

Justice? - Protests in Indonesia as girl raped by brother is jailed for abortion

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Activists file a complaint against judges who sentenced a 15-year-old girl to six months' jail.

Indonesian activists have filed an official complaint against three judges in Sumatra, who sentenced a teenage girl to six months in prison for having an illegal abortion after she was repeatedly raped by her brother.

An alliance of women's rights and child protection activists met with members of the Indonesian Judicial Commission in Jakarta on Monday to urge them to investigate, saying the decision to imprison the girl was "grossly unfair".

"In Indonesia they only see abortion as black and white, that we really can't have abortions, whatever happens," said Genoveva Alicia, a researcher from the Institute for Criminal Justice Reform (ICJR) who attended the meeting. "And they [the judges] see this as a normal case."

The 15-year-old girl from Sumatran province of Jambi was sentenced by the Muara Bulian district court earlier this month for having an abortion while she was eight months pregnant.

Abortion is illegal in Indonesia except if a woman's life is at risk or under certain circumstances if she has been raped, but only within the first 40 days.

Jambi Police arrested the siblings this June, after a foetus was discovered in a palm oil plantation.

Her 17-year-old brother told police he had raped his sister eight times since September last year and that when she refused his advances he would beat her. He also claimed that watching porn had driven him to sexually assault her.

He was sentenced to two years in prison for sexually assaulting a minor, while their mother is facing charges for assisting her daughter in aborting the pregnancy.

Activists have called for the government to review the decision to imprison the teenage girl, arguing she should be viewed as a victim, and her abortion as a medical emergency.

Despite the outcry the case has caused and widespread coverage in the media, sparking criticism of the government for punishing rape victims rather than helping them, Monday's meeting was the first time the judicial commission had heard of the case.

"When we went to the commissioner they did not even know the case existed before we talked about it," said Genoveva.

"Our main concern is that the girl should not be detained and the abortion that she had should not

be counted as a criminal offense, she should not be criminalised,” said Ferena Debineva, from the Indonesian Family Planning Association, who was present at the Monday meeting.

Debineva, described the jailing of the 15-year-old as a “failure of the system”.

Activists also pointed out irregularities in the case, including the fact the 15-year-old girl and her brother were both represented by the same lawyer, who was government-appointed.

A commissioner told the alliance representatives they were limited by judicial commission’s scope of authority, which only permits it to investigate alleged ethical violations.

However, the commission agreed to respond to the complaint within 30 days and to monitor the ongoing trial of the mother.

The development follows reports the 15-year-old girl now plans to appeal her sentence at the Jambi High Court.

Kate Lamb in Jakarta

P.S.

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