi Perempuan Korban Perkosaan.** Sepanjang tahun 2020-2024 Pemerintah Indonesia sudah mengeluarkan sejumlah aturan terkait layanan aborsi aman bagi Perempuan Korban Kekerasan Seksual dan Perkosaan. UU TPKS ini merupakan salah satu terobosan yang dilakukan oleh Pemerintah Indonesia terkait pemenuhan hak bagi perempuan korban kekerasan salah satunya kasus perkosaan yang menyebabkan kehamilan. Kitab Undang-undang Hukum Pidana, telah menetapkan batas waktu pengecualian aborsi sampai dengan 14 minggu. Aturan tersebut baru akan diimplementasikan pada tahun 2026 setelah sejumlah aturan turunannya disahkan. Tantangan terkait layanan aborsi aman, hingga laporan ini disampaikan masih berlaku aturan sebelumnya yaitu usia kandungan maksimal 40 (empat puluh) hari bagi korban perkosaan. Aspek batas usia kandungan yang diperbolehkan dan keterbatasan akses dan ketersediaan layanan menjadi tantangan tersendiri, terlebih bagi korban yang tinggal di daerah 3T (tertinggal, terdepan, dan terluar) menjadi tantangan bagi korban perkosaan dalam mengakses hak aborsi aman.
- ❖ **Akses Kesehatan bagi Korban Kekerasan Berbasis Gender terhadap Perempuan.** Peraturan Presiden No. 82 Tahun 2018 tentang Jaminan Kesehatan pada klausul bagian manfaat yang tidak dijamin, salah satunya pelayanan kesehatan akibat tindak pidana penganiayaan, kekerasan seksual, korban terorisme, dan tindak pidana perdagangan orang. Karena itu, ketika perempuan menjadi korban kekerasan tidak bisa mengakses layanan tersebut dan ditanggung oleh pemerintah. Korban diarahkan mengajukan permohonan kepada Lembaga Perlindungan Saksi dan Korban (LPSK). Padahal pembiayaan melalui LPSK hanya diberikan pada korban dengan status “terlindung” yang didapatkan melalui proses penilaian dan tidak dapat mengganti biaya yang telah dikeluarkan sebelumnya.

- ❖ **Kesehatan mental perempuan korban terorisme dan intoleransi.** Pemerintah menyatakan tegas dalam upaya penanganan tindakan terorisme melalui sejumlah kebijakan, termasuk adanya Rencana Aksi Penanganan Terorisme melalui Peraturan Presiden Tahun 2021. Namun sayangnya, kebijakan tersebut, belum memberikan perhatian pada pemulihan yang berkelanjutan bagi perempuan korban terorisme. Temuan pemantauan Komnas Perempuan tahun 2023 mendapati bahwa tindakan terorisme berdampak traumatik yang panjang bagi para perempuan yang mengalami langsung peristiwa aksi terorisme. Pemerintah telah menerbitkan Undang-undang Nomor 7 Tahun 2012 tentang Penanganan Konflik Sosial, di mana mengamanatkan kepada para Kementerian, Lembaga, dan Pemerintah Daerah untuk melakukan penanganan konflik sosial yang meliputi pencegahan konflik, penghentian konflik, dan pemulihan pasca konflik. Temuan Komnas Perempuan pada korban peristiwa pembakaran rumah warga umat Buddha pada 3 Mei 2022, yang telah mengakibatkan ketakutan seluruh warga desa Mareje. Ratusan perempuan dan anak-anak warga desa Mareje lari ketakutan karena adanya ancaman/teriakan pembunuhan dari orang-orang tidak dikenal dengan jumlah ratusan orang dan satu orang meninggal dunia karena depresi yang memicu penyakit kronis hingga meninggal dunia, serta trauma yang masih dirasakan sejumlah perempuan, karena ketiadaan ruang pemulihan berkelanjutan.
- ❖ **Akses Kesehatan Perempuan PMI di Praktik Penampungan, Pelayanan, Fasilitas, dan Petugas Kesehatan.** Penyediaan fasilitas dan layanan kesehatan yang memadai bagi perempuan CPMI juga menjadi syarat yang ditetapkan dalam Permenakertrans No 7 Tahun 2005 Pasal 4 huruf (i). Hasil pemantauan Komnas Perempuan di BLK dan BLKLN menemukan tenaga dokter dan psikolog tidak ada yang berjaga (*stand-by*) di dalam area BLK, ada juga BLK yang tidak menyediakan tenaga kesehatan.
- ❖ **Perempuan dengan HIV/AIDS.** Pada 2021, Komnas Perempuan melakukan konsultasi dengan berbagai lembaga yang bergerak di isu HIV/AIDS. Ketersediaan obat, tenaga

kesehatan untuk perawatan ODHA, layanan konseling dan rumah aman merupakan bagian dari akar persoalan yang membutuhkan terobosan kebijakan lebih lanjut baik di tingkat pusat maupun, termasuk layanan terpadu dengan integrasi HIV/AIDS juga masih belum cukup kuat.

- ❖ **Kesehatan Perempuan Lansia Korban Pelanggaran HAM Masa Lalu.** Tahun 2023 Presiden mengeluarkan Instruksi Presiden Nomor 2 Tahun 2023 yang menginstruksikan 19 Kementerian/Lembaga untuk melaksanakan rekomendasi penyelesaian non-yudisial pelanggaran berat hak asasi manusia. Sejumlah program telah disusun pemerintah, namun implementasinya masih ada persoalan, salah satunya terkait layanan kesehatan, di mana ketika korban klaim layanan kesehatan, petugas kesehatan tidak mengetahui program tersebut.
- ❖ **Pengabaian Negara atas Hak Kesehatan Perempuan Tahanan.** Pemantauan Komnas Perempuan bersama KuPP sebagai bagian advokasi pencegahan penyiksaan dan *ill-treatment*, menemukan bahwa kondisi kesehatan perempuan tahanan di lapas-lapas khusus perempuan di Papua dan Sulawesi Selatan, sebagai berikut: minimnya akses air bersih, terbatasnya ketersediaan obat, akses pelayanan kesehatan belum maksimal termasuk layanan kesehatan reproduksi, dan minimnya pelayanan kesehatan mental.
- ❖ **Akses layanan bagi kelompok disabilitas,** khususnya perempuan disabilitas. Tahun 2016 pemerintah telah mengeluarkan Undang-Undang No. 8 Tentang Penyandang Disabilitas. Pada aturan tersebut secara tegas di pasal 12, mengatur terkait hak kesehatan bagi kelompok disabilitas. Salah satu tantangan terbesar terkait akses layanan kesehatan bagi penyandang disabilitas, yaitu alat bantu dan terapi yang masih berbayar. Untuk kesehatan mental tidak semua obat yang dibutuhkan tersedia di fasilitas kesehatan terdekat.

**13. *In the past five years, what actions has your country taken to improve education outcomes and skills for women and girls, including in sectors where they are under-represented?***

- ❖ **Hak Pendidikan Perempuan para Pengungsi.** Pemerintah telah menerbitkan surat edaran Sekretaris jenderal Kemendikbud Ristek Nomor 752553/A.A4/HK/2019 tertanggal 10 Juli 2019 memungkinkan anak-anak pengungsi/pencari suaka di Indonesia mengakses pendidikan, kemudian diperbarui dengan Surat Edaran Nomor 30546/A.A5/HK.01.00/2022 tanggal 12 Mei 2022. Akan tetapi pemantauan Komnas Perempuan tahun 2023 di Cisarua, Jawa Barat dan Ciputat, Banten, menemukan bahwa pengungsi masih kesulitan mengakses sekolah karena distribusi informasi yang tidak merata dan sulit diakses. Selain itu, ada juga yang dapat mengakses pendidikan namun tidak menerima sertifikat kelulusan sehingga tidak dapat melanjutkan ke jenjang pendidikan yang lebih tinggi.
- ❖ **Diskriminasi Pendidikan pada Minoritas Agama.** Dalam 5 tahun terakhir masih ditemukan pelanggaran hak kebebasan beragama/berkeyakinan, yaitu: 1.) di Kabupaten Singkil, Aceh, tahun 2020, ditemukan praktik siswa/siswi menerima pelajaran agama yang tidak sesuai dengan agamanya, masih berlangsung hingga laporan ini ditulis, yakni siswa-siswi non-muslim menerima pelajaran agama Islam. 2.) di Provinsi Bali, tahun 2023 ditemukan guru yang mengajarkan pelajaran agama untuk siswa muslim, adalah guru yang beragama Hindu.
- ❖ **Diskriminasi Pendidikan pada Kelompok Minoritas Seksual.** Komnas Perempuan mencatat beberapa perguruan tinggi mengeluarkan kebijakan larangan terhadap kelompok minoritas gender dan seksualitas serta aktivitas mereka di kampus, melalui surat edaran resmi. Di antaranya Institute Teknologi Sumatera (ITERA) melalui Surat Edaran nomor 173 Tahun 2023 tentang Sikap Institut Teknologi Sumatera terhadap LGBT, Surat Edaran Dekan Fakultas Teknik UGM No. 2480112/UN1/FTK/I/KM/2023 UGM tentang Larangan LGBT di Lingkungan Fakultas Teknik UGM meskipun di akhir 2023 pihak universitas menyatakan akan meninjau ulang;
- ❖ **Kebijakan Pemakaian Busana Keagamaan di Lingkungan Pendidikan.** Upaya Pemerintah dalam penanganan-

an dan praktik diskriminasi di lingkungan pendidikan mengeluarkan SKB 3 Menteri (kemendikbud, Kemenag dan Kemendagri) tentang penggunaan pakaian seragam dan atribut bagi peserta didik, pendidik dan tenaga kependidikan di lingkungan sekolah yang diselenggarakan pemerintah daerah pada jenjang Pendidikan Dasar dan Menengah. Namun kebijakan ini dibatalkan melalui Keputusan MA No.17 P/HUM/2021 yang diajukan oleh salah satu kelompok masyarakat di Sumatera Barat. Komnas Perempuan memberikan penyikapan melalui eksaminasi publik putusan, pendidikan publik dan dialog dengan Pemerintah guna melakukan langkah-langkah penanganan lanjutan. Pada 2023 terbit Peraturan Menteri Pendidikan, Kebudayaan, Riset, dan Teknologi Nomor 50 Tahun 2022 tentang Pakaian Seragam Sekolah Bagi Peserta Didik Jenjang Pendidikan Dasar dan Pendidikan Menengah. Kebijakan ini menjadi rujukan agar sekolah tidak melakukan pemaksaan busana berdasarkan agama. Namun hingga saat ini, Komnas Perempuan mencatat terdapat 25 kebijakan diskriminatif melalui pengaturan busana berdasarkan ajaran agama di lingkungan pendidikan, sehingga pemaksaan busana keagamaan ini berdampak pada siswi yaitu traumatik, perundungan bertahun, stres, kekerasan seksual hingga keinginan bunuh diri.

- ❖ **Pendidikan Masyarakat Adat.** Masyarakat adat memiliki nilai dan sistem pendidikan sendiri yang didasarkan pada tradisi dan ajaran yang diwarisinya. Nilai dan sistem pendidikan tersebut ini menjadikan masyarakat adat tidak memilih metode sekolah formal, termasuk adanya keyakinan bahwa sekolah pemerintah tidak memberikan dukungan pada nilai-nilai kebijaksanaan yang dibutuhkan bagi generasi mereka. Di sisi lain, negara memiliki kepentingan terhadap pendidikan dasar warga negaranya. Situasi ini dicatatkan pada Masyarakat Adat Sedulur Sikep di Pegunungan Kendeng, sebagai masyarakat agraris mereka memilih pendidikan anak-anak dilakukan oleh orangtua dan masyarakatnya. Mereka berpandangan bahwa sekolah formal tidak memberikan manfaat bagi generasi mereka untuk merawat alam, tra-

disi dan budaya mereka yang telah diwariskan secara turun-teurun. Komnas Perempuan mengkhawatirkan negara mengabaikan hak masyarakat adat untuk memilih metode pendidikan anak-anaknya.

- ❖ **Akses Pendidikan untuk Perempuan Disabilitas.** Akses pendidikan terhadap penyandang disabilitas telah diatur melalui Peraturan Pemerintah No. 13 Tahun 2020 tentang Akomodasi Yang Layak Untuk Peserta Didik Penyandang Disabilitas. Peraturan ini mewajibkan pemerintah pusat dan daerah memfasilitasi lembaga penyelenggara pendidikan dalam menyediakan akomodasi yang layak di semua jalur dan jenjang pendidikan. Penyediaan fasilitas berupa dalam bentuk dukungan anggaran, penyediaan sarana dan prasarana, penyiapan pendidik dan tenaga kependidikan dan penyediaan kurikulum. Komnas Perempuan dalam penyiapan laporan independen mengenai implementasi Konvensi CRPD pada 2022, menemukan belum dilaksanakannya PP Akomodasi Yang Layak Untuk Peserta Didik Penyandang Disabilitas ini secara optimal di setiap daerah. Pelaksanaan PP ini bergantung pada kesadaran, komitmen dan prioritas dari masing-masing kepala daerah. Temuan lainnya adalah bahwa sekolah berkebutuhan khusus yang diselenggarakan oleh pemerintah masih mensyaratkan tambahan biaya, dan masih sangat terbatasnya jumlah sekolah berkebutuhan khusus.

**14. *What actions has your country taken to ensure that economic recovery from the COVID-19 pandemic closes gender gaps in poverty, employment, social protection, education, and/or health that the pandemic has exacerbated?***

- ❖ Pemerintah Indonesia mengeluarkan PERPPU Nomor 1 Tahun 2020 tentang Kebijakan Keuangan Negara dan Stabilitas Sistem Keuangan untuk Penanganan Pandemi Coronavirus Disease 2019 (Covid-19) dan/atau dalam rangka Menghadapi Ancaman yang Membahayakan Perekonomian Nasional dan/atau Stabilitas Sistem Keuangan. PERPPU tersebut berisi bauran kebijakan di bidang keuangan negara (kebijakan fiskal) dan kebijakan stabilitas sistem keuangan. PERPPU ini dikeluarkan agar

dapat melakukan langkah yang cepat dan antisipatif untuk menangani Covid-19 serta dampaknya pada stabilitas ekonomi dan sektor keuangan yang semakin eskalatif.

- ❖ Secara garis besar, terdapat dua dimensi utama di dalam stimulus penanganan Covid-19, yang pertama adalah untuk penanganan kesehatan sebagai sumber utama penyebab krisis. Dimensi kedua adalah penanganan krisis ekonomi sebagai efek domino dari krisis kesehatan, melalui program Pemulihan Ekonomi Nasional (PEN) yang diatur dengan Peraturan Pemerintah Nomor 23 Tahun 2020. Secara umum, terdapat 6 kebijakan utama program PEN, yakni penanganan kesehatan, perlindungan sosial, insentif bagi dunia usaha, dukungan untuk Usaha Mikro Kecil dan Menengah, pembiayaan korporasi, serta program sektoral Kementerian Lembaga dan Pemerintah Daerah.
- ❖ Pemerintah Indonesia juga mengeluarkan Peraturan Pemerintah (PP) Nomor 21 Tahun 2020 terkait Pembatasan Sosial Berskala Besar (PSBB). Selain itu, Pemerintah mengeluarkan 7 (tujuh) program jaring pengaman sosial pemerintah yaitu Program Keluarga Harapan (PKH), Padat Karya Tunai (PKT), Bantuan Langsung Tunai (BLT), Kartu Sembako, Kartu Prakerja, subsidi Listrik untuk kelompok tertentu dan bantuan sosial khusus di wilayah DKI Jakarta, Bogor, Depok, Tangerang dan Bekasi.
- ❖ Komnas Perempuan menelaah situasi perempuan yang menghadapi berbagai tantangan selama Pandemi Covid-19. Survei 'Dinamika Rumah Tangga Selama Masa Pandemi menemukan bagaimana perempuan di semua kategori pekerjaan mengalami tambahan beban kerja, sementara perempuan pekerja penuh waktu mengalami beban kerja yang lebih berat dan lama. Hal ini sebagai akibat pemberlakuan PSBB yang mengharuskan semua anggota keluarga tinggal di rumah sehingga selain harus bekerja dari rumah, perempuan juga mengurus pekerjaan domestik. Terganggunya kegiatan perekonomian menyebabkan risiko kehilangan pekerjaan pada perempuan yang lebih tinggi daripada laki-laki. Hal ini karena sektor perdagangan dan industri pengolahan

didominasi oleh tenaga kerja berpendidikan rendah yaitu perempuan. Mayoritas perempuan bekerja pada sektor informal yang sebelum pandemi mencapai 61,80% dengan kondisi yang tidak terlindungi atau tidak otomatis punya akses terhadap bantuan sosial dan bantuan kesehatan.

- ❖ Kebijakan PSBB untuk pengendalian penyebaran Covid-19 pada akhirnya menyebabkan perempuan menanggung konsekuensi sosial dan ekonomi yang lebih berat dari pandemi. Berbagai kebijakan, program dan skema dikembangkan oleh pemerintah seperti program jaminan sosial dan perlindungan atas rasa aman, termasuk perlindungan dari kekerasan terhadap perempuan. Program jaminan sosial menjadi salah satu penyangga penting untuk meredam dampak pandemi bagi perempuan dan kelompok marginal. Beban ganda dan kekerasan yang telah menjadi persoalan sebelum pandemi, menjadi lebih mencuat pada masa pandemi, namun sulit didokumentasi karena PSBB sendiri menjadi penyulit bagi perempuan untuk mendapatkan pertolongan. Khususnya, untuk mendapatkan layanan kesehatan reproduksi seperti pemeriksaan kehamilan, persalinan dan layanan esensial lainnya seperti gangguan mental emosi, pemeriksaan rutin pencegahan penyakit tidak menular (PTM).
- ❖ Mengacu pada Undang-Undang No. 40 Tahun 2004 bahwa pemerintah harus memenuhi kebutuhan dasar seluruh rakyat, namun masih diperlukan perbaikan dan pemerataan distribusi dari ke-7 program di atas untuk menjangkau kelompok sasaran rentan seperti:
  - a. Kelompok marginal termasuk transpuan kesulitan mengakses bantuan sosial karena terkendala pengakuan akan hak transpuan sebagai warga negara melalui Kartu Tanda Penduduk (KTP).
  - b. Penyandang dengan disabilitas dalam keterbatasan fungsi lembaga kesejahteraan sosial/balai/loka memberikan efek domino pada kualitas dan kuantitas layanan kepada keluarga dan masyarakat dengan orang penyandang disabilitas.

- c. Kelompok yang belum terdata, misalnya populasi yang tidak punya akses internet atau *smartphone*. Hal ini menjadi kelemahan basis data yang sudah ada karena mereka akan kesulitan mengakses program jaminan sosial dari pemerintah.
- d. Kelompok usia kerja yang belum bisa mengakses Program Kartu Prakerja. Skema pendaftaran yang dilakukan secara daring menuntut banyak persyaratan kartu tanda penduduk (KTP), kartu keluarga (KK) dan *curriculum vitae* (CV) yang tidak dimiliki oleh kelompok dengan disabilitas, populasi tersembunyi (tidak punya internet atau ponsel), dan pekerja pendataan tanpa alamat tempat tinggal lengkap.

Cluster 3:

**Kebebasan dari kekerasan, stigma, dan stereotype  
(freedom from violence, stigma, and stereotypes)**

**15. *Over the past five years, which forms of gender-based violence, and in which specific contexts or settings, has your country prioritized for action?***

Bentuk-bentuk kekerasan berbasis gender dalam konteks atau situasi spesifik yang menjadi prioritas bagi kerja-kerja Komnas Perempuan bersama mitra LNHAM dan organisasi masyarakat sipil (OMS), sebagai berikut:

❖ **Kekerasan Seksual**

- a. CATAHU Komnas Perempuan mencatat bahwa kekerasan seksual masih menjadi salah satu kasus yang tinggi dengan jumlah pengaduan mencapai 16.708 laporan. Kekerasan seksual terjadi baik di ranah personal maupun publik pada periode laporan 2019-2023. Kasus ini terdiri dari perkosaan, pelecehan seksual, pencabulan, eksploitasi seksual, dan lain-lain.
- b. *Delayed in justice* pada penanganan kekerasan seksual menjadi salah satu persoalan pemenuhan keadilan korban.<sup>11</sup> *Delayed in justice* oleh APH mengakibatkan korban

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11 Diperdengarkan dalam Dengar Keterangan Umum/DKU (Public Hearing) yang diselenggarakan tahun 2023 di 4 wilayah yakni Barat di Medan, Sumatera Utara; Tengah di Denpasar, Bali; Timur di Manado, Sulawesi Utara; dan Nasional di Jakarta.

tidak mendapatkan akses aborsi aman sehingga harus meneruskan kehamilan dan melahirkan di usia yang sangat dini.<sup>12</sup>

- c. Salah satu dampak kekerasan seksual berkaitan dengan pemiskinan. Hal ini dikarenakan korban dan keluarga harus mengeluarkan berbagai biaya hidup tambahan untuk penyelesaian kasus dan pemulihan (fisik dan psikis), penelantaran, serta biaya sosial lainnya. Keluarga korban di Jombang, misalnya harus memindahkan sekolah korban ke lokasi yang lebih jauh. Pada kasus di Lombok, ibu dari korban persetubuhan terhadap anak mengalami stres hingga meninggal dunia. Pada kasus kekerasan seksual yang pelakunya adalah kerabat dekat dan merupakan penyangga ekonomi keluarga korban, pemaksaan untuk penghentian kasus diiringi dengan ancaman untuk pengusiran dari tempat tinggal dan intimidasi untuk melakukan kekerasan lainnya.

#### ❖ **Kekerasan dalam Rumah Tangga**

1. Pada periode laporan, kekerasan di ranah personal tercatat 19.460 kasus diadukan terdiri dari Kekerasan terhadap Istri (13.174 kasus), Kekerasan Mantan Suami (637 kasus), Kekerasan terhadap Anak Perempuan (3.681 kasus) dan KDRT lain (1.968 kasus). Kekerasan terhadap istri sebanyak 68% dari keseluruhan kasus yang diadukan.
2. Hambatan keadilan bagi korban KDRT yaitu:
  - a. Perkawinan tidak tercatat. Perempuan dalam perkawinan tidak tercatat tidak terlindung oleh UU PKDRT. Aparat Penegak Hukum menafsirkan “perkawinan” sebagai perkawinan menurut agama dan kepercayaan masing-masing dan dicatatkan
  - b. Hambatan permohonan izin cerai dari lembaga pemberi kerja. Sebagai contoh, pegawai negeri, pegawai BUMN, maupun anggota kepolisian yang wajib melampirkan izin cerai dari atasan tempatnya bekerja. Lembaga tempat bekerja pelaku jarang mempertimbangkan kepentingan menyangkut hak

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12 DKU wilayah Barat.

korban kekerasan dan mengenyampingkan kebutuhan mendesak terlaksananya perceraian untuk keselamatan korban.

- c. Penggunaan Mekanisme Pembatalan Perkawinan untuk Menghindari Penghukuman sebagai pelaku KTI. Pada 2022, Komnas Perempuan menemukan penggunaan mekanisme pembatalan perkawinan<sup>13</sup> untuk menghindari penghukuman sebagai pelaku kekerasan.
- d. Riwayat Kekerasan Belum Menjadi Pertimbangan Hak Asuh Anak. Kuasa asuh<sup>14</sup> menjadi salah satu masalah ketika terjadi perceraian, di mana salah satu orang tua menggunakan anak sebagai tameng atau alat untuk terus menyakiti mantan istrinya.
- e. Sengketa hak asuh ini diperburuk dalam perkawinan campuran, antara WNA dan WNI, di mana anak dibawa tanpa izin oleh salah satu orang tuanya melintasi negara. Hambatan penyelesaian perebutan kuasa asuh anak lintas negara ini, salah satunya disebabkan Indonesia belum meratifikasi Konvensi Den Haag Tentang Aspek Sipil Penculikan Anak Internasional 1980 (Hague Convention on The Civil Aspects Of International Child Abduction 1980

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13 Suatu tindakan pembatalan suatu perkawinan yang tidak mempunyai akibat hukum yang dikehendaki karena tidak memenuhi syarat-syarat yang ditentukan oleh hukum atau peraturan perundang-undangan. Alasan untuk melakukan pembatalan perkawinan berdasarkan Pasal 26 dan 27 UU Perkawinan adalah sebagai berikut: (i) Perkawinan dilangsungkan di hadapan pegawai 48 pencatatan yang tidak berwenang; (ii) Perkawinan dilangsungkan di hadapan wali nikah yang tidak sah; (iii) Perkawinan dilangsungkan tanpa dihadiri oleh dua orang saksi; (iv) Perkawinan dilangsungkan di bawah ancaman yang melanggar hukum; dan (v) Terjadi salah sangka kepada diri suami atau istri selama pernikahan berlangsung. Adapun pihak yang dapat mengajukan pembatalan perkawinan sesuai ketentuan Pasal 23 UU Perkawinan, antara lain: (a) para keluarga dalam garis keturunan lurus ke atas dari suami atau istri; (b) suami atau istri (pasangan yang bersangkutan); dan (c) pejabat yang berwenang, selama perkawinan belum diputuskan.

14 Kuasa asuh adalah kekuasaan orang tua untuk mengasuh, mendidik, memelihara, membina, melindungi, dan menumbuhkembangkan anak sesuai dengan agama yang dianutnya dan sesuai dengan kemampuan, bakat, serta minatnya

- f. Perempuan Korban KDRT yang Dikriminalisasi.<sup>15</sup> Perempuan korban KDRT dilaporkan balik oleh pelaku atau keluarga menjadi salah satu pola yang mengemuka pada tahun laporan ini. Pada 2022, tindak pidana yang dituduhkan kepada korban KDRT adalah (i) Tindak Pidana Penggelapan; (ii) Tindak Pidana Pencurian; (iii) Tindak Pidana Pencemaran Nama Baik Melalui ITE; dan (iv) UU PKDRT.
  - g. Perundungan terhadap Korban KDRT. Pemberitaan media banyak menyoroti kasus KTI yang dialami oleh tokoh masyarakat, termasuk persetujuan antara pengacara sekaligus konten kreator yang saling menyerang melalui berbagai *platform* di media sosial. Media massa secara intens selama berminggu-minggu menyoroti kasus KTI yang menimpa seorang artis. Komnas Perempuan mengamati bahwa pemberitaan media yang tidak berperspektif korban dapat memperkuat reviktimisasi dan melanggengkan serta memperkuat mitos tentang KDRT.
3. Komnas Perempuan mencatat, lambannya atau pengabaian atas kekerasan terhadap istri dapat berujung pada tindak femisida<sup>16</sup> oleh suami, atau, perempuan korban mengakhiri hidupnya (femisida tak langsung). Contoh kelambanan respon cepat yang bereskalasi femisida adalah kasus seorang istri yang tewas dibunuh

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15 Komnas Perempuan mendefinisikan kriminalisasi terhadap perempuan korban sebagai “tuduhan tindak pidana atau gugatan balik atau perbuatan melawan hukum oleh pihak yang digugat dan atau oleh orang-orang yang memiliki rantai relasi kepentingan yang ditujukan kepada seorang perempuan atau sekelompok perempuan yang sedang dalam proses memperjuangkan haknya atau hak orang lain, dalam rangkaian satu fakta hukum” (Komnas Perempuan, 2020, 65). Istilah kriminalisasi di sini adalah istilah sosial, bukan istilah hukum yang merujuk pada proses lembaga pembentuk peraturan perundang-undangan yang menjadikan sebuah perbuatan yang awalnya bukan tindak pidana menjadi tindak pidana. Perempuan korban kekerasan memiliki kerentanan untuk mendapatkan serangan balik terhadap berbagai upayanya untuk mendapatkan keadilan dan pemulihan.

16 Femisida adalah pembunuhan terhadap perempuan yang dilakukan secara langsung ataupun tidak langsung karena jenis kelamin atau gendernya, yang didorong superioritas, dominasi, hegemoni, agresi maupun misogini terhadap perempuan serta rasa memiliki perempuan, ketimpangan relasi kuasa dan kepuasan sadistik. (Komnas Perempuan, 2022)

suaminya di Kabupaten Bekasi,<sup>17</sup> korban sebelumnya telah melaporkan kekerasan yang dialami, tetapi tidak ada respon cepat, sehingga korban kembali ke rumah suaminya dan mengalami kekerasan yang berakhir dengan kematian. Femisida tidak dikenali oleh lembaga-lembaga yang terkait dengan pendataan dan penanganan kasus pembunuhan seperti Kepolisian, Kejaksaan, Pengadilan, dan Badan Pusat Statistik. Akibatnya, data terpilah gender tidak tersedia di Bareskrim POLRI di Statistik Kriminal, dan Badan Pusat Statistik.

4. Praktik baiknya adalah Komnas Perempuan melakukan beberapa hal berikut: (1) pantauan media terhadap kasus femisida yang diberitakan. Pada 2020 terpantau 95 pemberitaan, pada 2021 terpantau 237 pemberitaan, dan pada 2023 terpantau 159 pemberitaan kasus-kasus terindikasi femisida; (2) Pengembangan pengetahuan yang menghasilkan definisi dan jenis femisida di Indonesia; (3) Kampanye untuk menamai, mengenali dan mengakhiri femisida setiap tanggal 25 November.

❖ **Kekerasan Siber Berbasis Gender (KSBG).** Sejak 2017, Komnas Perempuan mulai mencatatkan kasus kekerasan terhadap perempuan yang difasilitasi teknologi maupun internet. KSBG salah satu yang menjadi perhatian khusus bagi Komnas Perempuan dan juga internasional. Pada periode laporan, Komnas Perempuan menerima 5817 kasus KSBG<sup>18</sup> yaitu 281 kasus (2019), 940 kasus (2020), 1.721 kasus (2021), 1.597 kasus (2022) dan 1.272 kasus

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17 Seorang Istri Tewas Digorok Suami di Bekasi”, Klik untuk baca: <https://megapolitan.kompas.com/read/2023/09/11/19021571/seorang-istri-tewas-digorok-suami-di-bekasi>.

18 Komnas Perempuan mendefinisikan KSBG sebagai “Setiap Tindakan kekerasan berbasis gender yang dilakukan, didukung atau diperburuk sebagian atau seluruhnya dengan penggunaan teknologi informasi dan komunikasi (TIK) yang menyasar seorang perempuan karena ia perempuan atau mempengaruhi secara tidak proporsional terhadap perempuan yang mengakibatkan, atau mungkin berakibat terhadap kesengsaraan atau penderitaan perempuan secara fisik, seksual atau psikologia, termasuk atas ancaman tinakan berupa pemaksaan atau perampasan kemerdekaan secara sewenang-wenang baik yang terjadi di ruang publik atau dalam kehidupan pribadi”. (Komnas Perempuan, 2022).

(2023). Peningkatan KSBG mulai terjadi pada 2020 seiring dengan pandemi Covid-19, yang mengubah pola relasi, interaksi dan komunikasi melalui saluran ITE.

❖ **Perdagangan Perempuan dan Anak Perempuan**

- a. Pengaduan disampaikan ke Komnas Perempuan mencatat bahwa pola pelanggaran dalam konteks migrasi dan kekerasan terhadap perempuan Pekerja Migran Indonesia (PMI) tetap berulang, berupa kekerasan fisik, psikis, dan seksual (termasuk pelecehan seksual, perkosaan, pemaksaan pelacuran), TPPO, jeratan utang, ancaman dan pemerasan, pelanggaran hak atas informasi, manipulasi dokumen, dan perampasan dokumen. Semua kekerasan ini terjadi sejak proses perekrutan hingga kepulangan.
- b. Pada 2023, Komnas Perempuan menerima pengaduan dari perempuan PMI di mana terdapat unsur perdagangan orang. Delapan perempuan PMI menjadi korban perdagangan orang dan mengalami berbagai bentuk kekerasan ketika bekerja di Saudi Arabia. Bentuk-bentuk kekerasan yang dialami meliputi fisik, psikis, seksual dan ekonomi seperti pelecehan seksual, gaji tidak dibayar, jam kerja panjang, dan tidak diberikan makanan layak. Kasus yang dilaporkan merupakan bagian dari perekrutan *unprocedural*. Perekrutan *unprocedural* ini berkaitan dengan Keputusan Menteri Tenaga Kerja No. 260 tahun 2015 yang membatasi hak PMI PRT untuk bekerja di Timur Tengah.
- c. Tantangan penanggulangan TPPO: (1) UU Nomor 18 Tahun 2017 tentang Perlindungan Pekerja Migran Indonesia belum diimplementasikan secara menyeluruh, (2) Konvensi ASEAN belum berjalan optimal, termasuk upaya mengatasi masalah-masalah politis dan praktik di lapangan yang berkaitan langsung dengan kasus pekerja migran dan perdagangan orang.

❖ **Pemotongan dan Pelukaan Genitalia Perempuan (*Female Genital Mutilation and Circumcision* (FGMC))**

- a. Pada periode laporan ini, Pemerintah Indonesia belum melarang secara tegas pemotongan dan pelukaan genitalia perempuan (P2GP). Ketidaktegasan pada

Permenkes No. 6 Tahun 2014 tentang Pencabutan Peraturan Menteri Kesehatan Nomor 1636/Mekes/PER/XII/2010 tentang Sunat Perempuan yang memandatkan kepada Majelis Pertimbangan Kesehatan dan Syarat untuk menerbitkan pedoman penyelenggaraan sunat perempuan, tetapi di sisi lain menyatakan bahwa sunat perempuan bukan merupakan tindakan kedokteran. Ketidaktegasan sikap ini menyebabkan tenaga kesehatan tidak memiliki jaminan hukum untuk mencegah praktik P2GP. Pun tidak ada aturan yang memberi sanksi pidana pada pelaku praktik P2GP.

- b. Kajian Komnas Perempuan (2017) mencatat, umumnya P2GP dilakukan pada usia anak, terbanyak rentang 1-5 bulan (72,4%), disusul 1-4 tahun (13,9%), 0 bulan (5,3%), 6-11 bulan (5,1%), dan 5-11 tahun (3,3%). Angka-angka ini menunjukkan bahwa praktik P2GP tidak mempertimbangkan persetujuan (*consent*) anak perempuan. Kajian Komnas Perempuan juga menemukan bahwa praktik P2GP tak mengenal kelas sosial, latar belakang pendidikan serta sekat kota-desa.<sup>19</sup> Angka tersebut belum mengalami perubahan signifikan.
- c. Dalam DKU wilayah Tengah dan Nasional, dua kasus P2GP yang terjadi Banjar, Kalimantan Selatan, dan kota Pare-pare, Sulawesi Selatan, diperdengarkan. Temuan dari DKI mencatat bahwa dari segi wilayah, Kalimantan Selatan tergolong sebagai salah satu provinsi terbanyak melakukan praktik P2GP (kisaran 80%), sedangkan Sulawesi Tenggara kurang dari 50%.
- d. Pada 2023, Komnas Perempuan mengembangkan Instrumen Pemantauan Implementasi Kebijakan Pencegahan P2GP, yang melibatkan lintas kementerian/lembaga. Instrumen ini akan direkomendasikan

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<sup>19</sup> Pusat Studi dan Kebijakan UGM (2017) mencatat bahwa sebanyak 92,7% istri dan 91,6% suami menyatakan alasan P2GP masih dilakukan oleh masyarakat daerah tempat tinggalnya karena perintah agama. Hal ini menunjukkan kuatnya keyakinan keagamaan yang menjadi landasan praktik P2GP. Pemberi saran P2GP terbanyak adaah orang tua (81,3%), selanjutnya tokoh agama (19,7%), keluarga (6,3%) dan tokoh adat (1,8%).

kepada Pemerintah sebagai kontribusi dalam pendataan dan pencegahan praktik P2GP sebagaimana diagendakan dalam Peta Jalan. Instrumen Pemantauan ini telah diujicobakan di Provinsi Gorontalo sebagai provinsi dengan prevalensi praktik P2GP tertinggi di Indonesia. Temuan pemantauan, bahwa praktik P2GP masih dilaksanakan oleh sebagian besar masyarakat Gorontalo atas budaya setempat dan pemahaman agama Islam. Ditemukan dua motivasi diskriminasi: (1) berupa dosa waris dengan wujud labeling masyarakat jika tidak dikhitan anak perempuan akan menjadi anak nakal, kelak melawan suami serta stigma negatif lainnya; (2) dilakukan tanpa persetujuan anak sehingga anak tidak diberi kesempatan untuk memilih atas hak tubuhnya. Praktik P2GP dilakukan oleh *hulango* dengan cara mencubit klitoris perempuan dengan menggunakan pisau hingga mengeluarkan darah.

- e. Temuan pemantauan Komnas Perempuan berdasarkan survei kesadaran masyarakat akan bahaya praktik P2GP menunjukkan bahwa tingkat kesadaran masyarakat Gorontalo masuk dalam kategorisasi sangat tinggi sementara tingkat pengetahuan terkait dampak praktik P2GP masih sangat rendah. Hal ini bisa menjadi rekomendasi penting untuk ditindaklanjuti dengan memberikan edukasi dan sosialisasi terkait dampak praktik P2GP.
- f. Tantangan Sistemik dan Struktural Penghapusan P2GP. Di antaranya, yaitu: (a) Ketiadaan sanksi tegas bagi pelanggar larangan P2GP termasuk bidan dan dukun serta lembaga yang mengiklankan P2GP ramah anak secara luas. (b) Belum tersedia Satgas P2GP untuk memantau dan mencegah P2GP di berbagai wilayah; (c) Masih terdapat dinas-dinas, termasuk Dinas Kesehatan, yang belum mengetahui Permenkes 6/2014 tentang P2GP; (d) Masih lemahnya koordinasi dan keterlibatan lintas kementerian/lembaga (Kemenkes, KPPPA, Kominfo, Kemendikbud, dan Kemenag) terkait pencegahan dan pemantauan P2GP; (e) Belum tersedia layanan pemulihan korban P2GP.

**g. Sedangkan Tantangan Kultural.** Budaya patriarkis bertautan dengan dogma agama tentang kontrol atas tubuh dan seksualitas perempuan. Dari penelitian PSKK UGM (2017) menunjukkan 98% orang tua percaya bahwa anak perempuan perlu menjalani P2GP sebagai sebuah tradisi yang layak untuk dilanjutkan. Perempuan yang belum “disunat” dipandang tak bersih, secara agama belum sah keislamannya, dan mengalami diskriminasi sosial termasuk dalam urusan jodoh.

