

Handbook on Gender in Parliament

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FOREWORD

Secretary General of the House of Representatives of the Republic of Indonesia

The members of the House of Representatives of the Republic of Indonesia (DPR RI) of the 2009-2014 period are the people's representatives elected by the third general election after the Democratic Reform, the advent of democracy in Indonesia. Compared to previous post-Reform elections, we may say that the 2009 election has gone through a more mature democratization process.

The positive development of democracy in Indonesia intensifies the people's demand on their representatives in the DPR to improve their work performance and quality compared to previous periods. In truth the demand must also take account of the fact that the majority of the people's representatives of this period is new to the DPR. They would need relatively more time to study and comprehend their tasks and authorities in performing their functions as the people's representatives.

In addition, it is necessary to immediately familiarize DPR members of this current period with their role, function, tasks, and authorities, because the recently issued Law No. 27/2009 on the People's Consultative Assembly, House of Representatives, House of Regional Representatives, and Regional House of Representatives has changed several regulations on the system and procedures of representative institutions in Indonesia.

We understand that in order to improve work performance, DPR members need to increase their knowledge and understanding of their main tasks and functions according to new developments, including new adjustments to existing laws. To help increase such knowledge and understanding, the General Secretariat of DPR is cooperating with Parliamentary Support Programme of UNDP to compose eight handbooks for DPR members.

To optimally realize the hopes and intentions of this book, we have composed this book: (1) based on regulations according to Law No. 27/2009 on the People's Consultative Assembly, House of Representatives, House of Regional Representatives, and Regional House of Representatives, which is currently the main foundation for the system and procedures of representative institutions in Indonesia; (2) with the goal to fill practical needs; (3) complete with best practices in Indonesia or in other countries.

It is our hope this book will have significant positive impact on the work performance of the DPR.

Secretary General DPR RI,

Dra. Hj. Nining Indra Shaleh, M.Si.

PREFACE

UNDP Parliamentary Support Programme

On this occasion, the United Nations Development Programme (UNDP) would like to congratulate the new members of the House of Representatives (DPR) and the House of Regional Representatives (DPD) of the Republic of Indonesia, period 2009-2014. We wish you the greatest of success in your public endeavours. We would like to take this moment to express our gratitude to the Secretariat General of the DPR and the DPD RI, the Australian Agency for International Development, the Spanish Agency for International Development Cooperation, and The Asia Foundation for their unwavering support in the development of these handbooks. Finally, we also would like to thank the authors themselves for generously sharing their expertise and experience.

Becoming a member of parliament is a great honor, but it also entails great responsibility. Certainly, the House Members are expected to not only listen to the people, but also represent them and respond to their needs in a timely and effective manner. The UNDP Parliamentary Support Programme gives its full support to the Secretariat of both Houses and all the House Members in the representation of their constituents.

Indonesia has a strong commitment towards gender mainstreaming, as committed in the Human Development Goals and Beijing Declaration. It enables the Indonesian Parliament to have more women representatives in the various House bodies. This book illustrates the meaning of a gender perspective and the reason why it is important. Furthermore, the book also explains the importance of having a gender responsive legislation and budgeting process, which will better represent the needs of women. Other issues important to gender mainstreaming are also discussed in the book, such as women roles in the working committees, women caucuses, and DPD groups.

The success of parliamentary democracy in Indonesia depends much on the work of its members. For that reason, the public will have a great interest in overseeing the members' work in parliament. To support the effectiveness of the members' work, this handbook describes best practices from various democratic countries. The UNDP Parliamentary Support Programme is also continuously supporting the work of members with the necessary knowledge and technical assistance.

We hope that members will find this handbook useful, and will refer to it regularly as a source of information in carrying out their duties. We have compiled complicated and complex issues into a simple and easy-to-read format. We wish all the members the best of luck in all their future work.

Yours sincerely,

UNDP Parliamentary Support Programme

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Glossary

Affirmative Action	Temporary policy to promote disadvantaged groups. When equality is achieved, this policy may be voided.
AKI	Maternal Mortality Rate/MMR (<i>Angka Kematian Ibu</i>)
APBN	The National Budget (<i>Anggaran Pendapatan dan Belanja Negara</i>)
APBD	Local Budget (<i>Anggaran Pendapatan dan Belanja Daerah</i>)
Baleg	Legislation Council (<i>Badan Legislasi</i>)
Balita	Children under five years old (preschoolers)
Bawaslu	Elections Supervisory Body (<i>Badan Pengawas Pemilihan Umum</i>)
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
Comfort Station	Military posts supplying "comfort women" to the Japanese army, located in the Asia-Pacific region during the Japanese occupancy in World War II
Cost & Benefit analysis	A process that assesses the relation between the cost of an undertaking and the value of the resulting benefits
DAP	Papuan Council on Adat/Traditional Customs (<i>Dewan Adat Papua</i>)

Discrimination against women	"...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." (CEDAW, Article 1)
DCT	Official List of Candidate (<i>Daftar Calon Tetap</i>)
DPR	House of Representatives (<i>Dewan Perwakilan Rakyat</i>)
DPD	House of Regional Representatives (<i>Dewan Perwakilan Daerah</i>)
DPRD	Regional House of Representatives (<i>Dewan Perwakilan Rakyat Daerah</i>)
ECOSOC Rights	Economic, Social and Cultural Rights
Emancipatory Politics	Political strategies and processes that protect human rights, including women's human rights, by prioritizing women's involvement in politics
Emerging Issues	Pressing economic, social, and political issues that vastly impact society and threaten the lives of vulnerable groups
EU	The European Union
FAO	The United Nation's Food and Agriculture Organization
GBI	Gender Budget Initiatives
GDI	Gender Development Index
GRB	Gender Responsive Budget, budget that accommodates women's and men's needs equally, with respects to their social, cultural, and political situations, including class, ethnicity, and religion. Also called gender sensitive budget, gender budget, women's budget.
HDI	Human Development Index
IBP	International Budget Partnership
IDEA	Institute for Development and Economic Analysis
International IDEA	International Institute for Democracy and Electoral Assistance

Glossary

IIMMHR	International Initiative on Maternal Mortality and Human Rights
IPU	Inter-Parliamentary Union
IPG	Gender Development Index /GDI (<i>Indeks Pembangunan Gender</i>)
IPM	Human Development Index /HDI (<i>Indeks Pembangunan Manusia</i>)
Komnas HAM	National Commission on Human Rights (<i>Komisi Nasional Hak Asasi Manusia</i>)
Komnas Perempuan	National Commission on Violence against Women (<i>Komisi Nasional Anti Kekerasan terhadap Perempuan</i>)
KPPI	Indonesian Women in Politics Caucus (<i>Kaukus Perempuan Politik Indonesia</i>)
KPPRI	Indonesian Women in Parliament Caucus (<i>Kaukus Perempuan Parlemen Republik Indonesia</i>)
KPU	General Election Commission (<i>Komisi Pemilihan Umum</i>)
MDG	Millennium Development Goals
MMR	Maternal Mortality Ratio (<i>Angka Kematian Ibu/AKI</i>)
MPR	People's Consultative Assembly (<i>Majelis Permusyawaratan Rakyat</i>)
Muspida	Regional Executive Conference (<i>Musyawarah Pimpinan Daerah</i>)
Musrenbangkel/ Musrenbangcam/ Musrenbangkot	Deliberation Forum on Development Plans at Village/Subdistrict/ City level (<i>Musyawarah Rencana Pembangunan Kelurahan/ Kecamatan/Kota</i>)
NGO	Non-Governmental Organization
PBB	The United Nations (<i>Perserikatan Bangsa-Bangsa</i>)
PPA	Police Unit for Women and Children's Services (<i>Unit Pelayanan Perempuan dan Anak</i>), formerly Police Desk for Special Services (<i>Kamar Pelayanan Khusus</i>)
RIA	Regulatory Impact Analysis

Otsus	Special autonomy, in Indonesia applicable in Aceh, Papua, and West Papua, due to the provinces' political background, which differs from other provinces in Indonesia
Pansus	Special Committee (<i>Panitia Khusus</i>)
Parpol	Political Party (<i>Partai Politik</i>)
Pemda	Regional Government (<i>Pemerintah Daerah</i>)
Perda	Regional Regulation (<i>Peraturan Daerah</i>)
(Ra) Perdasus	(Draft) Special Regional Regulation (<i>[Rancangan] Peraturan Daerah Khusus</i>), which is a term for legislation pieces at the Provincial and Regency/City levels, as a consequence of special autonomy
Pokja	Work Group (<i>Kelompok Kerja</i>)
Prolegnas	National Legislative Agenda (<i>Program Legislasi Nasional</i>)
TKI	Indonesian workers sent overseas, migrant workers—usually low-skilled (<i>Tenaga Kerja Indonesia</i>)
TKW	Indonesian women workers sent overseas, women migrant workers—usually low-skilled (<i>Tenaga Kerja Wanita</i>)
UNIFEM	United Nations Development Fund for Women
UU	Law (<i>Undang-undang</i>)
Zebra/Zipper System	A system that lists one woman and one man in the roster of parliament candidates, in order to guarantee justice in citizens' political rights. Law No.10/2008 mandates that in the official list of candidates for each three candidates, there will be at least one woman candidate.



Introduction

The aims of this guidebook on Gender and the Indonesian Parliament are: (1) to give an explanation to parliament members on the importance of understanding the problems women face, as women constitute half of the people and voters. It is also important to grasp that women emancipation efforts have legal bases, both in national and international laws; (2) to explain the situation of women's concerns and women emancipation efforts in Indonesia, and to delineate what sort of gender perspective that parliament members need to comprehend; (3) to show that legislative products without gender perspective and those that discount women's experiences will prove detrimental for and discriminating against women. In conducting their legislative, budgeting, and oversight functions, house members have a mandate to guarantee justice for all citizens, as stated in the Constitution and various laws and regulations; (4) by familiarizing House members with the gamut of women's concerns, we hope to create more efforts to widen access to justice for women, children, and marginal groups in society, which in turn will realize a better civil society for us all.

In this guidebook we will encounter several important concepts that House members need to understand, along with examples and lessons that occurred at local and international levels so we can learn from them.

When gender issues become an area of concern, with gender perspective as its analysis tool, we find novel progress in political studies and praxis. People have grown aware of this new approach as it was demonstrated that by ignoring gender issues, they are disregarding social facts and the people's daily experiences. There is new awareness that women's disadvantaged situation is a result of a series of injustices in the community, in the marketplace, in the state, and in multinational corporations—all of which affects everyone's life, including that of poor and minority men.

Nevertheless, many still resist seeing the interconnection between gender issues and realizing a national and political life that relies on democracy and the rule of law (on the state of law, on law enforcement). The word "gender" itself creates resistance.

Gender is a word with foreign origin, allowing many to misconceive gender perspective as a foreign intervention; some even consider it a Western conceptual colonialism on Indonesian social structure. The fact remains: gender disparity exists in all world societies.

In all corners of the earth, women have been struggling to break free from poverty, discrimination, and violence since two centuries ago. Women's struggle to gain political and educational rights is a common occurrence in the history of women's movement in the United States, many European countries, Asia, and Africa. Therefore, the discourse on women advancement has become a global struggle transcending national and state boundaries

Historically in Indonesia, the discourse on gender issues was instigated by the heroine of women's emancipation, Kartini (1879-1904). In her personal letters she articulates her thoughts on improving the situations of colonized people or indigenous people. Women's lives at the time were dominated by poverty and ignorance; the situation of indigenous women was especially lamentable, with high maternal mortality ratio (MMR), no access to education for girls (from poor families), forced marriages, and polygamy. Kartini herself was forced into marriage and died in childbirth.

