

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Indonesia: Government regulation on female circumcision must be repealed

Joint statement by Amnesty International and Indonesian civil society organizations

Indonesian authorities must immediately repeal the newly issued government regulation permitting female circumcision ('sunat perempuan'), and instead enact specific legislation with appropriate penalties prohibiting all forms of female genital mutilation (FGM).

The new regulation legitimizes the practice of female genital mutilation and authorizes certain medical professionals, such as doctors, midwives and nurses, to perform it. The new regulation defines this practice as "the act of scratching the skin covering the front of the clitoris, without hurting the clitoris". The procedure includes "a scratch on the skin covering the front of clitoris (frenulum clitoris) using the head of a single use sterile needle" (Article 4.2 (g)). According to the new regulation, the act of female circumcision can only be conducted with the request and consent of the person circumcised, parents, and/or guardians.

This new regulation by the Ministry of Health (No. 1636/MENKES/PER/XI/2010) concerning female circumcision, issued in November 2010, runs counter to the government's steps to enhance gender equality and combat discrimination against women in all its forms. It violates a number of Indonesian laws, including Law No. 7/1984 on the ratification of the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); Law No. 5/1998 on the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); Law No. 39/1999 on Human Rights; Law No. 23/2002 on Child Protection; Law No. 23/2004 on the Elimination of Domestic Violence; and Law No. 23/2009 on Health. It also runs counter to a 2006 government circular, No. HK.00.07.1.3. 1047a, signed by the Director General of Community Health, which specifically warned about the negative health effects of female genital mutilation on women.

Female genital mutilation constitutes a form of violence against women which should be eradicated. Where the state fails to effectively challenge these practices, it reinforces the perception that others are entitled to control a woman's or a girl's sexuality, that is, to decide on her behalf under what circumstances she should (or should not) engage in sexual activity. Amnesty International is concerned that this regulation condones and encourages female genital mutilation, a practice which inflicts pain and suffering on women and girls, and hence violates the absolute prohibition of torture and ill-treatment. Female genital mutilation also encourages discriminatory stereotypes about women's sexuality.

As documented in a 2010 report, *Left without a choice: Barriers to reproductive health in Indonesia*, Amnesty International was told by many women and girls that they chose female genital mutilation for their own baby girl in recent years. The practice is generally undertaken by a traditional birth attendant within the first six weeks after the baby girl is born. The women said they had asked that their baby girl have female genital mutilation performed for religious reasons. Other reasons women cited ranged from wanting to ensure the girl's "cleanliness" (the external female genitalia are considered dirty) and avoiding diseases; to perpetuating cultural or local practices; or seeking to regulate or suppress the girls' urge towards "sexual activity" during adulthood. Some women described the procedure as being merely a "symbolic scratch", while in other cases they explained that it consisted of cutting a small piece of the

clitoris. Many women interviewed agreed that there would be some bleeding as a result.

Irrespective of the extent of the procedure, the practice of female genital mutilation highlights discriminatory stereotypes about female genitalia being “dirty” or degraded; that women are not entitled to make their own choices about sexuality in the same way as men; and that women and girls can only be fully dignified in their religious practice if their bodies are altered, hence that there is something inherently wrong about women’s bodies. Attitudes which denigrate women because of their actual or perceived sexuality are often used to justify violence against women.

In its 2007 concluding observations, the CEDAW Committee recommended that Indonesia develop a plan of action to eliminate the practice of female genital mutilation, including implementing public awareness-raising campaigns to change the cultural perceptions connected with it; and provide education regarding the practice as a violation of the human rights of women and girls that has no basis in religion.

In its 2008 concluding observations, the UN Committee against Torture also recommended that Indonesia adopt all adequate measures to eradicate the persistent practice of female genital mutilation, including through awareness-raising campaigns in co-operation with civil society organizations.

As state party to CEDAW and CAT, the Indonesian authorities must immediately take the following steps as a matter of priority:

1. Repeal the Regulation of the Minister of Health No. 1636/MENKES/PER/XI/2010 concerning female circumcision;
2. Enact specific legislation with appropriate penalties prohibiting female genital mutilation; and
3. Implement public awareness-raising campaigns to change the cultural perceptions associated with female genital mutilation.

