



GUIDE TO CREATING SOP

*for Press Companies
to Overcome
Sexual Violence
in the World of Work*





Guide to Creating SOP for Press Companies to Overcome Sexual Violence in the World of Work

**PR2Media & AJI Indonesia Collaboration
International Media Support (IMS) Indonesia**

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Table of Contents

Foreword by AJI Indonesia	4
I. Introduction	6
II. Purpose and Scope of the Guide	7
III. Sexual Violence in the World of Work	7
IV. Indonesian Law and Policy on Sexual Violence in the World of Work	11
V. The Importance of Press Companies Addressing Cases of Sexual Violence against Female Journalists	14
VI. Standard Operating Procedure (SOP)	15
VII. SOP Components	19
VIII. Attachment	25
IX. References	28

Stop Sexual Violence in the Journalists' World of Work

Many of us may have heard about cases of sexual violence in press companies or the journalists' world of work. However, the case only became a rumor in the press community. Not many victims of sexual violence dare to speak out. Even if they dare to speak out, sometimes the cases stop halfway because there are no specific regulations in the press company to handle cases of sexual violence.

Not to mention, if the perpetrator has a higher position such as a senior at work to a resource person who has a position such as an official or minister. These cases are sometimes normalized for various reasons. Starting from the press companies do not want to lose relations to advertising matters.

As a result, it is not surprising that cases of sexual violence in press companies and the journalists' world of work do not surface. If left untreated, this condition will get worse. There must be an appropriate space for victims to have the courage to speak up so we can all understand the problems and work together to find solutions.

For this reason, AJI Indonesia, in collaboration with PR2Media, conducted research on "Sexual Violence against Indonesian Female Journalists". This research is expected to be a safe space for female journalists to speak out because confidentiality is guaranteed. The results can be our joint evaluation to prevent cases of sexual violence from occurring in the journalists' world of work and to handle them better.

And the results of this research were quite surprising, as much as 82.6 percent of the 852 respondents admitted that they had experienced sexual violence throughout their journalistic careers. This is certainly a very large number that needs our attention. Although we must agree, this issue is not just a number. Regardless of the percentage of cases of sexual violence, the press community must have a good commitment to solving the cases.

AJI Indonesia hopes that this research can encourage press companies and press organizations (journalist organizations and media company organizations) to make regulations for the prevention and handling of cases of sexual violence within their respective bodies. These rules can be in the form of SOPs, company regulations, or Collective Labor Agreements (PKB).

Clear rules in the world of work regarding the prevention and handling of cases of sexual violence can at least provide guarantees for victims to report their cases. This is because this regulation can provide certainty that the press company or the organization where the victim belongs.

On the other hand, handling cases of sexual violence does require a lot of resources. Starting from the safe room for the victim to the recovery of the victim. Therefore, the government needs to contribute or support the handling of cases of sexual violence in the press world of work. At least by providing a safe place for victims of sexual violence or providing free psychological services for victims.

The series of work on handling cases of sexual violence in the world of work must be a shared responsibility, starting from the company to the government. This is because a healthy press workplace will be able to create a reliable Indonesian press, which can produce quality information for a better democracy.

Finally, AJI Indonesia would like to thank International Media Support (IMS) Indonesia for supporting this research to completion. We hope that the good cooperation with IMS will continue for a free Indonesian press and a better democracy.

Sasmito
Chief of AJI Indonesia

I. Introduction

A survey conducted by PR2Media and AJI Indonesia of 852 female journalists from 34 provinces in Indonesia showed that 82.6% (704) of respondents had experienced sexual violence throughout their journalistic careers.

The research, which was conducted from September to October 2022, asked female journalists' experiences regarding various types of sexual violence, which occurred online and offline, in the office and outside the office, and when carrying out journalistic work (the research report is submitted in a separate document).

The types of sexual violence that were asked of the respondents in this research included sexual harassment and sexual assault. Sexual harassment (occurring offline and online) consists of sexually offensive or derogatory comments, body shaming (ridicule/negative comments about body shape), sexual and explicit text messages and audio-visuals, as well as catcalling (sexual harassment through verbal expressions in public places). Meanwhile, sexual assault (occurring only offline) consists of experiencing unwanted sexual physical touch, being forced to touch or serve the perpetrator's sexual desires, and being forced to have sexual intercourse.

Of the 852 respondents, 57.2% of respondents stated that their office did not yet have a standard operating procedure (SOP) to deal with sexual violence against female journalists. Meanwhile, 42.8% of respondents stated that their offices already had SOPs. These SOPs can be in the form of special SOPs for handling sexual violence or general SOP, such as an SOP for the protection of journalists, which contains aspects of handling sexual violence.

