

GENDER MAINSTREAMING



This Policy Brief provides an overview of key achievements and outstanding issues in carrying out Presidential Instructions on Gender Mainstreaming (INPRES No. 9/2000), aimed at reducing the gap between Indonesian women and men in accessing and obtaining development benefits, as well as to increase participation in and control over the development process. These Guidelines created a momentum for the advancement of women and the promotion of gender equality, which recently extended to gender-inclusive planning and budgeting. There has been some shift in socio-cultural norms and values to better protect the rights of women and men as reflected in several laws that have been revised. There are also signs, however, of an emergence of religion-inspired discriminatory legislation at the local level. The challenge now is to strengthen the implementation of gender mainstreaming by improving legislative and policy frameworks, to enforce coordination of gender mainstreaming efforts among national ministries and all levels of public institutions, and to replicate good practices displayed throughout Indonesia.

Current Status

Indonesia's Gender Development Index shows that challenges remain to achieving gender equality.

The 2010 Human Development Report (HDR), commissioned by the United Nations Development Programme, ranked Indonesia 108 out of 182 countries according to a Human Development Index (HDI), which measures development by combining indicators of life expectancy, educational attainment and income. The Report also highlighted Indonesia as a country with the greatest progress in recent decades, along with China, Nepal, Lao PDR and the Republic of Korea. The HDI, however, does not measure the de-

gree of gender equality within these development indicators. The Gender Development Index (GDI) aims to show inequalities between men and women in the following areas: health, education, and standard of living. In 2009, Indonesia ranked 93 out of 155 countries. There has been consistent improvement in Indonesia's GDI, but the country still faces challenges in achieving gender equality in all key development indicators. *[Note: GDI is the HDI adjusted downwards for gender inequality. This means that GDI falls when the disparity between the achievement levels of men and women increases. If there is no inequality, the HDI and the GDI will be equal (UNDP.org, 2010)].*

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The current President of Indonesia recognizes gender equality as a development issue (see Box 1). The Medium Term Development Plan (RPJM 2004-2009) contains 38 gender-responsive programs, an increase from 19 in the 2000-2004 Plan. Twenty sector Ministries have now established working groups and gender focal points to mainstream gender in their policies and programs (UN ESCAP, 2010). The 2005 National Poverty Reduction Strategy explicitly includes gender as an element in poverty reduction and commits to work toward gender equality. This Strategy is seen as a 'test case of the Indonesian government's ability to realize its pledge to mainstream gender across government sectors' (Schech and Mustafa, 2010). In addition, the RPJM 2010-2014 reiterates the government's efforts to mainstream gender with further emphasis on the need to improve women's quality of life and women's involvement and consideration in planning,

Box 1: Presidential Commitment to Gender Equality

"I see democratic development as a constant process of expanding opportunities and empowerment of the people. It is a process to promote gender equality and bring more women into politics. It is a process to reach out to those that are still marginalized".

President Susilo Bambang Yudhiono, Keynote Speech, Meeting of World Movement for Democracy, April 2010

budgeting, implementation, monitoring and evaluation of development policies and programs at both the national and local levels.

The prevailing view that gender relations are both a private and culturally specific matter hampers gender mainstreaming efforts at the national and local level.

There is a fundamental lack of understanding about the benefits and importance of mainstreaming gender in Indonesia. The term 'gender' is not easily translated into Indonesian and is often misunderstood as a term referring only to women or as an imported Western concept. Gender mainstreaming efforts in both government and non-government sectors remain narrowly focused on increasing female participation rather than more broadly focused on issues of human rights, advancement and empowerment, and disparities between women and men's economic opportunities.

Gender mainstreaming in development planning and budgeting is not well understood.