The progress of women's movement in Indonesia can be seen in the success of a women's organization, Suara Mahardika, which in 1915 sent a motion to the Dutch General Governor demanding equality before the law. After that, in 1941 the Association of Indonesian Wives' Organizations (*Perikatan Perkumpulan Istri Indonesia*/ PPII) sent another motion to the Dutch government, the People's Council (*Dewan Rakyat*), and the National Faction (*Fraksi Nasional*) to give women the rights to become members of City Council (*Dewan Kota*) (Suryochondro, 1995).

The Youth Oath (*Sumpah Pemuda*), on October 28, 1928, is strongly related to the first Women's Congress on December 22, 1928 in Yogyakarta, which is now commemorated as Mother's Day. The congress was animated by national unification spirit; it also gave birth to a federation of women's organization, the above PPII, which later became Indonesian Women's Congress (*Kongres Wanita Indonesia*/ KOWANI).

Therefore, it is not erroneous to say that Article 21 Section 2 of Indonesia's 1945 Constitution, which guarantees equality before the law, was possible in part thanks



to the motion sent by the women's movement in 1915. Similarly, women's political rights, granted for the first time in Indonesia in 1955, were possible in part thanks to the motion sent by the women's movement in 1941.

Indonesian Women's Movement continues throughout pre-independence era, independence, Soekarno's government, the New Order, and into the Reform era. Especially in the Reform era, the women's movement has achieved much, starting with the creation of many legal tools guaranteeing gender equality and justice. However, Indonesian women still face an avalanche of problems. Even problems faced by Kartini in the last century still exist today, including high MMR, forced marriages, and polygamy. Nowadays we also face the problems of trafficking in women and children, poverty, violence against women, and discrimination against women in the work place, in legal standing, in politics... And the list goes on.

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CHAPTER I

What is a Gender Perspective?

The definition of “gender” and “sex” is commonly confused, whereas both have very different meaning.

Concept and Definition

When a baby is born, its biological attributes determine it to be a boy or a girl. Sexual differences are biological and almost unchangeable by humans.

After birth, baby girls and baby boys are given different roles, stereotypes, norms, and rules—by society and certain cultural communities. For example, boys are expected to be physically strong and to possess leadership skills; he is expected one day to be the head of a family, to be a leader of society, to exist within the public sphere. Meanwhile, girls are expected to be deft at domestic chores, because her domain is presumed to exist within the domestic sphere. This condition is not inherent or natural; it is artificial, made by societies, and it is specific to certain culture, locale, and time period. This socio-cultural construction is what we call 'gender.'

Once again, gender is a social and cultural construction, invented by society or certain cultural communities in the form of concepts, values, ideas, norms that are attached to men and women, who happen to have different biological characteristics.

Because this construction is man-made, it is culturally specific, it is historical, it is changeable. This construction varies from place to place, and changes overtime. Gender conception of the Asmats or the Danis in Papua differs from that of the Javanese or Sundanese. Behaviors permitted or considered taboo for women and men differ from one ethnicity to another. Furthermore, gender construction varies across social class. Gender construction of the rich differs from that of the poor. We are used to seeing women from low caste or low social class doing menial work, which may be considered a taboo for women from upper or middle classes.

Labels or roles attached by society to men and women, or formulated into certain regulations, are imposed all members of society. As far as the distinction between men and women does not bring damage to either party, then there is no problem. As far as the created regulations pose no harm on either side, then there is no problem either. However, if the created distinctions become a detriment to or cause discriminations against one of the parties, then we have a problem.

Gender equality does not mean that women have to be exactly like men; neither does it mean that somebody's opportunities and rights depend on his or her sexual or biological traits. Gender justice is fair condition and treatment for all women and men. Thus, gender equality and justice is an agenda to create equal status between men and women, and to give them equal life condition and equal opportunities to realize their potentials and human rights. Therefore, men and women can contribute equally and optimally to political, social, economic, cultural, and religious development, and they can all enjoy its fruits. Employing women's perspective, we can see that social distinction between men and women result in an imbalance of power between the two groups.



Gender:

Social and cultural structure or construction, created by society or certain cultural communities, in the form of concepts, ideas, values, norms, etc., which are attached to men and women, who happen to have different biological traits.

Because it is artificial, gender construction varies across race, ethnicity, class, social status, etc. What is considered proper for high class women may be a taboo for lower class women, or vice versa.

Socio-cultural construction that proves detrimental toward humanity (and women) may be changed, among other ways by creating legal instruments.



CHAPTER II

**Why do House Members
Need to Have a Gender Perspective?**



Womanhood is not a homogeneous and uniform identity; there are many kinds of woman. Women have different races, ethnicities, social classes, religions, political views, and cultural and historical backgrounds. More and more Indonesian women have advanced themselves, making resplendent careers for themselves, and holding top positions in governance, academic institutions, and many important fields. However, that is not the general picture.

The women we are speaking of are not emancipated women—they are not educated, they do not have autonomy over themselves, they do not have access to equality or justice. Four billion people in the world live in poverty, because they don't have access to the rule of law (to lawful state, to law enforcement) or to justice (CLEP, 2008). Most of the world's poor are women. They are poor because they don't have access to resources (land, forest, clean water, etc.), to educational facilities, to adequate health facilities, and to legal aid or representation. Because they have no education or skills, they experience discrimination in the professional world; they are underpaid; they are forced to take jobs that are hazardous to their health or safety. Moreover, women and girls become vulnerable to human trading or trafficking, and they experience violence in the public or domestic sphere. It is women from this category that House members need to understand.

There are several reasons why house members need to comprehend gender perspective.

First: concerning the parliament's authority and its legislative, budgeting, and oversight functions. It is the parliament who designs legislative pieces. **The ignorance of women's reality and lack of gender sensitivity will yield**

legislative pieces that are unrealistic and damaging to women, and will remove them even further from actualizing their potentials. In turn, this will be at the expense of the nation.

Second: without gender perspective, council will create proposals for unfair budgets that do not accommodate realistic needs of women (and especially children from poor families), while in reality, it is women who are victimized in the most essential fields of life, such as health, education, environment, human resources, legal aid, and many more. In health, for example, MMR in Indonesia is higher compared to other ASEAN countries (420 per 100,000 births, or put differently: every hour 2 Indonesian women die of giving birth (*Kompas*, August 7, 2009). One of the causes is dangerous abortion, performed in inadequate facilities or by witch doctors, resorted to by mothers from poor families who cannot afford to feed more than three children. In 2008, less than one percent of the National Budget (*Anggaran Pendapatan dan Belanja Negara/APBN*), and of the average of the Local Budgets (*Anggaran Pendapatan dan Daerah/APBD*), is allocated for health care.

Third: inadequate women representation in the parliament will limit (poor) women's access to voice their concerns. Adequate representation of women is crucial to ensure that women's experiences are taken into account in decision- and policy-making processes. A quota for women in the parliament should be understood as a kind of affirmative action, in order to promote women's political rights and participation at a time when women's roles in politics are still limited. Many countries implementing this quota policy have demonstrated that adequate women representation in the parliament is highly relevant to national development.ⁱ

Fourth: citizens' well-being is a reflection of the quality of public policies. Public policies greatly affect and determine whether women (and children) can have access to social and legal justice. It has been proven that public policies that discount women experiences damage the overall quality of human development. This is reflected in the Human Development Index 2008ⁱⁱ, which

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ranks Indonesia at number 107 out of 177 countries. Meanwhile, Indonesia's Gender Development Index in 2007 was 65.3%, placing it at number 80 out of 156 countries.ⁱⁱⁱ This is a regression and an impediment to achieving our Millennium Development Goals. Indonesia's "achievement" is very low even compared to neighboring countries, such as Malaysia and Singapore. These poor statistics suggest gender blind public policies and class bias, which put at a disadvantage so many women and poor people.

What is a Woman?

- Women have plural and varied identities; being a woman can mean many different things.
- Women come from various races, ethnicities, classes, statuses, religions, etc.; they have differing political views, cultural or historical backgrounds, etc.
- Our attention will focus on women who are poor, left behind, victims of violence (political, public, and domestic), and who, because of poverty and subjugation, are cornered into taking jobs that are demeaning, or that may endanger their health and safety.

CHAPTER III

**Do Gender Equality and Justice
Have Legal Bases?**



The President of the Republic of Indonesia once instructed cabinet ministers, heads of non-departmental government institutions, heads of high or highest state institutions, commander of the Indonesian National Army, chief of the Indonesian Police, the Attorney General, governors, regents, and mayors to mainstream gender in each phase of development; in doing so, they should refer to the aforementioned instruction (Presidential Instruction No. 9/2000 on Gender Mainstreaming in National Development) and report the results to the President. This instruction further signals the pertinence of women's concerns to realizing the ideals of our nation and state.

Legal instruments that guarantee justice for men and women exist not only in national laws, but also international laws to which Indonesia is bound as a state, a nation, and a part of the global brotherhood.

National Legal Bases

There are a handful of national laws guaranteeing equal access to justice for women and men. This is important, as Indonesia is a state based on the rule of law. Various legal instruments have been created throughout Indonesian history. Even before independence, there are several valuable legal documents that prove that women have been struggling for equality before the law and for political rights to participate in general elections.

Several legal instruments guaranteeing justice for men and women: ^{iv}1945 Constitution, Article 27 Section 2, Law No. 7/1984 ratifying CEDAW, Law No. 3/1997 on Children Protection, Law No. 39/1999 on Human Rights (Article 45 states women's rights as human rights), Law No. 23/2000 on Trying Children, Presidential Instruction No. 9/2000 on Gender Mainstreaming in National Development, Law No. 12/2003 on General Election, Article 65 Section 1 on Quota for Women in the Parliament, Law No. 23/2004 on Eradication of Domestic Violence, Law No. 12/2005 on Ratifying Civil and Political Rights Covenant, and Law No. 13/2005 on Ratifying Economic and Social-Cultural Rights Covenant, Law No. 17/2006 on Citizenship, Law No. 13/2006 on Witness Protection, and Law No. 21/2007 on Eradication of Human Trading; Chief of Police Regulation

No. 10/2007 on Creating Unit for Women and Children Services from Resort Police level and up (which makes clear that such unit is needed within the police), Presidential Decree No. 7/2005 on Mid-range National Development Plan (which explicitly mentions an agenda for gender equality and justice), and last, Law No. 10/2008 on General Election (which improves women's chances to hold seats in central or regional parliament). Law No. 10/2008 Article 53 states that the roster of potential parliament candidates must consist of at least 30% women; furthermore, Article 55 Section 2 requires that for each three candidates in the roster of potential parliament candidates, there will be at least one woman candidate. The roster is in numerical order. (After a long process, the Constitutional Court rejected listing legislative members by votes received, so the list is still in numerical order.) Women representation in the parliament is also regulated by Law No. 27/2009 on the MPR, DPR, DPD, and DPRD. Several articles regulate that in forming leadership—for example the leadership of the Legislation Council, the Committee for Inter-parliamentary Cooperation, or the Ethics Council—it must ensure that women representation is proportional to the total number of each party group's members.