After the survey, the research team conducted interviews with five female journalists and 10 press companies from various types of media (commercial and non-commercial) and platforms (online, broadcasting, print) to find out more about the (possibility of) drafting and implementing SOPs for handling sexual violence against female journalists.

Based on the research above, the research team found that many press companies in Indonesia needed support in preparing SOPs for handling sexual violence against female journalists. Even though several media already have rules or procedures for the protection of journalists in general, the informants

representing the press companies stated that the guidelines for developing SOPs that focus on handling sexual violence will strengthen the existing SOPs. Furthermore, all interview informants hoped that the Press Council could provide support for press companies in preparing SOPs for handling sexual violence against female journalists.

II. Purpose and Scope of the Guide

This guide was intended to assist press companies in developing standard operating procedure (SOP) for handling sexual violence against female journalists. With that in mind, this guide outlines the main points that need to be included in the guide as well as the principles that press companies need to follow when preparing SOPs.

This guide was intended to serve as a reference for various press companies in Indonesia, both commercial and non-commercial, including public press companies such as RRI and TVRI.

By referring to international human rights (HAM) conventions, Indonesian laws and regulations and legal policies, as well as other related references, such as the guidelines made by UN Women (2021) and SOPs for handling sexual violence which are already owned by several press companies, it is hoped that this guide will provide standards that uphold the rights of female workers in the context of Indonesian social and human rights law.

III. Sexual Violence in the World of Work

a. Definition of Sexual Violence

The definition of sexual violence in the research that forms the basis of this guide refers to various acts of violence that contain sexual elements, both physical and non-physical, verbal and non-verbal, as well as online and offline.

To facilitate the mapping of types of violence, the research uses two broad categories that are quite commonly used, namely sexual harassment and sexual assault (Herlihy et al., 2017). Sexual harassment refers to harassment without physical touching or contact. Meanwhile, sexual assault refers to an act of attack accompanied by sexual touch or physical contact.

Based on these two broad categories, various types of sexual violence have been identified, namely those mentioned and reviewed by various sources, such as the World Health Organization (2012), International Labor Organization (2019), Pulih Foundation (2017), Komnas Perempuan, Rainn (2022), Article 19 (2022), academics (Cook et al., 2018; Slaughter et al., 2018; Royal, 2019; Lewis et al., 2020), and Law No. 12 of 2022 on Crimes of Sexual Violence (2022).

When viewed in the context of journalistic work, researchers identified 10 types of sexual violence experienced by female journalists, namely:

a. Sexual harassment (all online and offline):

1. Sexually abusive or derogatory comments online
2. Sexually abusive or derogatory comments offline
3. Body shaming (ridicule/negative comments about body shape) online
4. Body shaming (ridicule/negative comments about body shape) offline
5. Receiving sexually explicit text or audio-visual messages online,
6. Shown sexually explicit text messages and audio-visual offline,
7. Catcalling (sexual harassment through verbal expression in public places) offline

b. Sexual assault (all offline):

1. Experiencing unwanted sexual physical touch,
2. Forced to touch or serve the perpetrator's sexual desires,
3. Forced to have sexual intercourse.

Based on the references above, the definitions of several regulations, including Law No. 12 of 2022 on Crimes of Sexual Violence (UU TPKS); Regulation of the Minister of Education, Culture, Research and Technology No. 30 of 2021 on Prevention and Handling of Sexual Violence in Higher Education Environments); and UGM Chancellor's Regulation No. 1 of 2020 on Prevention and Handling of Sexual Violence by the Community at Gadjah Mada University (PR UGM 1/2020), as well as the experiences of female journalists, we define sexual violence against female journalists as “physical or non-physical acts related to a person's body, sexual desire, and/or reproductive function by force or against someone's will, and in the condition that a person is unable to give consent in a free state because of an unequal relationship power and/or

gender relations, which results in or may result in physical, psychological, sexual, economic, social, cultural and/or political suffering or misery, which is carried out against female journalists in carrying out journalistic work”.

This guide refers to sexual violence which occurs only when female journalists are doing journalistic work. Or in other words, sexual violence that occurs in the working world of female journalists, both inside and outside the office, online and offline.

The scope of this research and guidance is limited to female journalists, bearing in mind that various references indicate that women are the most vulnerable to experiencing sexual violence. However, we recognize that sexual violence can also occur to male journalists, journalists with gender minorities, and non-journalist media workers (such as employees in advertising, marketing, and administration) of any gender. Therefore, press companies can adjust the scope of the SOP they will prepare according to their respective conditions and needs.

b. Scope of the World of Work

ILO Convention No. 190 on Violence and Harassment (Konvensi ILO 190) defines the world of work broadly, including:¹

- 1) In the workplace, including public and private spaces where they are a place of work;
- 2) In places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing, and changing facilities;
- 3) During work-related trips, travel, training, events, or social activities;
- 4) Through work-related communications, including those enabled by information and communication technologies;
- 5) In employer-provided accommodation; and
- 6) When commuting to and from work.