The *Gender Analysis in Development* assessment of 18 ministries and institutions in seven provinces and seven districts, conducted by Indonesia's National Development Planning Agency (Bappenas) in 2007, found that a lack of gender expertise and proper data-gathering capacities hinders gender mainstreaming efforts in most Indonesian agencies. There is limited use of disaggregated data in policy-making and also low-quality reporting (Bappenas, 2007). A 2009 study showed that only five regions used disaggregated data in their Work Plan and Budget process (*Rencana Kerja dan Anggaran, RKA*) in that year, although this did not extend to budget drafting or other development plans and policies (Budget Information Indonesia, 2010). A 2010 study of 41 districts/cities confirmed that the district level is still weak in considering

gender in development planning and budgeting. The budgets studied had various and diverse effects on the arrangement of advocacy programs, program implementation, and the selection of strategies for the given year. The same study revealed that only nine local governments provided facilitation for the implementation of the Ministry of Home Affairs (MoHA) and Bappenas Joint Circular Letter that include provision for minimum number of women's participation during preparation of *Musrenbang* (Budget Information Indonesia, 2010).

The successful use of awards to encourage gender mainstreaming efforts at the local level suggests the value of incentives to encourage good practice.

A *nugerah Paharita Ekapraya* (APE) awards are given in recognition and appreciation of provincial and district governments, as well as sector ministries, that have implemented gender equality through the use of gender-responsive budgeting (GRB). This initiative, from the Ministry of Women's Empowerment and Child Protection (MoWECP), has improved institutional compliance with gender mainstreaming requirements, including the submission of progress reports. The province of Central Java received the award in December 2009 and the province of DKI Jakarta received the award for their P2TP2A program that networks services to empower women and children victims of violence (Website P2TP2A, DKI Jakarta). This type of encouragement and accountability needs to be institutionalized further.

While the Government of Indonesia has advanced the protection and empowerment of women by removing gender bias from some laws and regulations, many challenges in national and local laws remain.

A 1999 Decree required the Government of Indonesia to review and improve "laws inherited from colonial era and national laws that are discriminatory, including those that discriminate based on gender and those conflicting with reformasi demand, through a legislation program" (Consultative Assembly Decree No. IV/MPR/1999). With encouragement from civil society organizations and the MoWECP, some laws have been made more gender sensitive and advance the protection of women's rights, including the following:

- Population Growth and Family Development Law No. 52/2009, which specifies that demographic data should be disaggregated by gender and that poverty should be eradicated among female-headed households
- Elimination of Domestic Violence Law No. 23/2004, which strengthens efforts to eliminate domestic violence and requires provision of services to victims
- Citizen Administration Law No. 23/2006, which adopts a nondiscriminatory principle in serving citizens
- Political Party Law No. 2/2008 and General Election Law No. 10/2008, which requires the nomination of at least 30% women candidates for national, provincial, and district/city level parliaments
- Human Trafficking Law No. 21/2007, which focuses on countering and criminalizing trafficking in persons

POLICY BRIEF 1

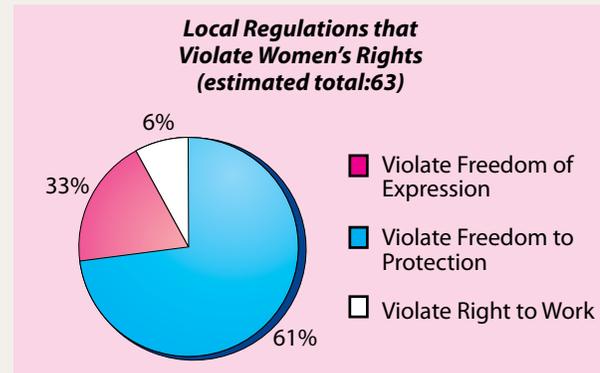
A number of national laws are still gender-biased despite advocacy and debate led by the National Commission on Anti-Violence against Women (Komnas Perempuan), civil society organizations, and women's organizations.

The Ministry of Law and Human Rights reviewed 20 laws and regulations that were considered discriminatory against women. Report on discriminative laws and regulations was also conducted by the Komnas Perempuan in 2009. The following were found to be particularly discriminatory toward women: the Criminal Code (1/1946), the Marriage Law (1/1974), and the Labor Law (13/2003). Controversy remains regarding the Law on Pornography (44/2008) and the Law on Health (36/2009) as well. Both laws contain articles that potentially impair women's right to make choices regarding her health and expression. There is a current debate regarding a proposed Law on Gender Equality to further strengthen the legal foundation for promoting gender equality.