**16. *In the past five years, what actions has your country prioritized to address gender-based violence?***

Tindakan yang diprioritaskan untuk mengatasi kekerasan berbasis gender, sebagai berikut:

- ❖ Pencegahan dan Penanganan Korban Kekerasan Seksual
  1. Pada periode laporan, terdapat sejumlah kemajuan dalam penanggulangan tindak pidana kekerasan seksual, khususnya pengesahan UU No. 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual (TPKS). Terdapat sinkronisasi dan harmonisasi ketentuan dalam UU TPKS dalam UU No.1 Tahun 2023 tentang KUHP terkait perkosaan dan pencabulan sebagai tindak pidana kekerasan seksual, dan jaminan layanan kesehatan korban UU TPKS dalam UU No. 17 Tahun 2023 tentang Kesehatan.
  2. Di tingkat kementerian, pengesahan Peraturan Menteri Pendidikan, Kebudayaan, Riset, dan Teknologi Nomor 30 Tahun 2021 tentang Pencegahan dan Penanganan Kekerasan Seksual di Lingkungan Perguruan Tinggi (Permendikbud Ristek 30/2021), Peraturan Menteri Agama Nomor 73 Tahun 2022 tentang Pencegahan dan Penanganan Kekerasan Seksual di Satuan Pendidikan pada Kementerian Agama (PMA 73/2022), Peraturan Menteri Pendidikan, Kebudayaan, Riset, dan Teknologi Nomor 46 Tahun 2023 tentang Pencegahan dan Penanganan Kekerasan di Lingkungan Satuan Pendidikan (Permendikbud Ristek 46/2023) dan Keputusan Menteri Ketenagakerjaan Nomor 88 Tahun 2023 tentang Pedoman Pencegahan dan Penanganan Kekerasan Seksual di Tempat Kerja (Pedoman P3KS di Tempat Kerja).

Peraturan dari tiga Kementerian tersebut bertujuan untuk membangun ruang aman dari kekerasan seksual, dengan melakukan rangkaian pencegahan, penanganan, pengaduan dan pemulihan korban, serta pembentukan Satgas PPKS.

3. Tantangan pelaksanaan peraturan pada tingkat Kementerian adalah pengawasan terhadap pelaksanaan peraturan, peningkatan kapasitas dan dukungan politis, sarana prasarana dan anggaran untuk kerja-kerja Satgas PPKS.

### ❖ **Layanan bagi Perempuan Korban Kekerasan**

1. Menjadi kemajuan pula pada tahap kebijakan adalah lahirnya Peraturan Presiden No. 52 Tahun 2010 tentang Susunan Organisasi dan Tata Kerja Kepolisian Negara Republik Indonesia, yang ditetapkan oleh Presiden Joko Widodo pada 12 Februari 2014, berisikan penambahan Direktorat Tindak Pidana Perlindungan Perempuan dan Anak dan Pidana Perdagangan Orang (Dittipid PPA dan PPO).
2. Lebih lanjut, pada periode laporan, Pemerintah Indonesia sudah mengeluarkan sejumlah aturan terkait layanan dan perlindungan perempuan dan anak, mulai dari penguatan kewenangan dan fungsi Kementerian Pemberdayaan Perempuan dan Perlindungan Anak,<sup>20</sup>; yang diperkuat dengan Surat Edaran Kementerian Dalam Negeri untuk mendukung layanan bagi perempuan dan anak korban kekerasan, salah satunya terkait anggaran untuk penyelenggaraan layanan.<sup>21</sup>: Hal ini merespon hambatan penyelenggaraan layanan bagi perempuan dan anak korban kekerasan.
3. Komnas Perempuan menemukan konsep layanan yang masih terpusat di Pulau Jawa, belum berperspektif keulauan, dan memperhatikan kondisi daerah Tertinggal, Terdepan dan Terluar (3T). Hasil pemantauan menemu-

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20 Peraturan Presiden No. 65 Tahun 2020 tentang Kementerian Pemberdayaan Perempuan dan Perlindungan Anak.

21 Surat Edaran Menteri Dalam Negeri Nomor: 460/ 813/SJ dan 460/812/SJ Tahun 2020 Tentang Perencanaan dan Penganggaran dalam Pencegahan dan Penanganan Kasus Kekerasan terhadap Perempuan dan Anak.

kan bahwa salah satu tantangan terbesar yaitu **bagaimana mendekatkan jangkauan dan mempermudah akses layanan bagi perempuan korban**. Terutama bagi perempuan korban yang tinggal di wilayah pelosok, mulai dari ketersediaan infrastruktur, anggaran, ketersediaan pendamping dan juga tenaga ahli.

4. Telah dilakukan beberapa praktik baik sebagai berikut:
  - a. Layanan bagi perempuan korban di wilayah kepulauan yang dikembangkan oleh lembaga gereja di Kabupaten Maluku Barat Daya. Gereja juga mengembangkan layanan berbasis komunitas (LBK) bagi perempuan korban dengan melibatkan pemerintah daerah setempat, kader desa, institusi keagamaan dan tokoh adat. Salah satu gereja misalnya, melalui klasis GPM Leti Moa Lakor (Lemola) melakukan penjangkauan korban karena belum tersedianya lembaga layanan milik pemerintah seperti P2TP2A. Selain itu untuk mengatasi kebutuhan rumah aman di tingkat jemaat klasis yang ada di pulau-pulau, maka dibentuk rumah aman yang disebut “rumah aman kecil”.
  - b. Praktik baik terkait koordinasi adalah adanya mekanisme koordinasi antara organisasi masyarakat sipil dengan aparat penegak hukum yaitu Bhabinkamtibmas, seperti yang terjadi di Kabupaten Seram Bagian Barat (SBB). Ketika terjadi kekerasan berbasis gender di satu wilayah dan pendamping belum bisa datang maka pendamping akan menghubungi Bhabinkamtibmas untuk memberikan pengamanan awal bagi korban. Hal ini tentu sangat membantu korban kekerasan terutama mereka yang tinggal di pulau dengan ketiadaan lembaga layanan.  
Berbagai inisiatif yang dikembangkan oleh masyarakat ini harus didukung oleh pemerintah, seperti melalui penguatan kapasitas bagi pendamping dan dukungan anggaran terkait pelaksanaan layanan.

**17. In the past five years, what strategies has your country used to prevent gender-based violence?**

❖ **Strategi Pencegahan Kekerasan Berbasis Gender**

1. Salah satu pencegahan dilakukan dengan pembentukan Satgas Pencegahan dan Penanganan Kekerasan Seksual di lembaga pendidikan. Upaya mewujudkan Kawasan Bebas Kekerasan di lembaga pendidikan telah memiliki kemajuan sampai 2023 dengan Permendikbud No. 30/2021 tentang kebijakan Pencegahan dan Penanganan Kekerasan Seksual di Perguruan Tinggi, serta Peraturan Menteri Agama No. 73 /2022 tentang Pencegahan dan penanganan Kekerasan Seksual di Satuan Pendidikan pada Kementerian Agama.
2. Kebijakan Kemendikbudristek maupun Kementerian Agama telah diimplementasikan di tingkat Perguruan Tinggi, baik umum maupun keagamaan. Kementerian Pendidikan menyatakan bahwa sampai 2023, 125 Perguruan Tinggi Negeri (PTN) atau 100% telah memiliki Satgas PPKS. Sementara di Perguruan Tinggi Swasta (PTS) sudah terbentuk 207 Satgas PPKS. Demikian juga dengan Kementerian Agama, sampai 2024 telah dinyatakan terdapat 56 PT Keagamaan telah memiliki kebijakan PPKS, baik itu PTKIN, STABN, STAHN, IAKN maupun dan STAKAT.
3. Praktik berupa kerjasama antara Komnas Perempuan dengan Kemendikbud untuk penguatan kapasitas bagi anggota Satgas PPKS di PTN melalui pengembangan modul pelatihan. Sampai 2023, jumlah Satgas PPKS di PTN mencapai 1.321 orang dan Satgas PTS mencapai 1.273 orang. Untuk memantau sejauh mana Kebijakan PPKS di PT Keagamaan, Komnas Perempuan telah mengembangkan Instrumen Pemantauan Implementasi Kebijakan PPKS di PT Keagamaan untuk memantau Indeks Kualitas Kebijakan PPKS.
4. Tantangan keberadaan Satgas PPKS adalah kurangnya dukungan dari Pimpinan Perguruan Tinggi, baik ketersediaan sarana/prasarana maupun kemauan politik untuk menjalankan rekomendasi dari Satgas PPKS. Hal seperti ini dialami oleh Satgas PPKS Universitas Indonesia yang tidak mendapatkan dukungan anggaran dan tidak menjalankan rekomendasi terkait penanganan kekerasan seksual yang terjadi. Kondisi ini menyebabkan Satgas PPKS di Universitas Indonesia mengundurkan diri.

5. Berkaitan dengan strategi pencegahan KDRT, praktik baik dari periode ini di antaranya pada tingkat Pemerintah Daerah; telah dikeluarkan Peraturan Daerah Kabupaten Purwakarta No. 6 Tahun 2021 tentang Penyelenggaraan Perlindungan Perempuan dan Anak.
6. *Pada periode ini, meskipun masih dalam proses penyelesaian, telah dimulai penyusunan Peraturan Presiden tentang Strategi Nasional Penurunan Kekerasan terhadap Perempuan, di mana KPPPA telah mengeluarkan Keputusan Menteri Nomor 42 Tahun 2022 tentang Pembentukan Panitia Antar Kementerian dan/atau Antar Non-kementerian Penyusun Rancangan Peraturan Presiden Tentang Strategi Nasional Penurunan Kekerasan Terhadap Perempuan.*
7. Indonesia telah memiliki Peta Jalan Pencegahan P2GP, dengan visi di antaranya, “menyediakan sistem pendataan nasional yang valid dan bisa digunakan untuk memantau perkembangan kesadaran publik atas bahaya P2GP dan sebagai landasan perumusan intervensi yang tepat.”<sup>22</sup> Pemangku kebijakan tingkat nasional yang terlibat dalam Peta Jalan Rencana Aksi Nasional Pencegahan P2GP yang dilakukan secara terintegrasi adalah, Kementerian Perlindungan Perempuan dan Perlindungan Anak selaku *leading sector* dan multipihak lainnya dengan tupoksi masing-masing. Namun, belum semua pihak sudah mengimplementasikan sehingga dibutuhkan koordinasi lanjutan multipihak yang lebih intensif.

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22 Visi di antaranya (1) Melahirkan kesadaran yang tinggi pada masyarakat bahwa P2GP itu berbahaya bagi perempuan, sehingga secara sadar mereka tidak melakukannya pada perempuan di usia berapa pun, (2) Mewujudkan jaminan perlindungan hukum yang secara tegas melarang keras siapa pun yang melakukan tindakan P2GP pada perempuan di usia berapa pun, (3) Menyediakan sistem pendataan nasional yang valid dan bisa digunakan untuk memantau perkembangan kesadaran publik atas bahaya P2GP dan sebagai landasan perumusan intervensi yang tepat, (4) Menyediakan sistem perorganisasian yang kuat sehingga pencegahan P2GP dapat dilakukan secara terpadu oleh para pemangku kepentingan, baik dari unsur penyelenggara Negara maupun masyarakat. Sejumlah Kementerian/Lembaga terlibat dan mengambil peran dalam *roadmap* ini, yaitu KPPPA sebagai *leading sector*, Kementerian Kesehatan, Kemendikbud Ristek, Kementerian Agama, Kementerian Dalam Negeri, KPAI, dan Komnas Perempuan.

**18. In the past five years, what actions has your country taken to prevent and respond to technology-facilitated gender-based violence (e.g. online sexual harassment, online stalking, non-consensual sharing of intimate images)?**

❖ **Pencegahan dan Respon terhadap KBGO**

1. CATAHU Komnas Perempuan pertama kali mendata kasus KBGO pada 2017, dan perkembangannya cenderung meningkat hingga 2022. Tercatat sebanyak 97 kasus pada 2018, melonjak menjadi 281 pada 2019, dan di masa pandemi covid melonjak secara drastis sebesar 940 kasus pada 2020 dan sebanyak 1721 kasus tahun 2021. Masa pembebasan ruang gerak dan kemudahan akses internet dan *inhibition effect* dari internet secara dialektis memberi sumbangan meningkatnya kasus KBGO. Namun, secara lugas dapat dikatakan bahwa data yang tercantum dalam dokumen ini tidak merepresentasikan situasi yang sebenarnya. Angka yang terdata adalah jumlah orang yang mengadukan kasusnya di Komnas Perempuan, dan lebih banyak kasus yang tidak diadukan, mengingat konstruksi sosial di Indonesia, korban yang mengadukan kasus kekerasan di ruang digital berpotensi mengalami *revictimisation*.
2. UU TPKS mengatur salah satu delik berupa Kekerasan Seksual Berbasis Elektronik (KSBE) dengan unsur-unsur yang lebih sempit dibandingkan dengan berbagai bentuk tindakan yang diklasifikasikan sebagai KBGO oleh Komnas Perempuan.
3. Komnas Perempuan mengupayakan pengembangan kategorisasi dalam menganalisis kasus-kasus aduan yang masuk ke Komnas Perempuan. Hal ini melihat realita dinamis dan kompleksitas dari berbagai tindakan kekerasan berbasis gender yang difasilitasi teknologi. Komnas Perempuan mengelompokkan tindakan dalam lima rumpun utama, yaitu: (1) Pelanggaran Privasi, (2) Ancaman Siber, (3) *Malicious Distribution*, (4) *Sexploitation*, dan (5) *Cyber sexual harassment*.
4. Komnas Perempuan memanfaatkan secara optimal data yang terangkum dalam CATAHU. Advokasi berbasis fakta dan data menjadi kebijakan Komnas Perempuan. Pempa-

hasan UU TPKS secara masif dilakukan dan berhasil menjadi satu praktik baik dengan masuknya bentuk kekerasan seksual berbasis elektronik. Termaktub dalam aturan tidak serta-merta menghilangkan kasus, mekanisme aturan turunan dalam perlindungan korban KBGO terus dilakukan, di antaranya *the rights to be forgotten* berupa pencabutan (*take-down*) materi seksual di ruang digital. Dialog dan kerjasama baik dengan organisasi masyarakat sipil, pemerintah, maupun penyedia *platform* media terus dilakukan.

5. Dimensi kasus KBGO selalu lebih di depan daripada kerangka perlindungan hukum, perkembangan kecerdasan buatan (*artificial intelligence*) saat ini juga menjadi satu ruang virtual yang rentan akan KBGO. Kasus di Inggris pelecehan yang dilakukan di ruang *metaverse* menguatkan bahwa ketika KBG masih terjadi di ruang fisik, perkembangan teknologi atau perluasan ruang virtual juga akan menjadi wadah fasilitasi kekerasan. Komnas Perempuan memandang penting segera menyusun satu kebijakan berupa turunan teknis agar dapat mengakomodasi perlindungan perempuan dalam konteks lompatan peradaban teknologi ini.

**20. *In the past five years, what actions has your country taken to address the portrayal of women and girls, discrimination and/or gender bias in the media, including social media?***

❖ **Bias Gender di Media**

1. Konstruksi perempuan di media, termasuk dalam tayangan siaran sering kali berupa objek seksual. Konstruksi ini terlihat dalam tayangan-tayangan sinetron, terutama tayangan menjelang tengah malam. Produksi sinetron menjadikan perempuan sebagai target pasar dan karakter perempuan yang ditampilkan untuk melegitimasi sekaligus membakukan ketidakadilan gender terhadap perempuan. Pada 2021, Komnas Perempuan menanggapi salah satu tayangan sinetron di sebuah stasiun televisi swasta yang tengah mendapat sorotan kritis publik. Hal yang disoroti adalah isu pernikahan anak dalam alur cerita dengan pemeran perempuan berusia 15 tahun

sebagai istri ketiga. Tayangan ini menunjukkan adanya normalisasi (pelaziman) eksploitasi anak perempuan dari keluarga miskin berupa pemaksaan perkawinan dan perkawinan poligami.

2. Juga terdapat bias gender terhadap kelompok minoritas seksual. Kelompok komunitas dengan keragaman gender dan seksualitas juga dimarginalisasi dalam media. Seperti pada 2020-2021, terkait kasus femisida terhadap transpuan yang dibakar massa karena ada barang yang hilang di Cilincing dan *prank* seorang Youtuber terhadap transpuan dengan memberikan hadiah yang berisi sampah pada 2020-2021. Media menggunakan pola peminggiran yang sama terhadap komunitas dengan keragaman gender dan seksualitas melalui pemilihan diksi yang berkonotasi negatif. Tayangan atau pemberitaan yang mengobjektifikasi perempuan secara jenis kelamin maupun gender ini merupakan segmen yang mendapatkan *rating* tinggi.
3. Kontrol atas tayangan-tayangan yang mengobjektifikasi dan mengeksploitasi perempuan dan kelompok keragaman gender ini seharusnya terpantau dalam sistem penyiaran Indonesia yakni melalui UU No. 32 tahun 2002 tentang Penyiaran dan Pedoman Perilaku Penyiaran dan Standar Program Siaran (P3SPS). Namun, usulan revisi RUU Penyiaran justru memperkuat diskriminasi terhadap keragaman gender mengatur ketentuan tentang kesusilaan, membatasi keragaman budaya, diskriminasi bagi kelompok keragaman gender dan menyempitkan ruang demokrasi.
4. Komnas Perempuan mendorong perubahan kebijakan penyiaran untuk mengubah cara pandang terhadap perempuan dan kelompok keragaman gender dengan tidak menempatkan tubuh dan seksualitas sebagai sumber masalah moralitas melainkan wilayah otonom individu yang perlu dilindungi negara dari eksploitasi, serta mendukung peningkatan kapasitas tenaga pemantau tayangan televisi di KPI agar mampu mengidentifikasi berbagai bentuk objektifikasi perempuan dan wacana yang menghambat upaya penghapusan kekerasan berbasis gender.

**21. *In the past five years, what actions has your country taken specifically tailored to address violence against marginalized groups of women and girls?***

❖ **Kekerasan terhadap Kelompok Marginal:**

1. Perempuan dengan Disabilitas

- a. Perempuan disabilitas merupakan salah satu kelompok rentan yang menjadi prioritas penghapusan kekerasan terhadap perempuan karena mereka memiliki kerentanan berlapis terhadap kekerasan berbasis gender dan disabilitas. UU No. 8 Tahun 2016 tentang Penyandang Disabilitas telah mengatur mengenai penghapusan diskriminasi terhadap perempuan penyandang disabilitas, namun masih dibutuhkan sinkronisasi dan harmonisasi dengan aturan diskriminatif, seperti kondisi disabilitas sebagai alasan diperbolehkannya poligami dalam UU Perkawinan
- b. Pada 2023, tercatat 79 kasus kekerasan terhadap perempuan disabilitas, 7 (tujuh) di antaranya dilaporkan ke Komnas Perempuan. Pelaku terbanyak dari kasus-kasus tersebut adalah anggota keluarga atau pasangan intim. Angka ini tentu saja tidak mencerminkan situasi sesungguhnya karena banyak korban yang tidak melaporkan kasusnya karena berbagai alasan, di antaranya keterbatasan akses.
- c. Pada periode laporan ini, Pemerintah menerbitkan PP No. 39 Tahun 2020 tentang Akomodasi yang Layak untuk Penyandang Disabilitas dalam Proses Peradilan. Akan tetapi perempuan disabilitas masih menghadapi tantangan dan hambatan dalam mengakses keadilan, yaitu (1) perspektif dan pengetahuan aparat penegak hukum mengenai disabilitas masih terbatas, hal ini menyebabkan aparat penegak hukum cenderung tidak memproses kasus, terlebih apabila korbannya adalah perempuan dengan disabilitas intelektual atau disabilitas psikososial; (2) kurangnya bukti karena dalam kasus-kasus kekerasan, khususnya kasus kekerasan seksual tidak ada saksi mata, dan biasanya perempuan dengan disabilitas intelektual dan psikososial tidak menyadari apa yang terjadi sampai akhirnya

usia kehamilan hingga beberapa bulan dan diketahui oleh orang lain; (3) minimnya ketersediaan ahli atau petugas terlatih untuk mendampingi perempuan disabilitas dalam proses hukum; (4) keputusan untuk melakukan praktik-praktik penyelesaian di luar pengadilan seperti penyelesaian damai, memberikan uang ganti rugi atau mengawinkan korban dengan pelaku. Keputusan-keputusan seperti ini biasanya dilakukan oleh keluarga korban dengan alasan perempuan disabilitas tidak layak untuk berhadapan dengan hukum.

- d. Kondisi rentan lainnya adalah, ketika perempuan penyandang disabilitas psikososial berada di rumah sakit jiwa (RSJ) dan panti sosial/panti rehabilitasi. Hasil pemantauan Komnas Perempuan tahun 2018 dan revisit pada 2021 dan 2022 ke RSJ dan panti-panti sosial tempat perempuan disabilitas psikososial dirawat, menunjukkan kondisi yang belum banyak berubah sebagaimana dilaporkan dalam laporan independen Komnas Perempuan pada reviu BPFA +25. Di antaranya masih terjadi pelanggaran terhadap hak atas otonomi tubuh dengan praktik-praktik kontrasepsi paksa, penerapan metode perawatan non medis dan praktik pasung. Belum ada mekanisme prosedur standar operasional (SOP) untuk penanganan kasus-kasus kekerasan terhadap perempuan di RSJ dan panti sosial, sementara para penghuni panti menghuni tempat tersebut selama bertahun-tahun, dan karena keterbatasan ruang dan tenaga perawat seringkali pasien perempuan ditangani oleh perawat laki-laki.
- e. Terdapat praktik baik, yakni Pemerintah bersama masyarakat sipil telah membentuk Kelompok Kerja (Pokja) Penghormatan, Perlindungan, Pemajuan, Penegakan, dan Pemenuhan HAM (P5 HAM) sebagai langkah strategis untuk menyelesaikan masalah ketimpangan yang dialami oleh penyandang disabilitas mental. Komnas Perempuan bersama lima lembaga HAM lainnya membentuk inisiatif Kerjasama untuk Pencegahan Penyiksaan (KuPP) yang salah satu programnya adalah pemantauan terhadap kondisi ta-

hanan dan serupa tahanan sebagai basis fakta untuk menyampaikan rekomendasi perbaikan kepada pemerintah.

2. *Perempuan di Wilayah Tertinggal, Terdepan dan Terluar*
  - a. Komnas Perempuan menemukan bahwa: (1) terdapat hambatan akses informasi terkait isu kekerasan terhadap perempuan; (2) nilai dalam masyarakat yang menganggap kekerasan terhadap perempuan sebagai hal wajar dan biasa; (3) tidak adanya infrastruktur atau layanan yang tersedia di wilayah mereka, (4) akses ke lembaga layanan yang jaraknya jauh atau antar pulau, keterbatasan biaya dan waktu yang dibutuhkan, sehingga situasi tersebut mengakibatkan korban dan keluarga memilih untuk menyelesaikan kasus kekerasan terhadap perempuan di luar pengadilan.
  - b. Praktik baik yang dikembangkan oleh lembaga layanan berbasis masyarakat adalah layanan berbasis komunitas (LBK), di mana komunitas diberikan peningkatan kapasitas pengetahuan dan keterampilan penanganan kasus kekerasan terhadap perempuan, seperti di Kabupaten Kepulauan Morotai.
  - c. Meskipun sudah terdapat sejumlah kebijakan di tingkat nasional, namun belum dirasakan oleh perempuan-perempuan di wilayah daerah Tertinggal, Terdepan dan Terluar (3T).
3. *Perempuan dengan HIV/AIDS*
  - a. Komnas Perempuan mulai mendokumentasikan kasus perempuan dengan HIV/AIDS pada CATAHU 2014. Perempuan dengan HIV/AIDS merupakan kelompok yang rentan mengalami diskriminasi dan kekerasan terhadap perempuan. Pada CATAHU 2020, jumlah pelaporan perempuan dengan HIV/AIDS terbanyak 203 kasus. Wilayah dengan pelaporan kasus terbanyak adalah Bali, hal ini berkaitan dengan LBH Apik Bali yang mendapat dana pendataan pada 2020. Data tersebut dialokasikan untuk kerjasama dengan Ikatan Perempuan Positif Indonesia (IPPI) untuk melakukan penjangkauan (*outreach*) dan pendampingan ODHA perempuan dan anak, dan

berpengaruh secara signifikan terhadap keberanian korban untuk melaporkan kasusnya.

- b. Hubungan pelaku-korban terbanyak adalah hubungan suami-istri dan mantan suami-istri dengan bentuk kekerasan berupa fisik, seksual, psikis dan ekonomi. Kekerasan psikis merupakan yang paling sering dialami perempuan dengan HIV/AIDS, seperti stigma buruk. Perempuan dengan HIV/AIDS dilabeli sebagai bukan perempuan baik-baik dan berimplikasi pada kerentanan mereka sebagai kelompok marginal.
- c. Perempuan dengan HIV/AIDS memiliki ketergantungan ekonomi yang cukup besar pada keluarga maupun pasangannya, karena status penyandang HIV/AIDS mengakibatkan mereka kesulitan mendapatkan pekerjaan. Perusahaan-perusahaan umumnya masih menggunakan tes kesehatan sebagai syarat utama untuk bekerja, di mana ODHA memiliki peluang sangat kecil untuk mendapatkan pekerjaan.
- d. Tahun 2021-2022 Komnas Perempuan memberikan perhatian khusus pada upaya pengembangan kebijakan layanan terintegrasi di Papua dan Papua Barat yang dikenali tinggi kasus kekerasan terhadap perempuan dan keterpaparan HIV/AIDS.
- e. Pada 2021, Komnas Perempuan melakukan konsultasi dengan berbagai lembaga yang bergerak di isu HIV/AIDS. Dari konsultasi diketahui, terdapat sejumlah akar persoalan yang perlu diurai untuk memastikan agar ketersediaan layanan bagi perempuan dengan HIV/AIDS yang juga korban kekerasan, dapat berlangsung secara simultan. Ketersediaan obat, tenaga kesehatan untuk perawatan ODHA, layanan konseling dan rumah aman merupakan bagian dari akar persoalan yang membutuhkan terobosan kebijakan lebih lanjut baik di tingkat pusat maupun daerah.
- f. Layanan terpadu dengan integrasi HIV/AIDS juga masih belum kuat karena ada kecenderungan memandang HIV/AIDS sebagai isu kesehatan semata dengan pengabaian faktor determinannya, misal kondisi sosial, politik dan budaya yang melingkupi isu ini. Akibatnya, isu perempuan dengan HIV/AIDS

yang mengalami kekerasan kerap terpinggirkan dari intervensi. Selain itu, kepolisian juga belum menyediakan layanan untuk pengecekan HIV/AIDS bagi perempuan korban yang mengalami perkosaan karena sejauh ini pengecekan HIV/AIDS diperuntukkan bagi tahanan saja.

- g. Hari AIDS Sedunia diperingati setiap 1 Desember bertepatan “Let’s Community Lead” dan tema nasional, yaitu Bergerak Bersama Komunitas: Akhiri AIDS 2030. Tujuan dari tema ini adalah, meningkatkan peran komunitas tidak hanya sebagai pihak yang membantu mendampingi dalam proses penyembuhan ODHA dan melaporkannya agar bisa mendapatkan ARV sesegera mungkin. Tetapi juga ikut berperan menjadi *support system* dengan memastikan ODHA tetap mengonsumsi ARV dengan rutin. Dengan menjadi *support system* maka bisa menjadi jalan memupus prasarangka keberadaan ODHA di sekitar mereka.

#### Cluster 4:

### **Partisipasi, Akuntabilitas dan Lembaga yang Responsif Gender (Participation, Accountability, and Gender-Responsive Institutions)**

#### **22. *In the past five years, what actions and measures has your country taken to promote women’s participation in public life and decision-making?***

#### **Partisipasi Perempuan dalam Pengambilan Keputusan**

- a. Kepemimpinan Perempuan.
  - ❖ Tingkat partisipasi perempuan dalam ranah politik pada pemilihan legislatif (Pileg) dari tahun ke tahun menunjukkan peningkatan, meski belum mencapai target 30%. Pada Pemilu 2019 keterwakilan perempuan mencapai 20,5 persen dan Pemilu 2024 mencapai 21,9 persen. Terdapat penurunan pencalonan kandidat perempuan pada Pemilu 2024.
  - ❖ Pada pelaksanaan Pemilu 2024, KPU menerbitkan Peraturan KPU No. 10 Tahun 2023 yang mengatur penghitungan

30% (tiga puluh persen) jumlah Bakal Calon perempuan di setiap daerah pemilihan menghasilkan angka pecahan kurang dari 50 (lima puluh), hasil penghitungan dilakukan pembulatan ke bawah, mengakibatkan pencalonan keterwakilan perempuan sekurangnya 30% (tiga puluh persen) tidak terpenuhi. Mahkamah Agung (MA) melalui putusan Perkara Nomor 24 P/HUM/2023 memerintahkan KPU untuk mengoreksi PKPU 10/2023, Badan Pengawas Pemilu (Bawaslu) memerintahkan KPU untuk memperbaiki 267 daerah pemilihan agar memenuhi kuota 30% perempuan. Kedua perintah tersebut tidak ditindaklanjuti oleh KPU. Keengganan Komisi Pemilihan Umum (KPU) untuk melaksanakan Putusan Mahkamah Agung (MA) dan Bawaslu tentang perhitungan ke atas bagi suara di bawah 0,50 menunjukkan pengerdilan dan tidak memahami dasar tindakan afirmasi khusus kepemimpinan perempuan. Apalagi KPU juga meloloskan DCT Parpol yang tidak memenuhi 30% keterwakilan perempuan. Minimnya keterwakilan perempuan juga terlihat pada pemilihan Penyelenggara Pemilu di pusat dan daerah, dan pada pemilihan di lembaga negara lainnya.

- ❖ Tantangan budaya patriarki masih mengakar di masyarakat. Selain peraturan KPU yang mereduksi kebijakan afirmasi 30% keterwakilan perempuan, pada periode laporan ini masih terjadi penolakan terhadap kepemimpinan perempuan. Hal ini menimpa seorang perempuan yang terpilih menjadi Ketua RT untuk periode 2021-2026 di sebuah Desa di Banten. Keterpilihannya dianulir oleh pengurus RT periode sebelumnya, Ketua RW dan Badan Pengawas Desa, dengan alasan perempuan. Anggapannya Ketua RT dipandang harus laki-laki selaku pemimpin keluarga. Pemimpin perempuan dianggap akan menghambat dan tidak mampu menangani masalah-masalah warga. Atas tindakan diskriminatif dan bias gender tersebut, ia melaporkan ke Ketua RW dan Badan Pengawas Desa namun keduanya bersepakat bahwa Ketua RT tidak boleh berjenis kelamin perempuan. (CATAHU 2022). Kasus lainnya, seorang Perempuan Calon Legislatif Terpilih DPRD Sulawesi Selatan dipecat oleh partai yang mengusungnya, sehari sebelum pelantikan. KPU Provinsi

Sulawesi Selatan telah menetapkan dirinya sebagai calon legislatif terpilih dan pelantikan akan dilakukan pada 24 September 2019. Sehari sebelum pelantikan, ia menerima salinan surat pemecatan dirinya. (CATAHU, 2021)

- ❖ Dalam 5 tahun terakhir terdapat kerjasama kampanye JITU Komnas Perempuan bersama Bawaslu dan KPU dalam memastikan keterwakilan perempuan dalam penyelenggaraan Pemilu 2024 dan pencegahan kekerasan .
- b. Kekerasan terhadap Perempuan dalam Konteks Pemilu
- ❖ Terdapat sejumlah kasus kekerasan seksual pada kandidat perempuan yaitu penyerangan seksual terhadap Calon Kepala Daerah Perempuan pada Pilkada 2020, yakni Calon Wakil Walikota Depok, Calon Wakil Walikota Makassar dan Calon Wakil Walikota Tangerang Selatan. Calon Wakil Walikota Depok mengalami pelecehan seksual verbal dari sesama kandidat. Pelecehan terjadi di Rumah Sakit Hasan Sadikin Bandung, saat pembagian kamar untuk pemeriksaan kesehatan para kandidat. Lawannya melontarkan ujaran, “sekamar sama saya saja bu X.” Calon Wakil Walikota Makassar mengalami pelecehan seksual secara verbal di media WhatsApp dalam bentuk komentar negatif dan tidak senonoh. Pelakunya adalah salah seorang pendukung kandidat lain saat debat publik putaran kedua Pilkada Makassar. Calon Wakil Walikota Tangerang juga mengalami pelecehan seksual secara verbal di media Twitter. Pelakunya adalah elit Partai Demokrat, melalui cuitannya “Paha calon Wakil Walikota Tangsel itu mulus banget.” (CATAHU, 2021).
  - ❖ Pada penyelenggaraan Pemilu 2024 dalam proses pemeriksaan kesehatan dalam seleksi calon anggota Badan Pengawas Pemilu (Bawaslu), sejumlah perempuan calon anggota Bawaslu melaporkan pengalaman yang tidak menyenangkan selama proses pemeriksaan kesehatan. Calon diminta untuk melepas seluruh pakaiannya selama pemeriksaan kesehatan. Situasi telanjang, menimbulkan ketidaknyamanan dan ketakutan bagi para calon yang melamar sebagai penyelenggara pemilu.

- ❖ Terkait pertanyaan nomor 3, tindakan spesifik untuk mencegah diskriminasi dan mempromosikan hak-hak kelompok perempuan korban kekerasan dalam Pemilu, Komnas Perempuan mengajukan *amicus curiae* untuk mendukung *judicial review* PKPU Nomor 10 tahun 2023, khususnya Pasal 8 ayat 2 terkait perhitungan pembulatan jumlah keterwakilan perempuan. Komnas Perempuan menilai PKPU tersebut dianggap mendiskriminasi keterwakilan perempuan di parlemen. Pemberian *amicus curiae* didasarkan pada hasil kajian dan pemantauan Komnas Perempuan yang menunjukkan bahwa 30% keterwakilan perempuan belum terpenuhi. Masih terdapat penolakan dan hambatan-hambatan sosial, budaya dan politik baik di tingkatan partai politik, negara maupun masyarakat terhadap kepemimpinan perempuan, seperti intimidasi, pencurian suara, penyerangan seksual, pemecatan terhadap caleg perempuan terpilih, dan penolakan karena jenis kelamin perempuan. Hal ini menunjukkan perempuan Indonesia masih memiliki hambatan keterwakilan yang berbeda dibandingkan laki-laki.

**23. *In the past five years, what actions has your country taken to increase women's access to expression and participation in decision-making in the media, including through information and communication technologies (ICT)?***

**Akses untuk Ekspresi dan Partisipasi Perempuan di Media**

- ❖ Dalam 5 tahun terakhir perkembangan usulan RUU Penyiaran, memuat ketentuan yang diskriminatif terhadap ekspresi dan partisipasi kelompok rentan ketika mengekspresikan pendapat di ruang penyiaran termasuk *platform digital*. Dalam Pasal 50 A ayat 1 RUU Penyiaran masih terdapat muatan yang abu-abu (kesopanan, kepantasan, dan kesusilaan) sehingga akan membatasi kebebasan berekspresi masyarakat terutama perempuan yang dalam masyarakat patriarki dipandang sebagai “penjaga moral”. Larangan muatan isi siaran juga akan mengkriminalkan masyarakat secara individu dan atau lembaga/kelompok yang mengadvokasi isu narkoba, psikotropika, zat adiktif; korban kekerasan terhadap pe-

rempuan; isu minoritas seksual, isu kebebasan beragama dan berkeyakinan. Pasal ini memperkecil ruang demokrasi dan diskriminatif terhadap kelompok rentan yang sebenarnya berkontradiktif dengan semangat RUU untuk melindungi kelompok rentan. Selain itu, pasal ini juga menghambat kebebasan pers dalam penyiaran jurnalistik investigasi terutama terhadap kasus-kasus hak asasi manusia dan hak asasi perempuan.

- ❖ Ruang ekspresi dan partisipasi perempuan di media masih terbatas, rentan kekerasan dan diskriminasi, terutama perempuan jurnalis. Jurnalis perempuan memiliki kerentanan berlapis, karena posisinya sebagai jurnalis dan sebagai perempuan. Kerentanan juga dialami perempuan pembela HAM ketika mengkritik situasi ataupun kebijakan dalam *platform digital*, media sosial. Terdapat sejumlah regulasi seperti UU ITE dan Kitab Undang-Undang Hukum Pidana (KUHP) yang mengancam kebebasan pers, kemerdekaan berpendapat dan berekspresi, di antaranya dengan mengkriminalisasi perempuan pembela HAM.
- ❖ Lembaga survei Pemantau Regulasi dan Regulator Media (PR2Media) pada 2021 melaporkan bahwa sebanyak 85,7% dari 1.256 perempuan jurnalis di seluruh Indonesia pernah mengalami berbagai bentuk tindakan kekerasan. Sementara, penelitian kolaboratif antara Aliansi Jurnalis Independen (AJI) dan PR2Media pada 2022 mengungkapkan bahwa 82,6% dari 852 perempuan jurnalis perempuan di 34 provinsi menyatakan pernah mengalami kekerasan seksual. Juga, sepanjang 2022, sebanyak empat kasus kekerasan terhadap perempuan jurnalis dilaporkan ke Komnas Perempuan berupa kekerasan seksual dan kekerasan fisik.
- ❖ Belum terjaminnya ruang aman bagi perempuan menyebabkan partisipasi perempuan khususnya di media juga minim. Komnas Perempuan memandang perlindungan terhadap perempuan jurnalis dalam menjalankan tugasnya menjadi agenda penting untuk diterapkan oleh perusahaan pemilik media di bawah pengawasan Dewan Pers.

- ❖ Masih terjadi stereotype atau pelabelan negatif terhadap perempuan atas pemberitaannya. Misalnya, dalam kasus pemberitaan PC, figur publik TT termasuk juga dalam pemberitaan tentang transpuan yang dipantau Komnas Perempuan terkait dengan perempuan berhadapan dengan hukum, baik sebagai pelaku, korban maupun saksi serta pelekatan stigma terhadap perempuan.

**26. *If there is a national human rights institution in your country, what measures has it taken to address violations of women's rights and promote gender equality?***

**Komisi Nasional Anti Kekerasan terhadap Perempuan  
(National Commission of Violence Against Women)**

- ❖ Dalam lima tahun terakhir, Komnas Perempuan turut menjadi pihak yang ditugaskan melaksanakan: Rencana Aksi Nasional Hak Asasi Manusia (RAN HAM), Rencana Aksi Nasional Pencegahan dan Penanggulangan Ekstremisme Berbasis Kekerasan Yang Mengarah Pada Terorisme (RAN PE), Rencana Aksi Nasional Perlindungan dan Pemberdayaan Perempuan dan Anak dalam Konflik Sosial Tahun 2020-2025 (RAN P3AKS), Rencana Aksi Nasional Tujuan Pembangunan Berkelanjutan (RAN SDGs), Rencana Induk Kebudayaan.
- ❖ Capaian utama Komnas Perempuan dalam lima tahun terakhir, berbagai *platform* kerja Komnas Perempuan dapat dilihat bertumbuh dukungan bagi kerja Komnas Perempuan di tingkat lokal, nasional dan global. Secara ringkas, capaian utama Komnas Perempuan dapat dilihat pada delapan kategori, yaitu: 1) Bangunan Pengetahuan: CATAHU yang diterbitkan setiap tahun; 2) Rujukan alat kerja: 6. Laporan advokasi internasional, 2 modul pelatihan, 4 rujukan kebijakan, 2 instrumen pemantauan, pedoman kampanye publik; 3) Rujukan informasi publik, berupa permohonan informasi, wawancara, kunjungan dan sebagainya; 4) *Platform* kerjasama dan dukungan publik; 5) Tindak lanjut rekomendasi: Sebanyak 10 dari 23 Rekomendasi kebijakan ini, termasuk 8 tentang kebijakan diskriminatif, tentang keadilan restoratif, dan tentang pendidikan damai telah ditindaklanjuti oleh pihak

terkait; 6) Rekomendasi kebijakan yang masih berproses: 4 rekomendasi penguatan pelaksanaan SPPT-PKKTP, 1 usulan kebijakan perlindungan PPHAM, 1 usulan terkait Penyelesaian Non-yudisial Pelanggaran HAM Berat Masa Lalu, 2 usulan manajemen ASN dan tata kelola kerja yang inklusif dan DIM RUU PPRT; 7) Penyikapan pengaduan kasus: sebanyak 3.303 diantaranya adalah kasus kekerasan berbasis gender; 8) Tata kelola kelembagaan: Terbitnya Perpres Nomor 55 Tahun 2023 tentang Honorarium dan Fasilitas bagi Komisi Paripurna dan Badan Pekerja Komnas Perempuan serta Perpres Nomor 8 Tahun 2024 tentang Perubahan Atas Perpres 65 Tahun 2005 tentang Komnas Perempuan.