International Protocols and Agreements to which Indonesia is Bound

Creating policies with gender equality and justice in perspective is a part of the international humanitarian agenda. Everywhere around the globe women are struggling to break free from poverty and ignorance. There are similar women's movements in various parts of the world; they are fighting to gain political rights, improve education, and eliminate discrimination and domestic violence. Therefore, efforts to realize gender equality and justice should not be suspected as a subversive movement or machinations of certain groups, but it must be understood as a national strategy and endeavor in ameliorating women's living standards, eradicating violence against women, upholding women's and children's human rights, encouraging governmental and non-governmental organizations to make policies, agendas, and development programs toward realizing justice for all citizens.

Women's situation is an important point in world organizations' agenda. Women from various countries struggle for their betterment through various international forums and meetings, bringing women's concerns to the United Nations, creating many agreements and international legal instruments.



Numerous international meetings held by the UN are discussing various problems faced by women in all corners of the world. The first was Seminar on Increasing Asian Women's Participation in Public Life in Bangkok in 1957, followed by many large meetings or summits in various cities in the world to this day. The issues on the agenda are endless, among them women participation in development, women's political rights, women's economical rights, social rights, working rights, women in villages, population issues and reproductive health, education for women, violence against women, trafficking in women, women's situation in conflict areas, women's situation in Africa, Asia, and Pacific regions, and many more. Those meetings also create cooperation programs, international agreements, and even legal instruments that member countries and signatories must comply with.

Indonesian delegations generally attend such meetings. Among the most significant: International Convention on Population and Development in Cairo, Egypt (1994), Global Women Summit in Beijing (1995), Beijing Plus Five in New York (2000), Beijing Plus Ten in New York (2005), and the Asia Pacific Forum on Women, Law and Development, which holds yearly meetings.

Global Women Summit in Beijing in 1995 agreed on twelve areas of major concern. These issues were still major concerns in Beijing Plus Five Summit (2000) and Beijing Plus Ten Summit (2005). The issues are listed below:

- Women and poverty
- Women and education
- Women and the environment
- Women and the workforce
- Women and armed conflict
- Women and the economy
- Women in politics and policies
- Violence against women
- Women and the law
- Women and the media
- Discrimination against girls
- Women laborers



Does the Asia-Pacific region have an agenda for women?

One meeting of the Asia Pacific Forum on Women, Law and Development (APWLD)^v mentions three urgent issues to be addressed by governments in the Asia Pacific region, which are globalization, fundamentalism, and militarism.

- (1) Neo-liberal globalization, global trade, liberalization of investment, deregulation and privatization of almost all human basic needs contribute to the creating of social, cultural, political, and economic structure or system that aggravates women's and children's situation.
- (2) Fundamentalism is a modern socio-political movement that uses religion, ethnicity, or culture to wrest economic and political power and social control. This doctrine carries patriarchal values that directly limit and control women; it often manifests in the form of violence against women. The questioning of women's leadership, the imposing of religious formalities such as mandatory hijab-wearing, the establishment of curfew, and virginity test in schools are some of the issues that emerge with the strengthening of fundamentalism.
- (3) Militarism begins to regain ground in several Asia Pacific countries. Currently, military presence in civil society is directly associated with conflict of needs on the issue of natural resources between the people and the government. The effects of militarism will surely be felt directly by poor women and children. Militarism contains patriarchal norms, which consider women to be subordinate in status and position.



As a member of the United Nations and a part of the international community, Indonesia is bound by international agreements and laws. Moreover, if Indonesia is a signatory country and ratifies a law or an agreement, Indonesia is obligated to make certain that the principles of such law or agreement are well accommodated by national laws and regulations, and are implemented in daily life. If Indonesia ratifies the agreement by a parliamentary law, then the agreement becomes a source for national law, and its position is equal to a national law. If a convention is not yet ratified by Indonesia, then as a member of the United Nations, Indonesia is still morally obligated to honor the convention's principles.

Below are several important international laws and agreements to which Indonesia is bound:

- Universal Declaration of Human Rights (1948), Article 2, which entitles everyone to "all the rights and freedoms" set forth in the 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";
- Convention on the Political Rights of Women (1956), which guarantees political rights for women to actively participate in state political life;
- Declaration on the Elimination of Violence against Women (1993), which guarantees for women freedom from violence because of her sexuality;
- Beijing Declaration and Platform for Action (2005), which identifies twelve main concerns to be addressed immediately;
- Convention on the Elimination of All Kinds of Discrimination against Women (CEDAW, 1979). Indonesia becomes one of more than 180 countries ratifying this convention, through Law No. 7/1984. This is a comprehensive convention because it regulates almost all of the important sectors. This convention binds its signatories to guarantee women's freedom from all forms of discrimination in politics, the workplace, education, health care, family life, and freedom from victimization in human trafficking and from cultural violence; the convention also obligates its signatories to pay heed to women living in villages or remote areas.
- International Conventions on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990). Indonesia signed, but is yet to ratify it.



- Palermo Convention (2000) includes three protocols, including Anti Human Trafficking, especially in Women and Children, and Anti Immigrant Smuggling. Indonesia is yet to ratify this.
- Declaration of Millennium Development Goals (MDG); Indonesia is one among 189 countries signing the declaration in 2000, and Indonesia plans to achieve these goals before 2015.

Millennium Development Goals for 2015:

1. Ending poverty and hunger;
2. Providing basic educations for girls and boys;
3. Realizing gender equality and women empowerment;
4. Reducing infant and preschoolers' mortality ratio;
5. Improving maternal health;
6. Ending and slowing the spread of HIV/AIDS, malaria, and other infectious diseases;
7. Guaranteeing environmental sustainability, among other ways by integrating sustainable development principles, reducing the destruction of natural resources, and providing clean water;
8. Developing global partnership for development, including for good governance, debt eradication, and cooperation of pharmacological companies to provide affordable medicine.

(*Kompas*, August 7, 2009)

CHAPTER IV

**How Do House Members Deliberate
Legislative Pieces with or without
a Gender Perspective?**

The history of Indonesian parliament from 1955 to 2004 shows that the number of women in the House of Representatives (*Dewan Perwakilan Rakyat/DPR*) has never been equal to the number of men. There were sixteen women in the DPR after the 1955 election (5.9%), fifty-nine women after the 1987 election (11.8%), and fifty-nine women after the 2004 election—out of 500 members. There were 62 women after the 1992 election (12.4%), already a high rate. Even though in the 2009 election the DPR increased its members from 500 to 550, it did not make a significant change for women members, because the DPR only allocated sixty-five seats to women (before, it allocated fifty-nine) (*Kompas*, January 27, 2009). Even though record shows that the number of women has always been disproportional to the number of men, the number of women in the parliament today is relatively higher. We must also remember to improve the members' quality as legislators, not merely the number.

Progress is recorded in the legal field—in attempts to advance women's rights in Indonesia, especially during the Reform era. At this period, many legal instruments guaranteeing justice for women and children were created, both laws that specifically address women's rights and articles imbedded in other laws. This is due in part to the endeavors of organizations and individual supporters of the women's movement and the civil society movement, who have been endeavoring tirelessly and with various means (lobbying, advocacy, negotiation, becoming a 'balcony faction', and publication) to make House members realize how crucial it is to view the nation's problems from the eyes of the marginalized groups. In fact, women's movement in Indonesia is so much more active and involved in creating a democracy in the country than can be imagined in other Southeast Asian or Asian countries.

Additionally, there were many progressive judicial decisions giving justice for women, especially in inheritance. From 1961 to 1985, at least nine out of ten inheritance cases in Batak societies were won by women at the Supreme Court. Batak patrilineal customs exclude women from receiving inheritance, thereby driving women to seek justice from state law (Irianto, 2005).

Several breakthroughs have been made in legal practices. Among others, legal decision making (*rechtsvinding*) in passing verdicts on women defendants. Furthermore, by observing the various activities of National Commission on Violence against Women (*Komnas Perempuan*) Legal Reform Division (1998-2007), some justice initiatives were created, especially through the Police Desk for Special Services (staffed by women police officers).^{vi}

Even so, there are still many serious legal problems that women continue to face, because of various legislative products that are handicapping women. Below are some of the causes for this.

First, the absence of women's perspective among lawmakers and legislators, which in turn distances legislative products from women's experience. There are still twenty-one laws whose substance is disadvantaging women (Ministry of Law and Human Rights & United Nations Development Program, 2007). Some examples:

- Law on Pornography—even though it has good intentions, its regulations did not intend to protect women and children from the threat of sexual exploitation, it even aims to control and criminalize women (and traditional societies, too);
- Law No.1/1974 on Marriage—there are articles that show gender bias and double standards^{vii};
- The Criminal Code—some rape crimes are categorized as crime against ethics (Chapter VI, Book III, Article 532-535), even though sexual crimes against women also endanger their lives (crime against person). Sexual crime against children, including rape, is categorized as licentiousness, which faces lighter punishment, compared to sexual crime against adult women (compare to Article 285, 286, 287 and 294);
- Law No. 12/2003 on General Elections, Article 65 Section 1 on political quota for women in the parliament—it is written that political parties "may," not "must," make place for women so that it would be possible to fill the 30% quota.^{viii} Furthermore, Law No.10/2008 on General Elections, Article 214, which aims to strengthen the quota policy, is invalidated by the Constitutional Court through verdict No.22-24/PLaw-VI/2008 on December 23, 2008).

Second, the absence of women's perspective among legislators and executives at regional level is creating many regional regulations that disadvantage women, especially poor women. This indicates regional lawmakers' lack of understanding of national life and lack of national awareness and constitutional rights as mandated by the 1945 Constitution. For some regional governments, the newly granted regional autonomy is causing them to regress to provincialism, which is discriminating against women with the excuse of "protecting" women. Such narrow-mindedness yields regional regulations that conflict and are disharmonious with national laws. On one side we have progressive legal tools guaranteeing equality and justice for women, and on the other side we have legal products that are sabotaging women.

How do the Law and Various Policies Project (Poor) Women?

The neglect of women's concerns and the lack of women's participation in various policy meetings can be seen in the substance of various legal products and court verdicts. Not so long ago, Indonesian women's movement was surprised by Constitutional Court Decisions No. 22-24/PUU-VI/2008 on December 23, 2008 through a judicial review on Law No.10/2008 on General Election. By invalidating Article 214, the aforementioned decision complicated women's efforts to gain a fair representation in the parliament. Although decision-making by a majority vote does seem fair for a democracy, the seemingly neutral and objective vote has unfair consequences for disadvantaged groups (women). The aforementioned decision complicated affirmative action efforts to gain equality for disadvantaged groups. **How are we to create legislative pieces that fulfill the needs of marginalized groups if they are not proportionally represented in the policy-making process?** On top of that, the judge didn't seem to notice that these efforts were in accordance with principles of justice contained in various international conventions, such as CEDAW. The judge didn't seem to consider either that these efforts were also part of global women's movements in various parts of the world, which have been fighting for women's political rights since the dawn of the 20th century.

The disregard of women's experience is also reflected in various regional regulations (Perda) and local budgets. Following decentralization, many provinces have been experiencing euphoria and confusion; they raced to shape their own identity by making many regional rules that they thought would facilitate their quest for identity (*Jurnal Perempuan*, 2004; Women's Research Institute/WRI, 2005; *Komnas Perempuan*, 2008).

Unfortunately, those regulations do not govern substantial and conducive matters, such as how to increase health standards, how to improve education, and how to enhance the people's general welfare to free them from poverty and ignorance.