This applies to all sectors, both private and public, in the formal and informal economy, and in urban and rural areas.²

The world of work based on ILO Convention 190 also reaches various parties, including employees as defined by national law and practice; as well as persons working irrespective of their contractual status; persons in training, including interns and apprentices; workers whose

¹ Pasal 3 Konvensi ILO 190

² Pasal 2 ayat (2) Konvensi ILO 190

employment has been terminated; volunteers; job seekers and job applicants; and individuals exercising the authority, duties or responsibilities of an employer.³

c. Factors Influencing the Occurrence of Sexual Violence in the World of Work

Patriarchal culture and unequal gender relations are allegedly one of the roots of the problem of sexual violence. In the world of work, this problem is also influenced by the existence of various power relations, both because of position; gender (male, female, and others); religion (majority and minority); ethnicity (majority and minority); locality (indigenous people and immigrants); age (senior-junior); ability-disability; educational background; and so forth. In addition, poor working conditions, lack of clear regulations, unavailability of coping mechanisms, and a culture that blames the victim also contribute to the occurrence of sexual violence in the world of work.

According to Eddyono et al. (2022), several working conditions that put workers at high risk of experiencing sexual violence are:

- 1) Times and locations of work that expose workers to the possibility of sexual violence, for example when commuting to work at night or traveling long distances
- 2) Conditions that require working alone or in isolation, for example when workers are placed in isolated units and have to work at certain times with minimal other workers around
- 3) Jobs that require interaction with third parties, such as customers or patients
- 4) Sectors dominated by men
- 5) Significant changes in the world of work, such as intensive remote working due to the COVID-19 pandemic which can lead to an increased risk of online sexual harassment
- 6) Informal employment relationships which are generally accompanied by minimal protection, inadequate working conditions, and are characterized by economic vulnerability

³ Pasal 2 ayat (1) Konvensi ILO 190

IV. Indonesian Law and Policy on Sexual Violence in the World of Work

a. Human Rights Law

The Indonesian human rights legal framework has laid the foundations for non-violence, including sexual violence in the world of work. Since the second amendment, the 1945 Constitution of the Republic of Indonesia (UUD 1945) guarantees the right of everyone to be free from discriminatory treatment on any basis and to receive protection against discriminatory acts.⁴ The 1945 Constitution guarantees everyone's right to personal protection, respect, a sense of security and protection, and freedom from torture and degrading treatment of human dignity.⁵ The 1945 Constitution also guarantees the right of everyone to work and to receive fair and proper compensation and treatment in work relations.⁶ These rights are later reaffirmed in Law Number 39 of 1999 on Human Rights (UU HAM).⁷

Indonesia's commitment is also evident from the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).⁸ The ICESCR encourages States parties to recognize the right of everyone to just and favorable conditions of work, ensuring safe and healthy working conditions.⁹ This is in line with one of the eliminations of discrimination in the context of work as emphasized by CEDAW, including the protection of health and safety in working conditions.¹⁰ CEDAW General Recommendation No. 19 then emphasized that sexual harassment in the workplace is a form of gender-based violence against women which can disrupt equality in employment.¹¹ This is affirmed by CEDAW General

⁴ Pasal 28I ayat (2) UUD 1945

⁵ Pasal 28G ayat (1) dan (2) UUD 1945

⁶ Pasal 28D ayat (2) UUD 1945

⁷ Pasal 29 ayat (1), 30, dan 33 ayat (1) UU HAM

⁸ See Undang-Undang Nomor 7 Tahun 1984 tentang Pengesahan Konvensi Mengenai Penghapusan Segala Bentuk Diskriminasi Terhadap Wanita (*Convention on The Elimination of All Forms of Discrimination against Women*) and Undang-Undang Nomor 11 Tahun 2005 tentang Pengesahan *International Covenant on Economic, Social and Cultural Rights* (Kovenan Internasional tentang Hak-hak Ekonomi, Sosial dan Budaya).