- ❖ Dari sisi kebijakan, pengakuan negara terhadap Komnas Perempuan diwujudkan dengan terbitnya Undang-Undang no. 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual (TPKS) di dalamnya memperkuat mandat peran Komnas Perempuan untuk melakukan pemantauan bersama Komnas HAM, Komisi Perlindungan Anak Indonesia (KPAI) dan Komisi Nasional Disabilitas (KND), untuk efektivitas Pencegahan dan Penanganan Korban Tindak Pidana Kekerasan Seksual.
- ❖ Kerjasama untuk Pencegahan Penyiksaan, atau yang biasa disebut KuPP merupakan Kerjasama antara Lembaga Hak Asasi Manusia untuk mencegah penyiksaan. Sejak 2016, lima Lembaga HAM— yaitu Komisi Nasional Anti Kekerasan terhadap Perempuan (Komnas Perempuan) bersama Komnas HAM (KHAM), Komisi Perlindungan Anak Indonesia (KPAI), Lembaga Perlindungan Saksi dan Korban (LPSK), Ombudsman Republik Indonesia (ORI) melakukan sejumlah aktivitas pemantauan dan pencegahan praktik penyiksaan. Kemudian pada 2023, Komisi Nasional Disabilitas (KND) turut bergabung dalam KuPP.
- ❖ Komnas Perempuan memimpin KuPP pada periode 2023-2024. Berlandaskan pada mandat spesifik dalam Peraturan Presiden No. 65 Tahun 2005, Komnas Perempuan berupaya mengembangkan kondisi yang kondusif bagi penghapusan segala bentuk kekerasan terhadap perempuan.

puan dan hak-hak asasi manusia perempuan di Indonesia. Dalam konteks ini, bersama lima lembaga HAM lainnya melakukan kajian penelaahan implementasi komitmen negara pada berbagai instrumen HAM, termasuk Konvensi Menentang Penyiksaan.

- ❖ Tantangan dan hambatan yang dihadapi dalam upaya untuk penghormatan, perlindungan, pemenuhan dan pemajuan HAM di Indonesia antara lain: HAM belum menjadi prioritas yang tercermin dalam kerangka kerja dan program K/L. Pemahaman tentang tupoksi LNHAM tidak merata sehingga menimbulkan anggapan bahwa tidak dibutuhkan keberadaannya, tidak relevan, atau tumpang tindih; Peminggiran isu perempuan di tataran birokrasi dan tata kelola lembaga negara, bukan hanya Komnas Perempuan sebagai NHRI. Hal ini tercermin dalam isu peleburan KPPPA, kesulitan bagi pendirian UPTD dan tantangan dalam mendirikan direktorat PPA di Kepolisian dan peleburan Komnas Perempuan pada setiap perubahan kepemimpinan nasional. Tantangan lain untuk melaksanakan UU yang mengamatkan keterwakilan perempuan dengan sistem pemilu 2024 lalu.
- ❖ Adanya Nota Kesepahaman antara Komnas Perempuan dan POLRI yang mencakup (1) Pertukaran dan pemanfaatan data dan/atau informasi; (2) Pelindungan hukum terhadap perempuan; (3) Pengembangan kebijakan untuk pemajuan upaya penghapusan KBG terhadap perempuan; (4) Penguatan kapasitas dan pemanfaatan sumber daya manusia; (5) Pemanfaatan sarana dan prasarana. melakukan data pilah untuk kasus pembunuhan berbasis gender di kepolisian, pemetaan tantangan penanganan kasus KBG terhadap perempuan.
- ❖ Tidak ada kekuatan mengikat bagi pihak lain untuk menjalankan rekomendasi dari LNHAM, sehingga menimbulkan persepsi bahwa LNHAM itu tidak efektif atau tidak bekerja karena tidak dapat menyelesaikan persoalan yang ada. LNHAM adalah *corrective body*, bukan mengambil alih tugas Pemerintah

## Perempuan Pembela HAM dan Mekanisme yang Dikembangkan

- ❖ Selama tahun 2020-2023 dalam catatan tahunan (CATA-HU) Komnas Perempuan, sebanyak 67 kasus yang dialami oleh PPHAM CATAHU 2020 mencatat ada 36 kasus yang dialami oleh PPHAM, tahun 2021 ada 23 kasus, 2022 ada 1 kasus dan 2023 ada 7 kasus, terbanyak terjadi di lembaga layanan milik masyarakat sipil, di Lembaga Layanan Pemerintah, dan konflik agraria serta Sumberdaya Alam (SDA). Bentuk kekerasan yang banyak dialami oleh PPHAM adalah psikis, berupa ancaman dan kekerasan verbal. Pada tahun 2021 ada kriminalisasi terhadap PPHAM melalui media sosial, serupa yang dialami salah satu PPHAM tahun 2022 yaitu *"malicious distribution"*, berupa penyebaran konten yang merusak reputasi/nama baik korban dan organisasi, penyelesaiannya banyak dilakukan dengan mediasi, khususnya pada lembaga layanan masyarakat.
- ❖ Perlindungan bagi PPHAM WHRD, dari 118 lembaga layanan hanya 15 lembaga yang memiliki sistem perlindungan, selebihnya mereka bekerja tanpa perlindungan, baik ketika mendampingi korban secara kelompok maupun individu. Sementara dari negara tidak ada perlindungan apapun atas kerja-kerja mereka.
- ❖ Praktik Baik. Pada 2020 Komnas Perempuan bersama Protection Internasional (PI) menyusun Manual Perlindungan bagi Perempuan Pembela HAM dengan melibatkan partisipasi dari 25 PPHAM.
- ❖ Terkait pertanyaan nomor 3, tindakan spesifik yang dilakukan Komnas Perempuan untuk mencegah diskriminasi dan mempromosikan hak-hak kelompok perempuan dan kelompok terpinggirkan lainnya; Komnas Perempuan menguatkan model penyikapan kekerasan terhadap perempuan lintas sektor yang berkualitas, terpadu, holistic, inklusif, dan berperspektif kepulauan bagi Perempuan korban kekerasan dan diskriminasi. Beberapa praktik baik yang dilakukan pada perempuan dalam situasi konflik dan bencana menjadi salah satu isu prioritas Komnas Perempuan 2020-2025, dengan lokasi meliputi da-

erah tertinggal, terdepan, terluar dan kepulauan, dan ruang lingkup dalam situasi konflik sumber daya alam, intoleransi, diskriminasi, ekstremisme yang mengarah pada terorisme, pelanggaran HAM masa lalu (kasus Mei 98, penghilangan paksa, kasus 65, KKR Aceh) dan konflik di Papua. Selain itu juga fokus pada pengembangan pendidikan dan kampanye mengenai isu pelanggaran HAM berat, kampanye bhineka serta pengembangan konsep pendidikan damai di beberapa wilayah yang telah dikembangkan di tahun sebelumnya.

Cluster 5:

### **Masyarakat yang Damai dan Inklusif (Peaceful and Inclusive Societies)**

**27. *In the past five years, what actions has your country taken to build and sustain peace, promote peaceful and inclusive societies for sustainable development and implement the women, peace and security agenda?***

- ❖ Perempuan menghadapi situasi khusus dan memiliki kerentanan khas dalam berbagai konteks konflik termasuk dalam situasi pasca konflik. Dalam berbagai konteks konflik, perempuan teridentifikasi baik sebagai korban/penyintas, tulang punggung keluarga dan komunitasnya, bagian dari kelompok bersenjata/pengguna kekerasan dan juga sebagai agen perdamaian. Pemantauan dan pendokumentasian Komnas Perempuan pada kondisi perempuan dalam situasi konflik menunjukkan bahwa perempuan menjadi korban dalam berbagai pengalaman yang berbeda: sebagai korban langsung dari tindak kekerasan di dalam konflik, maupun sebagai korban antara (*proxy victim*) untuk mengancam atau menaklukkan pihak yang berseberangan, dan juga sebagai korban berlapis dimana harus menghadapi ancaman kekerasan karena konflik sekaligus ancaman kekerasan lainnya di masyarakat dan juga di dalam rumah tangga.
- ❖ Dalam catatan Komnas Perempuan, perkembangan kebijakan dalam mengatasi isu perempuan dalam konflik adalah sebagai berikut:

- ◆ Perkembangan peraturan di nasional, seperti UU Penanganan Bencana dan UU Penanganan Konflik Sosial yang memberikan perhatian khusus pada kondisi dan kepemimpinan perempuan dalam konteks konflik. Pada UU Penanganan Konflik Sosial, telah ada aturan turunan berupa Peraturan Pemerintah tentang perlindungan dan pemberdayaan perempuan dan anak di dalam konflik sosial (P3AKS), yang kemudian menjadi landasan bagi penyusunan Rencana aksi Nasional dan Rencana Aksi Daerah (RAN dan RAD) P3AKS.
- ◆ Perkembangan peraturan di daerah untuk konteks penyelesaian pelanggaran HAM berat di Aceh dan Tragedi Mei 1998. Komisi Kebenaran dan Rekonsiliasi Aceh telah menyampaikan hasil temuannya pada Desember 2023. KKR Aceh dalam laporannya merekomendasikan adanya perubahan hukum, politik dan administratif, perubahan hukum dan reformasi institusi, kebijakan politik, kebijakan administratif, rekomendasi untuk rekonsiliasi berbasis kearifan lokal dan rekomendasi tentang reparasi. Dalam konteks Tragedi Mei 1998, pasca adanya kebijakan Gubernur DKI Jakarta tahun 2015 untuk memorialisasi prasasti Mei 98 di makam massal korban Mei 98 TPU Pondok Ronggon, saat ini program tersebut secara administrasi sudah masuk dalam perawatan Pemerintah Provinsi DKI Jakarta terutama dinas pertamanan dan hutan kota Jakarta Timur. Hal ini berdampak positif berupa alokasi anggaran setiap tahun untuk peringatan Tragedi Mei 1998. Selain itu memorialisasi Mei 98 di Jakarta direplikasi di beberapa daerah dalam proses mengupayakan memorialisasi di Solo, Medan, Surabaya, Kupang yang sedang berproses. Begitu juga replikasi inisiatif merawat ingatan publik yang semakin luas seperti napak reformasi yang juga diikuti kampus, kelompok muda; di Semarang ada rujuk pare untuk mengenang tragedi Mei 98 yang digagas kelompok Rasa Darma, serta bentuk inisiatif lainnya seperti aksi kamisan yang digagas kontraS serta keluarga korban.

- ♦ Lahirnya serangkaian kebijakan untuk penyelesaian *non judicial* pelanggaran HAM masa lalu yaitu Keputusan Presiden Nomor 17 Tahun 2022 tentang Penyelesaian Non Yudisial Pelanggaran Hak Asasi Manusia yang Berat (PPHAM), Instruksi Presiden Nomor 2 Tahun 2023 tentang Pelaksanaan Rekomendasi Penyelesaian Non-yudisial Pelanggaran Hak Asasi Manusia yang Berat, dan Keputusan Presiden Nomor 4 Tahun 2023 tentang Tim Pemantau Pelaksanaan Rekomendasi Penyelesaian Non-yudisial Pelanggaran Hak Asasi Manusia Yang Berat.
- ♦ Dalam konteks Papua, telah lahir Peraturan Bupati Jayapura Nomor 35 Tahun 2019 tentang Penyelenggaraan Daerah Bebas Kekerasan di Kabupaten Jayapura
- ❖ Berdasarkan pemantauan Komnas Perempuan residu akibat konflik bersenjata yang terjadi di Papua pasca peristiwa politik PEPERA pada tahun 1969<sup>1</sup> masih terus berdampak hingga saat ini. Pasca pencabutan status sebagai Daerah Operasi Militer pada tahun 1998, berbagai operasi telah dilancarkan tetapi kekerasan demi kekerasan yang menimbulkan korban baik pada warga sipil, aparat keamanan maupun kelompok bersenjata masih terus terjadi. Upaya menjadikan Papua sebagai wilayah percontohan daerah yang bebas dari kekerasan melalui Perbup Jayapura tahun 2018 pada praktiknya belum dapat dilihat implementasinya karena kendala pandemi dan kurangnya political will. Kondisi ini diperburuk dengan berbagai konflik sumber daya alam di Papua yang juga berujung pada kekerasan yang berkelindan dengan konflik politik. Perempuan sebagai kelompok rentan dalam hal ini mengalami dampak yang tidak proporsional, selain sebagai korban secara umum juga rentan menjadi korban KDRT dan kekerasan seksual. Angka kematian ibu di Papua mencapai angka 565, jauh lebih tinggi dari angka kematian ibu secara nasional yang berada pada jumlah 189.<sup>23</sup> Sebagai contoh pasca konflik di Nduga pada tahun 2018 yang menimbulkan peristiwa IDP's, hingga saat ini belum teratasi. Penduduk Nduga masih

23 [Mortalitas di Indonesia Hasil Long Form Sensus Penduduk 2020 - Badan Pusat Statistik Indonesia \(bps.go.id\)](https://bps.go.id)

menjadi IDP's dan tersebar di berbagai wilayah di Papua. Pada Desember 2021, Komnas Perempuan bertemu dengan para pengungsi Maybrat di Sorong yang dihadiri oleh lima perempuan mewakili kampung yang berbeda. Informasi yang disampaikan bahwa: (1.) Sulitnya akses untuk mendapatkan makanan di kamp pengungsian, (2). Terhentinya pendidikan anak-anak selama mengungsi; dan (3). Akses Kesehatan, di mana pada saat mengungsi ada 4 (empat) orang perempuan yang hamil dan terpaksa melahirkan dengan peralatan seadanya.

**28. *In the past five years, what actions has your country taken to increase the leadership, representation and participation of women in conflict prevention, resolution, peacebuilding, humanitarian action and crisis response, at decision-making levels in situations of armed and other conflicts, and in fragile or crisis settings?***

- ❖ Terdapat praktik baik yang telah dilakukan oleh Komnas Perempuan dalam upaya meningkatkan kepemimpinan, keterwakilan dan partisipasi perempuan dalam pencegahan konflik, resolusi, pembangunan perdamaian, dan aksi kemanusiaan. Telah terbit buku *Menghidupkan Center of Peace Berperspektif Hak Asasi Manusia dan Pemberdayaan Semua Pihak di Indonesia tahun 2022*. Buku CoP tersebut, merupakan praktik baik dalam pendidikan perdamaian dengan pendekatan berbasis pengalaman perempuan. Buku tersebut berisi sebuah tawaran pendidikan damai yang bersumber dari inisiatif masyarakat pasca konflik di enam daerah konflik yaitu: (1) Aceh pada konflik bersenjata dengan operasi militer, darurat militer dan darurat sipil (1999-2005); (2) Ambon, Maluku dalam konflik antar etnis penduduk asli Ambon dan etnis pendatang (1999); (3) Makassar, Sulawesi Selatan pada konflik antara penduduk lokal dan pendatang (1967); (4) Poso Sulawesi Utara dalam konflik antara penduduk setempat yang sebagian besar beragama Kristen dan pendatang yang sebagian besar beragama Islam (2000); (5) Sambas, Kalimantan Barat konflik antara komunitas etnis Melayu dan Madura (1999); (6) Sampit, Kalimantan Tengah pada konflik antara komunitas etnis Dayak dan Madura (2001).

- ❖ Upaya untuk meningkatkan kepemimpinan, keterwakilan dan partisipasi perempuan dalam pencegahan konflik, resolusi, pembangunan perdamaian, dan aksi kemanusiaan implementasinya belum optimal, seperti saat dilakukan Resolusi konflik Maluku di tingkat formal yang diinisiasi oleh pemerintah melalui pertemuan Malino II peran perempuan belum diperhitungkan. Dalam pertemuan tersebut hanya melibatkan 3 orang perempuan dari 69 delegasi pertemuan Malino II, yang terdiri dari 34 orang sebagai perwakilan komunitas Kristen dan 35 orang dari komunitas muslim di kota Ambon. Hal tersebut menunjukkan bahwa proses resolusi konflik yang bias gender melahirkan *output* yang juga bias gender. Indikatornya, dari sebelas poin perjanjian Malino II tidak ada satu poin pun berkaitan dengan isu perempuan. Padahal dalam realitas di masa konflik Maluku kondisi perempuan sangat rentan baik sebagai korban maupun kombatan. Kondisi tersebut dapat diamati dari sejumlah kebijakan dalam penanganan konflik di Indonesia, selain di Maluku, Poso dan wilayah lainnya. Dalam penanganan pengungsi, pemulihan hak-hak warga seperti hak keperdataan hingga kini belum tuntas dan menjadi potensi konflik baru di masyarakat. Di Aceh, mekanisme seperti Badan Reintegrasi Aceh maupun Komisi Kebenaran dan Rekonsiliasi juga belum menunjukkan kemampuan untuk bisa berkontribusi dengan lebih substantif pada penyelesaian masalah pasca konflik.
- ❖ Praktik baik dari refleksi sebelumnya menunjukkan bahwa perempuan korban kekerasan sebagai akibat langsung maupun tak langsung dari konflik membutuhkan penanganan secara komprehensif baik di tingkat individu maupun komunitas. Sementara upaya pemulihan yang komprehensif masih sulit untuk diakses oleh perempuan korban, termasuk penanganan pasca bencana belum sepenuhnya pulih. Komnas Perempuan ke depan akan berupaya di antaranya dengan menyusun *Grand Design* Pendidikan Damai, dan panduan pendidikan damai di satuan pendidikan dasar dan menengah yang berada di satuan pendidikan Kementerian Pendidikan, Kebudayaan, Riset dan Teknologi (Kemendikbudristek) dan Kementerian Agama.

**29. *In the last five years, what actions has your country taken to enhance judicial and non-judicial accountability for violations of international humanitarian law and violations of the human rights of women and girls in situations of armed and other conflicts or humanitarian action and crisis response?***

- ❖ Dalam perkembangan lima tahun terakhir, terdapat Instruksi Presiden (Inpres) No. 2 Tahun 2023 tentang Pelaksanaan Rekomendasi Penyelesaian Non-Yudisial Pelanggaran Hak Asasi Manusia yang Berat dan Keputusan Presiden (Keppres) No. 4 Tahun 2023 tentang Tim Pemantau Pelaksanaan Rekomendasi Penyelesaian Non-Yudisial Pelanggaran Hak Asasi Manusia yang Berat (Tim Pemantau PPHAM). Dua aturan tersebut sebagai wujud pertanggungjawaban Negara dan menindaklanjuti Pidato Presiden RI, Joko Widodo tahun 2022 terkait 12 kasus pelanggaran HAM masa lalu yang terjadi di Indonesia juga menjadi bagian yang penting untuk ditinjau dan dikawal keberlanjutannya. Dua aturan itu mengamanatkan 19 Kementerian/lembaga untuk memberikan pemulihan bagi korban dan keluarga korban.
- ❖ Implementasi Instruksi Presiden (Inpres) No. 2 Tahun 2023 Tentang Pelaksanaan Rekomendasi Penyelesaian Non-Yudisial Pelanggaran Hak Asasi Manusia yang Berat dan Keputusan Presiden (Keppres) No. 4 Tahun 2023 Tentang Tim Pemantau Pelaksanaan Rekomendasi Penyelesaian Non-Yudisial Pelanggaran Hak Asasi Manusia yang Berat (Tim Pemantau PPHAM) memberikan pemulihan bagi korban. Namun disisi lain terdapat tantangan tersendiri karena tidak semua korban konflik terkait 12 kasus pelanggaran HAM masa lalu yang terjadi di Indonesia mendapatkan bantuan.
- ❖ Proses penyelesaian konflik Non Yudisial. Komnas Perempuan setelah berhasil mengupayakan memorialisasi di Jakarta, sejak 2016 melanjutkan memorialisasi di Solo. Bekerja sama dengan jaringan perempuan “Jejer Wadon” dan masyarakat sipil mengupayakan langkah-langkah memorialisasi di makam massal korban Mei 98 di TPU Purwoloyo termasuk berkoordinasi dengan pemerintah kota Solo untuk kolaborasi bersama. Di Medan, terdapat

peristiwa kasus kekerasan seksual di salah satu Universitas Medan yang diduga dilakukan oleh aparat penegak hukum pada saat terjadi demonstrasi besar di Medan. Komnas Perempuan mendukung inisiatif publik dari kampus untuk memulai proses memorialisasi dan berkoordinasi dengan pemerintah kota Medan. Selain itu Komnas Perempuan saat ini sedang berproses mengupayakan memorialisasi di Surabaya. Mulai dilakukan penelusuran melalui dialog dengan para pelaku sejarah dan pendamping korban. Langkah-langkah ini masih berproses untuk dilanjutkan dengan napak tilas satu persatu dari setiap titik kejadian serta mendorong kolaborasi dengan masyarakat sipil dan pemerintah daerah setempat.

- ❖ Inisiatif serupa juga dilakukan di Semarang. Pada bulan Mei 2021, perkumpulan Boen Hian Tong atau perkumpulan Rasa Dharma meletakkan Sinci Ita Martadinata di altar perkumpulan untuk mengenang Tragedi Mei '98 sekaligus menjadi simbol gerakan melawan lupa. Selain itu juga menyelenggarakan Festival “Rujak Pare” menggunakan Sambal Bunga Kecombrang. Festival ini merupakan ritual makan bersama, kepahitan pare melambangkan pahitnya Tragedi Mei 1998, bunga kecombrang simbol kekerasan seksual yang menimpa perempuan Tionghoa yang diulek, dianiaya, diperkosa. Komnas Perempuan mengapresiasi inisiatif tersebut, dan menjadikan Festival Rujak Pare menjadi salah satu kegiatan nasional dalam kampanye Mari Bicara Kebenaran.
- ❖ Komnas Perempuan berproses dengan KKR Aceh dan masyarakat sipil serta komunitas korban dan pendamping melanjutkan memorialisasi Rumoh Geudong. Namun terdapat tantangan dalam menindaklanjuti hasil rekomendasi Tim PPHAM atas proses memorialisasi Rumoh Geudong yakni dalam persiapan peluncuran program di Rumoh Geudong Aceh minim pelibatan substantif, terutama pada komunitas korban dan pendamping yang selama ini secara mandiri melakukan upaya memorialisasi. Sehingga tidak tersisa sedikitpun bangunan Rumoh Geudong yang merupakan salah satu simbol tempat terjadinya pelanggaran HAM Berat Saat Aceh berstatus Daerah Otonomi Militer (DOM), termasuk penyiksaan seksual di dalamnya.

Cluster 6:

**Pelestarian, Perlindungan, dan Rehabilitasi Lingkungan Hidup (Environmental Conservation, Protection, and Rehabilitation)**

**31. In the past five years, what actions has your country taken to integrate gender perspectives and concerns into environmental policies, including climate change adaptation and mitigation, biodiversity conservation and land degradation?**

- ❖ Kebijakan pengarusutamaan gender dalam penanganan bencana telah diintegrasikan dalam kebijakan KPPPA melalui Peraturan Menteri PPPA No. 13/2020 tentang Perlindungan Perempuan dan Anak dari Kekerasan Berbasis Gender dalam Bencana. Namun pemantauan Komnas Perempuan, menunjukkan bahwa kebijakan ini belum terimplementasi secara optimal, antara lain karena koordinasi lintas dinas terkait masih lemah, termasuk komitmen pemerintah daerah untuk alokasi anggaran berperspektif gender. Pada Maret 2024, KPPPA sebagai *leading-sector* juga telah mengeluarkan Rencana Aksi Nasional Gender dan Perubahan Iklim. Selain itu Pemerintah juga menginisiasi RAN P3AKS (2014-2023) satu rencana aksi nasional yang fokus pada perlindungan perempuan dan anak perempuan dalam situasi konflik sosial.<sup>24</sup>
- ❖ Komnas Perempuan melakukan pemantauan kondisi perempuan, pelanggaran HAM perempuan termasuk perempuan adat dan kekerasan berbasis gender dalam krisis iklim dan konflik sumber daya alam secara berkelanjutan yang dilaporkan ke Komnas Perempuan 2020-2024 maupun untuk kebutuhan studi dan advokasi kebijakan, yakni (1) Konflik Pubabu, NTT (2020); (2) Konflik Pertambangan di Sangihe (2021); (3) Konflik sumber daya alam di Dairi (2021); (4) Konflik Pertambangan di Bengkulu (2022); (5) PSN Nagakeo (2022); (6) Konflik TPL di Toba; (7)

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24 Komnas Perempuan dan UNFPA, *Lenting dalam Kegentingan: Dampak Krisis Iklim terhadap Kerentanan Perempuan*, 2024.

PSN Eco City di Rempang (2023); (8) PSN IKN di Kaltim (2024); (9) Perdagangan Karbon dan Kebakaran Hutan di Jambi (2024). Tahun 2024 tujuan pemantauan lebih difokuskan pada situasi perempuan dan perhatian khusus pada kelompok rentan dalam semesta krisis iklim baik pemicu, dampak maupun respons terhadap krisis iklim. Lokasi pemantauan di 4 Wilayah yaitu Demak-Jawa Tengah, Muara Bungo-Jambi, Kalimantan Timur, dan Nusa Tenggara Timur. Mekanisme kerja yang dilakukan adalah bersinergi dengan mitra jaringan.

- ❖ Temuan praktik baik salah satunya adalah prakarsa layanan pengaduan warga untuk kasus kekerasan berbasis gender oleh kelompok perempuan di akar rumput. Di antaranya, membentuk organisasi sebagai ruang belajar, saling tukar informasi dan berbagi kepedulian di antara warga, terlibat dialog dengan pemangku kebijakan, dan penguatan dalam menghadapi dampak langsung maupun tidak langsung dari bencana akibat krisis iklim. Di Demak, misalnya, terdapat inisiasi posko paralegal Pertiwi untuk perlindungan perempuan dan anak korban kekerasan dan identitas nelayan perempuan dalam kolom pekerjaan di KTP. Pengakuan ini menjadi dasar untuk mengakses hak-hak perempuan sebagai nelayan seperti asuransi, subsidi BBM, atau bantuan modal. Inisiatif menghadapi krisis iklim juga terdata dari perjuangan kelompok perempuan di NTT, berkurangnya pendapatan akibat perubahan lingkungan dihadapi dengan menambah ketrampilan baru, seperti pelatihan *make up* artist.<sup>25</sup>
- ❖ Dalam konflik SDA, tata ruang maupun agraria, konflik terjadi akibat prioritas pembangunan yang masif atas infrastruktur dan pengabaian pelibatan substantif masyarakat terdampak termasuk perempuan dalam proyek pembangunan seturut norma *Free, Prior and Informed Consent* (FPIC), yang berakibat tidak dipatuhinya uji-tuntas dalam pemberian izin pembangunan, Di antaranya, pemenuhan hak informasi dan partisipasi bermakna bagi masyarakat terdampak; juga supremasi korporasi dan impunitas pelaku, diskoneksi kebijakan pusat dengan daerah.

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25 *Ibid.*

Pendekatan kepala keluarga mengakibatkan perempuan mengalami marginalisasi dalam keluarga dan komunitas serta rentan kekerasan dalam situasi konflik.

- ❖ CATAHU 2020 Komnas Perempuan memberi perhatian khusus terhadap konflik SDA berupa konflik tanah dan bangunan. Komnas Perempuan mencatat bahwa dalam konflik tersebut, perempuan mengalami kriminalisasi saat mempertahankan lahannya. Komnas Perempuan juga menemukan bahwa perempuan rentan mengalami kekerasan antara lain kekerasan ekonomi dan seksual. Perempuan korban terpaksa menjadi pencari nafkah karena suaminya tertembak mati atau kehilangan mata pencarian ketika lahan sumber penghidupan mereka diambil alih negara. Kekerasan seksual yang terjadi berupa ancaman pelecehan seksual oleh aparat keamanan dan petugas keamanan perusahaan ketika para perempuan melakukan perlawanan secara non kekerasan termasuk demonstrasi damai untuk mempertahankan tanahnya. Perempuan menjadi pendamping perempuan korban atau PPHAM juga mengalami intimidasi, ancaman bahkan kekerasan berlapis. CATAHU 2023, Komnas Perempuan mencatat 11 kasus kekerasan terhadap perempuan di ranah negara pada konteks konflik SDA, Tata Ruang dan Agraria termasuk yang melibatkan perempuan adat.

**32. *In the past five years, what actions has your country taken to integrate gender perspectives into policies and programmes for disaster risk reduction and building environmental and climate resilience?***

- ❖ Pemerintah Indonesia dalam upaya mitigasi bencana sudah mengupayakan integrasi pertimbangan gender. Disusun satu Peta Jalan (*road map*) penanggulangan bencana dengan menekankan keadilan gender secara berkelanjutan. Sejalan dengan hal tersebut Komnas Perempuan menyusun satu rekomendasi kebijakan alokasi anggaran penyikapan kekerasan berbasis gender pada konteks bencana.
- ❖ Penyikapan terhadap kekerasan berbasis gender dalam konteks bencana. Pemantauan tahun 2023 ditujukan

untuk menyusun rekomendasi kebijakan alokasi anggaran secara spesifik untuk penyikapan kekerasan berbasis gender dalam konteks bencana. Pemantauan di wilayah paska bencana likuifaksi dan gempa Palu (2018) menemukan bahwa pengungsi domestik masih menempati hunian sementara (huntara) dan hunian tetap (huntap). Temuan situasi pada hunian sementara (huntara) sebagai berikut (a) desain MCK belum tertutup dan belum terpilah berdasar gender; (b) rumah hunian sempit dan bercampur tanpa sekat antara perempuan dan laki-laki; (c) minim pengamanan; (d) belum tersedia ruang pengaduan dan layanan psikologis; (e) tidak tersedia alokasi anggaran untuk pendamping korban dalam menangani kasus; (f) tidak ada fasilitas pemulihan korban dan penyintas; (g) tidak ada anggaran khusus pemulihan dari pemerintah. Adapun temuan situasi pada hunian tetap (huntap) mencakup: (a) lokasi hunian jauh sehingga sulit mengakses layanan pengaduan; (b) belum tersedia layanan psikologis dan psikososial; (c) belum ada pendataan kasus; (d) penanganan jangka panjang kasus kekerasan berbasis gender belum tersedia dan memunculkan potensi kerentanan terjadinya TPPO dan pekerja seks.

SECTION IV:

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**NATIONAL  
INSTITUTIONS  
AND PROCESSES**



## SECTION IV:

# NATIONAL INSTITUTIONS AND PROCESSES

### 35. *What formal mechanisms are in place for different stakeholders to participate in the implementation and monitoring of the Beijing Declaration and Platform for Action and the 2030 Agenda for Sustainable Development?*

#### **Metode kerja Komnas Perempuan dalam penyusunan Laporan BPfA+30**

- ❖ Komnas Perempuan merupakan lembaga HAM nasional yang independen dengan mandat khusus penghapusan kekerasan terhadap perempuan. Komnas Perempuan berkepentingan menyusun Laporan BPfA+30 yang berfokus pada 12 bidang kritis BPfA+30 dengan perhatian khusus terhadap upaya negara dalam pelaksanaan pencegahan kekerasan dan diskriminasi berbasis gender; pemajuan dan pemenuhan hak-hak perempuan termasuk kelompok rentan, pemenuhan hak perempuan korban kekerasan termasuk pemulihan komprehensif melalui perundang-undangan dan kebijakan negara sebagai target 5 Tujuan Pembangunan Berkelanjutan (SDG) tentang Kesetaraan Gender. Bebas dari kekerasan berbasis gender terhadap perempuan merupakan *conditio sine quanon* bagi pencapaian 12 bidang kritis dan SDGs.
- ❖ Laporan BPfA+30 ini disusun berdasarkan prinsip partisipatoris lintas unit kerja internal, modalitas internal lembaga HAM berupa laporan pemantauan, kertas kerja, kertas posisi, kajian/studi laporan mekanisme HAM internasional, siaran pers/kertas penyikapan dan catatan tahunan tentang kasus-kasus kekerasan berbasis gender yang dilaporkan ke Komnas Perempuan (CATAHU) serta koordinasi dengan KPPPA selaku leading sector pelaporan. Partisipasi dilakukan di lingkungan internal

dengan serangkaian diskusi terpumpun (FGD) yang melibatkan lintas unit kerja internal maupun jejaring dan kemitraan eksternal serta kementerian/lembaga negara, organisasi masyarakat sipil, lembaga penyedia layanan dan juga penyintas.

- ❖ Pada dasarnya kerja-kerja Komnas Perempuan di lintas unit kerja berpijak pada prinsip partisipatoris yang melibatkan internal maupun eksternal, yakni dengan K/L negara terkait, organisasi masyarakat sipil, dan organisasi penyedia layanan serta penyintas. Metode partisipatoris dapat berupa diskusi kelompok terpumpun (FGD), jejaring kemitraan lokal untuk pemantauan kasus-kasus maupun kajian/studi, rujukan dalam penanganan pengaduan kasus-kasus kekerasan terhadap perempuan, dan kampanye/sosialisasi/penguatan kapasitas. Dengan demikian, penyusunan Laporan BPfA+30 ini melibatkan partisipasi organisasi masyarakat sipil/organisasi penyedia layanan maupun K/L jauh-jauh hari sebelum proses penyusunan laporan melalui pemanfaatan modalitas internal Komnas Perempuan.
- ❖ Partisipasi organisasi masyarakat sipil dalam penyusunan Laporan BPfA+30 selanjutnya juga dilakukan melalui koordinasi dengan KPPPA melalui FGD untuk mendapatkan berbagai masukan dan validasi data. Komnas Perempuan sebagai lembaga HAM negara perlu berkoordinasi dengan KPPPA selaku *women machinery* pemerintah RI agar isu-isu bidang kritis yang diangkat Komnas Perempuan dapat terintegrasi dalam Laporan BPfA+30 pemerintah RI.

Pada tahap akhir perampungan, partisipasi organisasi masyarakat sipil dan penyedia layanan dilakukan sebagai proses validasi dan mendapatkan catatan kritis sebelum finalisasi Laporan BPfA+30.

SECTION V:

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**DATA AND  
STATISTICS**



## SECTION V:

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# DATA AND STATISTICS

### A. Pendokumentasian Data Kasus Kekerasan Berbasis Gender

1. Upaya menurunkan angka kekerasan terhadap perempuan (KtP) memerlukan langkah-langkah yang tepat, efektif dan berkesinambungan, baik dari sisi pencegahan, pendampingan dan pemulihan korban maupun penegakan hukum terhadap para pelaku kekerasan. Untuk itu semua langkah kebijakan, kelembagaan, program, anggaran, dan pelayanan terhadap korban kekerasan yang dikembangkan oleh pemerintah seharusnya didasarkan pada data yang lengkap, akurat, dan akuntabel.
2. Ketiadaan sinergi sistem pendokumentasian kasus kekerasan terhadap perempuan yang mampu menghasilkan data yang lengkap, akurat dan akuntabel serta memenuhi kebutuhan para pengambil kebijakan berimplikasi pada efektivitas upaya penurunan kasus KtP sehingga tidak dapat memenuhi harapan pemerintah dan masyarakat. Seringkali, upaya penanganan kasus dan pemulihan bagi perempuan korban kekerasan belum komprehensif, didasarkan pada data dan informasi yang parsial mengenai persoalan yang dihadapi korban.
3. Komnas Perempuan telah mengembangkan sistem basis data (*data-base*) kasus-kasus KtP yang disebut dengan Sistem Pendokumentasian Kekerasan terhadap Perempuan (Sintaspuan) yang merupakan sistem pendokumentasian tersendiri untuk kasus-kasus KtP yang diajukan ke Komnas Perempuan. Di samping itu, Komnas Perempuan setiap tahun sejak tahun 2001 mempublikasikan CATAHU (Catatan Tahunan) tentang KtP di Indonesia yang merupakan kompilasi data dari lembaga-lembaga penyedia layanan di seluruh Indonesia dan kini juga dilengkapi dengan data dari Pengadilan Agama, Pengadilan Militer, Aparat Penegak Hukum dan Rumah Sakit.

4. Kesadaran pemerintah, lembaga negara dan organisasi kemasyarakatan tentang pentingnya ketersediaan data semakin meningkat. Pentingnya ketersediaan data ini merupakan bagian dari upaya meningkatkan efektifitas perumusan dan pelaksanaan kebijakan, kelembagaan, program, anggaran serta pelayanan termasuk sebagai landasan advokasi kebijakan masyarakat yang terkait dengan KtP baik di tingkat pusat maupun daerah. Sinergi dan kerjasama antara KPPPA, Komnas Perempuan, dan Forum Pengada Layanan untuk menghasilkan satu data KtP yang saling melengkapi semakin mendesak diperlukan.
5. Berdasarkan kebutuhan adanya sinergi data KtP maka pada 21 Desember 2019 KPPPA, Komnas Perempuan, dan Forum Pengada Layanan menandatangani Kesepakatan Bersama tentang Sinergi Data dan Pemanfaatan Sistem Pendokumentasian Kasus Kekerasan terhadap Perempuan untuk Pemenuhan Hak Asasi Perempuan. Tujuan Kesepakatan Bersama tersebut adalah, mensinergikan tugas, fungsi, dan sumber daya dari para pihak dalam mewujudkan keterpaduan sistem pendokumentasian kasus KtP di Indonesia dan pemanfaatannya untuk pemajuan penghormatan, perlindungan, dan pemenuhan hak asasi perempuan, menyediakan data dan laporan bersama dari pendokumentasian kasus kekerasan terhadap perempuan.
6. Selain itu, sinergi data ini juga merupakan upaya memperkuat peran masing-masing Lembaga dalam memastikan pemenuhan Hak Perempuan Korban Kekerasan di Indonesia. Kesepakatan Bersama tersebut juga dimaksudkan untuk meningkatkan pengetahuan dan kapasitas masing-masing lembaga dalam memastikan penggunaan kerangka kerja Konvensi Penghapusan Segala Bentuk Diskriminasi terhadap Perempuan/CEDAW dalam pendokumentasian kasus KtP serta usaha mewujudkan kebijakan penguatan pelaksanaan sistem pendokumentasian kasus KtP mulai dari Pemerintah, Organisasi Pemerintah Daerah, Lembaga Negara hingga Lembaga Layanan secara terpadu di Indonesia.