This joint statement is endorsed by:

Indonesian civil society organizations:

1. Aceh Peace Consultative Management/APCM
2. Aliansi Pelangi Antar Bangsa
3. Aliansi Sumut Bersatu (ASB)
4. Alimat
5. ANSIDEM
6. ANSIPOL
7. Ardhanary Institute
8. Asian Moslem Action Network (AMAN) Indonesia
9. Asosiasi Tenaga Kerja Indonesia (ATKI)
10. Barisan Perempuan Indonesia
11. BITES
12. CEDAW Working Group Initiative
13. Center for Human Rights Law Studies (HRLS), Faculty of Law, Airlangga University
14. CIMW
15. Demos
16. Fahmina Institute
17. Federasi LBH APIK Indonesia
18. Forum Pemerhati Masalah Perempuan (FPMP) Sulawesi Selatan
19. GemaPalu, Lumajang
20. GONG PEACE MAGAZINE
21. GPSP
22. Herlounge (Viena Tanjung)
23. Human Rights Working Group (HRWG)
24. Indonesia AIDS Coalition
25. Indonesia Support Facility (InSuFa)
26. Indonesian Conference on Religion and Peace (ICRP)
27. Institut Hak Asasi Perempuan (IHAP), Yogyakarta
28. Institut Perempuan, Bandung
29. IRSAD (Institute for Religion and Sustainable Development), West Sumatra
30. JALA PRT
31. Jaringan Kerja Prolegnas Pro Perempuan (JKP3)
32. JASS Indonesia
33. Kalyanamitra
34. Kartini Asia Network
35. Kaukus Perempuan DPD RI
36. KePPaK PEREMPUAN Komisariat Bali
37. KePPaK PEREMPUAN Komisariat Bangka-Belitung
38. KePPaK PEREMPUAN Komisariat Banten
39. KePPaK PEREMPUAN Komisariat DKI Jakarta
40. KePPaK PEREMPUAN Komisariat Jawa Barat
41. KePPaK PEREMPUAN Komisariat Jawa Tengah
42. KePPaK PEREMPUAN Komisariat Jawa Timur
43. KePPaK PEREMPUAN Komisariat Kalimantan Barat
44. KePPaK PEREMPUAN Komisariat Kalimantan Selatan
45. KePPaK PEREMPUAN Komisariat Kalimantan Tengah
46. KePPaK PEREMPUAN Komisariat Kalimantan Timur
47. KePPaK PEREMPUAN Komisariat Kepulauan Riau
48. KePPaK PEREMPUAN Komisariat Nusa Tenggara Barat
49. KePPaK PEREMPUAN Komisariat Nusa Tenggara Timur
50. KePPaK PEREMPUAN Komisariat Sulawesi Barat
51. KePPaK PEREMPUAN Komisariat Sulawesi Selatan
52. KePPaK PEREMPUAN Komisariat Sulawesi Tenggara
53. KePPaK PEREMPUAN Komisariat Sulawesi Utara
54. KePPaK PEREMPUAN Komisariat Sumatera Selatan