⁹ Pasal 7 huruf (b) ICESCR

¹⁰ Pasal 11 ayat (1) huruf (f) CEDAW

¹¹ CEDAW General Recommendation No. 19 (1992), accessed from

<https://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>

Recommendation No. 35 that are also aware that there are contemporary forms in which violence occurs online.¹²

b. Criminal Law

Since the enactment of Law No. 12 of 2022 on Crimes of Sexual Violence (TPKS Law), Indonesia has specific and comprehensive criminal provisions regarding sexual violence, both in terms of definition; variety of forms; penalty; victim's rights; procedural law; supervision; even to prevention and community participation. The existence of the TPKS Law confirms and complements existing provisions, such as in the Criminal Code (KUHP); Law No. 21 of 2007 on the Crime of Trafficking in Persons (TIP Law); Law No. 44 of 2008 on Pornography (Pornography Law); Law No. 11 of 2000 on Information and Electronic Transactions as amended by Law No. 16 of 2016 (UU ITE); and Law No. 13 of 2006 on Protection of Witnesses and Victims as amended by Law No. 31 of 2014. The provisions in the TPKS Law are criminal law mechanisms that apply in general and can be applied to the world of work. However, an alternative mechanism from the perspective of labor law is still needed, bearing in mind that not all victims of sexual violence in the world of work process what they experience through criminal law mechanisms due to various considerations (Eddyono et al., 2022).

c. Labor Law

Indonesian labor law has laid the foundations for protecting workers from sexual violence. However, there are still limitations that need to be considered.

First, Law No. 13 of 2003 on Manpower (UU Ketenagakerjaan) does not specifically regulate sexual violence, but provides the right for every worker to obtain protection for occupational safety and health; morals and decency; as well as treatment in accordance with human dignity and values as well as religious values.¹³ On the one hand, this provision serves as a basis for workers to obtain protection from various forms of violence, including sexual violence. On the other hand, the term "morality and decency" is quite problematic because it refers to traditional ideas about what is moral and immoral in society, which can actually be used to blame victims (Eddyono et al., 2022).

¹² CEDAW General Recommendation, hal. 7, accessed from <https://digitallibrary.un.org/record/1305057?ln=en>

¹³ Pasal 86 ayat (1) UU Ketenagakerjaan

Second, work safety in Law No. 1 of 1970 on Occupational Safety (UU Keselamatan Kerja) covers all workplaces within the territory of the Republic of Indonesia, both on land; in the ground; water level; in water; and air.¹⁴ However, the workplace in question tends to be oriented towards physical workplaces in the form of a room; field; yard and its surroundings, such as a mining business place; loading and unloading of goods; agricultural land; development area; etc.¹⁵ Work safety in question also refers to work safety in the context of work accidents, for example, related to fires; explosion hazards; spreading of radiation; poisoning; dangerous electric currents; etc.¹⁶

The provisions that are most relevant to sexual violence are Government Regulation No. 88 of 2019 on Occupational Health (PP Kesehatan Kerja). Occupational health is an effort to protect everyone in the workplace so that they live healthy life and are free from occupational health problems and bad influences resulting from work.¹⁷ This regulation defines Occupational Diseases as diseases caused by work and/or work environment, and makes physical and mental health improvement one of the Occupational Health Standards.¹⁸ Unfortunately, this regulation is also still oriented to the physical workplace.¹⁹

Third, there is already a Circular Letter of the Minister of Manpower and Transmigration No. SE.03/MEN/IV/2011 (SE Menaker 2011) which calls on governors and regents/mayors throughout Indonesia to encourage tripartite elements – employers, trade unions, and the government – in their area to create comfort in the workplace through the prevention of sexual harassment. This Circular Letter contains guidelines detailing the minimum requirements to prevent sexual harassment, points that need to be accommodated in a policy statement, preventive measures, and handling mechanisms ranging from complaints receiving procedures to monitoring and evaluation.²⁰ However, this Circular Letter is not legally binding and only covers sexual harassment.

¹⁴ Pasal 2 ayat (1) UU Keselamatan Kerja

¹⁵ Pasal 1 ayat (1) *jo.* Pasal 2 ayat (2) UU Keselamatan Kerja

¹⁶ Pasal 3 ayat (1) UU Keselamatan Kerja

¹⁷ Pasal 1 angka 1 PP Kesehatan Kerja

¹⁸ Pasal 2 dan Pasal 5 huruf e PP Kesehatan Kerja

¹⁹ Pasal 1 angka 1 *jo.* Pasal 1 angka 4 PP Kesehatan Kerja

²⁰ Attachment SE Menaker 2011, hlm. 11-19

d. Law and Policy in Journalism

Law Number 40 of 1999 concerning the Press (UU Pers) lays the foundation for legal protection for journalists in carrying out their profession. This provision was followed up by the issuance of Press Council Regulation No. 1/Peraturan-DP/III/2013 concerning Guidelines for Handling Cases of Violence against Journalists. This guide emphasizes the importance of journalist safety as a fundamental element of freedom of expression; defines violence against journalists; details the forms of violence against journalists; confirms the principles of case handling; contains steps for handling cases; emphasizes the responsibilities of each party, including press companies, journalist professional organizations, and the Press Council.²¹ However, these guidelines do not specifically refer to sexual violence. The forms of violence that are accommodated are limited to physical violence, non-physical violence, destruction of reporting equipment, attempt to obstruct journalists' work, as well as other forms of violence that refer to the Criminal Code and the Human Rights Law.²²

V. The Importance of Press Companies Addressing Cases of Sexual Violence against Female Journalists

Press companies need to see the problem of sexual violence in the journalistic world of work in the construction of human rights, especially as a form of violence that threatens the human rights of female journalists. The limitations in criminal law, labor law, and law in the field of journalism need to be seen as spaces that can be filled by press companies due to the urgency to provide protection internally. Moreover, as employers, press companies are actually obligated to comply with the implementation of occupational health.²³

Press Council Regulation No. 1/Peraturan-DP/III/2013 also places several responsibilities on press companies in handling cases of violence against journalists, including providing protection; providing assistance; and avoiding peace or agreement with the abuser.