## B. Data Pilah Gender dalam Statistik Kriminal

- ❖ Sejak tahun 2001, Komnas Perempuan telah melakukan pendokumentasian data kasus kekerasan terhadap perempuan di Indonesia. Pendokumentasian tersebut dilakukan bersama dengan mitra-mitra, baik pemerintah maupun lembaga masyarakat, ditambah pengaduan ke Komnas Perempuan. Sumber data dari pemerintah dan lembaga masyarakat tersebar dari berbagai wilayah di tanah air. Dalam pendokumentasian tersebut ditemukan pola dan berbagai bentuk kekerasan terhadap perempuan di setiap tahunnya. Pola dan bentuk-bentuk kekerasan terhadap perempuan tersebut kemudian menjadi basis rekomendasi Komnas Perempuan untuk tujuan membangun situasi kondusif dan penghapusan kekerasan terhadap perempuan di Tanah Air yang kemudian diformulasikan menjadi Catatan Tahunan (CATAHU) Komnas Perempuan.
- ❖ Dalam penyajiannya CATAHU menampilkan data kekerasan terhadap perempuan berdasarkan kategori tiga ranah, yaitu:
  - a. Ranah Personal atau biasa disebut KDRT/ranah personal (RP), mencakup semua tindak kekerasan yang terjadi dalam keluarga dan yang dilakukan oleh orang-orang yang dikenal/dekat serta anggota keluarga sendiri (misalnya, suami, mantan suami, pacar, mantan pacar, orang tua, saudara, dll)
  - b. Ranah Publik atau komunitas, meliputi semua tindak kekerasan yang terjadi dalam ruang publik seperti tempat kerja, lingkungan rumah, sekolah, perdagangan perempuan dan anak perempuan, kekerasan di ruang siber, dll)
  - c. Ranah Negara meliputi penggunaan alat-alat negara yang mengakibatkan kesewenang-wenangan, perlakuan tidak manusiawi dan berakibat pada kekerasan atau penyiksaan terhadap perempuan di antaranya menyangkut perangkat serta penegakan hukum, struktur dan budaya yang diakui negara seperti yang terjadi dalam kekerasan di wilayah konflik

- ❖ Dalam perkembangannya, CATAHU menjadi rujukan para pihak baik untuk kebutuhan penelitian, penyusunan kebijakan, program kegiatan, penyedia layanan, maupun laporan ke mekanisme HAM internasional termasuk di PBB. Komnas Perempuan memandang penting kehadiran CATAHU untuk melihat tren, ragam, serta dampak kekerasan yang dialami oleh perempuan serta tantangan yang dihadapi saat penyelesaiannya. Pemahaman yang baik terkait dengan dampak ini, diharapkan akan memperkuat *support system* dari orang-orang terdekat, masyarakat dan juga negara.
- ❖ Rincian kekerasan yang dicatatkan dalam 5 tahun terakhir terus tumbuh, seperti femisida, KBGS, kekerasan seksual dan KDRT Berlanjut. Pendataan ini menjadi salah satu pondasi dalam mendorong perubahan kebijakan yaitu disahkannya UU TPKS pada Mei 2022. Pengalaman penyusunan data CATAHU Komnas Perempuan mengidentifikasi kendala utama dalam pendokumentasian, yaitu: kategorisasi dan penamaan kekerasan berbasis gender yang berbeda antar lembaga, berbasis partisipasi sukarelawan, anggaran yang terbatas, kondisi keberlangsungan lembaga mitra, tingkat kebutuhan lembaga mitra tentang pendokumentasian dan pengolahan data, serta sumber daya manusia di lembaga-lembaga mitra.
- ❖ Upaya penyatuan satu data kekerasan berbasis gender di Indonesia terus dilakukan. Tahun 2019, Komnas Perempuan bersama KPPPA dan FPL membangun sinergi dan kerjasama untuk menghasilkan data terpilah yang saling melengkapi melalui peluncuran laporan Gerak Bersama dalam data laporan sinergi basis-data kekerasan terhadap perempuan, walau dalam prosesnya masih banyak tantangan yang dihadapi. Tantangan tersebut adalah, perbedaan istilah dan kategori data untuk mendapatkan gambaran yang lebih utuh tentang kecenderungan kasus kekerasan terhadap perempuan berdasarkan perbandingan data yang dimiliki oleh ketiga lembaga, belum dapat dilakukan. Selain itu upaya sinergi data yang dilaporkan oleh 3 lembaga juga belum dapat menghindari tumpang tindih data (*double counting*).

Dengan kehadiran “satu data” di Indonesia, maka perlu dikembangkan satu nama satu alamat sehingga CATAHU dapat dilakukan bukan hanya berbentuk kuesioner tetapi juga dengan sensus yang menjangkau seluruh daerah terpelosok di Indonesia.



SECTION VI:

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**CONCLUSIONS  
AND NEXT STEPS**



## SECTION VI:

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# CONCLUSIONS AND NEXT STEPS

### Cluster I:

#### **Pembangunan yang inklusif, kesejahteraan bersama, dan pekerjaan layak (*Inclusive development, shared prosperity, and decent work*)**

1. Mendorong ratifikasi Konvensi ILO 190 tentang Kekerasan dan Pelecehan di Dunia Kerja
2. Sosialisasi, implementasi dan pengawasan terhadap Keputusan Menteri Ketenagakerjaan Nomor 88 Tahun 2023 tentang Pedoman Pencegahan dan Penanganan Kekerasan Seksual di Tempat Kerja dan Peraturan Menteri PPPA tentang Pendirian Rumah Perlindungan Perempuan Pekerja (RP3) di Kawasan Industri
3. Memastikan pemenuhan hak-hak maternitas bagi perempuan pekerja.
4. Melakukan tindak lanjut terhadap Putusan Mahkamah Konstitusi Nomor 75/PUU-XX/2022 untuk segera membuat peraturan khusus perlindungan pekerja rumahan.
5. Mengesahkan Rancangan Undang-Undang Pekerja Rumah Tangga
6. Pemerintah melakukan uji cermat tuntas terhadap isu migrasi sesuai dengan nilai HAM dan keadilan gender; melakukan pengawasan intensif terhadap BLKLN dan BPVP terkait pelaksanaan pelatihan CPMI serta praktik penampungan CPMI.
7. Mendorong penghapusan diskriminasi dan kekerasan serta pemenuhan hak asasi bagi disabilitas di dunia kerja.
8. Revisi Undang-Undang No. 16 Tahun 2019 tentang Perkawinan terkait diskriminasi terhadap perempuan dan penyandang disabilitas.

9. Implementasi secara optimal Stranas Bisnis dan HAM di dunia kerja dengan memenuhi hak-hak asasi perempuan pekerja termasuk kerja layak.
10. Mendorong pengesahan RUU Masyarakat Adat. RUU Masyarakat Adat sangat penting untuk segera disahkan dengan memastikan perlindungan komprehensif hak-hak masyarakat adat, dan perhatian khusus pada kerentanan perempuan adat.

Cluster 2:

**Pengentasan kemiskinan, perlindungan sosial dan pelayanan sosial (poverty eradication, social protection and social services)**

- ❖ Mendorong pemerintah Indonesia melakukan data terpilah berbasis gender kemiskinan berdasarkan latar belakang dan kebutuhan untuk mengurangi angka kemiskinan perempuan.
- ❖ Mendorong Pemerintah untuk segera menerbitkan regulasi turunan dari UU No. 17 Tahun 2023 tentang Kesehatan, khususnya Pasal 60 yang mengatur kriteria dan persyaratan pelayanan aborsi aman. Selain ketentuan dalam Pasal 61 UU Kesehatan, perlu dirumuskan norma baru yang menegaskan kewajiban pemerintah pusat dan pemerintah daerah untuk menyediakan layanan aborsi aman, bermutu, dan bertanggung jawab.
- ❖ Pemerintah melakukan penyelesaian yudisial dan mengakui pelanggaran HAM berat lainnya dan menyediakan alokasi anggaran yang memadai untuk pemenuhan hak atas pemulihan komprehensif selain restitusi.
- ❖ Tim PPHAM melibatkan komunitas korban dalam pemenuhan hak atas pemulihan dan restitusi.
- ❖ Pemerintah agar segera meratifikasi OPCAT sebagai payung HAM internasional bagi pelaksanaan mekanisme perlindungan nasional.
- ❖ Pemerintah melakukan penguatan kapasitas aparat penegak hukum dan petugas lapas serta rutan untuk pencegahan penyiksaan dan *ill-treatment* berbasis gender, disabilitas dan

anak serta melaksanakan prinsip-prinsip Bangkok Rules untuk pemenuhan hak maternitas perempuan tahanan.

- ❖ Pemerintah dalam hal ini Kementerian Pemberdayaan Perempuan dan Anak melakukan pemantauan atas agenda Peta Jalan (Roap Map) Pencegahan P2GP 2030 dengan memastikan keterlibatan kementerian/lembaga yang memiliki tanggung jawab sebagaimana diamanatkan dalam Peta Jalan.
- ❖ Penguatan infrastruktur pokok dan layanan pengaduan perempuan korban berperspektif kepulauan dan wilayah 3 T (terpencil, terluar dan termiskin).
- ❖ Pemerintah melibatkan organisasi-organisasi masyarakat sipil dan LNHAM dengan menggunakan perspektif gender, disabilitas dan kelompok rentan lainnya dalam implementasi Stranas Binis dan HAM.
- ❖ Pemerintah melalui KPPPA mensosialisasikan secara masif RAN Gender dan Perubahan Iklim serta melibatkan organisasi-organisasi masyarakat sipil dan LNHAM dalam implementasinya.
- ❖ Pemerintah Indonesia melakukan *monitoring* dan evaluasi atas kebijakan dan program pemulihan ekonomi pasca pandemi Covid-19 agar program tepat sasaran.

### Cluster 3:

#### **Bebas dari kekerasan, stigma, dan stereotipe (freedom from violence, stigma, and stereotypes)**

- ❖ Pemerintah dalam hal ini Kementerian Pendidikan, Kebudayaan, Riset dan Teknologi dan Kementerian Agama menerbitkan kebijakan mandatori kepada seluruh pimpinan satuan pendidikan dasar, menengah dan perguruan tinggi agar mendukung penuh, baik material maupun immaterial terkait implementasi kebijakan PPKS kepada satuan tugas yang sudah dibentuk/tunjuk
- ❖ Pemerintah dalam hal ini Kementerian Pendidikan, Kebudayaan, Riset dan Teknologi dan Kementerian Agama menguatkan kapasitas anggota satuan tugas PPKS di seluruh perguruan tinggi untuk menjalankan tugas pencegahan dan penanganan kasus kekerasan seksual.

- ❖ Pemerintah dalam hal ini Kementerian Pendidikan, Kebudayaan, Riset dan Teknologi dan Kementerian Agama melakukan pemantauan berkala implementasi kebijakan Pencegahan dan Penanganan Kekerasan Seksual (PPKS) di satuan Pendidikan baik dasar menengah dan perguruan tinggi.
- ❖ Institusi Kepolisian menerapkan secara optimal PP No. 39 Tahun 2020 tentang Akomodasi yang Layak bagi Penyandang Disabilitas dalam Proses Peradilan.
- ❖ Pemerintah melakukan penguatan kapasitas bagi Aparat Penegak Hukum khususnya Kejaksaan agar memahami 'rezim baru' UU TPKS terkait pembuktian kasus kekerasan seksual.
- ❖ Medorong Pemerintah untuk segera mengesahkan agar pelaksanaan UU TPKS khususnya untuk pemenuhan hak-hak korban lebih terjamin. Dari tujuh peraturan baru dua perpres yang dikeluarkan yaitu Peraturan Presiden (Perpres) No. 9 Tahun 2024 tentang Penyelenggaraan Pendidikan dan Pelatihan Pencegahan dan Penanganan Tindak Pidana Kekerasan Seksual (Perpres Diklat), Perpres No. 55 Tahun 2024 tentang Unit Pelaksana Teknis Daerah Perlindungan Perempuan dan Anak (Perpres UPTD PPA).
- ❖ Pemerintah mengintegrasikan perkawinan tidak tercatat dalam UU KDRT yang menikah tak tercatat karena beda agama atau menikah secara adat dapat terlindung oleh UU PKDRT.
- ❖ Pemerintah agar merevisi UU Perkawinan untuk (a) menghapus pasal-pasal yang diskriminatif terhadap perempuan dan penyandang disabilitas dan; (b) mengintegrasikan pengaturan siapa yang berhak atas pengasuhan anak pasca perceraian dan kewajiban lainnya.
- ❖ Pemerintah melakukan penguatan kapasitas bagi aparat penegak hukum dalam penanganan kasus KDRT untuk memenuhi hak perempuan korban atas keadilan dan pemulihan komprehensif, memastikan perempuan korban yang melapor tidak dikriminalisasi. Penyelesaian kasus KDRT seperti kekerasan seksual perlu diselaraskan dengan ketentuan yang diatur perundangan-undangan lainnya dan penyelesaian kasus KDRT melalui mekanisme keadilan restoratif harus menggunakan perspektif korban.

- ❖ Pemerintah agar mengimplementasikan secara komprehensif dan optimal (1) UU Nomor 18 Tahun 2017 tentang Perlindungan Pekerja Migran Indonesia (2) Konvensi ASEAN termasuk upaya mengatasi masalah politis dan praktik di lapangan yang berkaitan langsung dengan kasus pekerja migran dan perdagangan orang.
- ❖ Pemerintah agar (a) memastikan Peta Jalan Penghapusan P2GP berjalan secara optimal dan melakukan pemantauan, pendataan terpilah dan evaluasi berkala dengan pelibatan organisasi masyarakat sipil dan LNHAM terkait; (b) mengatur sanksi terhadap pelanggaran tindak P2GP. Inisiatif yang dikembangkan oleh masyarakat ini harus didukung oleh pemerintah, seperti melalui penguatan kapasitas bagi pendamping dan dukungan anggaran terkait pelaksanaan layanan.
- ❖ Pemerintah agar melakukan sinkronisasi dan harmonisasi perundang-undangan yang diskriminatif terhadap perempuan penyandang disabilitas seperti UU Perkawinan agar selaras dengan UU No. 8 Tahun 2016 tentang Penyandang Disabilitas.

#### Cluster 4:

#### **Partisipasi, akuntabilitas dan lembaga yang responsif gender (*participation, accountability, and gender-responsive institutions*)**

- ❖ Tindakan spesifik untuk mencegah diskriminasi dan mempromosikan hak-hak kelompok perempuan korban kekerasan dalam Pemilu, Komnas Perempuan mengajukan *amicus curiae* untuk mendukung judicial review PKPU Nomor 10 tahun 2023, khususnya Pasal 8 ayat 2 terkait perhitungan pembulatan jumlah keterwakilan perempuan. Tindakan spesifik yang dilakukan Komnas Perempuan untuk mencegah diskriminasi dan mempromosikan hak-hak kelompok perempuan dan kelompok terpinggirkan lainnya; Komnas Perempuan menguatkan model penyikapan kekerasan terhadap perempuan lintas sektor yang berkualitas, terpadu, holistik, inklusif, dan berperspektif kepelulauan bagi Perempuan korban kekerasan dan diskriminasi.

- ❖ HAM belum menjadi prioritas yang tercermin dalam kerangka kerja dan program K/L. Pemahaman tentang tupoksi LNHAM tidak merata sehingga menimbulkan anggapan bahwa tidak dibutuhkan keberadaannya, tidak relevan, atau tumpang tindih.
- ❖ Perlindungan bagi PPHAM dari 118 lembaga layanan hanya 15 lembaga yang memiliki sistem perlindungan, selebihnya mereka bekerja tanpa perlindungan, baik ketika mendampingi korban secara kelompok maupun individu. Sementara dari negara tidak ada perlindungan apapun atas kerja-kerja mereka.
- ❖ Pemerintah mengeluarkan Peta Jalan penghapusan kekerasan, penyiksaan dan ill-treatment di tempat-tempat serupa tahanan termasuk panti rehabilitasi bagi penyandang disabilitas mental dan mengembangkan rehabilitasi berbasis masyarakat dan menghapus praktik pasung.

#### Cluster 5:

#### **Masyarakat yang Damai dan Inklusif (Peaceful and Inclusive Societies)**

- ❖ Komnas Perempuan saat ini tengah menyusun *Grand Design* Pendidikan Damai, dan panduan pendidikan damai di satuan pendidikan dasar dan menengah yang berada di satuan pendidikan Kementerian Pendidikan, Kebudayaan, Riset dan Teknologi (Kemendikbudristek) dan Kementerian Agama.
- ❖ Pemenuhan hak korban atas kebenaran, keadilan dan pemulihan perlu dibangun dalam kerangka keadilan transformatif yang memungkinkan koreksi bersifat fundamental dengan manfaat menciptakan rasa aman dan damai yang berkelanjutan.
- ❖ Memastikan adanya reformasi hukum dan kebijakan yang berpihak pada perempuan termasuk pada sektor reformasi keamanan yang selama ini dianggap isu yang maskulin
- ❖ Memastikan pelibatan substantif perempuan dalam berbagai forum diskusi, konsultasi, negosiasi dan pertemuan penting terkait dengan perlindungan perempuan saat konflik.

- ❖ Membangun pengetahuan yang berbasis kekhazanah pengalaman perempuan, khususnya dalam konteks konflik, perdamaian dan ketahanan nasional. Perlu ada pengakuan dan dukungan pada inisiatif-inisiatif perdamaian yang digulirkan oleh perempuan masih bersifat *ad hoc* dan parsial, misalnya pada upaya pendidikan perdamaian, kegiatan ekonomi, dan pengorganisasian warga untuk membangun dialog damai.
- ❖ Kementerian Pendidikan, Kebudayaan, Riset dan Teknologi dan Kementerian Agama memberi pembekalan terkait nilai-nilai keberagaman, kebhinekaan dan toleransi kepada para tenaga pendidik dalam proses seleksi dan pendidikan dasar CPNS sehingga para tenaga Pendidikan dapat menjadi agen perubahan dalam mencegah munculnya intoleransi dan radikalisme di satuan Pendidikan
- ❖ Lembaga Pendidikan pada semua jenjang menjadi pusat pendidikan damai yang menginternalisasikan nilai-nilai keberagaman, kebhinekaan dan toleransi dalam aktivitas belajar mengajar, interaksi tenaga pendidik, anak didik dan tenaga kependidikan sehingga nilai-nilai toleransi dan keberagaman membudaya di lingkungan sekolah/kampus.

Cluster 6:

**Pelestarian, perlindungan, dan rehabilitasi lingkungan hidup (*environmental conservation, protection, and rehabilitation*)**

- ❖ Pada kasus-kasus konflik SDA dan tata ruang, Komnas Perempuan merekomendasikan pihak-pihak terkait untuk memastikan dipenuhinya prinsip-prinsip HAM dan kepatuhan hukum dalam penyelenggaraan usaha, termasuk mengantisipasi dampak buruk terhadap ekologi dan HAM, terutama dampak khas yang dialami perempuan seperti kekerasan kesehatan. Diskriminasi dan keberlanjutan keberlangsungan ekonomi subsisten.
- ❖ Harmonisasi perundang-undangan nasional terkait pengaturan berbagai sumber daya alam (kelautan dan pesisir), pertanian, perhutanan, perkebunan, pertambangan, lingkungan hidup dll) krisis iklim dan pembangunan berkelanjutan agar selaras dengan Pembangunan Berkelanjutan.

## **Prioritas 5 tahun Ke Depan dalam Penghapusan Kekerasan terhadap Perempuan di Lembaga Pendidikan dan Kementerian/Lembaga**

Melihat sejumlah tantangan dan sekaligus pemajuan dalam upaya penghapusan kekerasan terhadap perempuan lima tahun terakhir, beberapa isu perempuan masih penting untuk menjadi prioritas dalam 5 tahun mendatang.

1. Pemajuan Kebijakan Pencegahan dan Penanganan KS untuk menciptakan kawasan bebas dari kekerasan (KBK) di lingkungan Pendidikan yang telah dicapai oleh Kemendikbudristek dan Kementerian agama, penting untuk terus dikawal dan ditingkatkan untuk 5 tahun ke depan sehingga nilai-nilai atau perspektif anti kekerasan terhadap perempuan yang berawal dari kebijakan akan terinternalisasi dan membudaya di lingkungan pendidikan .
2. Pemajuan kebijakan yang telah dicapai oleh Kemendikbudristek, Kementerian Agama, serta Kementerian BUMN dalam menciptakan kawasan bebas kekerasan melalui sejumlah kebijakan yang sudah diterbitkan, akan menjadi inspirasi ataupun contoh baik yang diikuti oleh seluruh Kementerian dan Lembaga.

Merekomendasikan program Kawasan bebas kekerasan di seluruh lingkungan Kementerian dan Lembaga dapat mendorong presiden untuk menerbitkan kebijakan yang bersifat *mandatory*.

KEY DOCUMENT SERIES 18

**INDEPENDENT REPORT  
NATIONAL COMMISSION ON  
VIOLENCE AGAINST WOMEN**

Marking Thirty Years of  
Beijing Platform for Action (BPfA +30)  
in Indonesia

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

2024

LAW OF THE REPUBLIC OF INDONESIA  
NUMBER 28 OF 2014 ON COPYRIGHT

SCOPE OF COPYRIGHT

Article 1

Copyright is the exclusive right of the creator that arises automatically based on the principle of declarative after an invention is embodied in a tangible form without reducing restrictions in accordance with the provisions of the legislation.

PENALTY PROVISIONS

Article 113

- (1) Any person who unlawfully infringes the economic rights as referred to in Article 9 paragraph (1) letter i for commercial use shall be punished with imprisonment of not more than 1 (one) year and/or a maximum fine of Rp100,000,000 (one hundred million rupiah).
- (2) Any person who without rights and/or without the authorization of the Creator or the Copyright Holder infringes the economic rights of the Creator as referred to in Article 9 paragraph (1) letter c, letter d, letter f, and/or letter h for commercial use shall be punished with a maximum imprisonment of 3 (three) years and/or a maximum fine of Rp500,000,000.00 (five hundred million rupiah).
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- (4) Any person who fulfills the elements as referred to in paragraph (3) in the form of piracy shall be punished with a maximum imprisonment of 10 (ten) years and/or a maximum fine of Rp4,000,000,000.00 (four billion rupiah).

The National Commission on Violence Against Women  
(Komnas Perempuan)

Independent Report  
National Commission on Violence  
Against Women

**MARKING THIRTY YEARS  
OF THE BEIJING PLATFORM  
FOR ACTION (BPFA+30)  
IN INDONESIA**

Submitted to  
The Commission on the Status of Women (CSW)

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

Jakarta, June 2024

KEY DOCUMENT SERIES 18

**INDEPENDENT REPORT  
NATIONAL COMMISSION ON VIOLENCE AGAINST WOMEN  
MARKING THIRTY YEARS OF THE BEIJING PLATFORM FOR ACTION (BPFA+30)  
IN INDONESIA**

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**When citing this report, please attribute the source as "Komnas Perempuan (2024).**

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First edition, June 2024  
viii + 124 pp.; 15 x 23.5 cm.

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# FOREWORD

This report is prepared by the National Commission of Violence against Women (Komnas Perempuan), an independent state body in Indonesia with specific mandate to work for the fulfilment and advancement of women's rights and to create a conducive condition to the elimination of all forms of violence against women in Indonesia.

Established under Presidential Decree No. 181 of 1998, Komnas Perempuan's mandate was later reinforced with Presidential Regulation No. 65 of 2005 and updated with Presidential Regulation No. 8 of 2024. The mandate of Komnas Perempuan includes to work for the fulfillment and advancement of women's rights and to create a conducive condition to the elimination of all forms of violence against women in Indonesia.

As a national human rights mechanism for women's rights, Komnas Perempuan plays a strategic role in providing input and recommendations to government, the legislative, the judicial institutions on policies/laws at the national, regional and international levels to encourage the development and reform of laws and policies that support efforts to prevent and mitigate all forms of violence against women, and handling and fulfill the recovery of the women victims of gender-based violence, as well as protecting, enforcing and promoting women's human rights, This is aimed at encouraging the enactment and ratification of a legal and policy framework that supports efforts to prevent and address all forms of violence against Indonesian women, and to protect, enforce, and advance women's human rights.

In line with this mandate, Komnas Perempuan has prepared a report on the implementation of the Beijing Platform for Actions (BPFA +30). This coincides with the 10-year mark of the 2030 Sustainable Development Agenda and the Sustainable Development Goals (SDGs). This report serves as an opportunity for Komnas Perempuan to provide input to the Government, specifically to Kemen-PPPA, the Ministry overseeing the BPFA+30 Implementation Report in Indonesia. This report will be submitted by the Indonesian Government to the Commission on the Status of Women (CSW) at the United Nations (UN).

The report is a compilation of data from Komnas Perempuan, derived from field monitoring results, victim complaints received directly, and data submitted by partner service agencies. It focuses on critical areas related to issues of violence against women and the rights of women who are victims of violence, including sexual violence. These areas intersect directly and indirectly with the 12 critical areas of BPfA, which include: Women and Poverty, Women in Education and Training, Women and Health, Violence against Women, Women in Situations of Armed- conflict, Women in the Economy, Women in Power and Decision-making, Women in Institutional Mechanisms for the Advancement of Women, Women's Human Rights, Women and Media, Women and the Environment, and Girl Child.

In addition to serving as input for the Government in preparing the BPfA+30 Implementation Report, Komnas Perempuan, as an independent human rights institution, also submits this report to UN Women at the regional level, with a copy to UN Women in Jakarta.

We extend our gratitude to all parties for their attention and support, especially the BPfA+30 Implementation Report Preparation Team of Komnas Perempuan, which consists of cross-Sub-Commission Commissioners, Executive Body, and Staffs across work units. We hope this report serves as a manifestation of togetherness in our efforts to create a safe, peaceful, and prosperous Indonesia free from violence for all, without exception. We ask for your understanding for any shortcomings in this report.

Salam Indonesia,

**Andy Yentriyani**  
Chair of Komnas Perempuan

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SECTION I:

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**EXECUTIVE  
SUMMARY**



## SECTION I:

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# EXECUTIVE SUMMARY

**T**his BPfA+30 report has been meticulously and independently compiled by Komnas Perempuan, one of a National Human Rights Institution with a specific mandate on eliminating violence against women in Indonesia. It encapsulates:

1. **Progress and Achievements:** A comprehensive review of the strides made over the past five years towards eradicating violence against women, highlighting key milestones and successful initiatives:
  - a. **Progress in Legal Measures to Eliminate Sexual Violence Crimes:** Several laws and regulations have been implemented, such as:
    - (i) **Law No. 12 of 2022 on Sexual Violence Crimes (UU TPKS):** This law specifically addresses sexual violence crimes.
    - (ii) **Law No. 1 of 2023 on the Criminal Code (KUHP):** This law broadens the definition of rape, provides mechanisms for ending unwanted pregnancies, and includes a chapter dedicated to the UU TPKS.
    - (iii) **Law No. 17 of 2023 on Health:** This law ensures the right of sexual violence victims to access recovery services.
    - (iv) **Ministerial Regulations:** These include Permendikbudristek No. 30 of 2021 and No. 46 of 2023, which focus on the prevention and handling of sexual violence at educational institutions under the supervision of the Ministry of Education, Culture, Research, and Technology. Additionally, Permenag No. 73 of 2022 addresses the prevention and handling of sexual violence at educational institutions under the supervision of the Ministry of Religious Affairs.

- (v) Regulation of the Ministry of Manpower (Permenaker) No. 88 of 2023: This regulation provides guidelines for the prevention and handling of sexual violence in the workplace.

These legal advancements collectively aim to eliminate sexual violence crimes and provide support to victims.

- b. Women in Conflict and Disaster Situations: This includes issues of violence and discrimination experienced by women in situations of religious/faith-based intolerance, past human rights abuses, conflicts, and disasters triggered by development, natural or otherwise.
- c. Women Workers: This particularly refers to migrant workers, domestic workers, home-based workers, and those employed in the entertainment industry. A series of regulations have been enacted to protect these workers:
- Government Regulation (PP) Number 59 of 2021 on the protection of Indonesian Migrant Workers.
  - Minister of Women's Empowerment and Child Protection Regulation Number 1 of 2023 on the provision of Protection Houses for Female Workers at their workplaces.
  - Minister of Manpower Decision Number 88 of 2023 on guidelines for the prevention and handling of sexual violence in the workplace.
  - Circular Letter Number SE-3/MBU/04/2022 on the Policy of Mutual Respect Behavior in the Workplace (Respectful Workplace Policy), specifically within the environment of State-Owned Enterprises.
- d. The Eradication of Extreme Poverty: This points to the issuance of Presidential Instruction Number 4 of 2022 that mandates 22 ministries, 6 institutions, and regional governments to implement intervention measures to accelerate the eradication of extreme poverty. Furthermore, the Coordinating Minister for Human Development and Culture has issued Decision number 32 of 2022, providing General Guidelines for the Implemen-

tation of the Program aimed at accelerating the eradication of extreme poverty.

- e. **Women in Detention and Similar Institutions:** This includes women with disabilities. Komnas Perempuan (the National Commission on Violence against Women) collaborates with Komnas HAM (the National Commission on Human Rights), KPAI (the Indonesian Child Protection Commission), LPSK (the Witness and Victim Protection Agency), ORI (the Ombudsman of the Republic of Indonesia), and KND (the National Commission on Disabilities) in KuPP (the Cooperation for the Prevention of Torture). This initiative aims to establish a national mechanism to prevent torture in prisons and similar institutions.
  - f. **Institutional Strengthening of Komnas Perempuan:** This involves enhancing the mechanisms and infrastructure for response capabilities, influence, and governance of Komnas Perempuan as a specialized human rights mechanism. It also includes strengthening support from the state and society for women's leadership in defending human rights
2. **Knowledge Base and Public Support:** Komnas Perempuan has published a comprehensive body of knowledge that includes:
- **CATAHU (the Annual Notes of Komnas Perempuan):** These are reports on cases of violence that have been reported to Komnas Perempuan.
  - **Simfoni PPA:** An online information system for the protection of women and children, developed in collaboration with the Ministry of Women's Empowerment and the Protection of the Child.
  - **Sintaspuan:** A documentation system for cases of violence against women, managed by Komnas Perempuan.
  - **Titian Puan:** An information system for handling cases of violence against women, developed in partnership with the Forum of Service Providers for Women Victims of Violence (FPL).

These systems monitor cases of violence against women in various contexts, including conflicts over natural resources, the implementation of restorative justice, migrant workers, women on death row, femicides, and women in conflict with the law. They also manage the profiles of Women Human Rights Defenders (WHRDs).

Interagency partnerships have been established with the Aceh Truth and Reconciliation Commission (KKR Aceh); Komnas Perempuan with the other three National Human Rights Institutions established the Coordination and Joint Monitoring for the Prevention and Handling of Victims of Sexual Violence Crimes; and with the National Commission on Human Rights and the Witness and Victim Protection Agency worked on a Rapid Response Mechanism for the Protection and Security of Women Human Rights Defenders.

### 3. Challenges and Setbacks

#### (i) Trends in Discriminatory Policies:

- **Reduction in Policies:** Komnas Perempuan found that there was a notable decrease in discriminatory policies, from 421 in 2016 to 305 in 2021.
- **Policies Controlling Women's Bodies:** Despite the overall reduction, in 2021, 20 regional governments introduced policies attempting to regulate women's body.
- **Direct Discrimination:** Komnas Perempuan observed direct discrimination through regulations mandating women's clothing based on the teachings of a single religion, affecting civil servants, students, and staff in both public and private sectors.
- **SKB 3 Menteri Regulation:** In 2021, a joint regulation by the Ministers of Religious Affairs, Education and Culture, and Home Affairs was issued, focusing on uniforms and attributes for educational institutions under the management of Regional Governments at the elementary and secondary levels. This regulation aimed to reflect the government's commitment to the nation's foundational principles, the four pillars

of the state: the ideological foundation Pancasila, the 1945 Constitution, the integrity of the Unitary State of Republic of Indonesia, and the National Motto *Bhinneka Tunggal Ika* (Unity in Diversity). It was also meant to respond to the strict regional clothing mandates imposed to conform to religious identity of the majority. But,

- Supreme Court Revocation: The SKB 3 Menteri policy was annulled following a judicial review by the Supreme Court.
- Permendikbud No. 50 of 2022: Subsequently, the Ministry of Education and Culture released guidelines ensuring uniform regulations respect individual religious beliefs and freedoms.

This narrative outlines the government's efforts to balance national unity with individual rights, amidst strong challenges from the regions in regulating personal expression through attire.

(ii) Challenges in Enforcing the Sexual Violence Crimes:

- Data Protection and Cyber Laws: Law No. 27 of 2022 on the Protection of Private Data and Law No. 1 of 2024 on Information and Electronic Transactions (UU ITE) lack specific provisions to combat online sexual violence, applying gender-neutral language that fails to address the differing experiences of men and women online.
- Regulatory Delays: Two years post-enactment of the Law on Sexual Violence Crimes, only two implementing regulations have been issued, while five others have surpassed the legislative timeframe for introduction.
- Impact on Victims' Rights: These delays and omissions in legislation have hindered the optimum fulfillment of rights for victims of sexual violence crimes.

This summary highlights the need for more comprehensive and timely regulations to support the effective implementation of the Law on Sexual Violence Crimes and protect the rights of victims.

#### 4. Good Practices for International Consideration:

- **Torture Prevention Initiatives:** Although Indonesia has not ratified OPCAT (Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment), it has begun implementing anti-torture measures through the Cooperation for the Prevention of Torture. Key human rights institutions, including Komnas Perempuan, the National Commission on Human Rights, the Indonesian Child Protection Commission, the Witness and Victim Protection Agency and the National Commission on Disabilities have committed to an agreement that aims to prevent torture and other cruel, inhuman, or degrading treatments or punishments in detention and similar facilities.
- **Support Services in Island Regions:** In the Southwest Maluku District, church organizations have established community-based services (LBK) for women victims, engaging local authorities, village cadres, religious groups, and traditional leaders. An example is the outreach services provided by the Leti Moa Lakor (Lemola) Classis of the Maluku Protestant Church (GPM), filling a gap where government services are absent.
- **c) Centers of Peace Development:** A model for Centers of Peace has been created to act as educational hubs that foster women's leadership and active involvement in conflict prevention, resolution, peacebuilding, and humanitarian efforts. These centers have been set up in areas affected by conflict and disasters, such as the Ambon Islands in Maluku, Aceh, Poso in Central Sulawesi, Sambas in West Kalimantan, and Sampit in Central Kalimantan.

These practices serve as valuable models for other countries looking to enhance human rights protections and support for women in vulnerable situations.

#### 5. Accelerating the Elimination of Violence Against Women in Indonesia: To expedite this process, it is crucial to strengthening the institutional framework. This includes enhancing the capabilities of the National Human Rights Institutions, notably:

- Komnas Perempuan: Strengthening its role in advocacy and support.
- Forum of Service Providers for Women Victims of Violence: Bolstering its capacity to deliver essential services.
- Regional Technical Implementation Unit for the Protection of Women and Children (UPTD PPA): Improving its operational effectiveness.
- Community-Based Companion Institutions: Ensuring these entities are equipped to manage cases with efficiency and empathy.

These enhancements should focus on creating management systems, infrastructures, and institutional resources that are not only responsive and inclusive but also maintain independence and sustainability. This approach will contribute significantly to the swift elimination of violence against women.



SECTION II:

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**PRIORITIES,  
ACHIEVEMENTS,  
CHALLENGES AND  
SETBACKS**



## SECTION II:

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# PRIORITIES, ACHIEVEMENTS, CHALLENGES AND SETBACKS

**1** *Over the past five years, what have been the most important achievements, challenges and setbacks in progress towards gender equality and the empowerment of women? In the narrative report, please explain why your country considers these important, how it has addressed them, the challenges encountered and the factors that have enabled progress or led to setbacks in each case. Where relevant and possible, please provide data to support your responses (3- 5 pages).*

❖ Significant Progress in Women's Empowerment and Gender Equality:

Key developments contributing to the empowerment of women and the pursuit of gender equality include:

- a. **Enhancing Legal Protections Against Sexual Violence:**  
A landmark achievement in the past five years is the enactment of Law No. 12 of 2022 on Sexual Violence Crimes (UU TPKS). This pivotal legislation offers a comprehensive framework that encompasses prevention, recovery, protection, and the judicial handling of sexual violence crimes. It ensures a coordinated approach involving a broad spectrum of stakeholders, reflecting a holistic commitment to safeguarding individuals from sexual violence and supporting victims in their journey to justice and healing.
- b. **Criminal Code Revisions:** Law No. 1 of 2023 on the Criminal Code aligns the definition of rape with international standards and includes provisions for the

termination of unwanted pregnancies, linking with the Law on Sexual Violence Crimes to facilitate victims' access to their rights.

- c. Educational and Workplace Regulations: Ministerial Regulations Permendikbudristek No. 30 of 2021 on the Prevention and Handling of Sexual Violence at Higher Learning Institutions and No. 46 of 2023 on the Prevention and Handling of Violence at Learning Institutions under the Supervision of the Ministry of Education, Culture, Research, and Technology have been enacted. As also Permenag No. 73 of 2022 on the Prevention and Handling of Sexual Violence at Learning Institutions under the Supervision of the Ministry of Religious Affairs. On labour, Regulation of the Ministry of Manpower (Permenaker) No. 88 of 2023 on the Guidelines for the Prevention and Handling of Sexual Violence in the Workplace has also been issued.
- d. Protection for Women Human Rights Defenders: The rapid response mechanisms developed in 2020 by Komnas Perempuan, the National Commission on Human Rights, and the Witness and Victim Protection Agency address violence against women human rights defenders, with 67 cases reported in the CATAHU Annual Notes 2020-2023.
- e. Presidential Regulation No. 39 of 2020 on Appropriate Accommodation for Persons with Disabilities in the Judicial Process outlines the necessary accommodations for individuals with disabilities involved in legal proceedings. This regulation mandates the provision of suitable services and infrastructure to ensure their fair participation in the judicial process. Key aspects of this regulation include the emphasis on individual assessment, the requirement for disability support companions, and the availability of interpreters.
- f. Data Synergy: Collaborative efforts among government and non-government entities have led to the creation on 22 December 2019 of integrated documentation systems for cases of violence against women, enhancing the effectiveness of response and support. These include:

- Simfoni PPA: An online information system for the protection of women and children, developed in collaboration with the Ministry of Women’s Empowerment and the Protection of the Child.
  - Sintaspuan: A documentation system for cases of violence against women, managed by Komnas Perempuan.
  - Titian Puan: An information system for handling cases of violence against women, developed in partnership with the Forum of Service Providers for Women Victims of Violence.
- g. Women’s Participation in Politics: The participation of women in politics has seen a notable increase during the parliamentary elections (pileg), yet it falls short of the 30% target. Komnas Perempuan observed that out of 10,323 candidates for the 2024 legislative elections, 3,896 (37.7%) were women. The election results revealed that women secured 128 (22.1%) of the total 580 seats, marking a 1.6% improvement from the 2019 elections. However, challenges and setbacks persist. The Election Commission (KPU) enacted Regulation PKPU No. 10 of 2023, which mandates rounding down fractional numbers below .50 when calculating the 30% quota for women candidates in each region. This policy impacted areas where the 30% threshold for prospective women candidates was not met. Subsequently, the Supreme Court, in Case No. 24 P/HUM/2023, instructed the KPU to amend this regulation. Similarly, the Election Supervisory Body (Bawaslu) directed the KPU to implement changes in 267 regions to meet the 30% quota. The KPU’s non-compliance with these orders reflects its disregard for affirmative action towards women’s leadership and highlights the entrenched patriarchal culture that continues to resist women’s leadership at various societal levels.
- h. Achievements of Komnas Perempuan: As a pivotal National Human Rights Institution, Komnas Perempuan’s notable accomplishments include the enactment of

Presidential Regulation (Perpres) No. 55 of 2023, which acknowledges the commission's significance through the provision of honoraria and adequate work facilities. Additionally, Perpres No. 08 of 2024 amends the previous Perpres No. 65 of 2005, expanding the Working Body from 45 to 95 members, thereby strengthening the commission's capacity.