55. KePPaK PEREMPUAN Pusat
56. Koalisi Aktivistis Perempuan Sulawesi Selatan (Sulsel)
57. Koalisi NGO HAM Aceh (Evi Zain)
58. Koalisi Perempuan Indonesia
59. Konsorsium untuk Kepemimpinan Politik Perempuan Jawa Barat (KPPP Jabar)
60. KPKB
61. LBH APIK Banten
62. LBH APIK DI Yogyakarta
63. LBH APIK DKI Jakarta
64. LBH APIK Jawa Tengah
65. LBH APIK Kalimantan Barat
66. LBH APIK Kalimantan Timur
67. LBH APIK Makassar (Sulawesi Selatan)
68. LBH APIK Nanggroe Aceh Darussalam
69. LBH APIK Nusa Tenggara Barat
70. LBH APIK Nusa Tenggara Timur
71. LBH APIK Papua
72. LBH APIK Sulawesi Tengah
73. LBH APIK Sulawesi Utara
74. LBH APIK Sumatera Barat
75. LBH APIK Sumatera Selatan
76. LBH APIK Sumatera Utara
77. LBH Makassar
78. Lembaga Advokasi Perempuan DAMAR Lampung (Helda Khasmy)
79. Lembaga Partisipasi Perempuan (LP2)
80. Matepe Makassar
81. Mitra Perempuan
82. Ourvoice
83. PD POL
84. PELKESI
85. Pelpem GKPS
86. Perempuan Mahardhika
87. Pergerakan Indonesia
88. Perkumpulan Cut Nyak Dien, Yogyakarta
89. Perkumpulan IDEA Yogyakarta
90. Perkumpulan Keluarga Berencana Indonesia (PKBI)
91. Perkumpulan Rumah Perempuan, Jember
92. PLU Satu Hati
93. PMK HKBP Jakarta
94. PT SUSDEC member of LPTP, Solo
95. Puan Amal Hayati
96. Pusat Pendidikan & Advokasi Masyarakat Marginal (Perkumpulan PEDULI in Medan)
97. Rahima
98. Raising Her Voice, OXFAM GB - Indonesia
99. Rumpun Gema Perempuan
100. Sahabat Perempuan dan Anak Indonesia (SAPA Indonesia)
101. SA-KPPD, Surabaya
102. SAPA Institute
103. SAPDA Jogja (Sentra Advokasi Perempuan Difabel dan Anak)
104. Sekretariat Nasional Solidaritas Perempuan
105. Serikat Perempuan Bantul
106. Solidaritas Perempuan Anging Mamiri- Sulawesi Selatan
107. Solidaritas Perempuan Bungong Jeumpa – Aceh
108. Solidaritas Perempuan Kinasih Yogyakarta
109. Solidaritas Perempuan, Kendari
110. The Institute for Defense, Security and Peace Studies (IDSPS) - Mufti Makaanim al-Ahlaq

111. Walhi Kalbar (Hendrikus Adam)
112. YAKKUM
113. YASANTI, Yogyakarta
114. Yayasan Anugerah Bina Insani (YABI)
115. Yayasan Jurnal Perempuan
116. Yayasan Walang Perempuan- Ambon
117. YLK Sulawesi Selatan (Sulsel)

Regional/ International Organizations:

118. AMAN foundation Kalkata, India
119. AMAN, Sri Lanka
120. Amnesty International
121. ASEAN Progressive Muslim Movement (APMM)
122. Asia Pacific Forum on Women, Law, and Development (APWLD)
123. Asian Muslim Action Network (AMAN), Thailand
124. Asian Women's Resource Centre (AWRC) for Culture and Theology
125. GSIR Ritsumeikan University
126. INFORM Documentation Centre, Sri Lanka
127. IRAW Asia Pacific
128. JASS SEA
129. Muntada-Arab Forum for Sexuality Education & Health, Palestinian Authority
130. Nasawiya, The Feminist Collective, Lebanon
131. Ngozi Nwosu-Juba
132. Sisters In Islam, Malaysia
133. Southeast Asia Women's Caucus on ASEAN
134. Vision Spring Initiatives
135. Women for Women's Human Rights, Istanbul, Turkey
136. Women Living Under Muslim Laws, International Coordination Office, UK

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137. Agus Sutomo, Lembaga Gemawan, Indonesia
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141. Daniel, Indonesia
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143. Dewi Anggraeni, Melbourne, Australia
144. Dr. Free hearty, WOHA
145. Dr. Tiara M Nisa, Indonesia
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168. Padmawati Ari Suryani, Asian Women's Resource Centre (AWRC) for Culture and Theology
169. Prof. Dr Saskia E. Wieringa, University of Amsterdam
170. Putri Kanesia, KontraS
171. R. Valentina Sagala, Indonesia
172. Ratu Dian Hatifah, Indonesia
173. Rita, Indonesia
174. Sally Hill, Law Student, Australia
175. Syafira Hardani
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177. Tunggal Pawestri, BITES, Indonesia
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