Therefore, press companies need to develop internal policies to address sexual violence against female journalists, both through prevention and handling. This

²¹ Peraturan Dewan Pers Nomor 1/Peraturan-DP/III/2013 tentang Pedoman Penanganan Kasus Kekerasan Terhadap Wartawan, accessed from

https://dewanpers.or.id/assets/documents/peraturan/1907030647_2013_Peraturan_DP_NO_01_TTG_PEDO_MAN_PENANGANAN_KASUS_KEKERASAN_TERHADAP_WARTAWAN.pdf

²² *Ibid.*

²³ Pasal 3 ayat (2), Pasal 3 ayat (1) *jis.* Pasal 2 PP Kesehatan Kerja

needs to be done by adhering to existing principles and considering the experiences of female journalists with sexual violence. In addition, press companies can look at the experiences of employers in other sectors, for example, government agencies, higher education institutions, professional organizations and companies working in other fields, which have already developed internal policies to address sexual violence.

VI. Standard Operating Procedure (SOP)

a. What is an SOP?

The standard operating procedure (SOP) for dealing with sexual violence against women journalists in a press company is an official document for a press company that outlines in detail the steps that must be taken by all parties within the organization to prevent and deal with sexual violence against female journalists when carrying out their journalistic work.

All parties here refer to all employees, the board of directors, to the commissioners or supervisory board of the press company. In this guide, these parties are referred to as internal stakeholders. Meanwhile, external stakeholders are external parties who are invited to work together or asked for assistance in implementing the SOP, for example, psychologists or advocacy organizations from outside the organization.

b. How to Prepare an SOP?

The SOP drafting process is as important as the final SOP product itself. Because the implementation of this SOP will involve the roles of internal and external stakeholders, it is better if their preparation involves them too.

Research conducted by PR2Media and AJI Indonesia shows that sexual violence experienced by female journalists is different and each press company has different challenges and contexts as well. Because of this, press companies need to map out who are the internal parties apart from female journalists who will be most influenced by the existence of the SOP and external parties who can be invited to partner in implementing the SOP.

We hope that each press company can develop this guide into an SOP that meets their own needs.

c. Stages of SOP Preparation

Below are the steps for preparing an SOP that can be adapted by press companies:

1. Form the SOP Preparation Team

Research conducted by PR2Media and AJI Indonesia shows that the unit or department of human resources (HR) is considered the most appropriate unit to serve as the coordinator for the preparation of this SOP. Interviews with journalists and representatives of press companies also reveal that having an HR department that is sensitive to and knowledgeable about sexual violence issues is critical because survivors of sexual violence need to feel safe when interacting with them. Thus, the HR department must have a gender perspective, which can be enriched, for example by participating in training related to sexual violence in the world of work.

However, press companies can appoint parties other than the HR department according to existing needs.

The SOP preparation coordinator is usually also the coordinator or person in charge of SOP implementation, however, this is not required.

Press companies can also consult or ask for help from external parties with experience in preparing SOPs related to sexual violence, for example, the Center for Legal, Gender, and Community Studies at the UGM Faculty of Law.

2. Gather All Stakeholders

As previously stated, stakeholders are classified as internal and external. Internal parties include the press company's employees, board of directors, commissioners, and supervisory board. External stakeholders are outside parties who are invited to work together or asked for assistance in implementing the SOP, for example, psychologists or advocacy organizations, including Komnas Perempuan.

All of these parties should be informed about the plan for preparing this SOP from the beginning and invited to discuss the process that will be undertaken. If, for example, the SOP preparation coordinator is a manager in the HR department, he or she needs to explain the work plan along with the references to be used.

The context and needs of each press company are different so the SOP drafters need to prepare supporting resources (human, financial, corporate culture) before drafting the SOP.

3. Define Stages and Timelines

Based on this guide and possibly other sources, the SOP drafter needs to determine the stages to be followed in the preparation of the SOP and the timeline, so that the targets are measurable and realistic to achieve.