**Challenges and Setbacks:** Despite these advancements, the journey towards the respect, protection, and fulfillment of human rights in Indonesia encounters significant hurdles. Human rights considerations often do not receive the priority they warrant, with many state institutions lacking a comprehensive understanding of their critical nature, as outlined in the National Human Rights Institution's mandate. A prevalent belief undermines the necessity and relevance of human rights, leading to confusion and indifference. Moreover, women's issues are frequently marginalized within bureaucratic and governance structures, exemplified by recurring proposals to integrate Komnas Perempuan into the Ministry of Women's Empowerment and Child Protection with each shift in national leadership, thereby diluting its independent authority.

- ❖ **Challenges in Women's Empowerment and Gender Equality:**
  - a) **Unresolved Gross Human Rights Violations:** Political barriers have hindered the settlement of past gross human rights violations. The State has not fulfilled its duty to disclose the truth to the victims. Although the National Truth and Reconciliation Commission (TRC) was mandated by the People's Consultative Assembly (MPR), it has yet to be reestablished. The Non-Judicial Settlement Team for Past Gross Human Rights Violations (Tim PPHAM), created by Presidential Decree (Keppres) No. 17 of 2022, is tasked with revealing and settling these violations non-judicially, recommending victim recovery measures, and preventing recurrence. Despite the team's efforts, including engaging with victims and civil society activists regarding 12

cases of past gross human rights violations, the Presidential Instruction No. 2 of 2023 for implementing non-judicial settlements has not been effectively executed. The current approach to non-judicial settlements, often favoring reconciliation that perpetuates a militaristic narrative, has often been misused by regional governments to prevent victims from knowing the truth. It needs reevaluation to ensure it encompasses long-term social impacts on victims' quality of life and dignity.

- b) **The Right to be Free from Torture:** Komnas Perempuan acknowledges Indonesia's commitment to preventing torture and arbitrary treatment, as evidenced by its ratification of the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) and the International Covenant on Civil and Political Rights. Furthermore, Indonesia has institutionally separated the Police from the Military (TNI) by Tap MPR No. 6 of 2000. However, Indonesia has yet to ratify the Optional Protocol to the CAT and the Convention for the Protection of All Persons from Enforced Disappearance. Ratification is crucial to establish legal frameworks for protecting individuals from torture and gender-based ill-treatment from both state and non-state actors. Enforced disappearance, and torture and ill-treatment, is not only a crime against humanity, it is also a continuous crime. The State's failure to accurately document victims of enforced disappearances exacerbates the suffering of victims and their families, who remain in the dark about their loved ones' fates who have disappeared during the various massive human rights violations in the country.
- c) **Women Workers' Rights and Safety:** The fulfillment of rights, protection, and work safety for women workers continues to be a challenge. Issues such as violations of maternity rights, discrimination against women with disabilities, and sexual orientation minorities persist. The lack of ratification of ILO Convention 190 on Violence and Harassment in the World of Work

and suboptimal enforcement of Minister of Manpower Decree No. 88 of 2023 lead to ongoing harassment and sexual violence in the workplace. Komnas Perempuan's study on ILO Convention 190 identified various forms of workplace violence, including physical, economic, and sexual violence, such as catcalling, verbal harassment, rape, and electronic-based sexual violence (EBSV). Komnas Perempuan also found inhumane punishments, such as workers being sunned in the yard while others workers were made to watch. The absence of policy recognition for informal sector workers, such as home-based, domestic, and unpaid care workers, creates compounded vulnerabilities.

**Migrant Worker Protection Challenges:** The protection of migrant workers remains suboptimal due to the sluggish implementation of Law No. 18 of 2017 on the Protection of Migrant Workers (PPMI). According to BP2MI data, the disparity in numbers between female and male migrant workers is stark, with 90,454 women compared to 22,982 men in 2020, and 63,853 women versus 8,771 men in 2021. Women predominantly work in domestic and palm oil plantation sectors. They continue to face inhumane treatment and sexual violence, including forced contraception and document retention. Moreover, despite regulations that forbid placement fees, they are still being charged in installments, and unnecessary guardian letters are required, even for those over 18, indicating systemic issues that need urgent attention.

**Regulatory Delays in Migrant Worker Protection:** The enactment of the Law on the Protection of Migrant Workers (UU PPMI) in 2017 was a significant step forward, requiring 28 implementing regulations within two years. However, progress has been slow, with the regulations reduced to 13, and as of this year, only Government Regulation (PP) No. 59 of 2021 has been issued to safeguard Indonesian migrant workers. Complicating matters, the introduction of Law No. 11 of 2020 on Job Creation (UU Cipta Karya) has inadvertently weakened the oversight mechanisms

for Indonesian Migrant Worker Placement Companies (P3MI), undermining the original intent of the PPMI Law.

- d) Enhancing Women’s Representation in Politics: The General Election Commission’s Regulation (PKPU) No. 10 of 2023, concerning the nomination of members for various legislative bodies, has replaced its predecessor and introduced a change from rounding up to rounding down when fractional numbers fall below .50. Despite the Supreme Court’s directive to amend this regulation following an *amicus curiae* submission by Komnas Perempuan, compliance has been lacking.

Komnas Perempuan’s research highlights that the goal of 30% women representation remains unmet, with persistent resistance and barriers at the social, cultural, and political levels. Women in politics face intimidation, vote theft, sexual assault, the dismissal of elected women candidates, and rejection toward women as a leader. These findings underscore the unique challenges Indonesian women encounter in the electoral process, distinct from those faced by their male counterparts.

- e) Revisiting the Marriage Law:
- Article 31 of Law No. 1 of 1974 on Marriage designates the husband as the head of the household and the wife as the homemaker. This classification has significant tax implications, as it treats the family as a single economic entity for taxation purposes. Consequently, all income and losses, including those of married working women, are consolidated and taxed under the family head’s name. This system inadvertently leads to wage discrimination, particularly evident in the tax burden of income tax PPH 21. Married working women, as well as single mothers and widows with dependents, face a discriminatory tax structure. Unlike husbands, who are automatically entitled to tax deductions, single mothers must navigate a complex administrative process to claim similar tax benefits. This

discrepancy underscores the need for tax reforms that recognize the economic contributions of all family members equitably and simplify the tax deduction process for single parents.

- **Legality of Interfaith Marriages:** The Supreme Court's Circular Letter (SEMA) No. 2 of 2023 outlines guidelines for judges handling marriage registration applications between individuals of different faiths. The circular effectively bars the legal recognition of interfaith marriages, leaving such couples unable to register their unions.
  - **Discriminatory Divorce and Polygamy Provisions:** The law's provisions for divorce and polygamy are discriminatory, particularly towards women with disabilities. Article 39 Paragraph 2 allows for divorce if a spouse becomes physically disabled or ill, affecting their marital duties. Similarly, Article 4 Paragraph 2 permits polygamy if the wife is disabled or has an incurable disease. These clauses disproportionately impact women with disabilities, subjecting them to the risk of divorce or polygamous arrangements against their will.
- f) Currently, femicide is not acknowledged as a distinct category within Indonesia's national legislation. The government, including law enforcement and the Central Bureau of Statistics (BPS), has not established a separate data collection process for the murders of women, categorizing them instead under general homicides. Accurate documentation of femicide is essential for contributing to the Sustainable Development Goals (SDGs), specifically indicator 16.1.1. Recognizing and recording femicide cases is a critical step towards developing effective prevention strategies and response programs that ensure justice for the victims and their families, and it supports the broader goal of gender equality and women's rights.

❖ **Setbacks in Women’s Empowerment and Gender Equality:**

**a) Criminalization of Freedom of Expression:** The recent legal developments pose a significant threat to Women Human Rights Defenders. The 2023 Law on Criminal Code and amendments to the Law on Information and Electronic Transactions potentially criminalize the peaceful expression of opinions. These provisions, particularly concerning defamation, could be used to unjustly target the Women Human Rights Defenders who advocate for women’s human rights, thereby hindering their crucial work and silencing their voices.

**b) Lack of Legal Protection for Domestic Workers:** The Domestic Workers Bill (RUU PPRT) has been stalled for two decades, reflecting a class bias that favors employer interests over workers’ rights. Without legal safeguards, domestic women workers remain susceptible to discrimination, gender-based violence, and economic exploitation characterized by extended work hours without overtime compensation and limited opportunities for skill development.

**Impact of the Job Creation Law on Women Workers:** The introduction of Law No. 11 of 2020, known as the Omnibus Law of the Job Creation Law (UU Ciptaker), represents a regression in advancing women workers’ rights. The Employment Cluster within this law offers inadequate protection, particularly for informal sector workers, neglects to enhance maternity rights, and reduces wage protection standards previously established in the Employment Law (UU Ketenagakerjaan). It also compels workers into longer hours, diminishing their time for family and community involvement. Furthermore, the continued use of the term “Invalids” (*penyandang cacat*) perpetuates stigma against individuals with disabilities, facilitating their dismissal by employers. Changes to the terms and licensing mechanisms for Indonesian Migrant Worker Placement Companies (P3MI), as well as procedures set forth in the Law on Protection of Migrant

Workers (UU PPMI), risk weakening oversight and regulation of these entities.

**Environmental Concerns:** The Job Creation Law also poses risks to environmental management and protection, potentially inciting resource conflicts and ecological harm. This is due to simplified licensing processes for forest area utilization and the undermining of the Environmental Impact Analysis (AMDAL), a crucial tool for preventing environmental degradation.

**2 *Over the past five years, what have been the top five priorities for accelerating progress for women and girls in your country through laws, policies and/or programmes? In the narrative report, please explain why your country considers these priorities and how it has addressed them. Where relevant and possible, please provide data to support your responses (3-5 pages).***

- ❖ **Strategic Renewal by Komnas Perempuan:** Komnas Perempuan, as a dedicated human rights entity, acknowledges the need for a strategic renewal every five years, or with each change in national leadership, to effectively address the ongoing issue of violence against women in Indonesia. This periodic reassessment ensures that the vision, mission, objectives, and strategic goals set forth in 2019 are on track for realization between 2020 and 2024. The current period is pivotal, serving as both a benchmark and a foundation for progress in eradicating violence against women. This effort transcends mere policy planning; it is a robust approach to fostering sustainable development and honoring the centennial of Indonesia's independence in 2045.
- ❖ **Strategic Priorities of Komnas Perempuan:** In its mission to expedite progress for women and girls, Komnas Perempuan has identified five key issues for 2020-2025, emphasizing the integration of disability and small-islands perspectives. The first four priorities address the multifaceted discrimination faced by women victims of violence. The fifth underscores Komnas Perempuan's role as a mandate holder. The commission is dedicated

to updating its operational frameworks, including policies, programs, and monitoring mechanisms, to bolster the state and societal commitment towards enhancing women's rights to safety, justice, and equality. Protecting Women Human Rights Defenders is also central to these advocacy goals. These efforts aim to foster a national consensus and a unified approach by 2025. The five priority issues are:

a) Addressing Women's Vulnerabilities in Conflicts and Disasters:

**Women's Challenges in Crises:** Women's experiences in crises, marked by violence and discrimination amid religious intolerance, historical injustices, and calamities linked to development—such as natural disasters, disease outbreaks and impacts of climate change—are critical concerns. The repercussions of national development—such as evictions, resource disputes, and displacement—exacerbate these issues. Komnas Perempuan emphasizes the need for standardized norms, policies, and mechanisms to prevent and address these challenges effectively. A key initiative is the establishment of a peace center model, envisioned as an educational hub to mitigate violence and discrimination against women in crisis situations.

**Strategic Focus:** The priority is to harmonize policies and regulatory frameworks to safeguard women's rights during conflicts and disasters. Indonesia faces significant hurdles in this area, with sustainability gaps in natural resource management, climate change effects, and infrastructural projects acting as catalysts for strife. Komnas Perempuan's observations highlight the immediate risks for women, including the loss of fundamental rights and the threat of displacement.

b) Prioritizing Women Workers' Rights:

**Empowerment of Vulnerable Worker Groups:** The plight of women workers, particularly migrant workers, domestic workers, home workers, and those in the entertainment industry, necessitates a critical update

of data and legal frameworks. Komnas Perempuan prioritizes this issue to reflect a commitment to human rights and gender justice. The focus is on revising legal substances to better protect these groups and on vigilant monitoring of law enforcement practices. This priority stems from the recognition that these workers are disproportionately at risk of exploitation and sexual violence, and therefore require dedicated attention and protective measures. The goal is to ensure their safety, dignity, and equitable treatment in the workforce.

c) **Advocating for Women in Detention and Detention-like Facilities:**

**Protection for Incarcerated Women:** The prevalence of torture and other cruel, inhuman, or degrading treatments or punishments in Indonesian detention and similar facilities is a significant concern, particularly for women with disabilities. To combat this, Komnas Perempuan, in collaboration with human rights organizations such as the National Commission on Human Rights, the Indonesian Child Protection Commission, the Witness and Victim Protection Agency, the Ombudsman of the Republic of Indonesia, and the National Commission on Disabilities, has formed the Cooperation for the Prevention of Torture. This coalition is dedicated to establishing national mechanisms to prevent torture and ensure the humane treatment of women in detention and similar environments, including rehabilitation centers and shelters, correctional institutions, mental hospitals, orphanages, social services facilities, and shelters for migrant workers and displaced people.

**Strategic Initiatives:** The coalition's efforts include advocating for policy changes and the development of inclusive, gender-sensitive protection systems. Recognizing the heightened vulnerability of women in custody, Komnas Perempuan prioritizes this issue, aiming to safeguard their rights and dignity within the criminal justice system and in all forms of institutional care.

- d) Komnas Perempuan prioritizes the plight of women who have suffered sexual violence, particularly in domestic, educational, and digital environments. A key focus is the reform of legal frameworks to ensure they are gender-sensitive and free from discrimination. Additionally, there is an emphasis on creating an integrative criminal justice system dedicated to addressing violence against women. This includes vigilant monitoring to guarantee that women victims have proper access to justice within the areas where these laws are applied.

Furthermore, the establishment of standardized norms and mechanisms across various sectors is crucial for the prevention and handling of sexual violence. These are encapsulated in the policy advocating for zones free from violence. The commitment to supporting women who have endured sexual violence remains steadfast, as evidenced by the increasing numbers and types of cases reported to Komnas Perempuan; and

- e) Komnas Perempuan is committed to strengthening its institutional framework. This encompasses the augmentation of mechanisms and infrastructure pivotal for the Commission's responsiveness, influence, and governance as a specialized human rights entity. It also involves bolstering state and societal support for the leadership of Women Human Rights Defenders. Recognizing the imperative of heightened responsiveness and accountability, Komnas Perempuan acknowledges this as a critical priority. Such dedication ensures that the Commission remains at the forefront of championing and safeguarding the human rights of women throughout Indonesia

❖ Komnas Perempuan vigilantly addresses the five key issues through a tripartite perspective and dual-approach strategy. The perspectives include:

- a) Upholding women's constitutional rights and establishing a framework that eliminate all forms of violence and torture against women.

- b) Embracing the archipelago's diverse cultural and geographical nuances.
- c) Recognizing the unique challenges faced by women with disabilities.

These viewpoints are integral to reinforcing the role of women as staunch human rights defenders. The two distinctive approaches are:

- a) Fostering women's leadership, empowering them to lead change.
- b) Cultivating cross-border movements that transcend sectoral, institutional, and geographical boundaries, fostering solidarity at local, national, and international levels.

The selection of these issues was a collective effort, involving a participatory process with the working body during a work meeting. This process was informed by the ROADMAP for the Elimination of Violence against Women 2020-2045 and the Komnas Perempuan's Strategic Plan 2020-2025, crafted by the preceding commissioners. The current commissioners' knowledge, expertise, and experience further shaped these considerations, ensuring a well-rounded and impactful approach.

- ❖ Komnas Perempuan will address the aforementioned priority issues in alignment with its established mandate and authority. The Commission's action plan includes:
  - Conducting thorough assessments and research on existing laws, regulations, and international instruments that are pertinent to safeguarding women's fundamental rights.
  - Implementing comprehensive monitoring activities, which encompass fact-finding missions and the documentation of instances of violence against women and breaches of their human rights.
  - Disseminating findings to the public, fostering a culture of accountability and proactive response.
  - Utilizing the synthesized data as a foundation for developing policy recommendations.

- Recommend strategic advice and insights to governmental, legislative, and judicial entities, as well as civil society organizations. This is aimed at promoting the creation and ratification of legal frameworks and policies that bolster the prevention and eradication of violence against women, ensuring the protection and advancement of women’s fundamental rights.
- ❖ Komnas Perempuan leverages its monitoring insights, policy evaluation outcomes, and extensive knowledge base to deepen the understanding of violence against Indonesian women. The Commission is dedicated to not only preventing and resolving such violence but also to its complete eradication. These efforts are further amplified through strategic publications that disseminate this vital information. Moreover, Komnas Perempuan actively fosters regional and international partnerships, reinforcing initiatives aimed at preventing and countering all forms of violence against Indonesian women. This collaborative approach also strengthens the protection, enforcement, and advancement of women’s fundamental rights

**3 *Over the past five years, what specific actions have you taken to prevent discrimination and promote the rights of marginalized groups of women and girls? In the narrative report, please provide details of up to three concrete examples, including aims and scope of measures taken, target population, budget, impact evaluations, lesson learnt, and links to further information. Where relevant and possible, please provide data to support your responses (2 pages max.).***

- ❖ Komnas Perempuan has observed a decline in discriminatory regional regulations, from 421 in 2016 to 305 in 2021. Despite this progress, there were instances in 2021 where 20 local governments introduced policies that imposed control over women’s bodies. The Commission remains vigilant, monitoring direct discrimination through dress code regulations that are often influenced by the predominant religious teachings and applied to various sectors including civil servants, students, and employees in both public and private institutions.

In an effort to uphold the state's four pillars—the ideological foundation Pancasila, the 1945 Constitution, the integrity of the Unitary State of the Republic of Indonesia, and the national motto *Bhinneka Tunggal Ika* (Unity in Diversity)—the government issued a Joint Decree (SKB) in 2021. This decree, involving the Minister of Religious Affairs, the Minister of Education and Culture, and the Minister of Home Affairs, aimed to prevent the one-sided requirement of uniforms and attributes for educational personnel in schools managed by local governments. However, this policy was annulled following a judicial review by the Supreme Court, prompted by a petition from a community organization that argued such dress regulations are part of local wisdom.

Subsequent to the annulment, the Ministry of Education and Culture responded by issuing Ministerial Regulation No. 50 of 2022. This regulation provides guidelines for uniform usage that respect the individual rights of students to practice their religion and beliefs, reflecting a commitment to religious freedom and diversity.

- ❖ The Cooperation for the Prevention of Torture initiative, dedicated to the prevention of torture, represents a significant stride in human rights advocacy in Indonesia. Despite the country not having ratified the OPCAT, a landmark joint agreement was signed in 2016 by five key institutions: the National Commission on Human Rights, Komnas Perempuan, the Indonesian Child Protection Commission, the Ombudsman of the Republic of Indonesia, and the Witness and Victim Protection Agency. This agreement with the Ministry of Law and Human Rights established a national mechanism to prevent torture.

In 2018, these institutions further solidified their commitment through the Cooperation for the Prevention of Torture, advocating against torture and other cruel, inhuman, or degrading treatment or punishment in detention and detention-like facilities. The coalition expanded in 2023 with the inclusion of the National Commission on Disabilities, enhancing its monitoring capabilities across Detention Houses, Correctional Institutions, and social

rehabilitation homes, with a particular focus on women on death row.

As part of the 25-year commemoration of Indonesia's ratification of the Anti-Torture Convention, the Cooperation for the Prevention of Torture facilitated Public Hearings (DKU) in three regions and nationally, addressing allegations of torture by engaging victims, alleged perpetrators, and experts. Looking ahead, the Cooperation for the Prevention of Torture is set to develop comprehensive training modules aimed at bolstering the expertise of law enforcement and service institutions in the application of the Anti-Torture Convention principles.

- ❖ Komnas Perempuan initiate the advancement of maternity rights for working women, access to safe abortion services, and the eradication of Female Genital Mutilation/Cutting (FGM/C). A notable initiative is the integration of safe abortion services for sexual violence victims into the Integrated Criminal Justice System for Handling Cases of Violence Against Women (SPPT PKKTP). This system synergizes the efforts of law enforcement—police, prosecutors, and courts—with victim recovery services, including health care (Ministry of Health), support and empowerment (Ministry of Women's Empowerment and Child Protection/KPPPA), protection (Witness and Victim Protection Agency), and social reintegration (Ministry of Social Affairs).

For this integration to be effective, robust national-level coordination is essential, setting a precedent for regional implementation backed by supportive regulations and policies. This approach ensures a holistic support network for women, reinforcing their rights and well-being.

- ❖ In 2019, Komnas Perempuan published a pivotal policy paper aimed at curbing Female Genital Mutilation/Cutting (FGM/C), in partnership with the Ministry of Religious Affairs and the Ministry of Education. This paper serves as a crucial advocacy instrument against the ongoing practice of FGM/C in Indonesia. Following up on this initiative, in 2022, Komnas Perempuan and the Civil Society Organization (CSO) network convened a National Dialogue to discuss strategies for the complete elimination of FGM/C.

In light of the roadmap and the 2021 FGM/C Prevention Action Plan promulgated by the Ministry of Women's Empowerment and the Protection of the Child, Komnas Perempuan undertook a thorough monitoring and evaluation of the Ministry's FGM/C prevention efforts, ensuring adherence to the Action Plan's directives. Moreover, the advocacy extends to addressing the potential for torture stemming from FGM/C's enduring impact on women's health and reproductive rights.

- ❖ Komnas Perempuan has been vigilantly overseeing the enforcement of policies concerning maternity rights for women workers across both formal and informal sectors since 2021. Recognizing that these rights are fundamental to the protection and empowerment of women workers against violence and discrimination, the Commission conducts monitoring to address reported violations of these rights. Moreover, the enactment of the Job Creation Law (UU Ciptaker) poses a potential risk to the maternity rights of female workers. The reports and recommendations generated from this monitoring serve as a foundation for advocacy, aiming to establish robust protection standards tailored to the unique needs and circumstances of female workers.

**4 *Over the past five years, how has the confluence of different crises affected the implementation of the BPfA in your country, and what measures have you taken to prevent their negative impact on progress for women and girls? In the narrative report, please give concrete examples of the effects of different crises on specific critical areas of concern and of measures your country has taken to prevent a reversal of progress and respond in a gender-responsive manner (1 page max.).***

- ❖ During the COVID-19 pandemic, Komnas Perempuan reported a significant surge in violence against women, with complaints rising by 68% in 2020 and 80% in 2021. The pandemic necessitated a shift in service delivery, extending service hours and transitioning from in-person to online platforms. This adaptation, while necessary, introduced challenges in service quality, particularly affecting

women with disabilities who faced barriers in accessing comprehensive support. Additionally, the pandemic's health protocols hindered access to Safe Houses, as victims were required to prove they were COVID-19 free, and some facilities were forced to close for health and safety reasons.

The COVID-19 pandemic significantly disrupted efforts to combat violence against women, as resources were redirected towards pandemic response. This shift resulted in the suspension of critical initiatives, including child marriage prevention, Female Genital Mutilation/Cutting (FGM/C) prevention, and health services for women with HIV/AIDS, as well as support for sexual violence survivors. The pandemic further exacerbated existing gender inequalities, with women bearing a disproportionate burden of its effects.

In light of the challenges posed by the COVID-19 pandemic, Komnas Perempuan urges the government to fortify long-term policies that prioritize support for women with particular vulnerabilities, such as those with disabilities, the elderly, women living with HIV/AIDS, and those facing social stigmas or belonging to minority groups. It is imperative that the government maintains and amplifies support systems to ensure justice and recovery for women who have experienced violence. The pandemic's disproportionate effects on women highlight an urgent need for the state to intensify efforts towards achieving gender equality.

- ❖ The recognition and inclusion of diverse gender identities and expressions are crucial in effectively addressing violence that disproportionately affects individuals across a spectrum of gender and sexual orientations.<sup>1</sup> The state's

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<sup>1</sup> In Indonesia, at least 12 regions and two universities have enacted policies that discriminate against individuals based on gender expression and non-heteronormative identities. These areas include Bogor, Makassar, Bandung City, Medan City, Garut Regency, West Sumatra Province, Tarakan City, Bekasi City, Kota Pekanbaru, Karawang District, and Parigi Moutong District. For instance, certain local bylaws unjustly restrict unmarried couples and same-sex partners, including those who identify as lesbian, gay, bisexual, and transgender, from sharing rooms in boarding houses, rented accommoda-

hesitancy to acknowledge this diversity hampers its ability to respond adequately to the violence encountered by transgender women and others who do not conform to traditional gender norms. To remedy this, it is essential for the state to develop a more nuanced understanding and approach that accommodates the varied experiences of violence within these communities, ensuring appropriate and effective interventions.

- ❖ **Enhanced Governance in Crisis Situations:** The management of special autonomy in regions like Aceh and Papua presents a complex challenge for the central government. It must navigate the delicate balance between asserting authority over regional policies and respecting the autonomy granted to these regions, all while maintaining national unity. For instance, the lack of a comprehensive budget review in Papua has left unanswered questions about the persistent disadvantages and violence faced by Papuan women, despite the region's autonomous status.

In Aceh, the implementation of Qanun Jinayat, which is based on Islamic Law, has sparked controversy due to its use of corporal punishment, specifically caning. This practice has been criticized for being in conflict with the constitutional protection against torture. Moreover, in cases of sexual violence, the application of Aceh's special qanun has resulted in a disparity where the rights of women victims are not upheld to the same standard as those established by the national Law on Sexual Violence Crimes, thus undermining their legal protections.

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tions, hotels, and guesthouses.

The 2023 Annual Notes by Komnas Perempuan, documents multiple instances of gender-based violence targeting transwomen. These include threats of publicizing private sexual content, sexual torture, forced consumption of alcohol, electrocution, and coerced uncomfortable sleeping positions (with their hands hanging). Additionally, transwomen often endure:

- (a) Bullying,
- (b) Forced eviction from their homes or communities,
- (c) Challenges in accessing residential administration services,
- (d) Barriers to employment in formal sectors,
- (e) Stigmatization as socially undesirable, carriers of social diseases, and falsely blamed for the spread of HIV/AIDS.

**5 *Over the next five years, what are the priorities for accelerating progress for women and girls in your country through laws, policies and/or programmes? In the narrative report, please provide brief reflections on how you plan to address these priorities. In doing so, countries are encouraged to reflect on how their future actions will build on lessons learned from past successes and setbacks (3 - 5 pages)***

- ❖ Komnas Perempuan highlighted the critical need for a transformative approach to eliminate violence against women. This approach is informed by an analysis of the patterns and dynamics of such violence over the last five years. However, the journey towards eliminating violence against women is fraught with challenges:
  - a) Institutional Recommendations: There is a notable lack of enforceability regarding the recommendations made by human rights institutions to the government, particularly those aimed at eradicating violence against women and providing support to vulnerable groups.
  - b) Societal Literacy: There is a pressing need to enhance understanding of fundamental issues like gender-based violence across all societal and governmental strata.
  - c) Political Will : The government’s commitment to resolving cases of human rights violations, both historical and current, and especially those against women, remains insufficiently robust.
  - d) Policy Integration: Existing policies lack a comprehensive and integrated framework for the protection and empowerment of women and survivors of gender-based violence. This is exemplified by the conflicting nature of the Laws on Information and Electronic Transactions, on Pornography, and on Sexual Violence Crimes.
  - e) Discriminatory Policy: The issuance of discriminatory regional policies continues unabated, undermining efforts to protect women’s rights.

- f) **Governmental Efforts:** Initiatives for the prevention, management, protection, and rehabilitation of gender-based violence victims are not yet cohesive or widespread, failing to reach all corners of the Indonesian archipelago. Budget allocations, influenced by Java-centric perspectives, do not adequately address the needs of remote island communities in terms of infrastructure, human resources, or financial support.
- g) **Technological Impact:** The rapid pace of technological advancement significantly affects the social landscape and correlates with the incidence of gender-based violence.
- ❖ **Komnas Perempuan** is dedicated to eradicating violence against women and has identified four strategic priorities:
  - a) **Strengthening Komnas Perempuan institution:** Bolstering governance, infrastructure, and institutional resources to ensure they are responsive, inclusive, independent, transparent, and sustainable.
  - b) **Legal and Policy Advancement:** Encourage the state to fulfill its duties in developing, refining, fortifying, and executing laws and policies. This is aimed at fostering cohesive and comprehensive strategies to combat violence against women, taking into account the unique challenges of an archipelagic nation.
  - c) **Civil Society Empowerment:** Amplifying the influence of civil society organizations in their thorough, efficacious, and sustainable endeavors to eliminate violence against women.
  - d) **Women's Leadership and Rights Protection:** Reinforcing the leadership roles of women and providing sustainable support and protection for women human rights defenders.

SECTION III:

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**CLUSTER  
ANALYSIS**



## SECTION III:

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# CLUSTER ANALYSIS

Cluster I:

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### **Inclusive development, shared prosperity, and decent work**

**1. *Over the past five years, what actions has your country taken to advance gender equality in the world of work (including informal and non-standard employment as well as entrepreneurship)? (2 pages max)***

- ❖ During this reporting period, Progresses in Women Workers' Rights Protection have been reported:
  - Implementation of Migrant Workers' Protection: Enactment of Government Regulation No. 59 of 2021, focusing on safeguarding Indonesian migrant workers.
  - Establishment of Protection Houses: Introduction of Minister of Women's Empowerment and Child Protection Regulation No. 1 of 2023, which mandates the creation of protection houses for women workers at their places of employment.
  - Sexual Violence Prevention: Issuance of Minister of Manpower Decree No. 88 of 2023, outlining procedures for preventing and addressing sexual violence in the workplace.
  - Respectful Workplace Initiative: Release of Circular Letter No. SE-3/MBU/04/2022, advocating a policy of respectful conduct within State-Owned Enterprises.
  - During this reporting period, Komnas Perempuan has identified several critical challenges:

## ❖ Workplace Equality and Decent Work Policy Concerns

In 2020, the Indonesian House of Representatives enacted the Omnibus Law for Job Creation (Law No. 11 of 2020 – UU Ciptaker), which encompasses the Employment Cluster. Komnas Perempuan’s analysis suggests that the Employment Cluster may significantly infringe upon the rights of women workers for several reasons:

- a) Limited Protection: The law offers only partial protection for women workers, notably excluding those in the informal sector, and fails to enhance maternity rights.
- b) Wage Protection Undermined: The recognition of unit time and piece-rate wages could diminish the wage protection standards previously set by the Employment Law.
- c) Excessive Overtime: New rules permit up to four hours of overtime per day and 18 hours per week, potentially leading to extended working hours that encroach upon family and social time.
- d) Stigmatizing Language: The continued use of the term ‘Invalids’ (Penyandang Cacat) perpetuates a negative stigma against individuals with disabilities.

## ❖ Violations of the Rights of Women Workers

- a. Workplace Violence and Discrimination Trends: Komnas Perempuan’s CATAHU Annual Notes reveals a concerning pattern of workplace violence and discrimination:
  - 2019: Recorded 91 cases with superiors identified as the perpetrators.<sup>1</sup>
  - 2020: A total of 108 cases were documented.<sup>2</sup>
  - 2021: Out of the reported incidents, 48 cases involved employers as the perpetrators.<sup>3</sup>
  - 2022: There were 100 reported cases of workplace violence.<sup>4</sup>

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1 CATAHU 2019.

2 CATAHU 2020.

3 CATAHU 2021.

4 CATAHU 2022.

- b. **Gender-Based Discrimination and Economic Violence in 2023: A Report by the Workers' Union/Labor Union (SP/SB)<sup>5</sup> in 2023** highlighted several instances of gender-based discrimination, including:
- **Wage Disparities:** Notable differences in wage structures and scales between man and women workers.
  - **Promotion Bias:** Limited advancement opportunities for women workers compared to their male counterparts.
  - **Economic Coercion:** Women workers faced economic violence manifested through:
    - Uncompensated overtime work.
    - Coerced overtime under the threat of disciplinary action.
    - Drastic wage reductions by up to 50%.
    - Unjust termination of employment.
- c. **Sexual Violence in the Workplace:**
- **Prevalence of Sexual Harassment:** The 2023 Work Eligibility Survey, conducted across 100 factories and submitted to Komnas Perempuan, revealed that 4% of factories reported incidents of sexual harassment. Furthermore, a concerning 3.84% of the 2,420 surveyed employees disclosed experiencing sexual harassment in the workplace within the past year.<sup>6</sup>
  - **Case Study of Workplace Sexual Violence:** The report highlights the distressing account of a women outsourced worker in West Java, referred to as

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5 Complaints on 27 November 2023 recorded in the 2023 Work Eligibility Survey on Violence Against Women in the Textile, Garment, Shoes, and Leather (TGSL) Industry. The survey, pivotal in shedding light on violence against women, was meticulously conducted across 100 TGSL factories. This survey spanned five key regions, with the following distribution: 3 factories in Jakarta, 8 in Banten, 57 in West Java, 30 in Central Java, and 2 in Yogyakarta. The survey represents a collaborative endeavor between various institutions and the Labor Union, reflecting a concerted effort to address the pressing issue of workplace violence. A total of 3,065 workers from the aforementioned factories participated in the survey, providing a comprehensive perspective on the prevalence of violence within the industry.

6 *Ibid.*

AD. She faced persistent coercion to participate in sexual activities, disguised as a ‘staycation’, as a condition for the renewal of her employment contract.<sup>7</sup>

**d. Assessment of Maternity Rights Compliance for Women Workers:**

- **Monitoring Maternity Rights:** Komnas Perempuan has been vigilant in monitoring the enforcement of maternity rights among women workers, including the provision of maternity leave. It has been observed that several companies fail to establish a system for menstrual leave.
- **Challenges in Menstrual Leave Implementation:** The process for obtaining menstrual leave is fraught with complexities. Notably, menstruation is often misclassified as an illness, leading to invasive and humiliating medical examinations. Additionally, women are sometimes financially incentivized to waive their leave rights. Other concerning practices include the reduction of annual leave, the withdrawal of attendance bonuses, and the threat or actual termination of employment due to pregnancy, often under the pretext of contract expiration.<sup>8</sup>

**❖ Analysis of Sheltering Practices for Women Migrant Workers:**

- **Rights Violations and Ill Treatment:** Investigations into the conditions of women migrant workers have uncovered numerous rights violations. These include unpaid work, communication restrictions, and limited freedom to leave the BLKLN (Training Center for Indonesian Migrant Workers) premises or receive visits from family and outsiders.

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<sup>7</sup> *Wamenaker Turun Tangan Investigasi Kasus Ajakan Staycation Bos di Cikarang, Janji Beri Perlindungan* [The Deputy Minister of Manpower Intervenes to Investigate the Case of the Boss’s Staycation Invitation in Cikarang, Promises to Provide Protection], p. 3, *TribunNews.com*.

<sup>8</sup> A complaint to the National Commission on Violence Against Women on 27 November 2023, and the 2023 Survey Eligibility Data.

- **Gender-Based Violence:** The report further reveals instances of gender-based violence, such as sexual harassment and bullying. There are also reports of violent sanctions and restrictions on body expression, highlighting a concerning pattern of abuse.
- **Non-Compliance with Regulations:** A significant number of BLKLN facilities have been found to provide dormitory accommodations that fall short of the standards mandated by the Minister of Manpower and Transmigration Regulation No. 7 of 2005. This regulation outlines the necessary standards for the adequate shelter of prospective Indonesian migrant workers, and non-compliance poses serious concerns for the well-being of the inhabitants.

❖ **Addressing Discrimination Against Women with Disabilities in the Workplace:**

- **Incident of Discrimination:** In 2022, Komnas Perempuan addressed a grievance filed by DH, a women worker with an intellectual disability. DH reported unjust termination from her position at the Ministry of Finance, citing discrimination based on her disability.<sup>9</sup>
- **Legal Advocacy and Outcome:** Komnas Perempuan actively supported DH's case by submitting an *amicus curiae*—a document intended to advise the court. The judge acknowledged the merit of the case and ruled in favor of DH, mandating the Minister of Finance and the Civil Service Advisory Board (BPASN) to reinstate DH's rights.

❖ **In-Depth Analysis of Home Workers' Conditions:**

**Vulnerabilities Identified:** Komnas Perempuan has conducted thorough monitoring and identified several critical vulnerabilities among home workers. These include:

- **Lack of Formal Employment Agreements:** Many home workers operate without written contracts, leaving

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<sup>9</sup> 4 Fakta PNS Disabilitas Menang Gugatan ke Sri Mulyani [4 Facts About Disabled Civil Servants Winning Lawsuit Against Sri Mulyani] - *detik.com*

them without formal recognition or protection under labor laws.

- **Excessive Working Hours:** Home workers often endure long working hours, ranging from 8 to 15 hours daily, without adequate compensation or rest.
- **Personal Tool Usage:** Workers are frequently required to use their own tools, which can lead to additional financial burdens and safety concerns.
- **Substandard Wages:** Compensation often falls below the legally mandated minimum wage, exacerbating financial insecurity.
- **Absence of Social Security:** The lack of enrollment in BPJS Ketenagakerjaan (social security) leaves workers vulnerable to healthcare and retirement insecurity.
- **Health and Safety Risks:** The home environment can pose various health and safety risks that are often unaddressed due to the informal nature of the work.
- **Job Insecurity:** The absence of continuous work guarantees leads to economic instability for home workers.
- **Gender-Based Violence:** Women home workers face additional challenges, including gender-based violence and domestic abuse, further compounded by inadequate maternity rights fulfillment.<sup>10</sup>
- **Advocacy Efforts:** In response to these issues, Komnas Perempuan provided expert testimony to advocate for the recognition and protection of home workers' rights during the Material Test Application (MKRI No. 75/PUU-XX/2022) for Article 1 paragraph 15 of Law No. 13 on Employment. Despite the Constitutional Court's rejection of the application on 31 January 2023, the decision underscored that existing laws and regulations do offer protections for home workers, albeit these need to be more effectively enforced.