The low quality of regional regulations can be inferred from the lack of technical papers and Regulatory Impact Analysis (RIA) papers, which are based on cost and benefit analysis, human rights standards, and the principles of good governance, including 'compulsory efforts' to make regional governments follow procedures and include marginalized and poor communities. Such regulations not only violate the principles of the state's law-making rules, which sets down that laws at a lower administrative level must not conflict with laws at the higher level; it also goes against the people's sense of justice.

Due to their flaws, numerous regional regulations were cancelled by the Ministry of Home Affairs.^{ix} Among them are regulations on image politics and the construction of women's sexuality. Those regulations domesticate women by forbidding them to go out at night and controlling how they should dress. Such regulations are given appealing titles, which are winning the sympathies of the people, such as "Regional Regulation Against Depravity." It assumes that women who go out at night must be dissolute women—with debauchery in mind. They do not consider poor women who have to be in public places at night and day to work in the informal economic sectors. Women from upper and middle classes certainly would not be arrested for driving their own car alone at night.

Tangerang issued a regulation prohibiting women to go out at night, assuming "women who go out at night must be wanton women, probably commercial sex workers." The regulation is meant to limit the movement of sex workers in the name of morality. Moreover, the policy-makers did not consider how the regulation would impact women in general—women who have to work late, such as hospital employees, women who must work double shift at the office, or students who are taking evening classes, etc.

Tasikmalaya Regency also issued a regulation prohibiting women to leave the house without a muhrim accompaniment (relatives, usually men, with degree of consanguinity that renders marriage impossible). Cianjur and Ciamis Regencies issued regulations enforcing women to wear the hijab. In Serang, Banten, all female civil servants are obligated to wear the hijab (Alawiyah, 2004). In Jakarta, several institutions and schools



created rules obligating female students to wear long, modest attires on certain days. Because failure to conform may result in penalties from the higher authorities in civil service and the schools, women civil servants and women students are afraid to disregard the rules (Alawiyah, 2004).

North Jakarta Regional Government once issued an Anti-Depravity Regulation in 1998, prohibiting women to go out at night. To implement the regulation, police and security officers are sent to round sex workers. In 2002 a TV station televised such raid in a show called *Derap Hukum* (March of the Law). We saw five officers chasing one sex worker; women were hunted until they hid in sewers; police officers are turning everything upside down, including pushcarts, to see if women were hiding there; there was also a woman holding hands with a man—the woman was captured, the man was let go; and then, the women were loaded forcefully into a van. There was even a woman who was arrested simply because she was looking to buy milk for her baby, because she could not produce her own milk. A woman looking for her husband, who had been missing for three days, was also arrested.

This regulation is not only gender-biased, but also class-biased. This regulation denies women's right to realize their potentials and to take their part in the development of their own region.

Again, such conditions show that laws and policies side with power-holders (executive and legislative officials), and ignore the experience of the powerless ones, namely poor women and children. Such reality also shows that laws that pretend to be neutral and objective have taken the side of the powerful.

The fate of women in Indonesian laws is very complex—on one hand we have significant progress, which shows the advent of democracy in Indonesia; on the other hand, there are many legal products and policies that are detrimental to women and must be subjected to judicial review. From the picture above we can see the roles of House members in creating better legislations and policies.



CHAPTER V

**Why is a Gender Responsive Budget
Necessary?**

In addition to creating legislation, the parliament approves the national budget. Therefore, it is indispensable to perfect the manners in which the government manages the country and determines the country's future. The national budget reflects national development plans for social improvement; it also reveals whether the government plans to use state income in ways that respect the people's mandates (Diakno, 1999). It is also a tool to measure how well the government can create programs that include all sections of society. Because of its wide scope and because it is an integral part of realizing national vision, budgeting process and principles need to be kept up to date with the people's development and needs.

Gender-Responsive Budget (GRB): A Revision in Budgeting Principles

GRB has developed globally since the last decade. GRB initiatives emerged after the realization that efforts to ameliorate women's status were progressing at a snail's pace.^x The Australian government was the first to start designing its annual budget with gender justice in mind, starting in the 1980s. Using the GRB methodology influenced how the Australian government accommodated the needs of men and women. This Australian initiative inspires the Filipino government to implement gender sensitive budget in 1996; and the South African government started using gender analysis for their 1997 state budget (Budlender and Buenaobra, 2001:3). Those countries have proven that GRB is useful in monitoring budget allocation and flow, especially in ensuring justice for both women and men. However, they realized that GRB initiative was very politically nuanced (Caharian et al., 2001:23).

Understanding the Concept of GRB

The definition of GRB still varies; Thomson, a FIDA activist from Nigeria, understands GRB as special allocation of funds for women's programs, with hope that GRB will bring positive impacts toward general welfare. Meanwhile, Simel Esim differs, understanding GRB as not special funds for women, but budget allocation, informed by gender analyses, that has long term effects toward realizing gender equality (Lestari and Henry, 2001:158; Bartle, 2002:1).^{xi}

The definition of GRB used today is budgeting principles that fulfill the needs of men and women equally, with attention paid to situations of both groups. Because they have different needs, the funds allocated will also differ in amount. Also accommodated by GRB are the needs of varying social groups, in order to ensure justice for all ethnicities, classes, income levels, places of domicile, and ages (Budlender, 2006).^{xii}

What is the Scope of GRB?

Many world organizations and international commissions adopt GRB to accelerate human development programs in their partner countries:

- a. GRB as A Tool to Fulfill the Right to Food: FAO suggested using GRB in India, Brazil, and Mozambique to support the Right to Food Program. FAO found budget mismanagement in several countries that disregarded the people's right to food. When the right to food becomes a budgeting priority, the resulting budget will include other basic human rights (FAO, 2009).
- b. GRB as A Tool to Decrease Maternal Mortality Ratio (MMR): International Budget Partnership (IBP), coordinating with the International Initiative on Maternal Mortality and Human Rights (IIMMHR), has noted that GRB principles could be an effective tool to decrease MMR.^{xiii} Fundar (Center for Analysis and Research) in Mexico, Women's Dignity in Tanzania, and the Center for Budget and Governance Accountability in India have found that the sluggish decrease of MMR is caused by ill-advised budgeting principles and mechanism, which did not prioritize funds for maternal health. Lessons from those three countries show

that if MMR is high, and budget allocated for maternal health is low, then MMR will remain high (Hofbauer and Garza, 2009).

- c. GRB can be Combined with CEDAW Commitments: Countries using rights-based approach to government budgets and gender budget initiatives are deemed to have honored CEDAW commitments. CEDAW contains four budgeting dimensions, which are income, expenditures, macro-economic budget, and budgeting decision process. GRB can help monitor governments' commitment to comply with CEDAW, and help use the CEDAW as a reference when setting up budget for various activities. GRB can also serve as a guide to instigate other activities that aim to achieve gender equality (Elson, 2008).
- d. GRB as a Tool to Guarantee Economic, Social, and Cultural Rights. The experiences of countries that have adopted GRB have shown a shift in budgeting politics and orientations, from focusing on elite and middle class concerns to those of the poor and disadvantaged. GRB strategies facilitate state efforts to secure economic, social, and cultural rights.

Above are good examples of public institutions' commitment to GRB; those examples show that GRB can only be realized through political will.

Lessons from Several Other Countries

UNIFEM is one of international institutions that have been promoting GRB consistently. It has been giving ongoing support for GRB application in various countries since 2001. Their work proves the effectiveness of GRB, as can be seen from women's status improvement and the solution of women's and vulnerable groups' pressing concerns.

One of our neighboring countries has long been applying GRB; it is the Philippines. Even though they still meet many obstacles, the Philippines have been applying GRB not only at the national level, but also at the regional level. Regions that have started adopting GRB include Angeles City, Bicolot City, and Surallah.

Pilot Project GRB started in 2000 as part of a research on democratization of budgeting processes. At the national level GRB is supported by UNIFEM. The findings of the research:

- GRB is related to policies, system or structure, plans, and roles of the civil society; also to fund expenditure principles, political dynamics and perspective shifts in leadership; and to the involvement of certain state institution at the national level;
- The funds allocated for bureaucrats' emoluments and activities are larger than the funds allocated for the concerns of poor people, women, children, and other disadvantaged groups.
- GRB changes leadership orientation;
- It requires bureaucrats with progressive and reformist thinking to ensure the success of initiatives to mainstream gender justice in budgeting;
- Obstacles for GRB: (a) resistance to and misunderstanding of gender issues; (b) low technical capacity for integrating gender issues into budgeting policies; (c) inadequate political will; (d) weak and unclear monitoring system; (e) meager general understanding of gender budgeting policies.

Recently the European Union (EU) attempted to adopt GRB as a tool to ensure fair and effective aid distribution in ten countries: Ethiopia, Peru, Tanzania, Uganda, Morocco, Nepal, India, Rwanda, Mozambique, and Cameroon. UNIFEM is involved in supervising a three-year program called "Integrating Gender Responsive Budgeting into the Aid Effectiveness Agenda" (2008-2010).^{xiv}

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- The first phase is conducting research in the ten recipient countries. Research aims to see how GRB tools and strategies can be applied in the context of aid management.
 - Research findings help identify how decision-makers from the EU and partner countries understand GRB principles; the findings also encourage applying GRB in order to measure accountability, gender justice in aid distribution, and aid effectiveness.
 - Research findings can also be used to measure achievements toward gender equality.
 - Subsequent phase is getting partner countries involved, honing the aid program personnel's knowledge and skills through technical support (this takes place in 5 countries in 2009 and 2010). The goal of this phase is to increase partner countries' capacity for institutionalizing GRB.

Discourses on GRB in Indonesia has been going on for a long time; as early as 2000 there has been a civil society organization introducing GRB as a tool to revise the management of state finances, particularly in regard to efficiency and justice. GRB is becoming increasingly important to many Indonesian regions, whose budgeting policies contain much injustice, including against women (Irianto, 2006).

GRB in Indonesia exists within the context of Gender Mainstreaming in National Development, for which the strategies have been set by Presidential Instruction No. 9/2000 and the Decision of the Minister of Interior No. 132/2003. Development planning with gender perspective is equipped with gender analysis, which will yield a list of needs from varying groups in society; in turn, that list will become the platform for state budget allocations (for more details read Rukmini, 2006: 61-87). **For the members of the DPR, GRB is an opportunity to better supervise budget planning, to examine more closely fund allocation, and then to adjust, cancel, or reallocate funds according to the needs of constituents.**

As a comparison, examples below show disparity in fund allocations due to political concerns, which is against budgeting principles.

Table 1
Example of Disparity of Fund Allocations

No	Regional	Fund allocation for women and children	Fund allocation for officials
1.	Ciamis, 2004	Children's nutrition management Rp 10 million	Receptions for government officials > Rp 4 billion
2.	The Special Region of Yogyakarta, 2004	Women empowerment Rp 40,616 (Rp 0)	Pension fund for the DPRD members Rp 98 million/person (Rp 9.7 billion total)
3.	Subang, 2004	Aid for high-risk pregnant women from poor families Rp 10 million	The DPRD members' business trips Rp 2.3 billion
4.	Kulon Progo, 2004	Health Posts (Posyandu) for children under five years old Rp 4 million	Erecting Karangwuni-Glagah dam Rp 135 billion

Source: Warta Korupsi, On Women and Budget, Edition 4/September–October 2004, Yogyakarta: Institute for Development and Economic Analysis (IDEA).

Let us take an example of fund allocation for health in Yogyakarta's Local Budget.