4. Prioritize Recording Feedback from Sexual Violence Survivors in Your Press Company

The types of sexual violence, the perpetrators, their impact, and the assistance expected by survivors vary widely. Because of this, it is crucial for SOP drafters to listen to stories from female journalists in your company regarding their experiences and what support they need.

5. Prepare the First Draft of SOP with Systematics that Contains SOP Components

This guide includes SOP Components, or the essential elements that need to be present in a good SOP. SOP drafters in press companies (for example, the HR department) might change or adapt the terms used here to reflect their own terms and habits.

6. Present or Share the Initial First of the SOP to Stakeholders

SOP drafters need to present or share an initial draft of the SOP with stakeholders to collect input and feedback.

To facilitate coordination between various parties, SOP drafters can create a WhatsApp group, which also allows parties to share references. Financial support is one thing to consider here, for example, if the press company is to provide extra personnel for SOP implementation. However, extra funds may also not be needed when a press company receives support from, for example, a psychology institute through content bartering, as stated by one of the media editors in an interview conducted by PR2Media in the research that underlies this guide.

7. Record and Consider Stakeholder Input for SOP Finalization

The finalization of the SOP comes after the discussion process. At this stage, the SOP drafter has a complete SOP that takes into account the financial and non-financial support that press companies must provide in implementing the SOP.

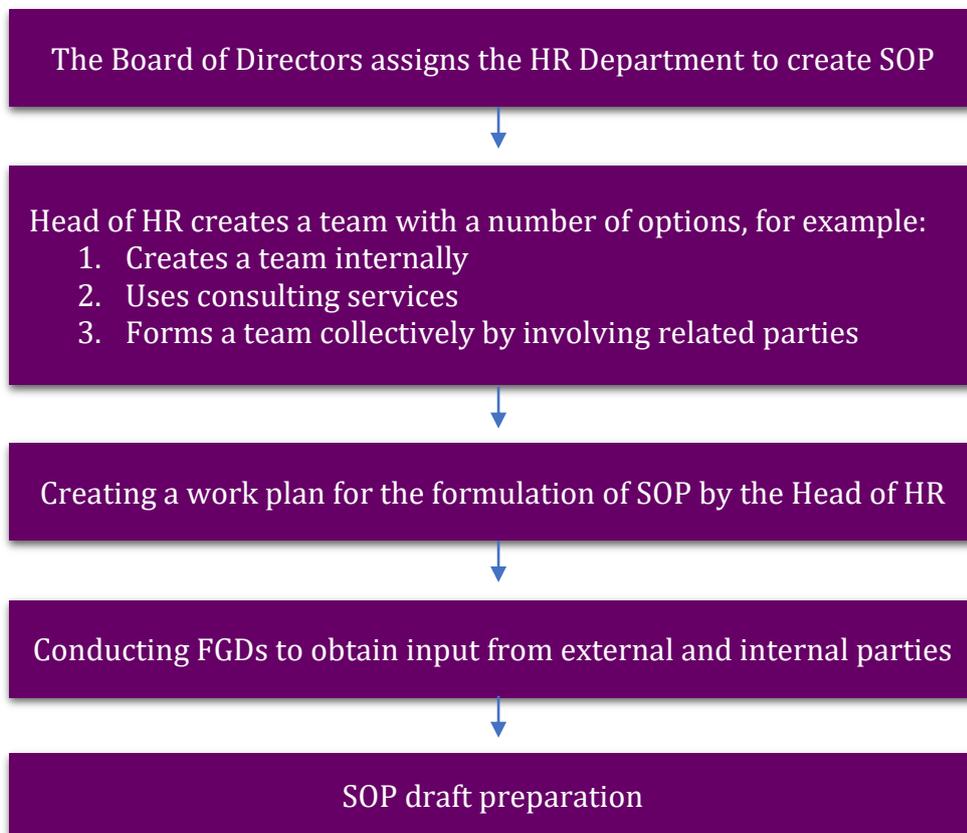
8. Distribute SOP to All Employees in the Press Company (Conducting Training or Workshop for SOP Socialization)

After it is final and approved by the directors and commissioners or supervisors, the SOP needs to be distributed to all employees. If needed, press companies can organize training or workshops for SOP socialization.

9. Determining the Party to Supervise the SOP Implementation

The last stage that is no less important is to determine the party or team that will supervise the implementation of the SOP. In the research interviews we conducted, most journalists and press companies stated that the board of directors is the appropriate party to oversee the HR department—if this department is the coordinator or person in charge of implementing SOPs.

To maintain the independence and credibility of supervisors, it is best if the supervisory team consists of at least three different elements, for example, directors (1 person), employees (1 person), and community elements (for example lawyers, psychologists, community leaders, journalist associations or media companies, 1 person).