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10 Komnas Perempuan has extended its vigilant monitoring into 2023, focusing on the conditions of decent work for women home workers. This includes a critical examination of Gender-Based Violence and Maternity Rights in Central Java, East Java, and North Sumatra.

The latest observations reinforce the findings from the previous year's monitoring efforts in DKI Jakarta, Special Region of Yogyakarta, West Java, Central Java, East Java, and North Sumatra.

7. *In the past five years, what actions has your country taken to recognize, reduce and/or redistribute unpaid care and domestic work, promote work-life and family balance and strengthen the rights of paid care workers?*

❖ **Advocacy for the Recognition and Protection of Domestic Workers:**

- **Lack of Official Recognition:** Despite ongoing advocacy by the National Commission on Violence Against Women, civil society, and government bodies since 2004, Domestic Workers (PRT) remain unrecognized as formal workers. Consequently, they are deprived of essential employment protection guarantees.
- **Stalled Legislation:** The Domestic Workers Protection Bill (RUU PPRT), which aims to safeguard PRT rights, has yet to be deliberated by the Government and the Indonesian House of Representatives (DPR RI) as of 2024. This legislative inaction has further deteriorated the working conditions for PRT.
- **Escalating Violence:** The incidence of violence against domestic workers is on the rise, with JALA PRT reporting 2,641 cases of workplace violence from 2018 to 2023. These cases predominantly involve psychological, physical, and economic abuse.
- **Economic Injustices:** Many PRT suffer from financial exploitation, including unpaid wages for up to 11 months, unjust termination, and wage deductions during illness. Additionally, they are often ineligible for health insurance, wage increases, or severance pay.
- **Inadequate Legal Consequences:** In terms of legal enforcement, only 15% of offenders are penalized in line with the Domestic Violence (PKDRT) Law. The majority receive lenient sentences or are exonerated.
- **Local Government Initiatives:** Despite these challenges, there are commendable efforts at the local level, such as Bandar Lampung Mayor's Regulation No. 08 of 2018, which provides specific protections for women domestic workers within the city.

Cluster 2:

**Poverty eradication, social protection, and social services**

**10. In the last five years, what actions has your country taken to reduce/eradicate poverty among women and girls? 2 pages max**

- ❖ Current Poverty Statistics: As of March 2023, the Central Statistics Agency (BPS) reported that 25.9 million individuals in Indonesia are living below the poverty line.
  - a. Governmental Response: In a robust response, the Indonesian Government has rolled out a series of policies and programs aimed at poverty reduction. A key component of this initiative is Presidential Instruction No. 4 of 2022, which focuses on the Acceleration of the Eradication of Extreme Poverty.
  - b. Collaborative Mandate: The regulation calls upon 22 ministries, 6 institutions, and regional governments to undertake targeted intervention steps. These steps are to be aligned with each entity's unique duties, functions, and authority, ensuring a cohesive and comprehensive approach to tackling extreme poverty.
  - c. Defining Extreme Poverty: Extreme poverty extends beyond mere income deficiency. It is characterized by the inability to fulfill fundamental needs, including: Nutritious Food, Clean Drinking Water, Adequate Sanitation, Healthcare Services, Housing, Education, and Access to Information.
  - d. These criteria emphasize the importance of not only financial support but also access to essential social services.
- ❖ Key Characteristics of Households in Poverty: A Statistical Overview according to the Decree of the Coordinating Minister for Human Development and Culture No. 32 of 2022 on the General Guidelines for the Implementation of the Acceleration Program for the Eradication of Extreme Poverty.

- a. Literacy and Education Levels:
    - Illiteracy Rate: An estimated 11.26% of household heads are illiterate, highlighting a significant barrier to economic advancement.
    - Average Schooling: The average duration of schooling among these individuals is only 5.9 years, indicating a premature cessation of formal education.
    - Basic Education: Approximately 70% of household heads possess an educational attainment of elementary school or below.
  - b. Gender and Leadership:
    - Women Leadership: Roughly one in seven household heads is a woman, reflecting gender dynamics within the household leadership.
  - c. Disability Inclusion:
    - Disability Prevalence: About one in five households includes a member with a disability.
  - d. Access to Basic Amenities:
    - Sanitation: Nearly 50% of households are without access to adequate sanitation facilities.
    - Clean Water: Approximately one in seven households lacks access to clean drinking water.
- ❖ Gender-Based Analysis of Poverty and Longevity in Indonesia:
- a. Poverty Prevalence by Gender:
    - Women: 9.68% of women live below the poverty line.
    - Men: The figure is slightly lower for men, at 9.40%.
  - b. Life Expectancy (AHH):
    - Women: Women have a higher life expectancy of 73.46 years.
    - Men: Men have a life expectancy of 69.59 years.
    - Implication: This disparity suggests that women are likely to spend a greater portion of their lives in poverty compared to men.

- c. Educational Attainment (RLS):
  - Population Aged 25: The average length of schooling is 8.77 years.
  - Men: Men average 9.33 years of schooling.
  - Women: Women average slightly less, at 8.92 years.
  - Outcome: This educational gap contributes to the higher participation of women in the informal sector, which stands at 65.35% (BPS 2023).
- ❖ Presidential Instruction No. 4 of 2022 notably lacks participation from the Ministry of Women's Empowerment and Child Protection (Kementerian PPPA), an entity tasked with the crucial role of women's empowerment. Current poverty alleviation initiatives fail to adequately address the distinct backgrounds and needs of men and women. The criteria set for identifying the impoverished are insufficiently detailed, neglecting the nuances required to support vulnerable demographics effectively. Komnas Perempuan (the National Commission on Violence Against Women) has recorded numerous instances of women plunged into poverty due to a spectrum of adversities they encounter, such as
  - a. Enforced disappearances, a grave human rights violation, have been a persistent issue since 1965. This dark chapter extended through the military occupation of East Timor (1975-1999), the military operations in Aceh (1976-2005), and the ongoing conflict in Papua. The exact number of enforced disappearance victims remains elusive. Women and girls often bear the brunt of these atrocities, either as direct victims or as relatives of the disappeared. These tragic circumstances lead to numerous hardships, including financial destitution. The disappearance of men, be they husbands or fathers, disrupts the family's stability and economic security. Consequently, wives are thrust into the role of single parents, juggling the myriad responsibilities that come with it.
  - b. Delays in justice for women subjected to domestic violence (KDRT) perpetuate the cycle of psychological

stress and contribute to prolonged suffering, as well as economic hardship. Women, often confined by traditional gender roles, are compelled to single-handedly support their school-aged children and secure an income in the absence of their spouse. Additionally, they confront societal stigma, particularly from the perpetrator's family, and face protracted obstacles in their pursuit of legal recourse.

- c. Due to the educational disparity between genders, women are disproportionately represented in low-skilled occupations with subpar hourly wages. Many are relegated to the role of unpaid family workers. The informal sector, often the default choice for economic participation, offers scant recognition and protection for women. There is a glaring absence of policies to safeguard those in roles such as Domestic Workers (PRT), Home Workers, and other part-time positions that demand minimal qualifications. This also extends to women migrant workers and domestic workers (PMI PRT). Such systemic inequities contribute to a higher incidence of poverty among women compared to men.
- d. While Indonesia has yet to ratify the 1951 Refugee Convention, it has enacted Presidential Regulation No. 125 of 2016, which governs the treatment of international refugees. This regulation however not yet respond to the fundamental problems encountered by the refugee such as right to education and right to work. This regulation ensures that asylum seekers are housed in facilities supported by entities like the International Organization for Migration (IOM). However, a critical challenge within this framework is the employment ban imposed on refugees. Despite the IOM shouldering costs for accommodation and utilities, the stipend provided to refugees is often inadequate to cover all their necessities. This predicament exacerbates poverty among the refugee population, particularly affecting women and children who typically responsible to manage the household arrangement such as food and daily necessities.

**12. *In the past five years, what actions has your country taken to improve health outcomes for women and girls in your country?***

- ❖ **Access to Safe Abortion Services for Women Victim of Rape:** From 2020 to 2024, the Indonesian Government has enacted several regulations to ensure safe abortion services for survivors of sexual violence and rape. A significant legislative advancement is the Law on Sexual Violence Crimes, which represents a commitment to the rights of women who have experienced violence, including those impregnated as a result of rape. The Criminal Code stipulates a 14-week gestational limit for abortion exceptions, a provision set to take effect in 2026. However, current challenges persist under the preceding regulation, which restricts abortions to a gestational age of no more than 40 days for sexual violence survivors. The gestational age cap, coupled with the geographical isolation of victims in 3T areas (underdeveloped, border, and remote regions), poses significant barriers to accessing safe abortion services for rape survivors.
- ❖ **Access to Healthcare for Women Victim of Gender-Based Violence:** The Presidential Regulation No. 82 of 2018 on Health Assurance excludes coverage for healthcare services arising from criminal acts, including assault, sexual violence, terrorism, and human trafficking. Consequently, women who endure such violence find themselves outside the protection of this regulation. They are compelled to turn to the Witness and Victim Protection Agency for assistance. However, the Witness and Victim Protection Agency's financial support is contingent upon the victim acquiring "protected" status through a stringent assessment process, and it does not retroactively cover expenses already incurred.
- ❖ **Addressing the Mental Health of Women Affected by Terrorism and Intolerance:** The Indonesian Government has pledged to combat terrorism with various policies, including the 2021 Action Plan for Handling Terrorism. However, there is a notable gap in the long-term mental health support for women who are victims of terrorism. The effects

of such trauma can be enduring, as evidenced by findings in 2023. Although Law No. 7 of 2012 on the Handling of Social Conflicts requires government bodies—ministries, state institutions, and regional governments—to address social conflicts comprehensively, the focus on conflict prevention, cessation, and post-conflict recovery, particularly for women, remains insufficient. Komnas Perempuan reported a harrowing event on 3 May 2022, where the arson of homes in Mareje Village instilled terror among the Buddhist community. The incident led to the displacement of numerous women and children and resulted in a fatality linked to a stress-induced chronic condition. The ongoing psychological trauma, compounded by the lack of adequate recovery facilities, underscores the urgent need for dedicated mental health services for these women.

- ❖ **Healthcare Access for Women Indonesian Migrant Workers (PMI) in Shelters:** The Minister of Manpower and Transmigration Regulation Permenakertrans No. 7 of 2005, Article 4(i), mandates the availability of comprehensive healthcare facilities and services for women Indonesian Migrant Workers candidates (CPMI). Despite this, Komnas Perempuan has observed that many Training Centers for Indonesian Migrant Workers (BLK) and BLKLN lack on-site medical professionals, including doctors and psychologists, and some do not offer these essential services at all.
- ❖ **Enhancing Support for Women with HIV/AIDS:** In 2021, Komnas Perempuan engaged in consultations with key stakeholders addressing HIV/AIDS challenges. Critical issues identified include the insufficient availability of antiretroviral medication, a shortage of healthcare workers specialized in treating individuals with HIV/AIDS (ODHA), limited access to counseling services, and a lack of safe housing. These concerns underscore the urgent need for innovative policies at both national and local levels. Strengthening integrated services and enhancing HIV/AIDS care frameworks remain pivotal areas for development.

- ❖ **Healthcare for Elderly Women Affected by Past Human Rights Violations:** In 2023, Presidential Instruction No. 2 was issued, mandating 19 Ministries/Agencies to enact non-judicial resolutions for grave human rights breaches. Despite the establishment of various programs, their execution faces significant hurdles. A notable issue pertains to healthcare services; when survivors seek medical benefits, they often encounter health officers unaware of the available programs.
- ❖ **Addressing the Health Rights of Women Prisoners:** Komnas Perempuan, in collaboration with the Cooperation for the Prevention of Torture, has conducted extensive monitoring to advocate against torture and mistreatment. Their findings reveal concerning deficiencies in women's prisons in Papua and South Sulawesi: prisoners face restricted access to clean water; a scarcity of medical supplies, substandard health services including reproductive care, and insufficient mental health support.
- ❖ **Enhancing Healthcare Access for Women with Disabilities:** The 2016 Law No. 8 on Persons with Disabilities includes Article 12, which specifically addresses the healthcare rights of individuals with disabilities. Despite this legal framework, significant barriers remain, particularly the cost of assistive devices and therapies, which are not universally subsidized. Additionally, the availability of essential medications for mental health is inconsistent, with many local health facilities lacking the necessary stock to meet demand.

**13. *In the past five years, what actions has your country taken to improve education outcomes and skills for women and girls, including in sectors where they are underrepresented?***

- ❖ **Advancing the Education Rights of Women Refugees:** The Indonesian government has taken steps to facilitate educational access for children refugees and asylum seekers through circulars from the Secretary-General of the Ministry of Education, such as Kemendikbud Ristek No. 752553/A.A4/HK/2019 and its subsequent update No.

30546/A.A5/HK.01.00/2022. Despite these efforts, Komnas Perempuan observed in 2023 that challenges persist. Refugees in Cisarua, West Java, and in Ciputat, Banten, struggle with school attendance due to the inconsistent dissemination of information and logistical barriers. Moreover, even those who manage to attend school often do not receive a graduation certificate, precluding their advancement to higher education.

- ❖ Educational Discrimination Against Religious Minorities. Over the past five years, persistent violations of the right to freedom of religion or belief have been documented. Notably:
  1. Singkil Regency, Aceh (2020): Non-Muslim students have been subjected to religious education not aligned with their own faith, specifically being required to partake in Islamic Religion lessons. This practice was identified in 2020 and continues to be reported at the time of this publication.
  2. Province of Bali (2023): An instance of incongruence in religious education was observed where Muslim students received their religious studies instruction from a Hindu teacher.
- ❖ Educational Discrimination Against Sexual Minority Groups. Komnas Perempuan has observed discriminatory practices against gender and sexual minorities in higher education institutions. Notable instances include:
  1. Sumatera Institute of Technology (ITERA): Issued Circular No. 173/2023, outlining the institution's position against the presence and activities of LGBT groups on campus.
  2. Faculty of Engineering, Universitas Gadjah Mada (UGM): Enforced through Circular No. 2480112/UN1/FTK/I/KM/2023, this policy explicitly bans LGBT groups within the faculty's premises. However, by the close of 2023, UGM announced intentions to re-evaluate this policy.

- ❖ **Policy on Religious Attire in Educational Settings.** The government's initiative to address discrimination in educational environments led to the creation of the Joint Ministerial Decree (SKB) by the Ministry of Education, Culture, Research, and Technology (Kemendikbud), the Ministry of Religious Affairs (Kemenag), and the Ministry of Home Affairs (Kemendagri). This decree regulated the use of school uniforms and related attributes for students, educators, and staff in regional government-run primary and secondary schools. However, this policy was overturned by Supreme Court Decision No. 17 P/HUM/2021, following a petition from a community group in West Sumatra.

In response, Komnas Perempuan undertook a public examination of the decision, facilitated educational outreach, and engaged in dialogue with the government for further action. Subsequently, in 2023, Ministerial Regulation No. 50/2022 on School Uniforms for Primary and Secondary Education was introduced. This regulation aims to deter the imposition of religious attire in schools. Despite this, Komnas Perempuan has identified 25 instances of discriminatory attire regulations rooted in religious doctrine within the educational sector. The enforcement of such attire has had detrimental impacts on female students, leading to prolonged experiences of bullying, stress, sexual violence, and in extreme cases, suicidal tendencies.

- ❖ **Indigenous People's Education: Balancing Tradition with State Interests.** Indigenous communities, such as the Sedulur Sikep in the Kendeng Mountains, possess unique educational values deeply rooted in their ancestral traditions and teachings. These communities often opt out of formal education systems, which they believe do not uphold the wisdom and values essential for nurturing their way of life. Instead, they prefer imparting knowledge through parental guidance and community involvement, focusing on stewardship of nature, preservation of culture, and continuation of traditions.

The state, however, maintains an interest in ensuring basic education for all its citizens. This divergence has led to

concerns from Komnas Perempuan regarding the state's oversight of indigenous rights, particularly the right to choose educational methods for their children. The commission underscores the importance of respecting and integrating indigenous educational practices within the broader educational framework.

- ❖ **Enhancing Education Access for Women with Disabilities.** The Government Regulation No. 13/2020 on Proper Accommodation for Students with Disabilities outlines a comprehensive framework for educational access. It obligates both central and regional governments to support educational institutions in offering appropriate accommodations across all educational levels and phases. This includes:
  - **Budget Allocation:** Ensuring financial resources are available for necessary accommodations.
  - **Infrastructure Development:** Creating accessible educational environments.
  - **Educator and Staff Training:** Preparing personnel to effectively support students with disabilities.
  - **Curriculum Adaptation:** Providing suitable learning materials and methods.

Despite these regulations, Komnas Perempuan identified significant gaps in the 2022 implementation of the CRPD (Convention on the Rights of Person with Disabilities). The effectiveness of these accommodations varies widely, heavily dependent on the local leadership's awareness, dedication, and prioritization. Additionally, the commission noted that government-operated special needs schools often impose extra fees and remain scarce, limiting access for many.

**14. *What actions has your country taken to ensure that economic recovery from the COVID-19 pandemic closes gender gaps in poverty, employment, social protection, education, and/or health that the pandemic has exacerbated?***

- ❖ The Indonesian Government enacted Regulation in Lieu of Law (PERPPU) No. 1/2020 on Pandemic Response and

Economic Stability, a regulation designed to address the multifaceted challenges posed by the Covid-19 pandemic. This emergency measure combines fiscal policy and financial system stability strategies to:

- Provide a swift governmental response to the health crisis.
  - Mitigate the pandemic's adverse effects on national economic stability.
  - Safeguard the integrity of the financial sector during and after the pandemic.
  - The regulation serves as a proactive tool, ensuring that the government can take immediate and effective action to manage the pandemic's impact on the country's economy and financial systems.
- ❖ The Indonesian government's stimulus response to the Covid-19 pandemic is anchored in two fundamental dimensions:
- a) Health Management: This is the cornerstone of the crisis response, focusing on containing the virus's spread and ensuring public health safety.
  - b) Economic Crisis Management: As a ripple effect of the health crisis, this involves the implementation of the National Economic Recovery (PEN) program, as stipulated by Government Regulation No. 23/2020.

The PEN program encompasses six key policy areas:

- c) Health Management: Strengthening healthcare systems to cope with the pandemic.
- d) Social Protection: Providing safety nets for the most vulnerable populations.
- e) Business Incentives: Offering financial relief to sustain businesses during economic downturns.
- f) MSME Support: Ensuring Micro, Small, and Medium Enterprises receive the necessary aid to survive and thrive.
- g) Corporate Financing: Facilitating access to capital for larger corporations facing liquidity challenges.

- h) Sectoral Programs: Tailored initiatives by Ministries, Institutions, and Regional Governments to address specific industry needs.
- ❖ Government Regulation and Social Safety Net Programs Amidst Pandemic: The Indonesian Government enacted Government Regulation No. 21/2020, instituting Large-Scale Social Restrictions (PSBB) to mitigate the spread of Covid-19. Complementing this, the government introduced a suite of seven social safety net programs aimed at providing economic relief to affected populations:
  - a) Family Hope Program (PKH): Aids families with financial support for health and education.
  - b) Cash for Work Program (PKT): Generates employment opportunities through community projects.
  - c) Direct Cash Assistance (BLT): Offers immediate financial aid to the economically vulnerable.
  - d) Staple Food Card: Ensures access to essential food items for low-income households.
  - e) Pre-employment Card: Provides job seekers with training and skill development resources.
  - f) Electricity Subsidies: Reduces utility costs for qualifying groups during the crisis.
  - g) Special Social Assistance: Targets the specific needs of residents in the Jakarta, Bogor, Depok, Tangerang, and Bekasi regions.
- ❖ Komnas Perempuan conducted a study titled 'Household Dynamics during the Pandemic', revealing significant disparities in workload and employment security among women. Key findings include:
  - a) Increased Workload: Women across various employment categories reported an uptick in their responsibilities. Full-time employed women, in particular, shouldered a more substantial and prolonged workload.
  - b) Effect of PSBB: The imposition of Large-Scale Social Restrictions (PSBB) necessitated all family members to remain indoors. Consequently, women had to juggle professional duties alongside domestic chores.

- c) **Economic Disruption:** The pandemic-induced economic slowdown disproportionately affected women's job security. The trade and processing sectors, predominantly staffed by women with lower educational backgrounds, witnessed heightened job losses.
  - d) **Informal Sector Vulnerability:** Prior to the pandemic, 61.80% of women were employed in the informal sector, characterized by a lack of protection and limited access to social and health benefits. These conditions exacerbated the challenges faced by women during the crisis.
- ❖ **The implementation of the Large-Scale Social Restrictions (PSBB) to curb COVID-19 significantly intensified the social and economic burdens on women. In response, the government initiated a range of policies and programs aimed at providing social security and ensuring a safe environment, including measures to protect against violence towards women. These social security initiatives played a crucial role in mitigating the pandemic's impact on women and other marginalized groups.**

However, the pandemic magnified pre-existing double issues of gender-based burdens and violence, which became even more challenging to address due to the PSBB hindering access to support services. Women found it particularly difficult to avail themselves of vital reproductive health services, including pregnancy care, childbirth assistance, and treatment for emotional and mental health issues, as well as routine screenings for non-communicable diseases (NCDs).

- ❖ **While Law No. 40 of 2004 mandates the government to fulfill the basic needs of all citizens, further refinement and equitable distribution of social programs are essential to effectively reach and support vulnerable demographics:**
  - a) **Marginal Groups:** Transgender women, among others, encounter barriers in accessing social assistance, primarily due to challenges in obtaining legal recognition and the necessary documentation, such as the Identity Card (KTP).

- b) **Persons with Disabilities:** The quality and availability of services for families and communities are compromised by the limited capacity of social welfare institutions. This creates a cascading effect, diminishing the support these individuals receive.
- c) **Unregistered Populations:** Those without internet or smartphone access are often excluded from databases, hindering their ability to benefit from government social security programs.
- d) **Working-Age Individuals:** Barriers to accessing the Pre-employment Card Program persist, as the online registration process requires documentation (Identity Card [KTP], Family Card [KK], and curriculum vitae [CV]) that may not be available to individuals with disabilities, those without digital access, and workers lacking a fixed residential address.

### Cluster 3:

#### **Freedom from violence, stigma, and stereotypes**

#### **15. *Over the past five years, which forms of gender-based violence, and in which specific contexts or settings, has your country prioritized for action?***

- ❖ **Sexual Violence**
  - a. **Prevalence of Sexual Violence:** Komnas Perempuan highlighted in its CATAHU Annual Notes that sexual violence remains alarmingly common, with 16,708 reports recorded between 2019-2023. Incidents span a range of offenses, including rape, sexual harassment, molestation, and sexual exploitation, occurring in both private and public spheres.
  - b. **Delayed in Justice:** A significant concern is the delayed justice in sexual violence cases. The sluggish response of law enforcement not only denies timely justice to victims<sup>11</sup> but also restricts their access

<sup>11</sup> The General Hearing/DKU was conducted across four strategic regions in 2023, reflecting a diverse cross-section of the Indonesian archipelago:

- Medan, North Sumatra: Representing the western region of Indonesia.

to essential services like safe abortion, compelling them to carry pregnancies and give birth at a tender age.<sup>12</sup>

- c. **Economic and Social Impact:** Sexual violence inflicts profound economic strain and social repercussions on victims and their families. The additional costs associated with legal proceedings, recovery, and coping with trauma can lead to impoverishment. For instance, a family in Jombang had to relocate their child, a victim, to a school farther away. In Lombok, the stress endured by the mother of a child abuse victim led to her premature death. Moreover, when the assailant is a family member who provides economic support, victims face intense pressure to withdraw complaints, coupled with threats of eviction and further violence.

❖ **Domestic Violence**

1. **Overview of Personal Context Violence:** During the reporting period, a total of 19,460 cases of personal context violence were documented. The breakdown is as follows:
  - **Violence Against Wives:** With 13,174 cases, this category represents the majority, accounting for 68% of all incidents.
  - **Violence by Former Husbands:** A total of 637 cases were reported in this category.
  - **Violence Against Daughters:** There were 3,681 cases of violence against daughters.
  - **Other Domestic Violence:** This category saw 1,968 cases.
2. **Barriers to Legal Recourse for Domestic Violence Survivors:**
  - a. **Protection Under Law for Unregistered Marriages:** Women in relationships not formally recog-

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- Denpasar, Bali: Capturing voices from the central region.
  - Manado, North Sulawesi: Including perspectives from the eastern region.
  - Jakarta: Serving as the national center for the hearings.

12 General Hearing in the western region of Indonesia.

nized as marriages are deprived of protections afforded by the Domestic Violence Act (UU PKDRT). This is due to the legal definition of ‘marriage’ requiring official registration in accordance with personal religious and cultural doctrines.

- b. Workplace Approval for Divorce Proceedings: Victims employed as civil servants, state-owned enterprise staff, or police officers face the additional challenge of needing to secure authorization from their workplace superiors to proceed with a divorce. Unfortunately, the workplaces of perpetrators often fail to prioritize the well-being and rights of domestic violence victims, neglecting the urgency of divorce for the victim’s protection.
- c. Exploitation of Annulment Procedures: Perpetrators of domestic violence have been found to manipulate marriage annulment mechanisms<sup>13</sup> as a loophole to escape legal repercussions. The National Commission on Violence Against Women highlighted this issue in 2022, noting the need for legal reforms to close such gaps.
- d. Violence History and Child Custody: The current legal framework does not adequately consider a parent’s history of violence when determining child custody rights.<sup>14</sup> This oversight can lead to

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13 Marriage annulment actions are taken when a marriage is deemed legally ineffective due to non-compliance with statutory requirements. Under Articles 26 and 27 of the Marriage Law, a marriage may be annulled for the following reasons:

- (i) Conducted by an unauthorized registrar.
- (ii) Overseen by an illegitimate marriage guardian.
- (iii) Lacking the presence of two witnesses.
- (iv) Executed under unlawful threats.
- (v) Involving a mistaken identity of either spouse.

Eligible parties for filing an annulment, as outlined in Article 23, include:

- a) Direct family members of either spouse.
- b) The husband or wife themselves.
- c) A competent official, provided the marriage has not undergone legal judgment.

14 Custody refers to the comprehensive responsibility entrusted to parents, encompassing the nurturing, education, maintenance, fostering, protection,

situations where the abusive parent uses custody as a means to exert control or inflict harm on the other parent, often to the detriment of the child's well-being.

- e. International Custody Conflicts in Mixed Marriages: Disputes over child custody are particularly complex in marriages between Indonesian citizens and foreigners, often leading to unauthorized cross-border movements of children by one parent. A significant barrier in resolving these disputes is Indonesia's non-participation in the 1980 Hague Convention on the Civil Aspects of International Child Abduction, which hampers international cooperation in such cases.
- f. Retaliatory Criminalization<sup>15</sup> of Victims: A disturbing trend has emerged where victims of domestic violence are being countercharged with criminal offenses by the abuser or their relatives. In 2022, accusations against victims included embezzlement, theft, defamation under the Information and Electronic Transactions Law, and even under the Domestic Violence Act itself.
- g. Media Bullying and Victim Shaming: The media's portrayal of domestic violence, especially when involving celebrities, can often devolve into sensationalism and public shaming, including for example feuds between lawyers and content creators attacking each other through various social

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and holistic development of the child. This duty is to be carried out in harmony with the family's religious values and in a manner that nurtures the child's unique abilities, talents, and interests.

15 Komnas Perempuan characterizes the criminalization of women victims as the process where women, or a group of women, actively seeking justice or advocating for rights—either their own or others'—are met with accusations of criminal or illegal activities. These allegations are often made by the opposing party or individuals with vested interests, as part of a single legal dispute (Komnas Perempuan, 2020, p. 65). The use of 'criminalization' in this context is societal, distinguishing it from the legal concept where legislative bodies create laws that redefine previously non-criminal actions as offenses. This societal criminalization leaves women, especially those who have experienced violence, susceptible to retaliatory legal challenges in their pursuit of justice and healing.

media platforms; and in another case the mass media intensely spotlighted for weeks a domestic violence case involving an artist. This not only leads to the revictimization of the individuals involved but also perpetuates harmful stereotypes and myths about domestic violence, as noted by Komnas Perempuan.

3. Komnas Perempuan emphasizes that delays or inaction in addressing domestic violence can escalate to femicide,<sup>16</sup> either committed by the spouse or leading the victim to take her own life (termed as indirect femicide). A tragic illustration of this is the case of a 24-year-old woman, identified only by her initials MSD, who was murdered by her husband in Bekasi Regency<sup>17</sup> after her reports of abuse were not promptly addressed, resulting in her return to a dangerous environment and her subsequent death. The lack of recognition of femicide as a distinct category by key institutions like the Police, Prosecutors, Courts, and the Central Statistics Agency hinders the availability of gender-specific data, which is crucial for informed policy-making and prevention efforts.
4. The Commission has implemented several commendable proactive measures:
  - 1) Systematic Media Monitoring: Vigilant tracking of femicide reporting in the media has been a key initiative. The Commission monitored 95 reports in 2020, 237 reports in 2021, and 159 reports in 2023, indicating a sustained effort to identify and document cases of femicide.

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16 Femicide refers to the act of killing women, directly or indirectly, as a result of gender-based discrimination. It is often rooted in attitudes of superiority, domination, hegemony, aggression, and misogyny. This extreme form of violence can stem from a perceived sense of ownership over women, power imbalances, or derive from aggressive and sadistic impulses. (National Commission on Violence Against Women, 2022).

17 *Seorang Istri Tewas Digorok Suami di Bekasi* [Wife Slashed by Husband to Death], Click to read: <https://megapolitan.kompas.com/read/2023/09/11/19021571/seorang-istri-tewas-digorok-suami-di-bekasi>.

- 2) Knowledge Development: Significant strides have been made in formulating clear definitions and categorizations of femicide specific to the Indonesian context, contributing to a deeper understanding of the issue.
  - 3) Annual Awareness Campaigns: Each year on November 25<sup>th</sup>, the Commission spearheads campaigns aimed at naming, acknowledging, and striving to eradicate femicide, marking a commitment to continuous advocacy and public education.
- ❖ Addressing the Rise of Gender-Based Cyber Violence (KSBG): Since 2017, Komnas Perempuan and international institutions put a particular focus in tackling KSBG—incidents of violence against women perpetrated through digital means. Over the reporting period, a total of 5,817 KSBG cases<sup>18</sup> were recorded: 281 in 2019, 940 in 2020, 1,721 in 2021, 1,597 in 2022, and 1,272 in 2023. Notably, there was a surge in cases starting in 2020, aligning with the onset of the COVID-19 pandemic. This period saw a shift in social dynamics, with increased reliance on digital platforms for communication, which unfortunately also became mediums for such violence.
  - ❖ Trafficking in Women and Girls
    - a. Reports to Komnas Perempuan reveal a consistent pattern of abuses faced by Women Migrant Workers. These range from physical, psychological, and sexual violence—including sexual harassment, rape, and forced prostitution—to human trafficking, debt bondage, and various forms of coercion such as threats and extortion. Additionally, there are rampant violations of information rights, along with ma-

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18 The National Commission on Violence Against Women defines KSBG, or Gender-Based Cyber Violence, as any form of violence that leverages information and communication technology (ICT) in any way to target women, primarily due to their gender. This violence can manifest physically, sexually, or psychologically, causing significant distress or suffering to women. It includes coercive threats and can lead to the arbitrary restriction of personal freedom, affecting women in both public and private spheres. (Komnas Perempuan, 2022).

nipulation and confiscation of personal documents. These injustices persist throughout the entire migration journey, from recruitment to repatriation.

- b. In 2023, Komnas Perempuan documented complaints from eight Women Migrant Workers who fell prey to human trafficking and endured multiple forms of abuse in Saudi Arabia. The abuses reported ranged from physical and psychological harm to sexual violence and economic exploitation, including incidents of sexual harassment, withheld salaries, excessive work hours, and inadequate nourishment. These cases emerged from recruitment practices that did not adhere to proper procedures, linked to the constraints imposed by the Minister of Manpower's Decree No. 260 of 2015, which limits the sending of migrant and domestic workers to the Middle East.
  - c. Efforts to combat Counteracting Trafficking in Persons (TIP) face significant challenges, notably:
    - 1) Incomplete Enforcement of Migrant Worker Protection Law: Despite the establishment of Law No. 18 of 2017, which is designed to safeguard Indonesian Migrant Workers, its provisions have not been fully put into practice.
    - 2) Suboptimal Functioning of the ASEAN Convention: The ASEAN Convention on Trafficking, particularly concerning the protection and support of migrant workers, has yet to be fully effective. This includes addressing the political intricacies and practical fieldwork that directly impact migrant worker cases and human trafficking incidents.
- ❖ Female Genital Mutilation or Cutting (FGM/C)
- a. The Indonesian Government's Stance on FGM/C: During the current reporting period, the Indonesian Government has not definitively outlawed female genital mutilation or cutting (FGM/C or P2GP). The ambiguity stems from the Minister of Health Regulation No. 6 of 2014 (on the annulment of Minister of Health Regulation No. 1636/Menkes/PER/XII/2010 on Female Circumcision), which simultaneously calls

for the Advisory Council on Health and Islamic Law to provide guidelines for female circumcision while also declaring it a non-medical practice. This contradiction has left healthcare professionals without clear legal backing to refuse performing P2GP. Additionally, the absence of specific criminal penalties for those carrying out P2GP further complicates efforts to eradicate the practice.

- b. **Prevalence of FGM/C in Early Childhood:** A 2017 study by Komnas Perempuan revealed that female genital mutilation or cutting (P2GP) predominantly occurs in infancy, with 72.4% of cases happening between 1-5 months of age. This is followed by 13.9% between 1-4 years, 5.3% at birth, 5.1% between 6-11 months, and 3.3% from 5-11 years. These statistics underscore the lack of consent in P2GP practices, which are indiscriminate of social class, education level, or geographic location.<sup>19</sup> Notably, there has been no significant change in these trends.
- c. **Regional Variations in P2GP Incidence:** During public hearings in Indonesia's Central Region and the National Capital, incidents of female genital mutilation or cutting (P2GP) were reported in Banjar, South Kalimantan, and in Pare-pare, South Sulawesi. Data from Jakarta indicates a stark regional contrast: South Kalimantan has one of the highest rates of P2GP, approximately 80%, in contrast to Southeast Sulawesi, where the rate is below 50%.
- d. **Advancements in Monitoring and Preventing P2GP:** In 2023, Komnas Perempuan introduced a Monitoring Instrument to support the enforcement of policies aimed at eradicating Female Genital Mutilation or Cutting (P2GP). This tool, which involves collab-

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19 Research by the UGM Center for Study and Policy (2017) highlights that a significant majority of both wives (92.7%) and husbands (91.6%) attribute the persistence of P2GP in their communities to religious directives. This underscores the profound impact of religious convictions on the continuation of P2GP. The primary proponents advocating for P2GP are predominantly parents (81.3%), with religious leaders (19.7%), other family members (6.3%), and traditional leaders (1.8%) also contributing to its advocacy.

oration across ministerial bodies, is set to enhance data collection and bolster P2GP prevention efforts, aligning with the strategic Roadmap. Initially tested in Gorontalo Province—known for the highest P2GP rates in Indonesia—the instrument has revealed that the practice persists largely due to entrenched cultural and religious beliefs. The study identified two primary discriminatory beliefs fueling P2GP: (1) the notion that an uncircumcised girl will become disobedient, naughty, and disobedient to her husband and will attract social stigma; (2) the lack of consent from the girls, denying them autonomy over their bodies. Traditionally, P2GP is executed by local practitioners known as *hulango* through the act of pinching the clitoris with a knife.

- e. **Discrepancy Between Awareness and Knowledge of P2GP Impacts:** The National Commission on Violence Against Women’s survey revealed a striking contrast in Gorontalo: while public awareness about the dangers of Female Genital Mutilation or Cutting (P2GP) is notably high, there is a significant gap in understanding its harmful impacts. This finding suggests a critical need for targeted educational and socialization initiatives to bridge this knowledge gap and mitigate the practice of P2GP.
- f. **Overcoming Systemic and Structural Barriers to Eradicating P2GP:** Challenges in the fight against Female Genital Mutilation or Cutting (P2GP) include:
  - 1) **Lack of Enforcement:** There’s a notable absence of stringent penalties for those who defy P2GP prohibitions, including healthcare providers and institutions that promote so-called ‘child-friendly’ P2GP.
  - 2) **Absence of a Dedicated Task Force:** A specialized task force to oversee and halt P2GP practices across different regions has yet to be established.
  - 3) **Information Gaps:** Some Ministerial offices, such as the Health Ministry, remain unaware of the

existing regulations like Ministerial Regulation No. 6 of 2014 concerning P2GP.

- 4) **Inter-Ministerial Coordination:** There is a need for stronger collaboration and active participation among various ministries and agencies, including Health, Women's Empowerment, Information, Education, and Religious Affairs, to effectively prevent and monitor P2GP.
  - 5) **Victim Support Services:** Recovery services for individuals affected by P2GP are still not in place, highlighting a gap in post-procedure care and support.
- g. **Navigating Cultural Norms and Beliefs Surrounding P2GP:** The cultural complexities surrounding Female Genital Mutilation or Cutting (P2GP) are deeply intertwined with patriarchal views and religious doctrines that dictate control over female bodies and sexuality. Research by PSKK UGM in 2017 indicates that an overwhelming 98% of parents view P2GP as a valuable tradition. Consequently, women who have not undergone P2GP face societal prejudices, being perceived as impure, having questionable religious standing, and encountering discrimination, particularly in the context of marriage.

**16. *In the past five years, what actions has your country prioritized to address gender-based violence?***

❖ **Services for Women Victims of Violence**

1. **Progress in Addressing Sexual Violence Crimes:** The reporting period has seen significant developments in the handling of Sexual Violence Crimes, marked by the promulgation of Law No. 12 of 2022 concerning Sexual Violence Crimes (TPKS). This law has been effectively synchronized with Law No. 1 of 2023, revising the Criminal Code to include rape and molestation under the umbrella of Sexual Violence Crimes. Furthermore, Law No. 17 of 2023 on Health upholds the TPKS Law's provisions, ensuring that victims receive the necessary health services.

2. **Ministry-Level Regulations:** A suite of regulations has been established at the ministry level to foster a secure environment free from sexual violence within educational settings. These include:
  - a. **Permendikbudristek No. 30 of 2021:** Issued by the Minister of Education, Culture, Research, and Technology, this regulation focuses on the prevention and handling of sexual violence in higher education institutions.
  - b. **PMA No. 73 of 2022:** Enacted by the Minister of Religious Affairs, it outlines measures for preventing and addressing sexual violence in learning institutions under the ministry's purview.
  - c. **Permendikbudristek No. 46 of 2023:** Another directive from the Minister of Education, Culture, Research, and Technology, it provides guidelines for preventing and handling violence in educational institutions.
  - d. **Minister of Manpower Decree No. 88 of 2023:** This decree sets forth guidelines for preventing and managing sexual violence (P3KS) in the workplace.