At the local level, a number of discriminatory laws have been enacted because of decentralization.

While decentralization did make possible regulations that more directly improve the lives of women throughout Indonesia, some regulations enacted since decentralization discriminate against women. Approximately 154 such regulations issued at the provincial, municipal, and village levels from 1999 to 2009 were identified by Komnas Perempuan in 2010 (see Figure 1), of which 63 violate women's rights concerning expression, protection and work (Komnas Perempuan, 2010).

Figure 1: Discriminatory Local Regulations (Konmas Perempuan, 2010)



Regional and district level revivals of conservative religious interpretations of gender roles in recent years have led to religion-influenced regulations that restrict human freedoms and rights. At least 82 religion-inspired regulations are violating human rights including restricting women's movement and choice of clothing as well as freedom to worship according to one's faith (Komnas Perempuan, 2010). Progress in consolidating Indonesia's democracy is at risk of being undermined by emerging anti-pluralism and anti-women sentiments that lead to marginalization and the exclusion of minority groups.

Policy Issues

Indonesia's legal and policy framework for gender mainstreaming creates a strong foundation for improving gender equality and reducing discrimination but is not enforced consistently across Indonesia.

Gender mainstreaming is mandated through the Presidential Instruction on Gender Mainstreaming (INPRES No. 9/2000), that requires all government agencies at national and local levels to mainstream gender into planning, implementation, monitoring and evaluation of all policies and programs. According

to the Instruction, ministries and agencies at national and local levels are to address gender inequality and eliminate gender-based discrimination. The MoHA regulation No. 15/2008 provides guidelines for gender mainstreaming implementation at the provincial and district level. Indonesia's Constitution and the ratification of various international conventions show the country's commitment to gender equality and have influenced the development of effective local laws (see Box 2). In addition, for the first time in the National Medium Term Development Plan (RPJMN) 2010-2014, gender mainstreaming policies are integrated into the planning and budgeting process, which include gender disaggregated policies, indicators and targets from various ministries and agencies. While these regulations, and particularly the gender mainstreaming instruction, have created momentum for gender

Box 2: Influence of International Conventions on Village Regulations

The village government of Desa Arjowilangun, Kabupaten Malang, East Java province has issued Village Regulation No. 5/VI/2007 to protect migrant workers from human trafficking. Law No. 07/1984 on the ratification of CEDAW is referred to in the consideration section. In addition, the Laws on Human Rights, Child Protection, and Elimination of Domestic Violence were also mentioned. (Vita, F. et al., 2010)

The Government has established a number of institutions to support the implementation of gender mainstreaming, though inefficiency remains.

NPRES No. 9/2000 positions the MoWECP as the principal advocate for gender equality. The MoWECP is also to provide technical leadership in gender mainstreaming. It has already been instrumental in pro-

moting the use of the Gender Analytical Pathway (GAP) tool, developed in collaboration with Bappenas in 1998. The Law on Ministries, however, lists the MoWECP as the lowest category of ministry, which means it receives a minimal budget and resources and has limited authority within the national government. Improvements in budget, resources and authority will enable the MoWECP to fully participate in the role it is legislated to fill, as a lead in gender mainstreaming all lines of government.

Regional Gender Focal Points from each sector ministry promote gender mainstreaming and work to increase the awareness of government officials on issues of gender equality at the provincial and district level. Women's empowerment units have also been set up but vary structurally across provinces as a division, unit or *badan*. Women's Study Centers have increased from 70 in 1995 to 111 in 2009 in public and private universities across 30 provinces to advise on gender sensitive policy research and assist regional gender focal points to strengthen the capacity of local government staff. About half of the local governments have formed gender mainstreaming working groups (*Pokja PUG*), of which more than half are not officially recognized. In addition, only five regencies/cities have established gender mainstreaming focal points in each local government office (*Satuan Kerja Pemerintah Daerah* (SKPD)). Overall, more attention is needed to improving coordination and collaboration between all those invested in gender issues and to improve compliance with MoHA Regulation 132/2003 to submit six-monthly progress reports on gender mainstreaming.

