

# CHAPTER I

## INTRODUCTION

### 1.1 Background

Violence against women is an emergency issue around the world, and it needs to be taken seriously. It has become a problem since years ago, especially in the Southeast Asia region as it is reported by FORUM-ASIA through their report that three out of ten women in Southeast Asia have at least experienced a gender-based violence in a form of both physical and sexual violence.<sup>1</sup>

The amount of violence against women cases in Southeast Asia region could not be separated from cultural aspect and the belief from the people, as several forms of violence against women such as female genital mutilation (FGM) has been practiced in Indonesia and Malaysia by several of the Muslim population. It is reported in 2001 that almost 71% of Muslim Indonesian women have gone through female genital mutilation or familiarly known as “female circumcision”.<sup>2</sup>

Moreover, the growing amount of violence against women in Southeast Asia is also supported by Association of Southeast Asia Nations (ASEAN)’s lacking role in eradicating violence against women and this highlights one of the biggest challenges faced by ASEAN. Besides ASEAN, a real response from ASEAN Member States in addressing this issue are also very needed to resolve this issue in the region.

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<sup>1</sup> Tunggul Wicaksono and Ayu Kartikasari, “Unravelling gender-Based violence in Southeast Asia,” <https://www.newmandala.org/unravelling-gender-based-violence-in-southeast-asia/>, *Newmandala*, 2021. (accessed on September 7, 2022)

<sup>2</sup> Ibid.

Through UN WOMEN's Prevalence Data on Different Forms of Violence against Women in Southeast Asia countries, it is reported in Cambodia that 20,9% of Cambodian women have experienced either physical or sexual violence from their partner and the report also stated that 18,5% of Cambodian underaged girls had went through child marriage.<sup>3</sup> The next country, Indonesia, the report stated that 18,3% of Indonesian women are reported to have experienced either physical or sexual violence from their partner, and 16,3% of child marriage.<sup>4</sup> In Laos, 15,3% of Laotian women had also experienced either physical or sexual violence from their partner, and the amount of child marriage in the country is quite surprising, as the number reached 32,7%.<sup>5</sup> Moving on to Malaysia and Brunei Darussalam, it is unpleasant that there is no data in summarizing how many women in the country had experienced physical and sexual violence from their partner and how many girls that went through child marriage. UN WOMEN through their website also provided a data of how 17,3% women in the Myanmar had at least experienced physical or sexual violence from their partner at least once in their life, and it is also reported that 16% girls in the country went through child marriage.<sup>6</sup> The data varies in each country, as in the Philippines, UN WOMEN reported that 14,8% Filipino

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<sup>3</sup> UN WOMEN, "Global Database on Violence against Women in Cambodia," <https://evaw-global-database.unwomen.org/en/countries/asia/cambodia> (accessed on September 7, 2022)

<sup>4</sup> UN WOMEN, "Global Database on Violence against Women in Indonesia," <https://evaw-global-database.unwomen.org/en/countries/asia/indonesia> (accessed on September 7, 2022)

<sup>5</sup> UN WOMEN, "Global Database on Violence against Women in Lao People's Democratic Republic," <https://evaw-global-database.unwomen.org/en/countries/asia/lao-peoples-democratic-republic> (accessed on September 7, 2022)

<sup>6</sup> UN WOMEN, "Global Database on Violence against Women in Myanmar," <https://evaw-global-database.unwomen.org/en/countries/asia/myanmar> (accessed on September 7, 2022)

women had been physically or sexually harassed by their partner, and 16,5% of Filipino girls are reported to gone through child marriage.<sup>7</sup> Moving on to Singapore, it is quite expected that the rate in Singapore would be so much lower than the other countries as it is reported that Singapore has 0,6% cases of physical or sexual violence towards women and 0,1% of child marriage.<sup>8</sup> In Thailand, 20,2% of underaged Thai girls have experienced child marriage<sup>9</sup> and for the last country, almost 32% of Vietnamese women have experienced physical and sexual violence from their partner and the report also stated that 10,6% of Vietnamese underaged women had went through child marriage.<sup>10</sup>

To address more about violence against women in Indonesia, the National Commission on Violence against Women (NCVAW) or KOMNAS Perempuan, there were 299,911 cases of violence against women in Indonesia that were reported to the commission and most of the cases handled by the NCVAW were domestic violence and sexual harassments. Based on KOMNAS Perempuan's National Report in 2017, it is reported in 2016 that 75% of violence against women cases in Indonesia are in a form of domestic violence with more than 10,000 reported cases, and the total of reported cases of violence against women in the country reached

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<sup>7</sup> UN WOMEN, "Global Database on Violence against Women in Philippines," <https://evaw-global-database.unwomen.org/en/countries/asia/philippines> (accessed September 7, 2022)