The suite of regulations is designed to establish a protective environment against sexual violence. This is achieved through a comprehensive strategy that includes Preventive Measures,

Responsive Actions, Complaint Mechanisms, Victim Support Services offering recovery, and the formation of the Prevention and Handling of Sexual Violence (PPKS) Task Force to oversee and coordinate these efforts.

3. **Challenges in Ministry Regulation Implementation:** The effective enforcement of ministry-level regulations encounters several obstacles, including:
  - a. **Regulatory Oversight:** Ensuring diligent supervision over the adherence to regulations.
  - b. **Capacity Development:** Strengthening the capabilities and resources of involved personnel.

- c. Political Endorsement: Securing consistent political backing for initiatives.
    - d. Infrastructure & Budget: Allocating sufficient infrastructure and financial resources for the PPKS Task Force operations.
  4. Policy Advancements: Significant progress has been made at the policy level with the promulgation of Presidential Regulation No. 52 of 2010 on the Organization and Work Procedure of the National Police. This regulation, updated by President Joko Widodo on 12 February 2024, enhances the organizational structure of the Indonesian National Police by introducing the Directorate of Criminal Acts for the Protection of Women and Children and Human Trafficking Crimes (Dittipid PPA and PPO).
  5. Regulatory Developments for Women and Children's Protection: In the recent reporting period, the Indonesian Government has enacted several regulations aimed at bolstering services and safeguarding women and children. Key initiatives include:
    - a. Empowerment of the Ministry: The Ministry of Women's Empowerment and Child Protection has seen an augmentation of its authority and functions.<sup>20</sup>
    - b. Ministry of Home Affairs Circular: A directive has been issued to reinforce support services for women and children who are victims of violence.
    - c. Budget Allocation: Specific provisions have been made concerning the budget dedicated to service provision.<sup>21</sup>

These measures collectively address the previously identified challenges in delivering effective services to women and children affected by violence.

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20 Presidential Regulation No. 65 of 2020 on the Ministry of Women's Empowerment and Child Protection.

21 Circulars of the Minister of Home Affairs No. 460/813/SJ and 460/812/SJ of 2020 on the Planning and Budgeting in the Prevention and Handling of Cases of Violence against Women and Children.

6. **Enhancing Accessibility of Services for Women Victims:** Komnas Perempuan has identified a centralization of services on Java Island, lacking an archipelagic approach and insufficient consideration for the underdeveloped, border, and remote regions (3T). The commission's monitoring has highlighted a critical challenge: improving service accessibility for women victims, particularly those in remote and non-mainland areas. This encompasses enhancing infrastructure, securing funding, and ensuring the presence of companions and experts.
7. **Exemplary Community Initiatives:** Noteworthy practices have been implemented to support women victims, particularly in the archipelago regions:
  - a. **Church-Led Services in Southwest Maluku:** A church institution has pioneered services for women victims in Southwest Maluku Regency, fostering community-based services by collaborating with local governments, village cadres, religious bodies, and traditional leaders. For instance, the GPM Leti Moa Lakor (Lemola) classis has stepped in to fill the gap left by the absence of government service institutions like P2TP2A, even establishing a "small safe house" to provide sanctuary at the congregational level.
  - b. **Coordination Mechanism in West Seram:** In West Seram Regency (SBB), a coordination mechanism between civil society organizations and law enforcement, specifically Bhabinkamtibmas, has proven effective. In instances where gender-based violence is reported and immediate companion support is not available, Bhabinkamtibmas officers are contacted to ensure the victim's initial safety. This approach is invaluable, especially for those residing on islands without dedicated service institutions.

It is imperative that these community-driven initiatives receive governmental backing, including capacity building for support personnel and financial assistance to sustain service implementation.

**17. In the past five years, what strategies has your country used to prevent gender-based violence?**

❖ **Gender-Based Violence Prevention Strategy**

1. *Establishment of a Task Force: A pivotal prevention measure has been the creation of a Task Force for the Prevention and Handling of Sexual Violence in educational institutions. The initiative to establish a Violence-Free Zone within these institutions has advanced, marked by the introduction of two key regulations:*
  - a. *Minister of Education and Culture Regulation No. 30 of 2021: This policy underscores the commitment to preventing and addressing sexual violence in higher education.*
  - b. *Minister of Religious Affairs Regulation No. 73 of 2022: It extends similar protections to education units under the Ministry of Religious Affairs.*
2. *Implementation Across Higher Education Institutions: The Ministry of Education, Culture, Research, and Technology (Kemendikbudristek), along with the Ministry of Religious Affairs, has implemented these policies across various higher education institutions:*
  - a. *State Universities (PTN): As of 2023, all 125 state universities, which is 100% of them, have established a PPKS Task Force.*
  - b. *Private Universities (PTS): A total of 207 the Prevention and Handling of Sexual Violence (PPKS) Task Forces have been formed within these institutions.*
  - c. *Religious Higher Education Institutions: By 2024, the Ministry of Religious Affairs reports that 56 religious institutions, including PTKIN, STABN, STAHN, IAKN, and STAKAT, have adopted PPKS Policies.*
3. *Collaborative Capacity Building: A notable initiative is the collaboration between Komnas Perempuan and the Ministry of Education and Culture (Kemendikbud). This partnership has been instrumental in enhancing the capabilities of PPKS task force members in State Universities (PTN) through specialized training modules. By 2023, the task force membership in PTNs reached*

1,321, while in Private Universities (PTS), it stood at 1,273. To gauge the effectiveness of the PPKS Policy in Religious Higher Education Institutions, Komnas Perempuan has crafted a Monitoring Instrument to assess the Quality Index of the policy's implementation.

4. *Institutional Support Challenges: The PPKS Task Force faces significant hurdles, primarily due to insufficient backing from the leadership of Higher Education Institutions. This includes a lack of necessary facilities/infrastructure and a deficit in political commitment to act on the task force's recommendations. A case in point is the University of Indonesia's PPKS Task Force, which faced a dearth of budgetary support, leading to non-implementation of its proposals to combat sexual violence. The resultant frustration prompted the task force members to resign.*
5. *Regional Initiatives Against Domestic Violence: A commendable practice in the regional government's prevention strategy against domestic violence is the enactment of Purwakarta Regency Regional Regulation No. 6 of 2021. This regulation is dedicated to the Implementation of Protection for Women and Children, signifying a proactive approach to safeguarding vulnerable demographics.*
6. *Drafting National Strategy Regulations: The period has seen the initiation of the Presidential Regulation draft on the National Strategy for Reducing Violence Against Women. The Ministry of Women's Empowerment and Child Protection (KemenPPPA) has been proactive, issuing Ministerial Decree No. 42 of 2022 to form an Inter-Ministerial and/or Inter-Non-Ministerial Committee responsible for crafting this regulation.*
7. *Roadmap for P2GP Prevention: Indonesia has established a Roadmap for the prevention of P2GP (Violence Against Women and Girls), which includes a vision to "provide a valid National data system" for monitoring public awareness and crafting targeted interventions.<sup>22</sup>*

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22 The Prevention of Violence Against Women (P2GP) envisions a society where:

- 1) Awareness is Elevated: There is a heightened collective consciousness that recognizes the harm P2GP poses to women, leading to a societal commitment to refrain from such actions across all ages.

*While the Ministry of Women's Protection and Child Protection leads the charge, the roadmap's success hinges on integrated efforts from multiple parties. As implementation is not yet universal, enhanced coordination is essential to realize the roadmap's full potential.*

**18. In the past five years, what actions has your country taken to prevent and respond to technology-facilitated gender-based violence (e.g. online sexual harassment, online stalking, non-consensual sharing of intimate images)?**

❖ Prevention and Response to Online Gender-Based Violence (KBGO)

1. Trends in Online Gender-Based Violence (KBGO): Komnas Perempuan's CATAHU Annual Notes have been documenting cases of KBGO since 2017, with a noticeable uptrend through 2021. This fluctuation is largely attributed to the COVID-19 pandemic, which, coupled with increased internet accessibility and the

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- 2) Legal Protections are Strengthened: A robust legal framework is in place, offering unequivocal guarantees of protection that categorically ban P2GP against women, irrespective of age.
  - 3) Data Systems are Enhanced: A reliable national data system is established, capable of tracking public awareness trends regarding P2GP and serving as a foundation for crafting targeted interventions.
  - 4) Organizational Systems are Solidified: An integrated organizational system is operational, enabling stakeholders—including state agencies and community entities—to collaboratively implement P2GP prevention measures.

To achieve this vision, a collaborative effort is underway involving key Ministries/Agencies:

- 1) Ministry of Women's Empowerment and Child Protection (KPPPA): Takes the lead role.
- 2) Ministry of Health: Contributes to health-related aspects of P2GP prevention.
- 3) Ministry of Education, Culture, Research, and Technology (Kemendikbud Ristek): Addresses educational and cultural dimensions.
- 4) Ministry of Religious Affairs: Ensures alignment with religious considerations.
- 5) Ministry of Home Affairs: Facilitates coordination among regional governments.
- 6) Indonesian Child Protection Commission: Focuses on child-specific issues related to P2GP.
- 7) Komnas Perempuan: Provides expertise on gender-based violence.

paradoxical effects of online interaction, has contributed to the rise in reported incidents. It is important to note that the figures presented in CATAHU likely underrepresent the true scope of KBGO, as many cases go unreported due to the risk of revictimization within Indonesia's social context.

2. **Legal Framework for Electronic-Based Sexual Violence (KSBE):** The TPKS Law addresses offenses related to KSBE, albeit with a more limited scope than the broader spectrum of behaviors identified as KBGO by Komnas Perempuan.
3. **Categorization of Gender-Based Violence by Komnas Perempuan:** Komnas Perempuan is dedicated to refining the analysis of gender-based violence complaints through a categorization system that addresses the multifaceted nature of such incidents, especially those exacerbated by technology. The five primary categories identified are:
  - a. Privacy Violation
  - b. Cyber Threats
  - c. Malicious Distribution
  - d. Exploitation
  - e. Cyber Sexual Harassment
4. **Data-Driven Advocacy and Legal Inclusions:** Komnas Perempuan leverages data from its CATAHU Annual Notes for advocacy, contributing to the inclusion of electronic-based sexual violence in the Law on Sexual Violence Crime. While this inclusion is a step forward, ongoing efforts to refine the legal mechanisms for victim protection, such as removing harmful digital content, are essential. Continuous dialogue and collaboration with civil society, government bodies, and media platforms are key to these advancements.
5. **Legal Framework vs. Technological Advancements:** The legal framework struggles to keep pace with the evolving dimensions of KBGO, particularly with the advent of AI and virtual spaces like the metaverse, which present new vulnerabilities. Incidents of harassment in virtual environments, such as those reported in En-

gland, underscore the urgency of developing technical policies that can protect women amidst rapid technological evolution. Komnas Perempuan emphasizes the need for immediate action to craft policies that safeguard women in this era of technological advancement.

**20. *In the past five years, what actions has your country taken to address the portrayal of women and girls, discrimination and/or gender bias in the media, including social media?***

❖ Gender Bias in the Media

1. Media Representation of Women: The depiction of women in media, particularly in broadcast television, often reduces them to sexual objects. This trend is prevalent in late-night soap operas, which not only target women as their primary audience but also perpetuate gender biases through their portrayal of women characters. In 2021, Komnas Perempuan addressed a soap opera aired on a private channel that garnered significant public scrutiny. The show controversially featured child marriage, casting a 15-year-old actress as a third wife, thereby normalizing the exploitation and subjugation of young girls from impoverished backgrounds through forced and polygamous marriages.
2. Addressing Gender Bias in Media Representation: Gender bias in media extends to the marginalization of sexual minority groups. Monitoring of media narratives reveals a persistent sidelining of communities with diverse gender and sexual identities. Notable instances include the femicide of a transwoman in Cilincing, who was tragically attacked by a mob over theft allegations, and a demeaning prank by a Youtuber involving a transwoman and a gift filled with trash during 2020-2021. Such incidents reflect a broader pattern of marginalization, where media outlets often employ negatively connotative diction to describe these communities. Additionally, programming that objectifies individuals based on sex and gender frequently garners high view-

ership ratings, indicating a troubling trend that prioritizes sensationalism over respectful representation.

3. **Oversight of Media Content:** The Indonesian broadcasting system is expected to regulate content through Law No. 32 of 2002 on Broadcasting, along with the Broadcasting Behavior Guidelines and Broadcast Program Standards (P3SPS). These regulations are intended to prevent the objectification and exploitation of women and gender-diverse groups. Despite these measures, the proposed amendments to the Broadcasting Bill could potentially reinforce discrimination. The bill's current provisions on decency may inadvertently restrict cultural diversity, perpetuate biases against gender-diverse groups, and constrict the breadth of democratic expression within media content. It is crucial that any legislative revisions are carefully considered to ensure they promote inclusivity and uphold the principles of a diverse and democratic society.
4. **Advocating for Progressive Broadcasting Policies:** The National Commission on Violence Against Women champions the revision of broadcasting policies to foster a more enlightened view of women and gender diversity groups. The commission advocates for a shift in perspective that recognizes bodily autonomy and sexuality not as moral quandaries but as personal domains deserving protection from exploitation. Furthermore, it supports bolstering the expertise of monitoring staff at the Indonesian Broadcasting Commission (KPI) to discern and address any form of women's objectification and narratives that inadvertently impede the progress towards eradicating violence against women.

**21. *In the past five years, what actions has your country taken specifically tailored to address violence against marginalized groups of women and girls?***

❖ **Violence against Marginal Groups:**

1. **Women with Disabilities**
  - a. **Prioritizing the Safety of Women with Disabilities:** Women with disabilities are recognized as particu-

larly susceptible to multiple forms of violence, necessitating their prioritization in efforts to combat violence against women. While Law No. 8 of 2016 on Persons with Disabilities addresses the need to eliminate discrimination, further efforts are required to synchronize and harmonize existing laws. For instance, the justification of disability as grounds for polygamy in the Marriage Law calls for critical review and amendment to ensure equitable treatment.

- b. **Reporting and Prevalence of Violence:** In 2023, 79 cases of violence against women with disabilities were documented, with seven being formally reported to the National Commission on Violence Against Women. Predominantly, these acts were committed by family members or intimate partners. It is important to acknowledge that these figures likely underrepresent the true extent of such violence, as underreporting is common due to barriers like limited access and other inhibiting factors. Enhancing reporting mechanisms and support systems is crucial to address this gap and provide adequate protection and justice for all affected women.
- c. **Addressing Judicial Challenges for Women with Disabilities:** Despite the enactment of Government Regulation No. 39 of 2020 during this reporting period, which mandates appropriate accommodations for persons with disabilities in the judicial process, women with disabilities continue to encounter significant barriers in accessing justice. These challenges include:
  - **Limited Understanding:** A general lack of awareness and understanding about disabilities often results in law enforcement's reluctance to process cases, particularly when involving women with intellectual or psychosocial disabilities.
  - **Evidence Scarcity:** In many instances of violence, especially sexual violence, the absence of eyewitnesses and delayed realization of the

- crime by the victims with intellectual and psychosocial disabilities—often only recognized upon pregnancy—hampers evidence collection.
- **Expert Support Deficit:** There is an acute shortage of specialists or trained personnel available to assist women with disabilities throughout the legal proceedings.
  - **Out-of-Court Settlements:** Families often opt for out-of-court resolutions, such as monetary compensation or even marriage to the perpetrator, under the pretext that women with disabilities are ill-equipped to endure legal battles.
- d. **Enhancing Care for Women with Psychosocial Disabilities:** Women with psychosocial disabilities residing in Mental Hospitals and Social/Rehabilitation Homes represent a group at heightened risk. Monitoring by the National Commission on Violence Against Women in 2018, with follow-up visits in 2021 and 2022, reveals persistent issues as noted in the BPFA +25 independent report. These include:
- **Infringements on Bodily Autonomy:** Instances of forced contraception, non-consensual non-medical care, and restraint practices continue to be reported.
  - **Lack of Standard Operating Procedures (SOPs):** There is an absence of established SOPs for addressing violence against women within these facilities, despite some residents living there for extended periods.
  - **Staffing and Gender Concerns:** The scarcity of space and personnel often results in women patients being attended to by male nurses, which may not be ideal for all patients.
- e. **Collaborative Efforts for Psychosocial Disability Rights:** A commendable initiative has been the formation of a Working Group on Respect, Protection, Advancement, Enforcement, and Fulfillment of Human Rights (P5 HAM). This collaborative effort

between the government and civil society aims to address the disparities faced by individuals with psychosocial disabilities. Additionally, the National Commission on Violence Against Women, in conjunction with five other human rights organizations, has established a Cooperation Initiative for the Prevention of Torture. A key component of this initiative is the ongoing surveillance of conditions within detention and similar facilities, followed by the proposition of actionable recommendations for enhancements.

2. *Women in the Most Underdeveloped, Forefront, and Outermost Regions*

- a. Addressing Barriers in Combating Violence Against Women: The National Commission on Violence Against Women has identified several critical barriers:
  - 1) Information Access: Significant hurdles exist in obtaining information pertinent to violence against women.
  - 2) Societal Norms: Prevailing societal attitudes often trivialize violence against women, treating it as a norm rather than an aberration.
  - 3) Lack of Local Services: Many areas lack the necessary infrastructure or services to support victims of violence.
  - 4) Geographical and Financial Constraints: The physical distance to service institutions, especially across islands, coupled with associated costs and time, often leads victims and their families to seek extrajudicial resolutions to incidents of violence against women.
- b. Enhancing Community-Based Services (LBK): Service institutions have established a commendable practice with the development of Community-Based Services. This initiative empowers communities by enhancing their knowledge and skills in addressing violence against women, as exemplified by the programs in the Morotai Islands Regency.

- c. **Accessibility of National Policies:** Despite the existence of numerous national policies, their benefits are often not felt by women residing in the underdeveloped, border, and remote regions (3T) regions. This disconnect highlights the need for tailored approaches to policy implementation that consider the unique challenges faced by these communities.
  - d. **Impact of National Policies on Remote Regions:** While commendable policies are in place at the national level, there is a significant gap in their effectiveness for women in the underdeveloped, border, and remote regions (3T) regions. It is crucial to bridge this gap to ensure that national policies translate into tangible improvements for all women, regardless of their geographical location.
3. **Women with HIV/AIDS**
- a. **Enhanced Reporting of HIV/AIDS Cases Among Women:** The National Commission on Violence Against Women has been tracking cases of women with HIV/AIDS since 2014, recognizing their heightened risk of discrimination and gender-based violence. The 2020 CATAHU report marked a record with 203 reported cases, predominantly from Bali. This surge in reporting is attributed to LBH Apik Bali's funded data collection initiative in collaboration with the Indonesian Positive Women's Association (IPPI), which significantly empowered women and children with HIV/AIDS to come forward and seek assistance.
  - b. **Prevalent Patterns of Violence:** The most frequent instances of violence are found within intimate relationships, such as those between spouses or former spouses. The forms of violence encompass physical, sexual, psychological, and economic abuse. Notably, psychological violence is the most common against women with HIV/AIDS, manifesting as severe stigmatization. These women are often unfairly maligned, which exacerbates their marginalization and vulnerability.

- c. **Economic Challenges for Women with HIV/AIDS:** Women living with HIV/AIDS face considerable economic challenges, largely due to their dependency on family or partners. This is compounded by the widespread difficulty in securing employment, as their HIV/AIDS status leads to discrimination in the job market. Health screenings, which are a standard employment prerequisite, further diminish their employment prospects, leaving them with limited opportunities to achieve financial independence.
- d. **Focused Initiatives in Papua and West Papua:** Throughout 2021-2022, the National Commission on Violence Against Women intensified its focus on Papua and West Papua, regions with notably high incidences of violence against women and HIV/AIDS prevalence.
- e. **Collaborative Consultations for Comprehensive Services:** In 2021, the National Commission on Violence Against Women engaged in consultations with a range of institutions addressing HIV/AIDS. These discussions highlighted several fundamental challenges that need to be addressed to provide concurrent services for women with HIV/AIDS who are also violence survivors. Key areas identified for policy enhancement include the consistent availability of medication, dedicated healthcare workers for People Living with AIDS (ODHA), accessible counseling services, and safe houses. These areas are pivotal for policy development at both national and regional levels to ensure holistic support for affected women.
- f. **Strengthening Integrated Services for HIV/AIDS:** The integration of services for individuals with HIV/AIDS requires reinforcement beyond the narrow view of it as solely a health issue. The multifaceted nature of HIV/AIDS, encompassing social, political, and cultural dimensions, must be acknowledged to prevent the marginalization of

women with HIV/AIDS from receiving comprehensive support. Moreover, there is a pressing need for the police to extend HIV/AIDS testing services to women victims of rape, expanding beyond the current practice limited to detainees.

- g. **World AIDS Day and Community Involvement:** World AIDS Day, observed on 1 December, embraces the theme “Let’s Community Lead” and the national focus “Moving Together with the Community: End AIDS 2030.” This theme underscores the importance of community engagement not just in facilitating timely access to antiretroviral (ARV) therapy but also in establishing a robust support system. Such community-driven support is essential for ensuring adherence to ARV treatment and dismantling the stigma surrounding individuals with HIV/AIDS, fostering a more inclusive and supportive environment.

#### Cluster 4:

### **Participation, accountability, and gender-responsive institutions**

#### ***22. In the past five years, what actions and measures has your country to promote women’s participation in public life and decision-making?***

#### **Women Participation in Decision Making**

- a. **Women’s Leadership**
  - ❖ **Women’s Participation in Legislative Elections:** The trend in women’s participation in legislative elections (Pileg) has been gradually increasing, with representation reaching 20.5% in 2019 and 21.9% in 2024. Despite this progress, the target of 30% remains unmet, and there was a notable decline in the nomination of women candidates for the 2024 elections.
  - ❖ **Regulatory Challenges and Compliance:** The Election Commission (KPU) Regulation No. 10 of 2023, which governs the 30% women candidate quota in each

electoral district, has faced scrutiny. The regulation's rounding down policy for fractional calculations has led to the quota not being fulfilled.

The Supreme Court (MA) and the Election Supervisory Agency (Bawaslu) have both mandated the KPU to amend this regulation to ensure compliance with the 30% quota. However, the KPU's non-compliance with these orders reflects a lack of commitment to affirmative action for women's leadership.

The KPU's approval of the Permanent Candidate List of Political Parties (DCT Parpol) without meeting the women's representation requirement, along with the minimal presence of women in the election of Election Organizers and other state institutions, further highlights the systemic challenges in achieving gender parity in political participation.

- ❖ **Challenges of Patriarchal Culture:** The persistence of patriarchal norms continues to pose significant challenges, as evidenced by the KPU regulation that undermines the 30% women's representation mandated by affirmative policies. Instances of leadership rejection based on gender remain prevalent, such as the case in Banten where a woman's election as Neighbourhood Head (Ketua RT) was unjustly nullified due to her gender, perpetuating the stereotype that leadership roles are exclusive to men. Her complaint to higher bodies were ignored (CATAHU 2022).

**Discriminatory Practices and Gender Bias:** Discriminatory actions and gender biases have led to the dismissal of women from leadership positions, including a winning legislative candidate for the South Sulawesi gubernatorial parliament (DPRD), who was removed by her party just one day before her inauguration scheduled on 24 September 2019. Such practices not only contravene the principles of equality but also hinder the progress towards inclusive governance (CATAHU 2021).

- ❖ Advocacy and Campaign Efforts: Over the past five years, the JITU campaign—a collaborative effort between the National Commission on Violence Against Women, Bawaslu, and the KPU—has been instrumental in advocating for women’s representation in the 2024 elections and the prevention of violence.
- b. Violence Against Women in Elections
- ❖ A series of sexual violence incidents have marred the integrity of electoral processes, particularly targeting women candidates. Notable among these are the cases reported during the 2020 Regional Elections, implicating figures such as the Deputy Mayor candidates of Depok, Makassar, and South Tangerang. In Depok, a candidate faced verbal sexual harassment from a rival candidate at Hasan Sadikin Hospital in Bandung. This inappropriate conduct took place under the guise of jest, with the harasser suggesting they share a room during the mandatory health examinations for candidates. Similarly, the Deputy Mayor candidate of Makassar was subjected to verbal sexual harassment via WhatsApp, receiving negative and indecent remarks. The instigator was identified as a supporter of an opposing candidate, who acted out during the public debate phase of the Makassar Regional Election. Furthermore, the Deputy Mayor candidate of South Tangerang became a victim of verbal sexual harassment on Twitter, with offensive comments made by a prominent member of the Democratic Party. The derogatory tweet specifically targeted her appearance, commenting on the smoothness of her thighs. These incidents are documented in 2021 CATAHU Annual Notes.
  - ❖ In the 2024 elections, the health examination protocol for prospective members of the Election Supervisory Agency (Bawaslu) came under scrutiny due to reports of distressing experiences by women candidates. During the evaluations, these candidates were instructed to disrobe completely, a requirement that not only caused them considerable discomfort but

also instilled a sense of fear. Such invasive procedures have raised serious concerns about the respect for personal dignity and the potential deterrent effect on women considering roles as election officials.

- ❖ In addressing question number 3, concerning targeted measures to combat discrimination and uphold the rights of women who have been victims of violence during electoral processes: The National Commission on Violence Against Women has filed an amicus curiae to advocate for a judicial review of KPU Regulation No. 10 of 2023, with a particular focus on Article 8, paragraph 2. This clause pertains to the rounding method used in calculating the proportion of women representation. The Commission alleges that the regulation effectively marginalizes women's representation in the legislature and thus discriminatory in nature. The basis for this legal intervention is a series of studies and observations conducted by the Commission, which indicate that the stipulated 30% quota for women's representation is far from being achieved. The findings highlight persistent resistance and systemic barriers at the levels of political parties, governmental structures, and societal attitudes towards women in leadership roles. These barriers take various forms, including intimidation, vote theft, sexual violence, the unwarranted dismissal of elected women legislators, and outright rejection on the basis of gender. Such impediments underscore the unique electoral challenges Indonesian women face in comparison to their male counterparts.

**23. *In the past five years, what actions has your country taken to increase women's access to expression and participation in decision-making in the media, including through information and communication technologies (ICT)?***

**Access to Expression and Participation of Women in the Media**

- ❖ Over the last five years, the evolution of the proposed Broadcasting Bill has raised concerns due to its provisions that could potentially discriminate against the expression and

engagement of marginalized groups in broadcast mediums, including digital platforms. Article 50 A, paragraph 1 of the bill, introduces ambiguous concepts such as decency, propriety, and morality, which pose a risk of constraining the community's freedom of expression. This is particularly troubling for women, who are often viewed as 'moral guardians' within a patriarchal framework. Furthermore, the bill's content restrictions could unjustly criminalize individuals and organizations advocating for sensitive issues like narcotics, psychotropics, addictive substances, violence against women, sexual minority rights, and the freedom of religion and belief. Such provisions not only constrict the democratic space but also contradict the bill's purported objective of safeguarding vulnerable groups. Additionally, these restrictions threaten the liberty of the press, particularly in the realm of investigative journalism focused on human rights and women's rights, thereby impeding critical discourse and transparency.

- ❖ The avenues for women to express themselves and participate in media remain constricted, exposing them to potential violence and discrimination. Women journalists encounter compounded risks, attributable not only to their professional role but also to their gender. Similarly, women human rights defenders face vulnerabilities, especially when they voice criticisms of circumstances or policies on digital platforms and social media. Legislative frameworks, including the ITE Law and the Criminal Code, pose significant threats to press freedom and the liberties of opinion and expression. These laws have the adverse effect of criminalizing women who advocate for human rights, thereby stifling essential voices in the public discourse.
- ❖ In 2021, the Media Regulation and Regulator Monitoring Agency (PR2Media) reported a concerning statistic: 85.7% of 1,256 women journalists in Indonesia have encountered various forms of violence. Further compounding this issue, a 2022 joint research initiative by the Alliance of Independent Journalists (AJI) and PR2Media uncovered that 82.6% of 852 women journalists across 34 provinces have experienced sexual violence. Additionally, the National Commission on Violence Against Women received reports of four instanc-

es of violence against women journalists throughout 2022, which included both sexual and physical assaults.

- ❖ The absence of a secure environment for women significantly hinders their engagement, particularly within the media sector. The National Commission on Violence Against Women emphasizes the necessity of safeguarding women journalists during their professional activities. This protection is a critical priority that should be enforced by media corporations, with oversight provided by the Press Council.
- ❖ Persistent stereotypes and negative portrayals of women in media coverage continue to be problematic. The coverage transpeople as observed by the National Commission on Violence Against Women often includes biased narratives. This is evident in reports concerning transwomen and cases involving women interacting with the legal system, whether as perpetrators, victims, or witnesses. Such coverage perpetuates societal stigmas against women, underscoring the need for a shift in media representation to foster a more inclusive and unbiased portrayal of all women.

**26. *If there is a national human rights institution in your country, what measures has it taken to address violations of women's rights and promote gender equality?***

**National Commission of Violence Against Women**

- ❖ Over the last five years, the National Commission on Violence Against Women has been entrusted with the execution of several key initiatives:
  - The National Action Plan for Human Rights (RAN HAM), which outlines the country's commitment to upholding human rights.
  - The National Action Plan for the Prevention and Handling of Violence-Based Extremism Leading to Terrorism (RAN PE), aimed at mitigating the risks and impacts of extremist violence.
  - The National Action Plan for the Protection and Empowerment of Women and Children in Social Conflict 2020-2025 (RAN P3AKS), which focuses on safeguarding and

strengthening the rights of women and children affected by social conflicts.

- The National Action Plan for Sustainable Development Goals (RAN SDGs), which aligns national development objectives with global sustainability targets.
  - The Master Plan for Culture, a strategic framework designed to preserve and promote the nation's cultural heritage.
- ❖ Over the past five years, the National Commission on Violence Against Women has achieved significant milestones across various operational platforms, garnering increasing support at local, national, and international levels. The Commission's key accomplishments can be categorized into eight distinct areas:
- 1) Knowledge Building: The publication of the CATAHU Annual Notes has contributed to a deeper understanding of gender-based issues.
  - 2) Work Tool References: The creation of 6 international advocacy reports, 2 training modules, 4 policy references, 2 monitoring instruments, and guidelines for public campaigns.
  - 3) Public Information References: A robust response to information requests, interviews, and visits, enhancing transparency and outreach.
  - 4) Cooperation Platforms and Public Support: Establishing collaborative frameworks that have bolstered the Commission's initiatives.
  - 5) Follow-up Recommendations: Successful implementation of 10 out of 23 policy recommendations, particularly those addressing discriminatory policies, restorative justice, and peace education.
  - 6) Policy Recommendations in Progress: Ongoing efforts to reinforce 4 recommendations for SPPT-PKKTP, advocate for 1 policy on Women Human Rights Defenders protection, propose solutions for non-judicial settlement of past gross human rights violations, and advance 2 proposals for ASN management and inclusive work governance, alongside DIM RUU PPRT.

- 7) **Handling of Complaints:** An average of 12 cases reported daily, with a total of 3,303 gender-based violence cases addressed.
  - 8) **Institutional Governance:** The enactment of Presidential Regulation No. 55 of 2023, which outlines honorariums and facilities for the Plenary Commission and the Working Body, and Presidential Regulation No. 8 of 2024, which amends Presidential Regulation 65 of 2005 concerning the National Commission on Violence Against Women.
- ❖ From a policy standpoint, the state's backing of the National Commission on Violence Against Women is exemplified by the passage of Law No. 12 of 2022 concerning the Sexual Violence Crime (TPKS). This legislation reinforces the Commission's mandate to oversee, in collaboration with the National Commission on Human Rights, the Indonesian Child Protection Commission, and the National Commission on Disabilities, the efficacy of initiatives aimed at preventing sexual violence and providing support to its victims.
  - ❖ The Cooperation for the Prevention of Torture represents a unified effort among Human Rights Institutions to combat torture. Initiated in 2016, this coalition initially comprised five prominent bodies: Komnas Perempuan, the National Commission on Human Rights, the Indonesian Child Protection Commission, the Witness and Victim Protection Agency, and the Ombudsman of the Republic of Indonesia. Together, they have undertaken numerous initiatives to monitor and prevent acts of torture. In a significant expansion of this alliance, the National Commission on Disabilities became a member in 2023, further strengthening the Cooperation for the Prevention of Torture's capacity to uphold human rights.
  - ❖ The National Commission on Violence Against Women is spearheading the the Cooperation for the Prevention of Torture initiative for the 2023-2024 period. Under the specific mandate of Presidential Regulation No. 65 of 2005, this commission is dedicated to fostering an environment conducive to eradicating all forms of violence against women and upholding women's human rights throughout Indonesia. In collaboration with five other human rights organizations, Kom-

nas Perempuan is conducting a comprehensive review study. This study assesses the government's adherence to various human rights agreements, including the Convention Against Torture, reinforcing its commitment to these crucial issues.

❖ Challenges and Obstacles in Advancing Human Rights in Indonesia:

The journey to uphold, protect, fulfill, and advance human rights in Indonesia faces several hurdles:

- **Prioritization:** Human rights are yet to be integrated as a core element within the strategic frameworks and programs of various Ministries and Agencies.
- **Awareness of NHRI:** There's a disparate understanding of the roles and responsibilities of the National Human Rights Institutions (NHRI), leading to misconceptions about their necessity, relevance, or potential redundancy.
- **Women's Rights:** The marginalization of women's issues is evident within the bureaucracy and state institutions. This includes debates over potentially dissolving the Ministry of Women's Empowerment and Child Protection (KPPPA) and the National Commission on Violence Against Women with each shift in national leadership. Challenges also persist in forming Regional Technical Implementation Unit for the Protection of Women and Children and a dedicated Women and Child Protection Directorate within the Police Institution.
- **Political Representation:** A significant challenge remains in enforcing the law that requires women's representation in the upcoming 2024 elections, ensuring that it translates into meaningful participation.

❖ A Memorandum of Understanding (MoU) exists between the National Commission on Violence Against Women and the Indonesian National Police (Polri), encompassing:

- Data and information exchange and utilization
- Legal protection for women
- Policy development to eliminate gender-based violence
- Human resource capacity building and utilization
- Facility and infrastructure utilization

This MoU facilitates the systematic classification of gender-based murder cases within the police force and identifies the challenges in managing gender-based violence cases against women

- ❖ Furthermore, while the National Human Rights Institutions (NHRI) lack legal authority to enforce their recommendations, this does not diminish their effectiveness. The NHRI serves as a corrective entity, providing oversight and recommendations without usurping the government’s responsibilities.

### **Women Human Rights Defenders and the Mechanisms Being Developed**

- ❖ From 2020 to 2023, the National Commission on Violence Against Women’s CATAHU Annual Notes documented 67 incidents involving Women Human Rights Defenders. The breakdown is as follows:
  - 2020: 36 cases
  - 2021: 23 cases, including criminalization via social media
  - 2022: 1 case, involving “malicious distribution” of harmful content
  - 2023: 7 cases

Most incidents occurred within civil society service institutions, government service entities, and amidst agrarian and natural resource conflicts. The predominant form of violence reported was psychological, characterized by threats and verbal abuse. Notably, in 2021 and 2022, Women Human Rights Defenders faced targeted defamation through social media and malicious distribution aimed at tarnishing their reputation. Resolutions were primarily achieved through mediation, particularly within community service organizations.

- ❖ Protection for Women Human Rights Defenders: Out of 118 service institutions, merely 15 have established a protection system. The majority operate without any formal protection measures, whether they are assisting victims collectively or on an individual basis. Notably, there is an absence of state-provided protection for their activities.

- ❖ **Good Practice:** In 2020, the National Commission on Violence Against Women, in collaboration with Protection International (PI), developed a Protection Manual for Women Human Rights Defenders. This initiative was enriched by the contributions of 25 Human Rights Defenders, ensuring its relevance and practicality for those it aims to safeguard.
- ❖ In response to question number 3, the National Commission on Violence Against Women has implemented specific measures to combat discrimination and advocate for the rights of women and other marginalized groups:
  - The Commission has reinforced a cross-sectoral approach that is comprehensive, integrated, holistic, inclusive, and tailored to the archipelagic context, aiming to support women who are victims of violence and discrimination.
  - A key focus area for 2020-2025 is the implementation of best practices for women affected by conflicts and disasters. This includes attention to underdeveloped, border, remote, and island regions, particularly where there are natural resource conflicts, intolerance, discrimination, extremism leading to terrorism, and historical human rights violations (such as the May 98 incident, enforced disappearances, the 1965 cases, the Aceh cases) as well as ongoing conflicts in Papua.
  - The Commission is also dedicated to educational development and campaigning on gross human rights violations, promoting pluralism, and advancing the concept of peace education in various regions, building upon the ground-work laid in previous years.

#### Cluster 5:

#### **Peaceful and inclusive societies**

#### ***27. In the past five years, what actions has your country taken to build and sustain peace, promote peaceful and inclusive societies for sustainable development and implement the women, peace and security agenda?***

- ❖ **Women's Unique Challenges in Conflict Contexts:** Women encounter distinct challenges and vulnerabilities in conflict and post-conflict scenarios. They are recognized

as victims/survivors, pillars of their families and communities, participants in armed/violent groups, and catalysts for peace. The National Commission on Violence Against Women's monitoring and documentation efforts reveal the multifaceted victimization of women in these settings:

- Direct victims: Women who suffer violence firsthand during conflicts.
  - Proxy victims: Women targeted to intimidate or defeat adversaries.
  - Layered victims: Women facing compounded threats of violence, both from the conflict itself and from societal or domestic violence.
- ❖ The National Commission on Violence Against Women has recorded significant policy developments aimed at addressing the issues faced by women in conflict:
- National regulations have evolved, notably the Disaster Management Law and the Social Conflict Management Law, which now emphasize the unique conditions and leadership roles of women in conflict situations. The Social Conflict Management Law has given rise to subsidiary regulations, specifically Government Regulations on the protection and empowerment of women and children during social conflicts (P3AKS). These regulations have laid the groundwork for the formulation of both the National Action Plan and Regional Action Plans (RAN and RAD) for P3AKS.
  - Regional Policy Developments for Gross Human Rights Violations: Aceh Truth and Reconciliation Commission: In December 2023, the commission presented a report recommending comprehensive reforms in laws, politics, and administration to address past human rights violations. It also recommended administrative and legal changes and institutional reforms, political policies, administrative policies, recommendations for reconciliation based on local wisdom, and recommendations on reparations.
  - May 1998 Tragedy Memorialization: The DKI Jakarta Governor's 2015 policy led to the inclusion of the May

98 memorial plaque program, located at the mass graves of the victims at TPU Pondok Ranggon, under the administrative care of the DKI Jakarta Provincial Government, notably the East Jakarta city forest and parks department. This ensures annual budget allocations for commemorating the tragedy.