Table 2
Example of Disparity of Fund Allocations for Health

No	Yogyakarta's 2004 Local Budget	Recipient	Amount
1.	Health benefits for the DPRD members	45 DPRD members	Rp 198.450.000,-
2.	Nutrition improvement	Poor patients	Rp 64.409.700,-
3.	Medicine and hospital costs	The people, especially children	Rp 62.394.000,-
4.	Financial aid for malnourished children under five years old	Malnourished children under five years old	Rp 17.500.000,-

Source: Warta Korupsi, On Women and Budget, Edition 4/September–October 2004, Yogyakarta: Institute for Development and Economic Analysis (IDEA).

We can imagine the disparity between health funds allocated for the DPRD members and those for poor people (mostly women and children) in the same region. It seems unfair considering in several regions the biggest contributor to regional income is sick people. In 2004, the largest portion of the income of Bantul (Rp 10.3 billion), Yogyakarta (Rp 5.14 billion), Gunung Kidul (Rp 5.43 billion), Subang (Rp 14.055 billion), and Kebumen in 2003 (Rp 3.5 billion) comes from regional taxes (*retribusi*) on medical services.^{xv}

At the national level, MDG in health for 2008—particularly the one to lower MMR to 125:100,000 live births—are funded by less than 1% of the National Budget. Experience shows that a people-centered development principle is hindered by debt and interests payment. However, there are many exceptional regions:

Jembrana Regency, Bali

The regional government allocates 34.27% of its local budget for education. The funds for Jembrana health insurance scheme (*Jaminan Kesehatan Jembrana/JKJ*) allow the people of Jembrana to claim Rp 27,500 for doctor or health center visits. Through the scheme, the government of Jembrana has secured the people's right to health and education, especially for poor families, which make 11.9% of Jembrana's population.

Tanah Datar Regency, West Sumatera

The Regent and the DPRD agree to allocate 54% of the region's local budget for education. The policy shows observable positive effects on the people's quality of life, 40% of which live under the poverty line. Pro-poor budgeting policy not only improves the people's living standards, but also changes how the people view their participation in human development; the policy also promotes the protection and fulfillment of the people's economic, social, and cultural rights.

Bau-Bau City, Southeast Sulawesi

Adoption of GRB principles in Bau-Bau city is supported by an NGO called FITRA, which started by holding a workshop on gender and GRB. After that, they held activities to reach a consensus among the people, local civil society organizations, and the government. The multiparty consensus became a platform for reforming several regional policies. Budgeting went through the usual process, through the Deliberation Forum on Development Plans at the village, subdistrict, and city levels (*musrenbangkel*, *musrenbangcam*, and *musrenbangkot*).

On each deliberation forum, all components of society were introduced to critical issues, such as: (a) including women in regional policy-making processes; (b) promoting gender mainstreaming agenda in budgeting, as a consequence of Presidential Decree No.9/2000; (c) identifying concerns of marginal groups. GRB pilot program in Bau-Bau is a part of the City Development Strategies (CDS) Program, and supported by the World Bank (FITRA report, unpublished, 2004).

For more technical information on the application of GRB and its stages, see Saptaningrum (2008:78-90); for GRB advocacy in Indonesia, see Rukmini (2006).



CHAPTER VI

**Gender in Political Parties
and the Parliament**

When speaking of gender issues in political parties, we really speak about policy, recruitment and cadre-training, political activities, political communication, commitment to the people's aspirations, popularization of politics, the parties' public image, and the parties' ability to perform internal reflection and to revise their orientation in order to address public needs and new issues. Meanwhile, gender issues in the parliament involve party groups, committees, and bodies; the high-priority issues are leadership, response toward women's aspirations, support for *pro-poor and pro-women* National Legislation Program (*Program Legislatif Nasional/ Prolegnas*), GRB promotion, and transparency and accountability.

How Political Parties Respond to Gender Justice

It is still a challenge to get political parties to create policies that address gender issues, especially to get them to perform an internal policy revision to ensure proportional women representation as mandated by the Law on Political Parties and the Law on General Elections.^{xvi} Such policy affects the parties' political will and commitment to renew their orientation to create positive effects for the parties.

Problems Surrounding Recruitment

The fight for adequate women representation has made it a trend to recruit women as party members and cadres. Nevertheless, several problems remain, for example: (1) are the parties recruiting women based on the women's own will? Can the women be nothing but political tools or pawns in a larger scenario? These questions suggest the need to build women's political capacity; (2) many women join parties just to follow a trend, and they don't have commitments toward social transformation and national development; (3) local recruitment is not yet intended to empower the parties in producing more pro-women legislative pieces. All these are detrimental to the people, because even though there may be many women in political parties, it does not guarantee the protection of women's human rights and the improvement of women's living standards.

On Cadre Training

From party to party, from level to level, cadre-training activities vary. Capacity-building programs for new cadres or legislative candidates are poor; especially on how to integrate GRB policies, high-priority women's issues, women's human rights, and social analysis into legislative making. This condition is unfortunate, since the women representation mandate was made to renew legislative substance and processes, or to build emancipatory politics (politics that aims to improve the life of vulnerable groups and women) (Bryson, 2002:108-125).

Party Activities Supporting Women's Politics

Parties are very active on the verge of the general election, holding activities to garner votes and promote candidates. Rarely these activities go on as efforts to develop pro-women politics or democracy. The parties' power-building principles are not yet founded on ideologies that aim to improve mainstream political processes; mainly the parties are merely strengthening their own network and organization (Blakeley, 2002:198-214). If all party activities at all levels are carried out continuously with the aim to address serious issues in society, then each party will have its own distinctive color. This consistency is what is required of parties to support democratization processes in Indonesia and to swiftly address pressing issues, such as malnutrition, hunger oedema, high MMR, clean water scarcity and water privatization problems, HIV/AIDS, trafficking in women and children, and overseas or migrant workers (*Tenaga Kerja Indonesia/TKI*) problems. At the same time, those continuous and consistent activities will support women's politics internally.

Political Communication

Even though the major parties have extensive experience in political communication, they still have cadres with limited capacity. To effectively implement principles and ideologies that address the mandates of CEDAW and MDG, and to achieve social transformation toward an egalitarian society, the parties need transformative political communication, which includes party support for peace, diplomacy, negotiation in problem-solving, and spreading the spirit of pluralism and inclusivity.

Parties' Commitments to the People

Among the political parties' commitment to the people is creating emancipatory politics, which is the strategy required to realize the people's potentials and to involve the people in legislative processes. This strategy accelerates the realization of political processes that protect human rights, especially those of women and children's. The mandate especially falls to women cadres in the parliament to bring forth legislations, monitoring procedures, and budgets that conform to the principles of CEDAW and MDG.

Parties' Image in the People's Eyes

It is important for political parties to address emerging issues. Parliament members rely on parties' research-and-development divisions, as well as parliament's own expert team, to indicate the parties' seriousness in their legislative work. That seriousness is the party's shopwindow for the public. Cadres' potentials are part of that shopwindow, making recruitment a strategic step in a party's image-building. The problem is, recruiting popular and famous cadres only lends a momentary upper hand; and to gain that brief upper hand, the parties are willing to risk their ability to perform legislative, oversight, and budgeting functions by taking in popular cadres with uncertain qualifications.

What Kinds of Gender Issues have been Germinating in the Parliament?

Leadership issues

The last several years have seen changes in women's politics, placing leadership issues as part of affirmative action issues. Leaderships of party groups, committees, and House bodies have been widely debated within and outside of the parliament. In addition, women's strategic positions in the House of Regional Representatives have also been discussed extensively.

Women's leadership in the DPR of the 2004–2009 period:

- Among eleven standing committees there was one committee chairwoman (Committee IX) and 2 vice chairwomen (Committees II and VIII)
- Among House bodies: The Committee on Household Affairs (*Badan Urusan Rumah Tangga*/BURT) was headed by a chairwoman, and the Legislation Council (*Badan Legislasi*/Baleg) had a vice chairwoman.

- Almost all party groups chairs were men, but a few party groups were chaired by a woman, such as the National Awakening Party (*Partai Kebangkitan Bangsa/PKB*).^{xvii}

The statistics of women leadership in the DPD is better: among four Ad Hoc Committees (*Panitia Ad Hoc/PAH*), two top positions were held by women (PAH III and IV); on PAH I and II women served as vice chairs. The DPD Group in the People's Consultative Assembly (*Majelis Permusyawaratan Rakyat/MPR*) had two vice chairwomen. Women serve as vice chairs of bodies: the Ethics Council (*Badan Kehormatan/BK*), the Committee for Inter-parliamentary Cooperation (*Panitia Kerjasama Antar-Lembaga Perwakilan/PKALP*), and the Committee on Household Affairs (*Panitia Urusan Rumah Tangga/PURT*).^{xviii}

The data shows us the fruits of women's struggle to gain positions in the political structure—a collaborative struggle between women in the parliament and women's movement outside of the political structure. This achievement is a step forward for affirmative action in the Parliament.

How the Parliament Responds to Women's Urgent Concerns

Committees, party groups, and the Legislation Council in the DPR, as well as the Ad Hoc Committee in the DPD, very much depend on women parliament members' commitment and lobbying dynamics. Lessons in managing the aspirations of constituents and the people have made it important to continue legislations. Achievements in the 2004–2009 period include: domestic violence issues were addressed by Law No.23/2004 on Domestic Violence; citizenship issues by Law No.12/2006, women and children trafficking by Law No.21/2007, women's disadvantaged position in politics by Law No. 2/2008 on Political Parties and Law No. 10/2008 on General Elections; and budgeting issues by Law No.45/2008 on the National Budget. Health issues are being addressed by a bill intending to replace Law No.23/1992. These achievements are results of the women in parliament's commitment to women's politics. This is the essence of strategic women representation in the parliament—to create reforms in legislative substance, structure, and culture (see also Susiana et al., 2008: 17–52).



Promoting GRB

GRB promotion is not a trivial matter; we have seen, from the above description, the advantages of applying GRB to reform state budgeting principles. As a country receiving aid and taking debts for development projects, Indonesia needs to adopt GRB for the sake of public accountability and to accelerate the improvement of the people's welfare. GRB promotion in the parliament can be done by party groups, committees, and, certainly, the budget committees.

CHAPTER VII

What is the Significance of the Women in Parliament Caucus and the Women in Politics Caucus?

There are various Women in Politics caucuses in the world. The diversity is reflected in the names, membership, jurisdictions, advocacy agendas, and network width. In several countries caucuses play a strategic role to revitalize legislation and boost general welfare. In Indonesia we have the Indonesian Women in Parliament Caucus (*Kaucus Perempuan Parlemen Republik Indonesia/KPPRI*), whose members are women sitting in the DPR and the DPD.^{xix}

KPPRI is the expected platform to: (1) unify women's goals, and become a catalyst for women's concerns in parliament across party lines; (2) act as mediators between women movements and parliament members. The Caucus holds a strategic role since not all parliament members understand women's concerns (Sjarifudin, 2009; Setyarini, 2009). KPPRI has organized many activities, including workshops for women in parliament from all over Indonesia.

