

Goal 5. Achieve gender equality and empower all women and girls

The Human Rights of Women.

The prohibition of discrimination on the ground of sex has been promulgated in all instruments under the International Bill of Human Rights, consisting of the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

UDHR, Article 2:

“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status..”

ICCPR, Article 2 paragraph (1):

“Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

ICESCR, Article 3:

“The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.”

In 1979, the UN officially adopted a legal instrument specifically address the rights of women, namely the The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The Convention elaborates the definition of sex-based discrimination as any difference in treatment on the grounds of sex which:

- Intentionally or unintentionally disadvantages women;
- Prevents society as a whole from recognizing women’s rights in both the private and the public spheres;
- Prevents women from exercising the human rights and fundamental freedoms to which they are entitled.¹

CEDAW tries to provide protection for women from discrimination in civil and political spheres, as well as in economic, social and cultural spheres. Moreover, it also lays the basis. It also species the obligation of State parties to eliminate discrimination, from adopting legislation prohibiting discrimination, refraining from discriminatory actions, to protecting women against discrimination by non-state actors both as an individual or organization/company.

¹ See, OCHR, Women’s Rights Are Human Rights, 2014, page: 6. Available at: <http://www.ohchr.org/Documents/Events/WHRD/WomenRightsAreHR.pdf>

In addition to CEDAW, prohibition of discrimination on the ground of sex is also embodied in other human rights conventions such as in, inter alia, Article 2 of the Convention on the Rights of the Child (CRC), Article 6 of the Convention on the Rights of Persons with Disabilities (CRPD) and Article 7 of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW).

While, at the domestic level, Indonesia has ratified the majority of the international human rights instruments containing prohibition against discrimination on the ground of sex, namely the ICCPR, ICESCR, CEDAW, CRC, CRPD and ICRMW, which means the Gol has the obligations to respect, protect and fulfill all the rights contained in the said instruments.

Furthermore, although the 1945 Constitution does not specifically prohibits sex/gender based discrimination, it prohibits discrimination on any grounds.² While, the Law number 39/1999 on Human Rights dedicates a special section on women's rights, recognizing women's rights as human rights (Article 45). Moreover, the human rights law also provides, inter alia, a guarantee for women's representation in all governmental branches (Article 46), women's right to education at all levels (Article 48), as well as women's rights to work and at workplace (Article 49). Indonesia has established a National Commission on Violence Against Women (*Komnas Perempuan*) as part of its national human rights institutions since 1998 and has also adopted a law on domestic violence since 2004.

However, despite the progress made in the legal sector at the national level, women are still facing discrimination in Indonesia. In 2016, Komnas Perempuan found that there are still 421 discriminatory bylaws against women remaining effective in various provinces, regencies and/or municipalities.³ Domestic violence are still a threat to many women as a result of inadequacy in the law enforcement to hold proper investigations, prosecutions and convictions against perpetrators of domestic violence. Data showed that in 2014, there are 293.220 cases of violence against women recorded by Komnas Perempuan, and 68% of them were domestic violence cases.⁴

Furthermore, Indonesia is listed as a major source country of trafficking in persons (TIP) and women/girls are among the majority of the victims of sex trafficking. IOM reported to have assisted, at least, 7,193 victims of trafficking between the years of 2005-2014.⁵ As to violence against girls, according to a finding from UNICEF, Indonesia is among the countries with the highest prevalence of FGM, where half of girls under the age of 11 years are circumcised.⁶

The National Targets on Gender Equality

There are nine global targets set out under the Goal 5 on gender equality and women/girls empowerment and among them, the Gol found almost all targets, except for target 5b on the use of

² See, 1945 Constitution, Article 28I paragraph (2), available at: https://portal.mahkamahkonstitusi.go.id/eLaw/mg58ufsc89hrsg/UUD_1945_Perubahan.pdf

³ Hukum Online, Komnas Perempuan: 421 Perda Rugikan Perempuan, 18 Oktober 2016, available at: <http://www.hukumonline.com/berita/baca/lt5805ba0803953/komnas-perempuan--421-perda-rugikan-perempuan>

⁴ Jakarta Post, Violence against women on the rise, March 10, 2014, available at: <http://www.thejakartapost.com/news/2014/03/10/violence-against-women-rise.html>

⁵ IOM, Counter Trafficking Fact Sheet, available at: <http://indonesia.iom.int/sites/default/files/Factsheet%20-%20Counter-Trafficking.pdf>

⁶ Jakarta Post, FGM in Indonesia hits alarming level, 6 February, 2016, available at: <https://www.thejakartapost.com/news/2016/02/06/fgm-indonesia-hits-alarming-level.html>

technology in women empowerment, are in line with the national medium-term development plan (RPJMN) 2015-2019.⁷