- Widespread Memorial Initiatives: Efforts to memorialize the May 98 event have expanded beyond Jakarta to regions like Solo, Medan, Surabaya, and Kupang. Public memory is also honored through events like the Reformasi Memorial March with participation by university campuses and youth groups, the *rujak pare* in Semarang initiated by the Rasa Darma group, and the Kamisan action sponsored by KontraS and victims' families.
- A suite of policy instruments has been established to address past human rights abuses through non-judicial means. This includes:
  - ◆ Presidential Decree No. 17/2022, which outlines the framework for the Non-Judicial Settlement Team for Past Gross Human Rights Violations (Tim PPHAM).
  - ◆ Presidential Instruction No. 2/2023, which directs the execution of recommendations for non-judicial redress of severe human rights infractions.
  - ◆ Presidential Decree No. 4/2023, which establishes a Monitoring Team to oversee the implementation of these recommendations.
- In the region of Papua, the Jayapura Regent Regulation No. 35/2019 has been promulgated, designating Jayapura Regency as a Violence-Free Area and setting the standards for its enforcement.
- ❖ The National Commission on Violence Against Women reports that the residual impact of the armed conflict in Papua, which escalated after the 1969 PEPERA political event, persists to this day. Despite the removal of the Military Operation Area status in 1998, subsequent operations have not ceased violence, affecting civilians, security personnel, and armed factions alike. The initia-

tive to establish Papua as a model region free from violence, as stipulated by the Jayapura Regency Regulation of 2018, has yet to materialize, hindered by the pandemic and a shortfall in political commitment. This situation is further aggravated by disputes over natural resources, which not only fuel violence but also entangle with the political strife.

Women, particularly vulnerable in these scenarios, face disproportionate consequences. They are not only general victims of the conflict but also susceptible to domestic and sexual violence. The maternal mortality rate in Papua soars to 565 per 100,000 live births, starkly higher than the national rate of 189.<sup>23</sup> For instance, the conflict in Nduga in 2018 led to a displacement crisis that remains unresolved. The Nduga community is still scattered across Papua. In December 2021, the Commission engaged with Maybrat refugees in Sorong, where five women from various villages reported critical issues:

- 1) Limited access to food within the camps.
- 2) Disruption of education for children during displacement.
- 3) Inadequate healthcare, highlighted by four pregnant women forced to deliver under makeshift conditions.

**28. *In the past five years, what actions has your country taken to increase the leadership, representation and participation of women in conflict prevention, resolution, peacebuilding, humanitarian action and crisis response, at decision-making levels in situations of armed and other conflicts, and in fragile or crisis settings?***

- ❖ The National Commission on Violence Against Women has exemplified best practices in fostering women's leadership, representation, and participation in conflict prevention, resolution, peacebuilding, and humanitarian efforts. A notable achievement in 2022 was the publica-

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23 <https://www.bps.go.id/id/publication/2024/02/02/f1e-801ce263e5d1520375f59/mortality-in-indonesia-the-results-of--population-census-2020.html> -- Mortality in Indonesia: the Results of Long Form Population Census 2020.

tion of the book “Reviving the Center of Peace: A Human Rights Perspective and Empowerment of All Parties in Indonesia.” This publication serves as a testament to effective peace education, adopting an approach grounded in women’s experiences.

The book presents peace education proposals developed by communities recovering from conflict in six regions:

- Aceh: Addressing the aftermath of armed conflict and military crises from 1999 to 2005.
  - Ambon, Maluku: Overcoming tensions among different Ambonese religious groups in 1999.
  - Makassar, South Sulawesi: Resolving disputes between locals and immigrants dating back to 1967.
  - Poso, North Sulawesi: Bridging divides following the 2000 conflicts between predominantly Christian locals and mostly Muslim immigrants.
  - Sambas, West Kalimantan: Healing the conflicts between Malay and Madurese communities following the 1999 conflict.
  - Sampit, Central Kalimantan: Reconciling the large scale bloody conflicts between Dayak and Madurese groups from 2001.
- ❖ Ambon has witnessed the emergence of commendable practices in peace-building, spearheaded by community-driven peace concepts. Key initiatives include:
- Community Centers: Established in Kayu Tiga and Lograf Batu Merah to serve as hubs for peace activities.
  - Interfaith Dialogues: Fostered through shared religious observances like joint iftar during Ramadan and communal Christmas celebrations.
  - Community Cooperation: Exemplified by joint efforts to maintain places of worship and scholarship programs transcending religious lines.
  - Peace Advocacy Programs: The formation of the Young Ambassador For Peace, Peace Provocateur, and Pela Education initiatives, alongside the Empowerment of All Parties in Indonesia, have been pivotal.

- **Storytelling in Schools:** Implemented as a program to instill the values of peace among the younger generation.

These practices highlight the community's commitment to nurturing peace, leveraging local wisdom as a foundation for sustainable social relations. Nonetheless, a significant challenge remains as many educators are still grappling with the aftermath of trauma, indicating a need for continued support and healing within the educational sphere.

- ❖ The inclusion of women in leadership roles and their participation in conflict prevention, resolution, peacebuilding, and humanitarian efforts remains suboptimal. A case in point is the Maluku conflict resolution initiated by the government through the Malino II Accord. The involvement of women was minimal, with only three women delegates among the 69 participants, divided almost equally between representatives of the Christian and Muslim communities in Ambon. This gender imbalance in the peace process has led to a resolution that overlooks women's specific issues, as evidenced by the absence of any women-centric points in the eleven-point Malino II agreement, as mentioned in *Hybrid Diplomacy: Women in Maluku Conflict Resolution*.

The reality of the conflict in Maluku exposed women to extreme vulnerabilities, both as victims and as active participants. This pattern is not isolated to Maluku but is also evident in Poso and other regions, where policies on management of displaced people and the restoration of civil rights remain unresolved, sowing seeds for potential new conflicts. In Aceh, despite the establishment of bodies like the Aceh Reintegration Agency and the Truth and Reconciliation Commission, there has been little substantive contribution to addressing the lingering issues of the post-conflict period.

- ❖ Best practices and reflective analyses underscore the necessity for a holistic approach to support women affected by violence, whether directly or indirectly linked to conflict. This support must be tailored to both individual

needs and community-wide initiatives. Currently, comprehensive recovery services remain largely inaccessible to these women, with post-disaster rehabilitation efforts still lagging.

Looking ahead, the National Commission on Violence Against Women is committed to advancing these efforts. A key initiative will be the development of a comprehensive Grand Design for Peace Education. Additionally, the commission plans to create a peace education guide for primary and secondary schools within the purview of the Ministry of Education, Culture, Research and Technology (Kemendikbudristek) and the Ministry of Religious Affairs.

**29. *In the last five years, what actions has your country taken to enhance judicial and non-judicial accountability for violations of international humanitarian law and violations of the human rights of women and girls in situations of armed and other conflicts or humanitarian action and crisis response?***

- ❖ Over the past five years, strides have been made in addressing serious human rights violations in Indonesia. This progress is encapsulated in two key directives:
  - Presidential Instruction No. 2 of 2023, which focuses on the implementation of recommendations for non-judicial resolutions to grave human rights abuses.
  - Presidential Decree No. 4 of 2023, which establishes the Monitoring Team for the Implementation of the Recommendations of the Non-Judicial Settlement Team for Past Gross Human Rights Violations (Tim PPHAM).

These regulations reflect the government's commitment to accountability, echoing President Joko Widodo's 2022 address concerning 12 historical human rights cases. They also underscore the importance of ongoing review and supervision to ensure enduring change. Crucially, these directives task 19 ministries and agencies with the responsibility of facilitating recovery for victims and their families, marking a concerted effort to heal the wounds of the past.

- ❖ The enactment of Presidential Instruction No. 2 of 2023 on the Implementation of Non-Judicial Resolution Recommendations for Serious Human Rights Violations and Presidential Decree No. 4 of 2023 on the Monitoring Team for the Implementation of Non-Judicial Resolution Recommendations for Serious Human Rights Violations (Tim PPHAM) represents a dual approach to addressing past human rights violations in Indonesia. While these regulations have laid the groundwork for victim recovery, they also present distinct challenges. Notably, the assistance stipulated by these measures has not reached all victims associated with the 12 recognized cases of historical human rights abuses. This discrepancy highlights the need for a more inclusive and comprehensive implementation strategy to ensure that no victim is left without support.
- ❖ Komnas Perempuan has been at the forefront of non-judicial conflict resolution efforts, with a focus on memorialization. Over the past five years, following successful advocacy in Jakarta, the commission has extended its memorialization endeavors to Solo. Since 2016, in partnership with the “Jejer Wadon” women’s network and civil society groups, Komnas Perempuan has championed the commemoration of the May ‘98 victims at the TPU Purwoloyo mass grave, working in tandem with the Solo city government.

In Medan, the commission has backed a public initiative to memorialize a case of sexual violence at a local university, purportedly perpetrated by law enforcement during a major protest. This support includes coordination with the Medan city government to facilitate the process.

Furthermore, Komnas Perempuan is actively pursuing memorialization in Surabaya, engaging in dialogues with historical figures and advocates for the victims. The commission’s ongoing efforts aim to culminate in a pilgrimage to sites of significance and foster collaborative ties with civil society and municipal authorities.

- ❖ The city of Semarang has embraced the spirit of remembrance with its own initiatives. In May 2021, the Boen Hian Tong or Rasa Dharma association honored Sinci Ita Martadinata by placing her image on their altar, marking the May '98 Tragedy and championing the cause against oblivion. Additionally, the association organized the “Rujak Pare” Festival, featuring a communal meal centered around Kecombrang Flower Sambal. The festival’s use of bitter pare represents the collective sorrow of the May 1998 Tragedy, while the kecombrang flower stands as a poignant emblem of the sexual violence endured by Chinese women during that period. Komnas Perempuan has lauded this initiative, incorporating the Rujak Pare Festival into the national “Let’s Talk Truth” campaign as a significant act of collective memory and solidarity.
- ❖ Komnas Perempuan, in collaboration with the Aceh Truth and Reconciliation Commission, civil society, and the victim community, is actively engaged in the memorialization of Rumoh Geudong. Despite this, the implementation of the Tim PPHAM’s recommendations faces hurdles, particularly the lack of meaningful participation from the victim community and their advocates during the program’s inception at Rumoh Geudong Aceh. They chose to independently carry out their own memorialization. This oversight has led to the absence of any remaining structures of Rumoh Geudong, a poignant symbol of the grave human rights abuses that occurred during Aceh’s era as a Military Autonomous Region (DOM), including instances of sexual torture.

Cluster 6:

**Environmental conservation, protection, and rehabilitation**

**31. *In the past five years, what actions has your country taken to integrate gender perspectives and concerns into environmental policies, including climate change adaptation and mitigation, biodiversity conservation and land degradation?***

- ❖ The Ministerial Regulation PPPA No. 13/2020, which aims to protect women and children from gender-based violence in disasters, represents a significant step towards gender mainstreaming in disaster management under the auspices of the Ministry of Women's Empowerment and Child Protection KPPPA. Despite this progressive policy, Komnas Perempuan has observed suboptimal implementation, attributed in part to insufficient inter-departmental coordination and a lack of commitment from local governments to fund gender-sensitive initiatives. In response to these challenges, KPPPA, as the lead agency, introduced a National Action Plan for Gender and Climate Change in March 2024. Furthermore, the government has launched the RAN P3AKS (2014-2023), a comprehensive national action plan dedicated to safeguarding women and girls in the context of social conflicts.
- ❖ Komnas Perempuan has been vigilantly tracking the status of women, human rights infringements, and gender-based violence amid environmental and resource-related conflicts from 2020 to 2024. This monitoring supports policy research and advocacy efforts across various incidents, including:
  - a) Pubabu Conflict in NTT (2020)
  - b) Mining Conflict in Sangihe (2021)
  - c) Natural Resource Conflict in Dairi (2021)
  - d) Mining Conflict in Bengkulu (2022)
  - e) PSN Nagakeo (2022)
  - f) TPL Conflict in Toba
  - g) PSN Eco City in Rempang (2023)
  - h) PSN IKN in Kaltim (2024)
  - i) Carbon Trade and Forest Fires in Jambi (2024)

In 2024, the focus sharpens on the plight of women and the heightened risks faced by vulnerable groups amidst climate crises, examining causes, consequences, and mitigation strategies. The monitoring spans four key regions: Demak in Central Java, Muara Bungo in Jambi, East Kalimantan, and East Nusa Tenggara, with a collab-

orative approach that leverages partnerships within the network.

- ❖ **Grassroots Initiatives:** Women's groups have launched a community service for reporting gender-based violence, fostering a supportive network for learning, information exchange, and advocacy, and having dialogs with policymakers. This collective effort strengthens resilience against the direct and indirect effects of climate-related disasters.

**Legal Aid and Recognition:** In Demak, the Pertiwi paralegal post offers legal protection for women and children affected by violence. Additionally, women fishermen's work is now acknowledged on ID cards, enabling access to rights and benefits like insurance, fuel subsidies, and financial aid.

**Adaptive Skills Training:** Women's groups in NTT are combating income loss due to environmental shifts by acquiring new skills, such as makeup artistry, to diversify livelihoods and adapt to the climate crisis.

- ❖ **Conflicts related to natural resources, spatial planning, and agrarian matters** often stem from prioritizing infrastructure development without adequately involving impacted communities, particularly women, as mandated by the Free, Prior and Informed Consent (FPIC) standards. This oversight leads to a failure in adhering to due diligence during the development permit process, which includes ensuring the right to information and active participation of the affected communities. Additionally, this approach tends to favor corporate interests and overlook accountability for wrongdoers, creating a disconnect between central policies and local realities. The prevalent 'head of the family' approach further exacerbates the marginalization of women, making them more susceptible to violence amid these conflicts.
- ❖ **Komnas Perempuan**, in its 2020 CATAHU Annual Notes, highlighted the plight of women embroiled in land and property disputes stemming from natural resource conflicts. It was observed that women defending their land

rights faced criminal charges. Moreover, Komnas Perempuan identified a heightened risk of violence against these women, encompassing both economic and sexual abuse. In many instances, women were compelled to assume the role of family providers after their husbands were either killed or deprived of their livelihoods due to land expropriation by the state. Sexual violence manifested through harassment threats by security personnel during non-violent protests, including peaceful land defense demonstrations. Additionally, women companions of women victims, the women human rights defenders encountered intimidation and multi-faceted violence. The 2023 CATAHU Annual Notes documented 11 instances of violence against women within the state's purview, related to natural resource conflicts, spatial planning, and agrarian issues.

**32. *In the past five years, what actions has your country taken to integrate gender perspectives into policies and programmes for disaster risk reduction and building environmental and climate resilience?***

- ❖ The Indonesian government has proactively incorporated gender perspectives into its disaster mitigation strategies. A comprehensive disaster management roadmap has been crafted, prioritizing the principles of sustainable gender justice. Concurrently, Komnas Perempuan has formulated policy recommendations advocating for dedicated budgetary provisions. These funds are earmarked specifically for combating gender-based violence within disaster scenarios, ensuring that such considerations are integral to the nation's disaster response framework.
- ❖ The focus of the 2023 monitoring efforts is to develop targeted policy recommendations for budget allocations specifically addressing gender-based violence in disaster scenarios. Observations in the aftermath of the 2018 Palu earthquake and subsequent liquefaction revealed

that many survivors remain in temporary (huntara) and permanent housing (huntap). The conditions within the huntara are concerning:

- a. Public Toilets (MCK): The facilities are not yet gender-segregated and lack privacy.
  - b. Living Quarters: Spaces are cramped and undivided, with no separation between women and men.
  - c. Security: Measures to ensure safety are minimal.
  - d. Support Services: There is an absence of designated areas for complaints and psychological support.
  - e. Financial Resources: No specific budget has been allocated for victim advocates to manage cases.
  - f. Rehabilitation Facilities: Recovery amenities for victims and survivors are non-existent.
  - g. Government Funding: There is a lack of a dedicated government budget for recovery efforts.
- ❖ The assessment of permanent housing conditions has revealed several areas of concern:
- a. Accessibility: The remote location of residences hinders easy access to complaint services.
  - b. Mental Health Services: There is a lack of available psychological and psychosocial support.
  - c. Data Management: The collection of case data is currently non-existent.
  - d. Long-Term Support: Provisions for the sustained handling of gender-based violence cases are absent, potentially increasing the vulnerability to human trafficking and the emergence of commercial sex work.



SECTION IV:

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**NATIONAL  
INSTITUTIONS  
AND PROCESSES**



## SECTION IV:

# NATIONAL INSTITUTIONS AND PROCESSES

**35. *What formal mechanisms are in place for different stakeholders to participate in the implementation and monitoring of the Beijing Declaration and Platform for Action and the 2030 Agenda for Sustainable Development?***

The working method of the National Commission on Violence Against Women (Komnas Perempuan) in preparing the BPfA+30 Report

Komnas Perempuan, as an independent national human rights institution, is tasked with the crucial mission of eradicating violence against women. The commission is set to develop the BPfA+30 Report, which will scrutinize the 12 pivotal aspects of BPfA+30. This report will particularly highlight the state's initiatives in curbing gender-based violence and discrimination, promoting and safeguarding the rights of women and marginalized groups, and ensuring the comprehensive rehabilitation of violence survivors through legislative and policy measures. These efforts align with Goal 5 of the Sustainable Development Goals, which champions Gender Equality. The eradication of gender-based violence is an indispensable prerequisite for accomplishing these 12 critical areas and the broader SDGs.

The BPfA+30 Report is crafted adhering to participatory principles, leveraging internal protocols, and in collaboration with the Ministry of Women's Empowerment and Child Protection KPPPA as the primary sector for reporting. The process engages all internal sub-commissions and work areas, as well as external entities through networks and partnerships with government ministries, agencies, civil society organizations, service providers, and survivors. The cross-functional participation within the commission is facilitated through a systematic data collection approach. This encompasses direct feedback to Komnas Perempuan, insights from its CATAHU Annual Notes, monitoring reports, international

human rights documentation, and a wealth of press releases, position papers, as well as academic studies and research.

Komnas Perempuan operates on a foundation of participatory engagement, collaborating with state ministries, agencies, civil society, service providers, and survivors. This collaborative approach manifests through various participatory methods such as focus group discussions (FGDs), local networks for case monitoring, research collaborations, case referral systems, and extensive campaigns for awareness and capacity building. Consequently, the development of the BPfA+30 Report is a culmination of ongoing interactions with these stakeholders, utilizing the commission's established internal mechanisms well in advance of the actual report drafting process.

Komnas Perempuan engages civil society organizations in the BPfA+30 Report's development through strategic coordination with KPPPA. This collaboration includes focus group discussions that serve as platforms for gathering diverse perspectives and ensuring data accuracy. As a state human rights institution, Komnas Perempuan's alignment with KPPPA, the governmental women's machinery, is essential. This synergy ensures that the pressing issues identified by Komnas Perempuan are seamlessly incorporated into the Indonesian government's BPfA+30 Report.

In the report's finalization phase, civil society organizations and service providers play a crucial role in the validation process, providing essential feedback and critical insights to refine the BPfA+30 Report.

SECTION V:

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**DATA AND  
STATISTICS**



## SECTION V:

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# DATA AND STATISTICS

### A. Documentation of gender-based violence case data

1. To enhance the effectiveness of strategies aimed at reducing Violence Against Women (VAW), it is essential to implement measures that are not only suitable and impactful but also enduring. This encompasses a comprehensive approach that addresses prevention, provides robust support and rehabilitation for victims, and ensures stringent legal action against perpetrators. Consequently, the government's policy formulation, institutional frameworks, programs, budget allocation, and victim services must be underpinned by data that is thorough, precise, and transparent.
2. The absence of a cohesive system for documenting violence against women, which is crucial for generating comprehensive, precise, and reliable data, hinders the ability to inform policy decisions effectively. This disconnection undermines the overall efforts to diminish instances of VAW, failing to align with governmental and societal expectations. Moreover, the current approach to managing cases and facilitating the recovery of women victims is frequently disjointed, relying on incomplete data and insights into the challenges encountered.
3. Komnas Perempuan (the National Commission on Violence Against Women) has established a dedicated database system for VAW (Violence Against Women) cases, known as Sintaspuan. This specialized system records VAW incidents reported to Komnas Perempuan. Furthermore, since 2001, Komnas Perempuan has been releasing an annual publication titled CATAHU (Annual Notes), which provides a comprehensive overview of VAW in Indonesia. This report aggregates data from various service providers across the country and has been enhanced with contributions from the Religious Court, Military Court, law enforcement agencies, and hospitals.

4. Recognition of the critical role of data availability is on the rise among government bodies, state institutions, and community organizations. This data is instrumental in bolstering the efficacy of policy development and execution, as well as in institutional planning, program design, budgeting, and service delivery. It serves as a foundational element for advocating public policies concerning Violence Against Women (VAW) at both national and local levels. Therefore, a collaborative effort to consolidate VAW data into a unified, complementary repository by the Ministry of Women's Empowerment and Child Protection KemenPPPA, Komnas Perempuan, and the Service Provider Forum is becoming increasingly essential.
5. In response to the imperative for unified VAW data, on 21 December 2019, a landmark Joint Agreement was signed by the Ministry of Women's Empowerment and Child Protection KemenPPPA, Komnas Perempuan, and the Service Provider Forum. This agreement is a commitment to the Data Synergy and Utilization of the Violence Against Women Case Documentation System to uphold Women's Human Rights. The aim of this accord is to harmonize the roles, responsibilities, and resources of the involved entities to achieve a cohesive VAW case documentation system in Indonesia. This system is intended to contribute to the promotion, safeguarding, and realization of women's human rights by providing consolidated data and joint reports on incidents of violence against women.
6. The pursuit of data synergy also serves to fortify the capacity of each institution to guarantee the rights of women who are victims of violence in Indonesia. The Joint Agreement aims to enhance the understanding and capabilities of these institutions, ensuring adherence to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) guidelines in the documentation of VAW cases. It underscores the commitment to bolster the VAW case documentation system's application, spanning from the Government and Regional Government Organizations to State Institutions and Integrated Service Centers across Indonesia.

## **B. Gender-disaggregated data in crime statistics**

Since its inception in 2001, Komnas Perempuan has been meticulously compiling data on violence against women in Indonesia. This vital documentation effort is a collaborative endeavor involving both governmental and community institutions, supplemented by direct reports to Komnas Perempuan. The data, which is collected from diverse regions throughout the nation, reveals recurring patterns and a multitude of violence forms against women annually. These findings are instrumental in shaping Komnas Perempuan's strategic recommendations aimed at fostering an environment conducive to eradicating violence against women. These recommendations are crystallized in Komnas Perempuan's CATAHU Annual Notes, serving as a blueprint for national action.

CATAHU categorizes violence against women data into three distinct realms for clarity:

- a) **Personal Realm:** Encompasses domestic violence acts within the family by known individuals or relatives, such as spouses, ex-partners, parents, and siblings.
- b) **Public/Community Realm:** Covers acts of violence in public areas, including workplaces, neighborhoods, schools, and online spaces, as well as trafficking issues.
- c) **State Realm:** Involves state-related violence through arbitrary use of authority, including law enforcement and state-recognized structures, particularly in conflict areas.

Over time, CATAHU has evolved into a pivotal resource for stakeholders engaged in research, policy-making, program development, service provision, and reporting to international bodies, including the United Nations. The National Commission on Violence Against Women recognizes the significance of CATAHU in monitoring the trends, diversity, and consequences of violence against women, along with the obstacles encountered in addressing such issues. A thorough comprehension of these effects is anticipated to reinforce the support networks involving family, community, and state institutions.

The escalating instances of violence such as Femicide, Gender-Based Violence (GBV), Sexual Violence, and persistent Domestic Violence documented over the past five years have been

instrumental in driving policy reform. A notable outcome of this advocacy is the passage of the Sexual Violence Crime Law in May 2022. The National Commission on Violence Against Women's experience in compiling the CATAHU data has highlighted significant challenges in documentation. These include inconsistent categorization and terminology for gender-based violence across different organizations, reliance on volunteer efforts, constrained budgets, the varying sustainability of partner institutions, their diverse needs for documentation and data management, and the availability of skilled personnel.

In 2019, concerted efforts were made to consolidate a unified database on gender-based violence in Indonesia. The National Commission on Violence Against Women, in collaboration with the Ministry of Women's Empowerment and Child Protection and the Forum of Service Providers for Women Victims of Violence, has fostered a partnership to create a cohesive set of data, marked by the initiation of the Joint Movement report within the integrated data report database on violence against women. Despite these strides, challenges persist, such as discrepancies in terminology and data categorization, which hinder the formation of a comprehensive and comparative analyses of violence trends. Moreover, the endeavor to synchronize data across the three institutions has encountered issues with data redundancy (double counting).

The vision for Indonesia's unified data initiative, anchored in the "one name, one address" principle, is to expand CATAHU beyond mere questionnaires. The goal is to implement a comprehensive census that encompasses even the most remote regions of Indonesia, ensuring that every individual's experience is accounted for and represented in the national dialogue on gender-based violence.

SECTION VI:

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**CONCLUSIONS  
AND NEXT STEPS**



## SECTION VI:

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# CONCLUSIONS AND NEXT STEPS

### Cluster I:

#### **Inclusive development, shared prosperity, and decent work**

1. Advocate for the ratification of the International Labour Organization (ILO) Convention 190 to address violence and harassment in the workplace.
2. Promote, execute, and monitor the Minister of Manpower's Decision Number 88 of 2023, which provides guidelines for preventing and addressing sexual violence at work, alongside the Minister of Women's Empowerment and Child Protection's regulations for establishing Protection Houses for Women Workers (RP3) in industrial zones.
3. Guarantee the provision of maternity rights to all women employees, ensuring their well-being and rights are protected during and after pregnancy.
4. Act promptly on the Constitutional Court Decision Number 75/PUU-XX/2022 by formulating dedicated regulations to safeguard the rights of home-based workers.
5. Proceed with the ratification of the Draft Law concerning Domestic Workers to ensure their legal protection and recognition.
6. The government should undertake comprehensive due diligence on migration matters, aligning with the principles of human rights and gender justice. Additionally, it should intensify oversight of BLKLN and BPVP to guarantee the proper execution of training and shelter practices for CPMI (Indonesian Migrant Workers Candidates).
7. Champion the eradication of discrimination and violence, and ensure the realization of fundamental rights for individuals with disabilities in the workplace.

8. Undertake the amendment of the Marriage Law to address and rectify discrimination against women and persons with disabilities.
9. Ensure the comprehensive execution of the National Business and Human Rights Strategy in the workplace, upholding the fundamental rights of women workers, including the right to decent work.
10. Proceed with the endorsement of the Indigenous Peoples Bill to affirm the rights and sovereignty of indigenous communities.

Cluster 2:

**Poverty eradication, social protection and social services**

- ❖ Urge the Indonesian government to implement comprehensive gender-sensitive poverty assessments, tailored to the specific backgrounds and needs, to effectively decrease the prevalence of poverty among women.
- ❖ Call for immediate action by the government to promulgate derivative regulations under the Health Law, which will designate qualified health facilities as safe abortion providers, incorporating disability considerations. Beyond Article 43 of the Health Law, it is imperative to establish new standards that reinforce the duty of both central and regional governments to ensure the availability of safe, high-quality, and accountable abortion services.
- ❖ Advocate for the government to conduct judicial resolutions and acknowledge all grave human rights infringements, ensuring a sufficient budget is allocated not only for restitution but also for the holistic rehabilitation of rights.
- ❖ Emphasize the inclusion of victim communities by the Tim PPHAM team to actively participate in the realization of their rights to recovery and restitution.
- ❖ Recommend the government's ratification of OPCAT to serve as a global human rights framework that underpins the enforcement of national protection mechanisms.
- ❖ Call on the government to bolster the training of law enforcement, prison, and detention center personnel to prevent tor-

ture and mistreatment, particularly concerning gender, disability, and minors. Additionally, advocate for the adoption of the Bangkok Rules to safeguard the maternity rights of women detainees.

- ❖ Urge the Ministry of Women’s Empowerment and Child Protection to diligently oversee the Road Map for the Prevention of P2GP 2030, ensuring active participation from all relevant Ministries/Agencies as outlined in the Road Map’s directives to ensure the Prevention of Female Genital Mutilation/Cutting.
- ❖ Prioritize the enhancement of foundational infrastructure and grievance mechanisms for women victims, tailored to the unique challenges of the archipelago’s underdeveloped, border, and remote regions (3T) regions.
- ❖ Ensure active collaboration with civil society organizations and NHRIs, integrating a gender perspective, disability awareness, and the needs of other vulnerable groups in the execution of Stanas Binis and human rights initiatives.
- ❖ Expand outreach efforts by KPPPA to extensively promote the RAN Gender and Climate Change agenda, fostering participation from civil society organizations and NHRIs in its rollout.
- ❖ Implement rigorous monitoring and evaluation by the Indonesian government of post-Covid-19 economic recovery strategies and programs to guarantee precise targeting and effectiveness.

### Cluster 3:

#### **Freedom from violence, stigma, and stereotypes**

- ❖ Mandate a comprehensive policy by the Ministry of Education, Culture, Research and Technology, and the Ministry of Religious Affairs, directing all educational leaders at primary, secondary, and tertiary levels to provide full support—both material and non-material—for the enforcement of PPKS (the Prevention and Handling of Sexual Violence) policies by the designated task forces.

- ❖ Empower the PPKS task forces at universities by providing them with the necessary resources and training, under the auspices of the Ministry of Education, Culture, Research and Technology, and the Ministry of Religious Affairs, to effectively prevent and address incidents of sexual violence.
- ❖ Advocate for rigorous oversight by the Ministry of Education, Culture, Research and Technology, and the Ministry of Religious Affairs, to ensure the consistent application of the Prevention and Handling of Sexual Violence (PPKS) policy across all educational levels.
- ❖ Call for the full realization of PP No. 39 of 2020 by the Police Institution, guaranteeing appropriate accommodations for persons with disabilities throughout the judicial process.
- ❖ Encourage the government to bolster the proficiency of the Prosecutor's Office in navigating the complexities of the TPKS Law, particularly in the substantiation of sexual violence cases.
- ❖ Highlight the urgency for the complete issuance of the seven mandated regulations under the TPKS Law, which are critical for safeguarding victims' rights. Currently, only two presidential regulations have been enacted: Presidential Regulation No. 9 of 2024 (Perpres Diklat), concerning the training for prevention and handling of sexual violence crimes, and Presidential Regulation No. 55 of 2024 (Perpres UPTD PPA), regarding the establishment of regional units for women and child protection.
- ❖ Advocate for the inclusion of unregistered marriages within the legal framework, ensuring that women in such unions, regardless of religious or customary differences, receive the protections afforded by the PKDRT Law against domestic violence.
- ❖ Advocate for a comprehensive overhaul of the Marriage Law to: (a) Remove any provisions that perpetuate discrimination against women and individuals with disabilities. (b) Clearly define and integrate guidelines regarding child custody entitlements and related responsibilities post-divorce.
- ❖ Emphasize the need for the government to enhance the training and resources available to law enforcement officers, ensuring they are equipped to:

- Uphold the rights of women victims to access justice and receive a full spectrum of recovery services.
  - Prevent the criminalization of women who report domestic violence.
  - Align the resolution of domestic violence cases, including sexual violence, with existing legal provisions.
  - Implement restorative justice approaches that prioritize the victim’s perspective in domestic violence cases.
- ❖ The government is urged to fully and effectively enforce Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers, as well as the ASEAN Convention, to address and resolve the political and practical challenges that impact migrant workers and human trafficking cases.
  - ❖ It is essential for the government to: (a) Guarantee the effective operation of the Road Map for the Elimination of P2GP, including consistent monitoring, segregated data gathering, and evaluations, with active participation from civil society organizations and NHRIs. (b) Establish penalties for any breaches of P2GP measures. Additionally, government backing is crucial for community-led initiatives, which includes enhancing the skills of facilitators and providing financial support for service delivery.
  - ❖ Legislative synchronization is required to ensure that laws which currently discriminate against women with disabilities, such as the Marriage Law, are aligned with the provisions of Law No. 8 of 2016 on Persons with Disabilities, thereby promoting equality and inclusivity.

Cluster 4:

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**Participation, accountability, and gender-responsive institutions**

- ❖ The National Commission on Violence Against Women has taken decisive steps to combat discrimination and uphold the rights of women, particularly those affected by violence during elections. This includes submitting an amicus curiae to advocate for the judicial review of PKPU Number 10 of 2023, with a focus on Article 8 paragraph 2, which pertains to

the formula used to determine women's representation. The Commission is dedicated to fostering a robust, sector-wide approach to addressing violence against women, ensuring that the strategies are of high quality, comprehensive, integrated, and inclusive, with a particular emphasis on the diverse needs of the women victims of violence and discrimination in remote smaller islands.

- ❖ It is crucial to elevate human rights as a core element within the frameworks and programs of K/L. A uniform understanding of the essential roles and functions of NHRIs must be established to dispel any misconceptions about its necessity, relevance, or potential redundancy.
- ❖ Out of 118 Women Human Rights Defenders institutions, only 15 have established a protection system. It is imperative that all institutions provide safeguards for their staff, whether they are assisting victims in groups or individually. Additionally, state-level protection for these workers is non-existent and must be addressed.
- ❖ The government's Road Map for eradicating violence, torture, and ill-treatment in detention-like settings, including rehabilitation centers for individuals with mental disabilities, is a positive step. However, it is essential to further this initiative by fostering community-based rehabilitation and putting an end to the inhumane practice of shackling.

#### Cluster 5:

#### **Peaceful and inclusive societies**

- ❖ The National Commission on Violence Against Women is committed to pioneering future initiatives, including the development of a comprehensive Grand Design for Peace Education. This will encompass a detailed guide for peace education within primary and secondary educational institutions, in collaboration with the Ministry of Education, Culture, Research, and Technology (Kemendikbudristek) and the Ministry of Religious Affairs.
- ❖ It is essential to establish a transformative justice framework that ensures the rights of victims to truth, justice, and recov-

ery. This framework should facilitate fundamental changes that foster a sense of security and contribute to enduring peace.

- ❖ Legal and policy reforms must be advanced to support women's interests, particularly in the realm of security reform. This sector, traditionally viewed as male-dominated, requires a shift to include and prioritize women's perspectives and needs.
- ❖ Promote Active Participation of Women: It's crucial to guarantee that women have a significant role in discussions, consultations, negotiations, and key gatherings that focus on safeguarding women's rights amidst conflicts.
- ❖ Recognize and Support Women's Unique Contributions: Acknowledge the distinct experiences of women in the realms of conflict, peacebuilding, and national resilience. Support and formalize women-led peace initiatives, which may currently be sporadic and limited, including those in peace education, economic empowerment, and community mobilization for fostering peaceful discourse.
- ❖ The Ministry of Education, Culture, Research and Technology, along with the Ministry of Religion, should offer specialized training in diversity, pluralism, and tolerance during the recruitment and foundational training of civil servant educators. This will empower them to be proactive change agents against the rise of intolerance and radicalism within educational settings.
- ❖ Schools and universities should serve as bastions of peace education, embedding the principles of diversity, pluralism, and tolerance not just in curricula but also in the daily interactions among teachers, students, and staff. This integration ensures that these values become deeply rooted within the educational ecosystem.

## Cluster 6:

### **Environmental conservation, protection, and rehabilitation**

Addressing Conflicts in Natural Resource Management and Spatial Planning: The National Commission on Violence Against Women advises that in such disputes, all involved entities must adhere to human rights standards and legal obligations within their business practices. This includes proactively mitigating negative effects on the environment and human rights, with a particular focus on the distinct challenges faced by women. These challenges encompass health-related violence, discrimination, and threats to the viability of local economies that women rely on for subsistence.

Streamlining Legislation for Sustainable Development: It is imperative that the harmonization of national laws governing diverse natural resources—including marine, coastal areas, agriculture, forestry, plantations, and mining—as well as environmental regulations, directly aligns with the principles of Sustainable Development. This alignment ensures a cohesive approach to addressing the climate crisis and advancing sustainable growth.

### **The priority for the next 5 years in the Elimination of KtP in Educational Institutions and Ministries/Agencies**

Reflecting on the past five years, we've witnessed both significant challenges and notable progress in the campaign to eliminate violence against women. Despite these advancements, it remains crucial that women's issues continue to be prioritized in the forthcoming five years.

1. The progress made by Kemendikbudristek and the Ministry of Religious Affairs in developing the Prevention and Handling of KS Policy to establish a violence-free zone (KBK) within educational settings is commendable. It is imperative that we not only maintain but also enhance these efforts over the next five years. This sustained commitment will ensure that the anti-violence values and perspectives fostered by this policy are deeply ingrained and become an integral part of the culture within educational institutions.

2. The strides taken by the Ministry of Education, Culture, Research, and Technology, the Ministry of Religious Affairs, and the Ministry of State-Owned Enterprises in formulating policies to foster a violence-free zone serve as a beacon of inspiration and a model for all Ministries and Agencies to emulate. It is essential that this program's ethos of non-violence is adopted across various ministerial and agency environments. Should it be required, the widespread implementation of the Violence-Free Zone initiative could prompt the president, as the head of the cabinet, to enact obligatory policies to reinforce this commitment.



## **SERI DOKUMEN KUNCI KOMNAS PEREMPUAN**

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Laporan Independen  
Komisi Nasional Anti Kekerasan terhadap Perempuan

### **30 TAHUN PELAKSANAAN KESEPAKATAN GLOBAL BEIJING PLATFORM FOR ACTION (BPfA+30) DI INDONESIA**

Komnas Perempuan menyiapkan laporan pelaksanaan Beijing Platform for Actions (BPfA+30), bersamaan dengan 10 (sepuluh) tahun Agenda Pembangunan Berkelanjutan 2030, dan Tujuan Pembangunan Berkelanjutan (SDGs). Kesempatan tersebut merupakan peluang bagi Komnas Perempuan untuk memberi masukan kepada Pemerintah, dalam hal ini KPPPA sebagai Kementerian yang ditugaskan untuk mengawal Laporan pelaksanaan BPfA+30 di Indonesia yang akan disampaikan oleh Pemerintah Indonesia kepada Komisi Status Perempuan (CSW) di Perserikatan Bangsa-Bangsa (PBB).

Laporan ini merupakan kompilasi data Komnas Perempuan yang didapatkan dari hasil pemantauan lapangan, pengaduan korban yang diterima langsung oleh Komnas Perempuan, dan data yang diserahkan oleh lembaga layanan yang merupakan mitra kerja Komnas Perempuan. Laporan ini fokus pada bidang kritis yang menjadi tugas Komnas Perempuan terkait persoalan kekerasan terhadap perempuan dan hak perempuan yang menjadi korban kekerasan termasuk kekerasan seksual, baik yang beririsan langsung maupun tidak langsung dengan 12 bidang kritis BPfA yaitu: 1) Perempuan dan kemiskinan; 2) Perempuan dalam pendidikan dan pelatihan; 3) Perempuan dan Kesehatan; 4) Kekerasan terhadap perempuan; 5) Perempuan dalam situasi konflik bersenjata; 6) Perempuan dalam ekonomi; 7) Perempuan dalam kekuasaan dan pengambilan keputusan; 8) Perempuan dalam mekanisme institusional untuk pemajuan perempuan; 9) HAM perempuan; 10) Perempuan dan media; 11) Perempuan dan lingkungan hidup; serta 12) Anak perempuan.