Challenges for the Caucus:

1. Not all women in parliament understands that the Caucus is the strength of women's voice in voicing women's rights;
2. KPPRI is not popular, its potential power is not much taken into account;
3. Lately the Caucus has not been very effective—differences in party ideology makes a less solid caucus;
4. The Caucus has yet to reach a significant position regarding the Special Committees (*Panitia Khusus/Pansus*), to influence the substance of the parliament's decisions;
5. There are misunderstandings on social welfare issues among parliament members, making male members reluctant to participate in the discussions;
6. Lack of physical, material, and moral support and facilities (Setyarini, 2009; Lesley, 2009).^{xx}

Future Agenda

- *First*, to fight to ensure women representation not only in legislative institutions, but also in executive and judicial institutions. In legislative institutions, to encourage women to become leaders—of the parliament, committees, House Bodies, and political parties;
- *Second*, to continue the efforts to make better budgets on health, education, and the economy—three sectors in which women's condition is the worst;
- *Third*, to fight for the revision of the Law on Health and the Draft Bill on the Corruption Court (*RUU Pengadilan Tipikor*), which may not even be finished by the end of the 2004-2009 period;
- *Fourth*, to strengthen sisterhood in the parliament, enhance solidarity and support among women parliament members across parties to fight for women's issues. To accomplish this, support from women and men activists outside of the parliament is also needed.

The experiences of members and founders of the Caucus:

... Concerned with the development of caucus in Indonesia, whereas in other countries caucus can be a means to build power: “We cooperated with UNDP to publish bulletins, but now after the founders are no longer in control, we don't know what became of it. Whereas I think the bulletin was crucial for women's struggle in the parliament.”

... Not all women become caucus members, just as not all party groups involve women in the Special Committees: “All I know, I encourage party groups to involve women in the Special Committees.” At least currently there are six women from the Golkar party group, two women from the United Development Party (*Partai Persatuan Pembangunan*/PPP) and the Indonesian Democratic Party of Struggle (*Partai Demokrasi Indonesia Perjuangan*/PDIP) party groups, versus forty-eight men in the Special Committee (Setyarini, 2009).

Besides KPPRI, the DPR of the 2004-2009 period also has a Women in Parliament Caucus focusing on the advocacy of specific issues, such as human rights and workers' rights. The two issues are indeed important and pressing. Let us see the caucus' experiences^{xxi}:



Women in Parliament Caucus on Human Rights and Workers' Rights

DPR of the 2004-2009 period

Founded on Labor Day, May 1, 2006, the Caucus commits to:

- Actively voice concerns on government's work performance to the media;
- Advocate women overseas or migrant workers' (*Tenaga Kerja Wanita/TKW*) cases, including lobbying to the ambassadors of Saudi Arabia and Malaysia;
- Oversee that all bills that are being deliberated in the DPR integrate human rights perspectives, especially women's human rights;
- Lobby so that the Law on Citizenship address the rights of children born of mixed couples and the rights of overseas or migrant workers (*Tenaga Kerja Indonesia/TKI*);
- Fight to get the guarantee of women representation—such as the 30% quota, or the zipper system, or the party list system—included in the Law on General Elections, the Law on Political Parties, and the Law on Composition and Position (Susduk) of the MPR, DPR, DPD, and DPRD.
- Fight actively for women to be elected by the DPR to public offices, such as Supreme Court, the National Commission on Human Rights (Komnas HAM), the Witness and Victims Protection Agency (*Lembaga Perlindungan Saksi dan Korban/LPSK*), also the General Election Commission (*Komite Pemilihan Umum/KPU*) and the Elections Supervisory Body (*Badan Pengawas Pemilu/Bawaslu*).
- Create budgets that better accommodate for women's concerns; the 2007 Revised National Budget (APBN-P 2007) increased budget allocation for the Office of the Attorney General (*Kejaksaan Agung*) in order to better prosecute trafficking cases; and then the 2009 National Budget increased funds for the training of women candidates by the Ministry for Women Empowerment.
- Etc.

Women in Politics Caucus (*Kaucus Perempuan Politik Indonesia/ KPPI*)

Besides the Women in Parliament caucus, Indonesia also has a Women in Politics Caucus. Below is a short description of KPPI:

KPPI is a multi-partisan organization that functions as an independent political moderating forum to increase awareness and advocacy of women representation rights in politics. Founded in 2000, its members are political parties, the DPR members, non-partisan civil society group representatives, and representatives from academic institutions (Lesley, 2009).

Activities:

1. Conducting many stages of trainings at the national level, and then in the provinces; in the process, the caucus will also develop the organization and found branches in the provinces, regencies and cities;
2. Figuring out how KPPI can synergize with KPPRI, and then making recommendations.

Achievements:

- (1) Law No.12/2003, particularly the article regulating women cadre participation in political party administration and candidates list;
- (2) Popularization of affirmative actions issues that transform public discourse on women participation in politics;
- (3) Networks in twenty-four provinces and 165 regencies;
- (4) Increased women's strategic position in political parties;
- (5) Many political parties developing women's division;
- (6) Having produced, until 2006, 480 trainers and political educators in twelve provinces;
- (7) Being involved in the advocacy to revise Law on General Elections No.10/2008 to make quota and zipper system mandatory for political parties.

The above description of the Caucus is important to show the progress of women's politics at local and national levels, and its interconnections with serious global issues. Now parliament members of the 2009–2014 period can build on the Caucus' achievements. New parliament members will not have to work from scratch; strategies can be constructed based on lessons learned from the earlier caucus.

To expand our knowledge on various caucuses, here is information on the Political Caucus of Women Leaders in Mindanao, Philippines (PCWLM). PCWLM is interesting, because, like Papuan women's, their focus is on groups marginalized by the central government due to their ethnicity and religion.

PCWLM is a non-governmental organization founded in July 2006 and launched in January 2007 by twenty women from various political parties, experts from diverse fields, and women with ethnic affiliations to Mindanao, South Philippines. This caucus is also a multi-ethnic caucus.

Its main goal is to boost the number of women in public institutions in order to transform decision-making processes that impact the people of Mindanao.

To realize that goal, the Caucus conducts:

- Political Leadership Training, such as advocacy, campaigning, fund-raising, networking, mentoring, coaching;
- Advocacy to reform elections for public offices;
- Network-building with other organizations.

Caucus' Achievements:

- After two years, the Caucus succeeded in training more than 1500 local women;
- Raising women candidates' chances in general election through training, campaigning, and mentoring.

(Lesley, 2009)

Another example of caucus we can consider: The Legislative Women's Caucus in California. This caucus works to make as priorities legislative policies and budgeting principles that aim to improve the welfare of women, children, and families, while setting to work women organizations in local and federal levels.

How family issues are packaged to win public support¹:

- Start from efforts to create family-friendly workplaces, the Women's Caucus fights to improve awareness on the issue of paid family leave program.
- Promote affordable and quality daycare, to ensure that working families in California can afford a quality daycare.
- Commit to fight to cut dropout rates and to widen Californian families' access to higher education.

How children's issues are packaged:

- Fight for children's health insurance, because there are still 800,000 children in California uninsured;
- Reform and improve youth management system by conducting training, disseminating information, widening living options for children who left home, and encouraging work training program for life security;
- Create after school programs;
- Press for a universal preschool for California's children, to ensure preschoolers' rights to education.

Several main women's issues supported by the Caucus:

- Encourage the progress of gender equality, particularly by fighting against all forms of discrimination against women;
- Fight for wage fairness. Overall, women still earn less than men. The Caucus is fighting to change that.



- Fight against domestic violence. Domestic violence cases are still conspicuous and alarming. Women caucus raises funds to build shelters for victims and to protect victims by providing adequate legal instruments.^{xxii}
- Create Women in Prison program. The Caucus fights for “parole approval”^{xxiii} for women victims of violence (however, the Caucus cannot utilize the strategy, because legally this doesn’t exist in California).
- Assist poor families to improve their well-being and to increase their knowledge and skills; the Caucus also works to provide poor families access to CalWORKs Programs.

¹ www.sen.ca.gov/womenscaucus/issues.htm

The two above caucuses have different experiences; the California caucus packages women’s issues into relatively soft issues—family issues. It was easier to garner sympathy from the community because the concerns were labeled “family issues” rather than “women’s issues,” which usually meet more resistance from the community. Nevertheless, sensitive and “hard” issues, such as political discrimination, legal restoration of domestic violence victims, and economic, social, and cultural rights, can be included. The replication of this strategy in the third world can be disadvantageous, because it may distort the struggle for women’s rights, as men will think women’s concerns only exist within the family. That is the reason the Philippines and Indonesia choose to directly tackle politics and policy.



CHAPTER VIII

**What Does a Gender Responsive
Parliament Look Like?**

A parliament that supports women's rights to voice their political concerns can be called a gender-responsive parliament. Global statistics recorded by the Inter-Parliamentary Union (IPU) in 2008 show that the average women proportion in parliaments is only about 17.7%. While women voters proportion in general elections are more than 50%. The statistics clearly has not reflected a fair composition, especially for women's political rights.^{xxiv}

Reality shows that women's concerns are not yet represented and remained marginalized from decision-making processes. The obstacles to women participation in politics and social-economic life stem from values construction and patriarchal structure, economic globalization, weakening of systems in politics, and poor legal protection for women's rights. What is worse, in several countries, legal instruments are used to block women political participation.^{xxv}

Learning from many countries' experience, we discover one of the most effective ways to build a gender-responsive parliament is to apply affirmative action strategies to national laws, including position security once a woman holds a seat, in order to encourage parliamentary reform. There is always a clichéd question, "Why is women representation so widely debated?" or "Are women's concerns and needs not enough voiced by male parliament members?" To respond, let us regard problems faced by society, especially by women and vulnerable or marginal groups.

Learning from the Data of Women Representation in Other Countries

As a comparison we may consider an analysis of IPU-International IDEA (Inter-Parliamentary Union-International Institute for Democracy and Electoral Assistance) data, which sheds light on several countries' efforts that managed to push women representation to reach 30% and higher. The analysis shows that supporting instruments, such as quota and electoral system, really influence the width of women's access to the parliament. Even though the two instruments did not guarantee the increase of women representation, the data shows that the twenty-four countries that successfully

achieved 30% or more women representation are indeed using certain measurements. Indonesia can take lessons from the data below toward realizing a gender-responsive parliament.

Table 3
IPU-International IDEA Analysis on States with 30% or more
Women Parliamentary Representation, per 30 April 2009

Ranking	States	% Women	Quote type*	Electoral System**
1	Rwanda	56.3	Seat Reservation (C)	List PR
2	Sweden	47.0	Voluntary Party Quota	List PR
3	South Africa	45.0	Voluntary Party Quota	List PR
4	Cuba	43.2	No Quota	FPTP+
5	Iceland	42.9	Voluntary Party Quota	List PR
6	Finland	41.5	No Quota	List PR
7	Netherlands	41.3	Voluntary Party Quota	List PR
8	Argentina	40.0	Mandatory Party Quota (C)	List PR
9	Denmark	38.0	Previously with Quota	List PR
10	Angola	37.3	Voluntary Party Quota	List PR
11	Costa Rica	36.8	Mandatory Party Quota (L)	List PR
12	Spain	36.3	Voluntary Party Quota	List PR
13	Norway	34.8	Voluntary Party Quota	List PR
14	Belgium	35.3	Mandatory Party Quota (L)	List PR
15	Mozambique	34.8	Voluntary Party Quota	List PR
16	New Zealand	33.6	Voluntary Party Quota	MMP
17	Nepal	33.2	Mandatory Party Quota	MMP
18	Germany	31.6	Voluntary Party Quota	MMP
19	Andorra	32.1	No Quota	MMP
20	Belarus	31.8	No Quota	FPTP
21	Uganda	30.7	Seat Reservation (C)	FPTP
22	Burundi	30.5	Mandatory Party Quota (L)	List PR
23	Tanzania	30.4	Seat Reservation (C)	FPTP
24	Guyana	30.0	Mandatory Party Quota (C)	List PR

-
- *C = guaranteed by the constitution; L=guaranteed by electoral laws
**List PR = List Proportional Representation
MMP = Mixed Member Proportional Representation
FPTP = First Past the Post

+50% vote required, the remaining votes are set aside, unless another election is held for the remaining seats

Women representation in Rwanda, Argentina, Uganda, Tanzania, and Guyana are better because the quota is guaranteed by the constitution; therefore, the legal basis is clear and strong. In Costa Rica, Belgium, and Burundi the quota is guaranteed by laws. In reality, Indonesia has similar quota security—a reservation of minimal of 30% women representation (Law on General Elections and Law on Political Parties), but the implementation is not yet optimal. On IPU's list, based on 2004 electoral achievements, Indonesia ranks 96 out of 135 countries. In the 2009 election, the problems of representation were fixed reservation was made for women in party administration and candidates list; plus, a zipper system was created. Unfortunately, the Constitutional Court voted to cancel the reservation.

