



Indonesia - Researched and compiled by the Refugee Documentation Centre of Ireland on Thursday 21 February 2019

Information on domestic violence including: prevalence; available state protection/police response; & current legislation

A report issued in April 2018 by the *United States Department of State* commenting on events of the preceding year notes that:

“The law prohibits rape, domestic abuse, and other forms of violence against women. A 2016 government survey found that one-third of women between the ages of 15 and 64 had experienced violence. Violence against women previously had been poorly documented and significantly underreported by the government. Domestic violence was the most common form of violence against women” (United States Department of State (20 April 2018) *2017 Country Reports on Human Rights Practices: Indonesia*, p.20).

This document also points out that:

“The government ran integrated service centers for women and children (P2TPA) in all 34 provinces and approximately 242 districts, which provided counseling and support services to victims of violence. The larger provincial service centers provided more comprehensive psychosocial services, while the quality of support at the district-level centers varied. Women living in rural areas or districts where no such center was established had difficulty receiving support services and some centers were only open for six hours a day and not the required 24 hours. Nationwide, police operated "special crisis rooms" or "women's desks" where female officers received reports from female and child victims of sexual assault and trafficking and where victims found temporary shelter” (ibid, p.20).

In March 2018 *Anadolu Agency* states in a document that:

“The national commission on violence against women in Indonesia has recorded an increase in gender-based violence, with 348,446 reported cases in 2017. In a report released on Wednesday, the commission said there was a 25 percent rise in such violence compared with 2016 that saw 259,150 cases” (Anadolu Agency (8 March 2018) *Violence against women on rise in Indonesia: Report*).

Medical Express in September 2018 states that:

“On 22 September 2004, Indonesia enacted the Anti-Domestic Violence Law. This law remains as relevant as ever. The National Commission on Violence Against Women (Komnas Perempuan) recently reported that domestic violence is the most prevalent type of violence against women in Indonesia. The law has been in effect for over a decade, yet there remains widespread impunity for domestic violence perpetrators and a failure of state mechanisms to protect women” (Medical Express (24 September 2018) *Why stigma against victims of domestic violence persists in Indonesia*).

In December 2018 the *Social Institutions and Gender Index* notes that:

“Indonesia has not ratified any regional conventions addressing violence against women. However, the Elimination of Domestic Violence Law No. 23 was introduced in 2004, followed by the Witness Protection Act No.13 in 2006, which includes provisions for temporary protection orders and counselling for survivors. In addition, the Government of Indonesia has adopted a number of policies and strategies to combat violence against women, including: the adoption of a national action plan on human rights for the period 2011-2014; minimum service standards on integrated services for women and children victims of violence; and the establishment of more than 400 institutions to handle cases of violence against women at national, provincial and district levels (CEDAW, 2012), p.6). In addition, an Elimination of Sexual Violence Bill (RUU PKS) entered into the priority list of the National Legislative Program (Prolegnas) in 2016 and 2017, with the National Commission on Violence against Women (Komnas Perempuan) pushing for its passing in parliament (CEDAW Shadow Report, 2016). The United Nations Country Team in Indonesia has also commended the government for allocating resources and undertaking a national violence against women (VAW) survey, the first national survey ever conducted in the country to measure the prevalence of VAW (UNCT, 2017; results not yet available). Presidential Regulation n.75 concerning the National Action Plan of Human Rights (RANHAM) for 2015-2019 came into effect in 2015. To ensure the implementation of RANHAM 2015-2019, the President established a joint secretariat, consisting of the Ministry of Law and Human Rights (chair), the Ministry of Social Affairs, the Ministry of Internal Affairs, and the Ministry of National Development Planning (CEDAW Shadow Report, 2016). The plan includes the goal of gender mainstreaming, with the specific aims of (i) improving the quality of life and role of women in development; (ii) improving the protection of women from violence and trafficking; (iii) improving institutional capacity for gender mainstreaming and protection of women against violence (ADB, 2016). Despite such progress, the 2004 Elimination of Domestic Violence Act continues to be hindered by a number of issues, including a lack of gender awareness within law enforcement agencies and consequent weak implementation (CEDAW Shadow Report, 2016, p.2). Moreover, violence against women continues to represent a significant issue in Indonesia, although the latter remains poorly documented and largely underreported (US State Department, 2016)” (Social Institutions and Gender Index (7 December 2018) 2019 *Social Institutions and Gender Index - Country Profile: Indonesia*, p.5).