Global Targets	National Targets	National Indicators
5.1 End all forms of discrimination against all women.	1. Improved implementation of gender mainstreaming and empowerment in all sectors through the availability of gender responsive policies (laws, government regulations, presidential decrees, local bylaws).	<p>a. The number of gender-responsive polices supporting women empowerment by 2019 to 16 (2015: 19);</p> <p>b. The number of institutions implementing policies on gender mainstreaming and empowerment by 2019:</p> <ul style="list-style-type: none"> - Ministries/agencies: 60 (2015: 40) - Provinces: 34 (2015: 34) - Regency/Municipality: 20 (2015: 20)
5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.	<p>1. Improved protection for women from all forms of violence, including from human trafficking;</p> <p>2. Improved capacity of institutions providing protection for women from all forms of violence at the national and local levels (Book II, 1-22).</p>	<p>a. Decreased prevalence of cases of violence against girls (2013: 20.48);</p> <p>b. Prevalence of cases of violence against women to receive comprehensive services to 70% by 2019 (2015: 50%).</p>

⁷ Bappenas, Zero Draft: PEDOMAN TEKNIS PENYUSUNAN RENCANA AKSI PEMBANGUNAN BERKELANJUTAN (RAN TPB), 2016, available at: <http://sdgsindonesia.or.id/index.php/bonus-pages/item/76-zero-draft-pedoman-teknis-penyusunan-rencana-aksi-pembangunan-berkelanjutan-ran-tpb?start=1390>

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Global Targets	National Targets	National Indicators
5.3 Eliminate all harmful practices, such as child early and forced marriage and female genital mutilation.	<ol style="list-style-type: none"> 1. Increased median age of first marriage among women (increased age for first marriage); 2. Improved protection for women from all forms of violence, including from human trafficking; 3. Improved capacity of institutions providing protection for women from all forms of violence at the national and local levels (Book II, 1-22). 4. Decreased Age Specific Fertility Rate (ASFR) to 15-19 years old; 5. Improved awareness among parents, teenagers and/or family members, on family roles; 6. Increased the average year in school for people above the age of 15 years. 	<ol style="list-style-type: none"> a. Median age for first marriage for women to 21 by 2019 (2012: 20.1); b. ASFR 15-19 years old by 2019 to 38 (2012: 48); c. Increased percentage of awareness among parents, teenagers and/or family members, on family roles to 50% by 2019 (2015 : 5); d. The average of year in school for people above the age of 15 years to 8.8 (2013: 8.14)
5.4 Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate.	<ol style="list-style-type: none"> 1. Increased women's life quality and roles in various sectors; 2. Strengthened capacity of institutions in charge for gender mainstreaming. 	N/A
5.5 Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.	<ol style="list-style-type: none"> 1. Improved women's life quality and roles in various development sectors; 2. Strengthened capacity of institutions in charge for gender mainstreaming. 3. Increased participation in political parties to 30%; 4. Increased awareness among stakeholders and society, including non-governmental organizations, research centers and business world in the implementation of gender mainstreaming in political and decision-making sectors. 	<ol style="list-style-type: none"> a. Proportion of women's seats in parliament at the national level; b. Proportion of women's seats in parliament at the regional level;

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Global Targets	National Targets	National Indicators
<p>5.6 Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences.</p>	<ol style="list-style-type: none"> 1. Improved access and quality of women's health and reproduction; 2. Strengthened capacity of institutions in charge for gender mainstreaming. 3. Decreased unmet need; 4. Decreased gaps in plan parenthood services (TFR, CPR, unmet need), both between provinces, urban/rural areas, social status and household expenditures; 5. Improved women's life quality and roles in various development sectors; 6. Improved knowledge and awareness among child-bearing couples on modern contraceptive method to minimum of 4 types; 7. Strengthened capacity of development institutions working on the population and plan parenthood sector in the central and regional administrations (inputs from BKKBN). 	<ol style="list-style-type: none"> a. Unmet need of plan parenthood by 2019 to 9.9 (2012: 11.4); b. Percentage of child-bearing age couples with knowledge and awareness of all modern contraceptive methods to 70 by 2019 (2015: 16); c. The percentage of provincial, regency and municipal administrations to synchronize policies on regional development policies with population quality control policies to 40 policies by 2019 (2015: 5); d. The percentage of plan parenthood institutions at regional level by 2019 to: <ul style="list-style-type: none"> - Type A: 15 (2015: 9.3); - Type B: 50 (2015: 50.7); - Type C: 25 (2015: 32.9).
<p>5.a Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.</p>	<ol style="list-style-type: none"> 1. The availability of gender-responsive policies in the agricultural, forestry, fishery, maritime, food security and agribusiness sectors (laws, government regulations, presidential decrees, local bylaws); 2. The availability of a policy framework to ensure equality for women in land ownership and/or control. 	<p>NA</p>

Global Targets	National Targets	National Indicators
5.b Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women.	N/A	N/A
5.c Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.	1. The availability of a gender-responsive policy on planning and budgeting in various sectors.	PMK

Gap Analysis

Legal protection.