Picture 1. One model of the SOP preparation flow

VII. SOP Components

The components here are what SOP drafters need to include in the SOP to address sexual violence against female journalists. There are seven components as follows.

a. Background, Purpose, and Scope of SOP

Write down the background, purpose, and scope of the SOP, namely for example to prevent and handle cases of sexual violence against female journalists in a press company while doing journalistic work. You can also add that the SOP was created to strengthen the rules regarding the protection of journalists that already exist in your place.

b. Legal Basis

The legal basis for preparing and implementing SOPs needs to be written down as a reference for all stakeholders. Several laws and regulations in Indonesia that can be referred to include:

- a. 1945 Constitution (*Undang-Undang Dasar Tahun 1945*)
- b. Law No. 1 of 1946 concerning Regulations on Criminal Law (*Undang-Undang No. 1 Tahun 1946 tentang Peraturan tentang Hukum Pidana*)
- c. Law No. 1 of 1970 on Occupational Safety (*Undang-Undang No. 1 Tahun 1970 tentang Keselamatan Kerja*)
- d. Law No. 7 of 1984 concerning Ratification of the Convention on The Elimination of All Forms of Discrimination against Women (*Undang-Undang No. 7 Tahun 1984 tentang Pengesahan Konvensi Mengenai Penghapusan Segala Bentuk Diskriminasi Terhadap Perempuan*)
- e. Law No. 39 of 1999 on Human Rights (*Undang-Undang No. 39 Tahun 1999 tentang Hak Asasi Manusia*)
- f. Law No. 40 of 1999 on the Press (*Undang-Undang No. 40 Tahun 1999 tentang Pers*)
- g. Law No. 11 of 2005 concerning Ratification of the International Covenant on Economic Social and Cultural Rights (*Undang-Undang No. 11 Tahun 2005 tentang Ratifikasi Perjanjian Internasional Mengenai Hak-Hak Ekonomi, Sosial dan Budaya*)

2005 tentang Pengesahan Kovenan Internasional tentang Hak-Hak Ekonomi, Sosial dan Budaya)

- h. Law No. 13 of 2006 on Protection of Witnesses and Victims as amended by Law no. 31 of 2014 (*Undang-Undang No. 13 Tahun 2006 tentang Perlindungan Saksi dan Korban sebagaimana diubah dengan Undang-Undang No. 31 Tahun 2014*)
- i. Law No. 21 of 2007 on the Crime of Trafficking in Persons (*Undang-Undang No. 21 Tahun 2007 tentang Tindak Pidana Perdagangan Orang*)
- j. Law No. 11 of 2008 on Information and Electronic Transactions as amended by Law no. 19 of 2016 (*Undang-Undang No. 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik sebagaimana diubah dengan Undang-Undang No. 19 Tahun 2016*)
- k. Law No. 44 of 2008 on Pornography (*Undang-Undang No. 44 Tahun 2008 tentang Pornografi*)
- l. Law No. 12 of 2022 on Crimes of Sexual Violence (*Undang-Undang No. 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual*)
- m. Government Regulation no. 88 of 2019 on Occupational Health (*Peraturan Pemerintah No. 88 Tahun 2019 tentang Kesehatan Kerja*)
- n. Press Council Regulation No. 1/Regulation-DP/III/2013 on Guidelines for Handling Cases of Violence against Journalists (*Peraturan Dewan Pers No. 1/Peraturan-DP/III/2013 tentang Pedoman Penanganan Kasus Kekerasan terhadap Wartawan*)
- o. Circular Letter of the Minister of Manpower and Transmigration No. SE.03/MEN/IV/2011 concerning Guidelines for the Prevention of Sexual Harassment in the Workplace (*Surat Edaran Menteri Tenaga Kerja dan Transmigrasi No. SE.03/MEN/IV/2011 tentang Pedoman Pencegahan Pelecehan Seksual di Tempat Kerja*)

c. Definitions and Explanations for Key Terms

Define sexual violence and its types clearly so that all stakeholders have the same understanding of sexual violence and its scope. Other relevant key terms to write down in the SOP include the definition of victim or survivor, reported party, perpetrator, prevention, handling, consultation or counseling, executor or person in charge of SOP implementation, verification, sanctions, and others.

We have provided the definition of sexual violence above, which is also used in the research report that served as the foundation for the preparation of this guide. Given the various definitions of sexual violence that exist, press companies can use the definition they deem suitable.

d. Principles

There are some principles that need to be upheld in the SOP for handling sexual violence. The following are the principles we propose here, which can be supplemented as needed:

1. Survivor-Centered

All procedures in the SOP must be oriented towards the interests of survivors, namely paying attention to fulfilling and protecting survivors' rights and needs. The keywords here are survivors' physical and emotional security, so the SOP implementer must prioritize survivors' comfort and without any coercion on survivors.