<sup>8</sup> UN WOMEN, "Global Database on Violence against Women in Singapore," <https://evaw-global-database.unwomen.org/en/countries/asia/singapore> (accessed on September 7, 2022)

<sup>9</sup> UN WOMEN, "Global Database on Violence against Women in Thailand," <https://evaw-global-database.unwomen.org/en/countries/asia/thailand> (accessed on September 7, 2022)

<sup>10</sup> UN WOMEN, "Global Database on Violence against women in Viet Nam," <https://evaw-global-database.unwomen.org/en/countries/asia/viet-nam> (accessed on September 7, 2022)

259,150. Several cases of marital rape were also reported, and the reports regarding child marriage reached 8,488 reports<sup>11</sup> and this means that the state admitted and legalized 8,488 marriages of underaged children, and this needs to be reduced. In 2017, violent cases reported to the National Commission skyrocketed to 348,446 and domestic violence still dominates the report with physical violence report at the top, followed by sexual violence at the second position. On this year, the Commission also stated 3,528 cases of violence against women in public spaces as there were 911 cases of molestation, 704 cases of sexual harassment, and 699 rape cases. Another form of violence against women also reported in this year, which is a cyber-based violence that reached 65 cases in form of revenge porn, malicious distribution, cyber harassment to stalking.<sup>12</sup> Moving on to the next year, the amount of violence against women cases reported to the National Commission grew to 406,178 cases and domestic violence still dominates the report as there were 3,951 reported cases of physical violence and 2,988 cases of sexual harassment. Reported cyber-based violence against women also increased to 97 cases, and reports regarding violence against women in public spaces also increased to 3,915 cases.<sup>13</sup>

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<sup>11</sup> KOMNAS PEREMPUAN, “CATAHU 2017: Labirin Kekerasan terhadap Perempuan: Dari Gang Rape hingga Femicide, Alarm bagi Negara untuk Bertindak Tepat. Catatan Kekerasan Terhadap Perempuan Tahun 2016,” <https://komnasperempuan.go.id/catatan-tahunan-detail/catahu-2017-labirin-kekerasan-terhadap-perempuan-dari-gang-rape-hingga-femicide-alarm-bagi-negara-untuk-bertindak-tepat-catatan-kekerasan-terhadap-perempuan-tahun-2016> (accessed on September 8, 2022)

<sup>12</sup> KOMNAS PEREMPUAN, “CATAHU 2018: Tergerusnya Ruang Aman Perempuan dalam Pusaran Politik Populisme. Catatan Kekerasan Terhadap Perempuan Tahun 2017,” <https://komnasperempuan.go.id/catatan-tahunan-detail/catahu-2018-tergerusnya-ruang-aman-perempuan-dalam-pusaran-politik-populisme-catatan-kekerasan-terhadap-perempuan-tahun-2017> (accessed on September 8, 2022)

<sup>13</sup> KOMNAS PEREMPUAN, “Lembar Fakta dan Poin Kunci Catatan Tahunan Komnas Perempuan Tahun 2019: Korban Bersuara, Data Bicara: Sahkan RUU Penghapusan Kekerasan Seksual sebagai Wujud Komitmen Negara,” 2019, <https://komnasperempuan.go.id/catatan-tahunan-detail/lembar-fakta-dan-poin-kunci-catatan-tahunan-komnas-perempuan-tahun-2019> (accessed on September 8, 2022)

The amount of violence against women in Indonesia kept on growing on the next year, as it is reported in 2019 that there were 431,471 reported cases and domestic violence still stands first in the list as the amount of domestic violence in personal and community field reached 5,548 cases.<sup>14</sup> In 2020, the reported cases decreased to 299,911 even though domestic violence still dominates the reports.<sup>15</sup>

Based on a survey conducted by the Coalition for Safe Public Space (KPRA), the survey stated that three out of five women in Indonesia have at least experienced being sexually harassed in public spaces in the country, at the public spaces includes public transportation starting from *angkot*, public cars, and buses, to trains. It is saddening with the fact that sexual harassment towards women in public spaces are getting more “common” and normalized, and there is no proper action of tackling this issue from the commuter rail line operator, whereas the victims and the perpetrator eventually had to settle the case based on the sexual harassment cases report to PT Kereta Commuter Indonesia in 2017 to 2018.<sup>16</sup>

The growing cases of violence against women in Indonesia could not be separated from how several victims are not reporting the harassment they have

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<sup>14</sup> KOMNAS PEREMPUAN, “CATAHU 2020: Kekerasan Terhadap Perempuan Meningkat: Kebijakan Penghapusan Kekerasan Seksual Menciptakan Ruang Aman bagi Perempuan dan Anak Perempuan. Catatan Kekerasan Terhadap Perempuan Tahun 2019,” <https://komnasperempuan.go.id/catatan-tahunan-detail/catahu-2020-kekerasan-terhadap-perempuan-meningkat-kebijakan-penghapusan-kekerasan-seksual-menciptakan-ruang-aman-bagi-perempuan-dan-anak-perempuan-catatan-kekerasan-terhadap-perempuan-tahun-2019> (accessed on September 8, 2020)