The political struggle of Rwandan women:

In the September 2008 general election, twenty-four out of eighty parliament seats were reserved for women; women achieved forty-five seats. This achievement is a historical experience for Rwanda. Trauma from genocide was a big push for women to get involved in decision-making processes during the reconstruction. If women were on a subordinate position, then they would have no chance to fight for women's fate and the betterment of the country. With that in mind, the women have consistently entered political arena. Rwandan achievement became a landmark for third world countries, many of which were still looking for legal grounds to implement affirmative action. Rwanda could even match Scandinavian countries, which all along has been the barometer of women participation in democracy.

Important experience from Rwanda: there is a definite correlation between the number of elected women and legislative products addressing women's issues. For example, with women participation, the parliament produced pro-people farming policies, daycare securities, and road lighting to make the roads safer at night.

How is Women Representation in the Indonesian Parliament Progressing?

The growth of women representation in Indonesia can be seen in electoral achievements. The percentage of seats held by women in each election reflects the kind of legislative instrument used to guarantee women’s political rights, and the level of state commitment toward the issue.

Table 4
Women in Legislative Institutions 1955–2004

Period	Women	Men
1955-1960	17 (6.3%)	272 (93.7%)
Constituent 1956-1959	25 (5.1%)	488 (94.9%)
1971-1977	36 (7.8%)	460 (92.2%)
1977-1982	29 (6.3%)	460 (93.7%)
1982-1987	39 (8.5%)	460 (91.5%)
1987-1992	65 (13%)	500 (87%)
1992-1997	62 (12.5%)	500 (87.5%)
1997-1999	54 (10.8%)	500 (89.2%)
1999-2004	46 (9%)	500 (91%)
2004-2009	61 (11.09%)	489 (88.9%)

Source : Ani Soetjipto, 2006

In 1955 women only held 5.9% of the seats, even though women had seats reserved for them at the time. The rise in percentage from 1971 to 1992 is glacial, with average increase of 1.7% every five year. Post Reform, women representation is guaranteed by the law, starting in the 2004 election. Still, women representation in the DPR was only 11.8%. The situation in the DPD is more heartening; women representation reached 21%. Lastly, the 2009 election saw a significant increase, 18.04%, even though it is still far under quota.

Table 5
Representation of Women in the DPR and the DPD for the Period of 2009–2014

No	Province	DPR			DPD		
		Proportion		% W	Proportion		% W
		M	W		Mn	W	
1	Nanggroe Aceh Darussalam	7	0	0	4	0	0
2	North Sumatera	28	2	6.67	3	1	25
3	West Sumatera	13	1	7.14	3	1	25
4	Riau	10	1	9.09	2	2	50
5	South Sumatera	16	1	5.88	2	2	50
6	Bangka Belitung	3	0	0	3	1	25
7	Bengkulu	2	2	50	3	1	25
8	Jambi	4	3	42.85	2	2	50
9	Riau Islands	1	2	66.67	3	1	25
10	Lampung	13	5	27.77	4	0	0
11	Special Capital Territory of Jakarta	16	5	23.8	4	0	0
12	West Java	69	22	24.17	3	1	25
13	Banten	17	5	22.7	4	0	0
14	Central Java	76	9	10.58	1	3	75
15	Special Region of Yogyakarta	7	1	12.5	3	1	25
16	East Java	66	21	24.16	3	1	25
17	Bali	9	0	0	4	0	0
18	West Nusa Tenggara	10	0	0	3	1	25
19	East Nusa Tenggara	12	1	7.69	2	2	50
20	Central Kalimantan	4	2	33.3	3	1	25
21	West Kalimantan	9	1	10	0	4	100
22	South Kalimantan	11	0	0	4	0	0

No	Province	DPR			DPD		
		Proportion		% W	Proportion		% W
		M	W		M	W	
23	East Kalimantan	6	2	25	4	0	0
24	North Sulawesi	4	2	33.3	3	1	25
25	Gorontalo	2	1	33.3	2	2	50
26	Central Sulawesi	5	1	16.67	3	1	25
27	West Sulawesi	3	0	0	3	1	25
28	South Sulawesi	18	3	12.5	4	0	0
29	South East Sulawesi	4	1	20	4	0	0
30	North Maluku	0	3	100	3	1	25
31	Maluku	3	1	25	2	2	50
32	Papua	7	3	30	2	2	50
33	West Papua	2	1	33.3	3	1	25
	Total	460	102	18.04	96	36	27.27

Source: from Data Media Centre, National General Election Commission (KPU Nasional), July 2009.

There are two interesting occurrences in the above data: (1) Three provinces do not have any woman representation in the national parliament—they are: Aceh, Bali, and South Kalimantan. Some provinces only manage to have women representation in the DPD, such as Bangka Belitung, West Nusa Tenggara, and West Sulawesi. Meanwhile, Lampung, Jakarta, East Kalimantan, South Sulawesi, and Southeast Sulawesi only have women representation in the DPR; (2) There are two provinces that accomplished something special: West Kalimantan, whose DPD representatives are all women; and North Maluku, whose DPR representatives are all women.



State Response

The initial state response to the women advancement mandate was Law No.58/1956, which ratified the UN Convention on Women Political Rights. It means for decades Indonesia has had regulations to guarantee women's political rights.

Afterwards, Law No. 68/1959 on Women Convention was issued; Article 7 particularly governs women's political rights and also guarantees: (1) equal rights to elect and to be elected; (2) participation in government policy-making processes; (3) rights to hold government offices at all levels; (4) rights to participate in non-governmental associations or organizations that are concerned with state political and societal life.

Indonesia has also ratified CEDAW through Law No.7/1984, and it has been writing reports to UN CEDAW Commission every four years. The report composed by the government is followed by a shadow report on CEDAW application in Indonesia, composed by a civil society organization, to provide comparison.

If several legal instruments have existed at the national level, and have been elaborated by several laws to further address women's concerns (including the Political Laws or Paket Undang-undang Politik), why do discrimination and prejudice against women in politics still exist? Why is women representation in Indonesia not yet optimal, unlike in other developing nations whose economy, social, and political stability is worse than Indonesia?

Affirmative action

Affirmative action is a correctional strategy, currently the more realistic strategy to create better public policies on government administration. It is 'correctional' because women and men's historical conditions are different; currently women occupy a weaker position due to a long history of discrimination. This action is resorted to temporarily, as an alternative to achieve justice, until we have equality between the groups. There are three models of theoretical foundation for women representation principles: formal, protectionist, and substantive (Luhulima, 2000: 29-31).

The formal model allows only single standard, demanding equality between men and women and disregarding biological differences between the two. The protectionist model acknowledges biological differences between men and women as well as the reality of gender bias that disadvantages women. Women are seen as an inferior group that must be protected. Finally, the substantive model believes that equality between men and women are substantive; it principally admits difference and disparity that disadvantage women, which must be taken into consideration in all efforts to realize women's human rights; the model intends to correct discriminative policies of the past.

What is a Gender-Responsive Public Policy?

In public policy studies, public issues are understood as problems beyond the private or domestic sphere, it is broad in scope and involves the multitudes (Tangkilian, 2003:4). Rigid separation between public and private matters is actually the root of discrimination against women's issues in policy-making; the common conception is that women's human rights are only private matters.

Some examples of the ambiguity of private/public matters: domestic violence, in the form of psychological abuse, incest, torture, physical maltreatment, or murder (Kalibonso, 2000:100-02); sexual slavery in Japanese occupation army's "comfort stations" in World War II (around 1942-1945), forcing women to be "*Jugun-ianfu*" (comfort women), damaging their reproductive organs, and ruining their lives (Katjasungkana, 2000); the well-being of low-skilled women workers in foreign countries; etc. Furthermore, globalization—accelerated by sophisticated information technology—may actually lead toward global impoverishment, because of the imbalance of power between poor countries and capitalist countries. For women, industry relocation to developing countries results in mounting environmental and social destructions; and it's irritating that the abundance of cheap female labor in Indonesia is considered a comparative advantage by many industries.

It is time that women's issues become public issues. The feminization of issues within public policy implies acknowledgement that some private matters are indeed public matters, and should be included in public policy agendas. This acknowledgement is a strategy to redirect public policy agendas toward justice; it is also a correction on

rigid traditional views that don't touch on the issues of well-being. This is what is called gender-responsive policy, which is an agenda to improve women's lives.

How can we Enhance Women's Legislative Participation?

Women's presence in parliament carries the mandate to revise the substance of legislative products with gender equality and the fulfillment of women's human rights in mind. Efforts that can be done, among others:

1. Empowering women in parliament, in order to create a conducive climate and environment for women to protect themselves and to use the law to defend their rights;
2. Creating a new social contract through legal frameworks and institutions that promote new institutional standards that acknowledge principles of women representation;
3. Committing to revise old mechanisms that oppose or deny women's rights, and creating new mechanisms to protect rights that are not yet included in the existing state legal instruments;
4. Creating conducive instruments toward women participation in political processes;
5. Involving non-state actors, in the domestic sphere and in the community, in efforts to eradicate all forms of discrimination and violence against women.

Strategies to create good governance are an important element in strengthening women participation in legislation.^{xxvi} Another important aspect is a strong parliamentary network at national, Asia Pacific and regional, and international levels (a good example of the national network is KPPRI). Must not be forgotten is a strong parliamentary cooperation with socio-political powers outside of parliament.

CHAPTER IX

An Experience from Eastern Indonesia

This chapter contains a brief description on an experience from Eastern Indonesia, one that narrates women's political struggle within institutional, not individual, framework. We chose the experience of the Papuan People's Assembly (*Majelis Rakyat Papua*/MRP), because it shows commitment not only to improve law-making processes, but also to implement the laws created. Papuan women groups take advantage of the right "political momentum," which made the MRP special. Women representation in Papua is 35.7%, equivalent to the levels in Belgium and Norway according to the Inter-Parliamentary Union / IPU.^{xxvii} This is the highest percentage in all Indonesian parliaments.

The MRP at A Glance

The MRP represents Papuan natives and their cultures, founded by Law No.21/2001 on Special Autonomy for the Province of Papua. The MRP possesses special authority or mandate to protect, support, and empower constitutional rights of traditional societies and native people of Papua. The three mandates are carried out by three Work Groups (*Kelompok Kerja*/Pokja): Work Group on Adat (more or less, traditional customs), Work Group on Women, and Work Group on Religion.^{xxviii}

Duties and Authorities of the MRP

Among others:

- (1) to hold court sessions addressing adat, religion, and women's issues; also addressing the protection and organization of the rights of traditional societies, and the exploitation of natural resources;
- (2) to form special committees for solving problems faced by Papuan people;
- (3) to build cooperation with the Regional Executive Conference (*Musyawarah Pimpinan Daerah*/Muspida), the central government, and the Papuan Adat Council (*Dewan Adat Papua*/DAP) in order to develop the Papuan society;
- (4) to conduct work visits as an assessment tool to advance Papuan people's living condition;
- (5) to hold meetings across work groups to promote synergy between the three.