As both international and national law in Indonesia recognize women's rights as human rights thus, it is an obligation for the Gol to not only adopt legislations and policies prohibiting discrimination, but also to refrain itself from facilitating discrimination against women. Therefore, it is important to take or optimize the measure to provide an ample legal protection for women by, among others, revoking any legislations, policies and bylaws discriminating women both at the national and local levels, including provinces, regencies and municipalities. While, to optimize the national effort to promote equality, it is also important to prioritize the adoption of the Gender Equality Bill, which is aimed at providing a legal umbrella for the prevention of gender discrimination.

Violence against women.

Sexual violence, as well as domestic violence, remains a threat for women. According to Komnas Perempuan, on average there are 3.000 to 6.500 sexual violence cases against women annually.⁸ It is, in fact, the second highest violence against women in domestic sphere, while the first one is physical violence. Therefore, it is important for the Gol to prioritize a legal framework to protect women from sexual violence by, among others, adopting the Elimination of Sexual Violence Bill. Moreover, as the practice of FGM is also widespread in Indonesia, it is also important for the Gol to adopt the SDGs global target to eliminate this harmful practice against women and girls (Target 5.3).

Furthermore, as it was mentioned earlier, the high number of cases of violence against women is contributed by the lack of adequacy in law enforcement, which has created the culture of impunity for the perpetrators. Therefore, it is important for the Gol also monitor the progress in the law enforcement with regard to providing adequate investigation, prosecution and conviction to perpetrators of violence against women.

Indonesia has just recently produced a data source for estimating the baseline of violence against women indicators. Through the National Women's Life Experience Survey (2016 SPHPN), indicators 5.2.1 and 5.2.2 could be estimated. UNFPA has provided technical assistance to MOWE-CP and

⁸ Komnas Perempuan, LEMBAR FAKTA Kekerasan Seksual, Upaya Penanganan Komprehensif dan Dorongan Rancangan Undang-Undang Penghapusan Kekerasan Seksual, 2016, available at: <http://www.komnasperempuan.go.id/lembar-fakta-kekerasan-seksual-upaya-penanganan-komprehensif-dan-dorongan-rancangan-undang-undang-penghapusan-kekerasan-seksual-komnas-perempuan-jakarta-19-september-2016/>

BPS in the preparation, the conduct, analysis and the final survey reporting. On FGM indicator 5.3.2. the Government has indicated on the need to obtain more evidence, including valid and relevant data to measure the SDGs FGM indicator in Indonesia.

Proportion of women aged 15-49 years who make their own informed decisions regarding sexual relations, contraceptive use and reproductive health care.

In 70 countries this data is covered by DHS data disaggregated by age, location, economic quintile, education, marital status and disability. However, the metadata shows that the data covered by DHS is only on women's own health care, not specifically regarding sexual relations, contraceptive and reproductive health care. UNFPA will follow up this issue with ICF International that provide technical support to the global Demographic and Health Survey to address the need to include informed decisions regarding sexual relations, contraceptive use, and reproductive health care, instead of women's own health care only.

Women's leadership and ownership.

While women's leadership in politics, including their participation in high political and governmental offices, are important in the promotion of gender equality, women's participation in political leadership in Indonesia remained low. According to data from Komnas Perempuan in 2015, there were only 7.48% women candidates for local government leadership (governor, regent or mayor positions), while the rest, 92.52%, were men. To this end, it is necessary to include an indicator on the proportion of women holding those jobs.

As to land ownership, discriminatory traditional practices, with regard to inheritance, combined with lack of information and awareness of both the public and registration officers about the option of joint registration has contributed to the low joint ownership of land among married couples, who mostly registered their lands on behalf their husbands' names. According to a report by the UN Special Rapporteur on Adequate Housing, 65% of new titles are issued in the names of men and 30% in the names of women.⁹ Therefore, it should also be a priority for the government to optimize its effort to promote gender equality in land ownership.

⁹ See, UN Special Rapporteur on Adequate Housing, paragraph 66.

Human Rights Based Approach for the National Targets on Goal 5.

In light of the gaps in the indicators under Goal 5 of the SDGs, we would like to suggest the following additional indicators to strengthen the impacts of the national development strategy to achieve gender equality and empower all women and girls.