<sup>15</sup> KOMNAS PEREMPUAN, “Lembar Fakta dan Poin Kunci Catatan Tahunan Komnas Perempuan tahun 2020: Perempuan dalam Himpitan Pandemi: Lonjakan Kekerasan Seksual, Kekerasan Siber, Perkawinan Anak, dan Keterbatasan Penanganan di Tengah COVID-19,” <https://komnasperempuan.go.id/siaran-pers-detail/catahu-2020-komnas-perempuan-lembar-fakta-dan-poin-kunci-5-maret-2021> (accessed on September 8, 2022)

<sup>16</sup> Widadio, Nicky Aulia, “Many Indonesian women face sexually harassment: survey,” <https://www.aa.com.tr/en/asia-pacific/many-indonesian-women-face-sexually-harassment-survey/1658677>, *Anadolu Agency*, 2019 (accessed on September 8, 2022)

experienced to a nearest law enforcers, as a survey from YouGov Omnibus stated that victims of sexual harassment are most likely to be embarrassed to report the incident to a local law enforcer and they felt that there are no one that willing to do anything to solve the problem, not forgetting about the backlash they might get by reporting it. Instead of reporting the harassment, women tend to tell their friends or family.<sup>17</sup>

From the data stated above, we can conclude that violence against women in Southeast Asia is still a concerning issue and needs to be taken more seriously by the government, and ASEAN also need to take a part in eradicating this issue.

ASEAN's role in dealing with several problems in the Southeast Asia region has gained attention from several parties starting from the governments to the global citizen in general. However, the main issue is there is no significant action from ASEAN in eradicating violence against women in the region until today. Violence against women in the region remains in a gray area and unsolved.

In eradicating violence against women in ASEAN region, ASEAN member states through the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) has implemented several initiatives which stated that every member states are obliged to have a legal arrangement towards protecting women's right in their country including policies and action plans to provide safety through judicial and public institutions. Another initiative stated is all member states are obliged to have their own ministry or institution to handle and supervise

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<sup>17</sup> Ho, Kim, "Three in ten Indonesian women have experienced sexual harassment," <https://id.yougov.com/en-id/news/2019/08/06/three-ten-indonesian-women-have-experienced-sexual/>, *YouGov*, 2019 (accessed on September 8, 2022)

women's growth in the country, ASEAN member states are also obliged to implement a national law to eradicate domestic violence and providing safety and facilities for victim of violence such as shelters and crisis centres.<sup>18</sup> As the background of violence against women in Southeast Asia region especially in Indonesia has been explained above, this research will focus more on ASEAN's role in eradicating violence against women in Indonesia during 2016-2020.

## **1.2 Research Question**

This research intends to explore the importance of protection towards women in ASEAN countries especially in Indonesia, including ASEAN's actions in eradicating violence against women. To set boundaries, this research will cover ASEAN's role and human rights related challenges in their effort in eradicating violence against in Southeast Asia countries especially in Indonesia in 2016-2020.

Thus, referring to the previously described background, this research has the goal in answering the following research questions:

- 1.2.1 What are ASEAN roles in eradicating violence against women in Indonesia during 2016-2020?

## **1.3 Research Objective**

- 1.1.1. To analyze ASEAN's active role in eradicating violence against women in Indonesia during 2016-2020.

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<sup>18</sup> Syahirah SS, Sharifah, "Regional-Global Governance Network on Women's Rights: CEDAW and its implementation in ASEAN Countries," 2014, (accessed on August 25, 2022)

## **1.4 Research Significances**

- 1.1.2. This research intends to emphasize the importance of eradicating violence against women and also addressing the urgency of protection towards women in Indonesia through ASEAN, and
- 1.1.3. This research hopes to inspire future researches with new insights regarding the CEDAW Convention.

## **1.5 Structure of Thesis**

This research consists of five chapters where the first chapter will present the introduction of the issue in this thesis, and followed by the relevancy of this research. Research question, objectives, and significances are included in completing the Chapter 1.

Moving on to the second chapter, this chapter will be discussing about the theoretical framework which includes literature review, followed by an International Relations theory and three concepts to answer the research question of this thesis which focuses on ASEAN roles in eradicating violence against women in Indonesia during 2016-2020.

For the third chapter, this chapter mostly focuses on how this research will be conducted starting from explaining the research approach, research method, data collection technique, and data analysis technique.



The fourth chapter is a very essential part in this research, as this chapter provides the analysis in answering the research question of this thesis.

For the last chapter, it will include the conclusion of this research followed by a recapitulation of the whole research. Recommendations for further research in the future will be also included in this chapter.