This document also states that:

“Under the new political reform in 2000, violence against women was officially declared to be a national problem and the Elimination of Domestic Violence Law No. 23 was introduced in 2004 (Law 23/2004). Officially this law stated that domestic violence is 'any act toward somebody in the household, especially women, that results in any psychological, physical and/or sexual suffering, and/or abandonment, including threat, force, or deprivation of liberty as defined by law, that happened within the domestic sphere' (Article 1). The law protects family members (Article 2) (but not former spouses or unmarried intimate partners) and provides criminal penalties for domestic violence, ranging from fines and prison sentences of up to 15 if death results (Law 23/2004, Chap. VIII). The Elimination of Domestic Violence Law was followed by the Witness Protection Act No.13 in 2006, which includes provisions for temporary protection orders and counselling for survivors. Although recognised as a serious problem in Indonesia, domestic violence is considered a private matter and incidents are rarely reported, with victims facing considerable social pressure not to speak out (US State Department, 2016; ADB, 2016). The Government's 2011 report to the UN Committee on the Elimination of Discrimination against Women (CEDAW)

notes that women seeking to use the law to obtain justice in cases of domestic violence have found the process to be lengthy, complicated, and ultimately ineffective (CEDAW, 2011, p.68). Further, women's organizations report that even though the Domestic Violence Law makes domestic violence a crime, the Compilation of Islamic Law still allows domestic violence against wives, as provided for under article 48 (CEDAW Shadow report, 2016). There are 42 women's crisis centres managed by women's groups in more than 20 provinces (Indonesia National Commission on Violence against Women, 2011, p.4). However, the government has noted that these services often do not extend into rural areas, quality of support varies, and they are generally under-resourced (CEDAW, 2011, p.19; US State Department, 2016). Nationwide, police operate 'special crisis rooms' or 'women's desks' where female officers receive reports from female and child victims of sexual assault and domestic violence and where victims found temporary shelter (CEDAW shadow report, 2016)" (ibid, pp.5-6).

In January 2019 the *Department of Foreign Affairs and Trade of Australia* notes:

"...laws protecting human rights of various groups include the Child Protection Law (2002), Domestic Violence Law (2004), Discrimination Law (2008)..." (Department of Foreign Affairs and Trade of Australia (25 January 2019) *DFAT Country Information Report Indonesia*, p.13).

This report also states that:

"Domestic violence safe houses exist, but are few in number. The availability of facilities varies between local government areas. Rules in these facilities are strict, including time limits for stays of approximately a week. NGOs or village heads may make local arrangements to protect women on a temporary and ad hoc basis. Police protection is inconsistent. Some police encourage women to return to their abusers. Men will sometimes report a woman fleeing violence to police for abandoning her children. Women who are financially dependent on their husbands are unlikely to report abuse for fear that he will be arrested and she will thus be left without an income" (ibid, p.30).

Voice of America in February 2019 states that:

"Indonesia's landmark sexual violence bill, which advocates say would be the first legal basis for cases of sexual abuse in the country, is facing opposition from conservative groups, putting its passage in doubt" (*Voice of America* (11 February 2019) *Indonesian Sexual Violence Bill Faces Religious Opposition*).

This document also states that:

"The bill is also in keeping with a number of commitments to end discrimination against women, including Indonesia's ratification of The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) by the United Nations" (ibid).

This report also notes:

"In a 2018 report by Komnas Perempuan, the commission noted that the total number of reported violence cases in 2017 ballooned from the previous year, reaching 348,446. Most of the tally came from cases of domestic violence" (ibid).

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted

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Freedom House
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