Global Targets	National Targets	National Indicators	Suggested HRBA Indicators
5.1 End all forms of discrimination against all women.	1. Improved implementation of gender mainstreaming and empowerment in all sectors through the availability of gender responsive policies (laws, government regulations, presidential decrees, local bylaws).	<p>a. The number of gender-responsive polices supporting women empowerment by 2019 to 16 (2015: 19);</p> <p>b. The number of institutions implementing policies on gender mainstreaming and empowerment by 2019:</p> <ul style="list-style-type: none"> - Ministries/agencies: 60 (2015: 40) - Provinces: 34 (2015: 34) - - - Regency/Municipality: 20 (2015: 20) 	<ul style="list-style-type: none"> - The number of revoked legislations, regulations and/or other policies discriminating women at the national and regional levels. - The adoption of the Gender Equality Bill (RUU Kesetaraan Jender).
5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.	<p>1. Improved protection for women from all forms of violence, including from human trafficking;</p> <p>2. Improved capacity of institutions providing protection for women from all forms of violence at the national and local levels (Book II, 1-22).</p>	<p>a. Decreased prevalence of cases of violence against girls (2013: 20.48);</p> <p>b. Prevalence of cases of violence against women to receive comprehensive services to 70% by 2019 (2015: 50%)</p>	<ul style="list-style-type: none"> - The adoption of the Elimination of Sexual Violence Bill (RUU Kekerasan Seksual). - Percentage of perpetrators of violence against women and girls adequately investigated, prosecuted and convicted;

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5.3 Eliminate all harmful practices, such as child early and forced marriage and female genital mutilation.	<ol style="list-style-type: none"> 1. Increased median age of first marriage among women (increased age for first marriage); 2. Improved protection for women from all forms of violence, including from human trafficking; 3. Improved capacity of institutions providing protection for women from all forms of violence at the national and local levels (Book II, 1-22). 4. Decreased Age Specific Fertility Rate (ASFR) to 15-19 years old; 5. Improved awareness among parents, teenagers and/or family members, on family roles; 6. Increased the average year in school for people above the age of 15 years. 	<ol style="list-style-type: none"> a. Median age for first marriage for women to 21 by 2019 (2012: 20.1); b. ASFR 15-19 years old by 2019 to 38 (2012: 48); c. Increased percentage of awareness among parents, teenagers and/or family members, on family roles to 50% by 2019 (2015 : 5); d. The average of year in school for people above the age of 15 years to 8.8 (2013: 8.14) 	<ul style="list-style-type: none"> - Proportion of girls and women who have undergone female genital mutilation/cutting, by age; - The availability of law/regulation banning the practice of FGM.

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Global Targets	National Targets	National Indicators	Suggested HRBA Indicators
5.5 Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.	<ol style="list-style-type: none"> 1. Improved women's life quality and roles in various development sectors; 2. Strengthened capacity of institutions in charge for gender mainstreaming. 3. Increased participation in political parties to 30%; 4. Increased awareness among stakeholders and society, including non-governmental organizations, research centers and business world in the implementation of gender mainstreaming in political and decision-making sectors. 	<ol style="list-style-type: none"> a. Proportion of women's seats in parliament at the national level; b. Proportion of women's seats in parliament at the regional level; 	<ul style="list-style-type: none"> - Proportion of women in leadership positions in central and regional government administration (echelon I-V). (in line with UN Women suggested indicator).
5.a Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.	<ol style="list-style-type: none"> 1. The availability of gender-responsive policies in the agricultural, forestry, fishery, maritime, food security and agribusiness sectors (laws, government regulations, presidential decrees, local bylaws); 2. The availability of a policy framework to ensure equality for women in land ownership and/or control. 	NA	<ul style="list-style-type: none"> - Share of women among owners or rights-bearers of land, including agricultural land, by type of tenure. (in line with UN Women suggested indicator).

The Roles of the UN Country System.

The UN country team can support the GoI to achieve its targets on achieving gender equality and empower all women and girls by providing technical assistance, especially from UNICEF and UN Women, to assist the GoI in developing policies to optimize legal protection for women from discrimination and violence.

UNFPA is working extensively with the Government and the civil societies on the issues of gender based violence, including the prevention of violence against women and girls particularly among vulnerable groups such as unmarried young people, women and girls affected by disasters as well as key population. In addition, UNFPA is also supporting the Government of Indonesia to address harmful practices, namely child marriage and FGM. In this connection, UNFPA is providing assistance (technical support to survey and studies) for evidence-based policy development and programme interventions for VAW prevention and response as well as the elimination of harmful practices.