Protecting Papuan Women's Political Rights

One interesting aspect of the special autonomy is the reservation/quota for women representation. The law explicitly mentions that in protecting the rights of the Papuan indigenous people, women must be included in each decision-making institution; women must constitute at least one third of the institution's total members. Out of forty-two MRP members—divided into three work groups, each with fourteen members—there are fifteen women, distributed as follows: fourteen in the Work Group on Women Empowerment, and one in the Work Group on Religion.^{xxix} Restrictions on women representation remains in the Work Group on Adat.^{xxx}

For Papuan women, the acknowledgment of the discrimination against them, and the capacity to make efforts to restore the women's lost rights, did not come easy. These women have had a wealth of "battle stories" since long before anyone acknowledged there were discriminations. Even to this day, the Papuan women's struggle against gender inequality continues.

Women's Strategic Position in the MRP

In the MRP leadership, there is one strategic position held by a woman—the Second Vice Chair. A woman's presence in the MRP leadership shows an implementation of the quota reserved for women in decision-making.

Papua's special autonomy progresses slowly, because it lacks complementary legal instruments, only one Government Regulation (*Peraturan Pemerintah/PP*) has been issued, out of the four needed. Different from Aceh's special autonomy, which was made official much later than Papua's, but progresses much faster. This is due to Aceh's insistence on the implementation of Sharia, while Papua focuses on socio-economic and law enforcement aspects. Political interpretation of Papua's special autonomy is more complicated compared to that of Aceh's. For women's concerns, this 'distortion' of the special autonomy implementation needs to be examined, especially in the context of Special Regional Regulation (*Peraturan Daerah Khusus/Perdasus*). Efforts to guarantee cultural rights of indigenous Papuans must include efforts to ensure the rights indigenous women; that is the only way special autonomy will have significant impacts on women.

Women's Concerns in the MRP

Women representatives in the MRP are actively voicing women's concerns, which in reality are crosscutting issues with those of adat communities; such issues are:

- Natural resources and environmental management
- *Tanah Adat* (land owned for generations by traditional communities based on adat laws)
- Politics
- Violence against women
- Women before adat and before the law
- Women involvement in voicing the people's aspirations

The Timika Case

... The Timika adat community has a female figure, Mama Yosepha, who fights against Freeport Indonesia. We can all imagine the magnitude of Freeport's power, the expanse and destructiveness of its exploration activities. However, there is one indigenous Papuan woman, who cannot read or write, but who stood for adat rights and the concerns of the indigenous people of Timika. She works not only to keep Freeport's explorations away from her ancestors' land, but she also works for humanity—taking care of the civilians shot by the military, looking for missing persons, mediating on cases involving violence against indigenous Papuans. Mama Yosepha also has important access and roles in shaping political constellations within formal institutions in Papua.

Besides fighting to include strategic women's issues in mainstream discourse of public policy, women in the MRP also fight for their physical representation in various decision-making institutions, especially those protecting, supporting, and empowering Papuan indigenous societies. The responsibility to protect indigenous cultural rights in order to build an independent society in Papua has great potential to place women at the center of a power still searching for a form. In the case of women representation, Papuan women's group seems to have achieved more success than women's groups in other parts of Indonesia.

End Notes

- i Compare to Transparency International's report ranking Indonesia at number 88 out of 91 countries on the Corruption Perceptions Index (*Indeks Persepsi Korupsi*/IPK). Indonesia is only better than Azerbaijan, Ukraine, Yugoslavia and Nigeria. We need to ask ourselves: is there a correlation between high corruption and low women participation in policy-making processes?
- ii Data from the Ministry of Research and Technology, May 29, 2008 (www.ristek.go.id); Indonesia's specific ranks on the Human Development Index indicators, among 177 countries: life expectancy 100; literacy 56; elementary, middle, and high schools admittance 110; GDP per capita 113.
- iii GDI data gathered from www.datastatistik-indonesia.com; life expectancy ratio between men and women 66.50 : 70.5; literacy 94.6 : 88.4; average stay in school 7.9 : 6.9; participation in the workforce 63.61 : 36.39.
- iv The majority of legislative pieces are DPR's initiatives, especially by concerned women members. The rest are government initiatives, which then are supported by DPR women members sitting in factions and special committees. Some good examples of the fruits of DPR women members' political struggle are: Law on Human Trafficking Eradication, Law on Citizenship, Law on Composition and Position of the MPR, DPR, DPD, and DPRD (Law No. 23/2002), and political law package.
- v Those three urgent issues in the Asia Pacific regions were agreed on 2007 APWLD in Bangkok, which was coincidental with the organization's 20th anniversary.
- vi For example, domestic violence offenders are asked to write and sign a statement of intent to never resort to violence again. In some cases this method successfully stops the violence. The method is more suitable to the sense of justice of some of the women, who would rather make the violence stop, than see their husbands go to jail.
- vii Among others: the article designating men as head of household and women as caretaker of household (Article 31 Section 3); this regulation encumbers career women and discriminates against women. And then there are articles allowing polygamy with strict conditions, but in reality those conditions can be manipulated easily (Article 3 Section 2, 4, 5).
- viii This causes women representation in the parliament stay at 11%, no difference from the previous election. Inadequate women representation results in policies, laws, and budgeting policies that don't accommodate women's needs.
- ix Until now there are more than 3,000 regional regulations on taxation and regional taxation (*retribusi*) in all Indonesia that appear problematic and appear to conflict with higher regulations. However, 973 have been voided, and 250 others are under process. About 700 regional regulations are under revision by the Ministry of Home Affairs. Previously the Ministry of Home Affairs issued a Circular Letter No.188.34/1586/SJ on July 5, 2006 on Regulations on Designing and Validating

Regional Regulations. The Ministry of Home Affairs is also reviewing thirty-seven regional regulations that contain Sharia to see whether they conflict with higher regulations. They are also examining thirty other regional regulations that have expired, but not yet been made official (*Kompas.com*, July 16, 2008).

x GRB initiative begins with frustrations over the slowness of women's status improvement; GRB does not mean funds for women, but a budgeting strategy based on problems and needs of various vulnerable communities.

xi widely used terminologies other than GRB: gender sensitive budget, gender budget, women's budget, which all points to having gender awareness in budgeting.

xii See <http://www.gender-budgets.org>

xiii Commitment to decrease MMR is a mandate of Cairo Consensus on International Conference on Population and Development (ICPD) in 1994, which underlines women's fundamental role in development and clarifies reproductive rights concepts. Cairo Consensus mentions that access to reproductive health services must be achieved by 2015. MDG+5 target is to reduce MMR by 75% by 2015 (from Maria Hartiningsih, *Kompas* August 7, 2009).

xiv UNIFEM report on GRB implementation in 10 recipient countries can be found in Debbie Budlender, 2008, "Integrating gender-responsive budgeting into the aid effectiveness agenda: Ten-country overview report," Community Agency for Social Enquiry, Cape Town.

xv The above data analysis does not completely show actual number of malnutrition sufferers, or the number of poor families or people that need health subsidies. If that number is known, then it will be easier to see the inequality in resources allocation.

xvi The mandate is not only a national mandate, but also an international one. It is expressed in Law No. 7/1984 on CEDAW Ratification.

xvii Information from Nursyahbani Katjasungkana (DPR member 2004-2009 from PKB) and Eva Sundari (DPR member 2004-2009 from PDIP, re-elected for term 2009-2014).

xviii Information from Eni Khaerani (DPD member from Bengkulu, who is also the chair of PAH III).

xix Also called *Kaukus Perempuan Parlemen Indonesia* (KPPI). KPPI is also the name of Indonesian Women in Politics Caucus (*Kaukus Perempuan Politik Indonesia*/KPPI), a civil society organization whose members are not only parliament members, but also activists from all kinds of backgrounds who work to advocate women's rights, especially political rights.

End Notes

xx Also noted from a discussion with the Secretary General of Indonesian Women Coalition for Democracy and Justice (*Sekjen Koalisi Perempuan Indonesia untuk Demokrasi dan Keadilan*), Masruchah, in July 2009.

xxi Information from Eva Sundari (August 2009).

xxii For information, until today the United States has not yet ratified CEDAW, stating that they have their own (and better, according to them) standards for human rights.

xxiii Parole is a type of legal punishment or condition that is imposed upon a violator as a part of his/her punishment. For example, an alcoholic on parole could be prohibited from entering a bar for 2 years.

xxiv Neil MacFarquhar's article, issued by the UN in New York on September 19, 2008, mentions an increase of the average women proportion in parliaments around the world. UNIFEM study shows there has been an increase of average number of women in the world's parliament by 18.4%; that percentage is the decade's biggest achievement, it went up from just 9% increase in 1995. This progress is a result of women's newly gained awareness of the need to gain power than merely to lobby for changes.

xxv Women emancipation in politics has not yet shown a happy result. The first World Women Conference in Mexico City in 1975 noted that average women proportion in parliaments was only 10.7% in average. Twenty years later, when the fourth World Women Conference in Beijing was held in 1995, women representation dropped even lower. Beijing Platform for Action (BPFA) 1995 sets a special agenda to realize at least 30% women participation in government and 30% quota in electoral systems. As a result, in 2000 world average rose to 13.4%. And as said before, in 2008 the average women proportion in parliaments climbed to 17.7%.

xxvi Even though this is already regulated by the recently approved Law No. 27/2009 on the MPR, DPR, DPD and DPRD.

xxvii Material for Best Practice: Buletin Triton MRP Edition 2008, Cultural Media – *Sekilas Langkah MRP* (A Brief Look on MRP's Progress), 2008; and notes from a discussion with three MRP members (chair of the Work Group on Adat, Zainal Abidin Bay; vice chair of the Work Group on *Adat*, Engel Kasimbabin; and vice chair of the Work Group on Religion, Bernadetha Mahuse – the only woman in the Work Group on Religion) on July 9, 2009 in MRP's office in Jayapura. This article is enriched by informal discussions with several Papuan figures, including Mama Yosepha, on July 9, 2009.

xxviii MRP members were appointed on October 31, 2005 by Decision Letter of the Minister of Interior No.220-882/2005.

xxix Women groups already have the frame of women representation in adat policies, but male officials (such as the Regent) do not wish to include women in adat issues. The one woman in the Work Group on Religion comes from Merauke and Asmat (*adat*) dioceses, brought forward by Catholic women's aspirations. The representation from Merauke diocese and Asmat diocese is deemed sufficient to fulfill the quota. There were four people considered for the position—three men and one woman—and after deliberations, it was decided to send the woman; none of the other dioceses sent a woman. Two regencies united to send a representative; one regency suggested a man, the other a woman. Because of that, there is now a woman in the Work Group on Religion. This is an extraordinary achievement; it means there is trust in indigenous women figures with commitment.

xxx By tracing the background of the work groups, we see that these are the three basic issues that are considered to be the roots for discriminations against indigenous Papuan people. It is acknowledged that there is still discriminations based on gender and because of patriarchy in Papua. Most of Papuan women understand and continues to fight to close the gap between the groups.

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