POLICY BRIEF 1

Gender mainstreaming tools are being incorporated into national and local planning and budgeting processes.

*The Mid-Term Development Plan for 2010-2014 stipulated that the mainstreaming of gender is required, along with the mainstreaming of sustainable development and good governance, in all policies and program. The 2010 General Guidelines to Implementing Gender Mainstreaming in Local Development from the MoHA mandates all government agencies use gender analysis in the budgeting process. This guideline was further elaborated in the Ministry of Finance (MoF) Regulation PMK No. 119/2009. In 2011, the Gender Budget Statement introduced by this regulation will be expanded to include other sectors, and in 2012 it will extend to the regional level. A pilot was conducted in seven ministries revealing positive outcomes, including programs from the Ministry of Agriculture concerning food security enhancement, and programs from the Ministry of Health concerning the attainment of personal health and public health (*Financing for Gender Equality*, Deputy Minister for Gender Mainstreaming, 2010).*

Other agencies have also formally committed to gender mainstreaming (see Box 3). A number of local governments have started to introduce gender analysis in developing their budgets. Local governments in Java, Sulawesi, Kalimantan and Sumatra are now collaborating with civil society organizations to conduct gender analysis of sectors including health and education,

Box 3: Support and concerted efforts from state agencies is highly needed.

“The Central Board of Statistics is fully supporting the Ministry of Women Empowerment and Children Protection to secure their welfare”

Quote from Rusman Heriawan, Head of the Board, after signing an MOU with the Minister of MoWECP, Linda Amalia Sari in November 2010.

and looking at how budgets for those sectors are able to decrease identified gender gaps. With mandatory women’s participation in the Musrenbang

process at village, sub-district, and district/municipality level, stipulated in annual Joint Circulars issued by the Minister for National Development Planning and Minister of Home Affairs, this setting should create more opportunities for women’s concerns to be considered in the development planning process.

The Government and its bilateral development partners have made a strong commitment to improving aid effectiveness, including harmonizing approaches for gender equity.

Indonesia’s development partners have gender equity policies and requirements that are enacted in their programs and are jointly monitored by donors and the Government of Indonesia. The Paris Declaration of 2005 establishes that “gender equality, respect for human rights, and environmental sustainability are cornerstones for achieving enduring impact on the lives and potential of poor women, men, and children. It is vital that all our policies address these issues in a more systematic and coherent way”; (OECD, Aid Effectiveness 2005/2008). Mechanisms are being put in place to increase the harmonization of government and external development partners including more gender assessments of donor projects, such as PNPM.



Recommendations

- MoWECP and DPR to raise the status of the Gender Mainstreaming (2000) legislation from a presidential instruction to a law so that it can command the legal power to make obligatory the implementation of gender mainstreaming as a national development strategy. In addition, to further strengthen the legal foundation for promoting gender equality, the MoWECP and the DPR should expedite the deliberation of the Law on Gender Equality.
- MoHA to develop a standard mechanism with the MoWECP to screen local regulations for gender and social discrimination. This could be modeled on the monitoring and abolishing mechanism mandated to the MoF and the MoHA to control anti-business regulations.
- MoWECP to focus on strengthening gender analysis capabilities and forge stronger links with Indonesian gender-concerned NGOs and research institutions.
- All line Ministries, in coordination with MoWECP, to initiate a systematic effort to ensure that all institutions at the national and local level collect sex disaggregated data supported by technical guidelines from the sector Ministries and agencies.
- Bappenas, MoF and MoHA, in consultation with the MoWECP, to ensure that decrees and guidelines promote the use of gender-responsive budgeting at the national level.
- MoWECP to establish gender-sensitive standard performance criteria for all local government programs, requiring reports from the regional and local administration that demonstrate how various sectors and agencies have carried out their responsibilities for gender mainstreaming.
- MoWECP to establish a more efficient and wide-spread incentive and reward program at the local

and provincial level to support and encourage the use of gender-responsive budgeting.

- Bappenas, MoF and MoWECP to improve implementation of Government Regulation No. 8/2008 to ensure women's full participation in the *Musrenbang* forum.

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