2. Non-Judgemental

All procedures in the SOP must respect survivors' experiences, and SOP implementers should not judge or blame survivors.

3. Non-Discriminatory

All procedures in the SOP must recognize and respect the diverse backgrounds of survivors, regardless of seniority (age factor), office position, work experience, ethnicity, religion, race, sexual orientation, education, and so on. However, SOP implementers must also be sensitive to the factors above so that survivors feel safe and comfortable when reporting their cases.

4. Gender Equity

SOP implementers must have a gender-equity perspective so they can listen to and understand survivors' experiences and needs.

5. Equality

All procedures in the SOP must be based on the principle that survivors of violence and implementers of SOP have equal power.

6. Confidentiality and Security of Data

All procedures in the SOP, including documentation and reporting to parties other than those reported by the survivor, must be carried out with the survivor's permission and the personal data collected must be kept as confidential as possible.

7. Independence and Impartiality

Press companies are responsible for implementing the SOP free from influence and pressure from any party. Then, impartiality means that the handling of cases of sexual violence is carried out objectively without presumption.

e. Prevention Mechanism

Preventive measures can be taken in the following five ways:

1. Policy Statement

It is necessary to make a policy statement containing an affirmation of the company's principles in preventing sexual violence in the work environment.²⁴ Policy statements should be made in writing, openly accessible, and issued by the top leadership of the press company.²⁵ This is necessary to encourage commitment from all levels within the press company as well as to draw the attention of third parties.²⁶

2. Socialization on the Realization of a Healthy and Safe Work Environment.

This can be done, for example, by providing materials against sexual violence in the work environment in the form of posters, newsletters, or other publications.

3. Work Agreement

This can be done, for example, by including an anti-sexual violence element in the work agreement between the company and the employee.

4. Training and Guides

²⁴ Eddyono et.al., *Op.Cit.*, hlm. 48

²⁵ *Ibid.*, hlm. 49

²⁶ *Ibid.*, hlm. 48-49

This can be done, for example, by including anti-sexual violence material in the training held for all employees. In addition, press companies can organize training or create guides for female journalists to prevent or anticipate acts of sexual violence committed by informants or other parties outside the office.

5. Integrity Pact

If necessary, the press company can make an integrity pact to reject all forms of sexual violence, which will be a form of joint commitment to preventing acts of sexual violence in the office.

f. Handling Mechanism

1. Reporting procedures for survivors must be described as clearly as possible, starting from the flow, the medium that can be used, and the recommended procedures. For example, if the party assigned to receive the initial report is the HR department, can the reporting be via email, telephone, WhatsApp, or face-to-face? Then what phone number is provided for that?
2. This reporting procedure also needs to emphasize that the protection of privacy and confidentiality is something that will be upheld so that survivors can be sure that their reports are safe, including if, for example, they report colleagues or superiors in the office.
3. Chronologically, the following is an example of a reporting procedure that can be written in an SOP:
 - a. Victims can make written reports, telephone or face-to-face
 - b. The party receiving the report performs documentation, verification, assessment, and analysis of the cases received.

As mentioned in the principle component, documentation must be done with the consent of the survivor and the personal data collected must be kept as confidential as possible. The survivor's privacy must be a priority in the process of documenting cases of sexual violence.

Minimum data that needs to be collected:

- Type of violence
- Date and place of incident (including if done online)
- Information about the perpetrator (if known)
- Responses/follow-ups to be carried out by the report recipient

The data is very sensitive so the SOP implementer who collects the data must be able to protect it as best as possible, and it is necessary to ask permission from the survivors if they are going to share the data with other people, even including their seniors.

- c. If needed, survivors will receive early services, which can be in the form of referrals to health facilities including psychological consultations.
 - d. The party who receives the report decides whether the case needs to be followed up, taking into account the survivor's preferences.
 - e. If the survivor wants the case to be further processed, the party who receives the report begins to collect relevant evidence (if any), including examining the reported party, following the existing SOP mechanism.
 - f. The SOP implementers submit a report on the results of case handling to the directors of the press company.
4. For consultation or counseling, the press company can mention the facilities that the office can provide. For example, if survivors need it, the office already has contact or cooperation with psychological institutions or psychologists outside the office who are ready to serve the counseling needs of survivors of violence. Apart from that, it should also be written down that if legal advocacy is needed, the office has partners who are ready to be consulted on this matter.

g. Monitoring and Evaluation Mechanism

Good documentation, including notes on case follow-up, is one tool that can be used to regularly evaluate SOP implementation. Another thing that can also be used is input or feedback from survivors after they have made a report according to the SOP flow.

Therefore, monitoring and evaluation of SOPs must be carried out by parties other than SOP implementers. So, for example, if the SOP implementer is the HR department, then the supervisor can be the director or senior of the HR department.

The mechanism for monitoring and evaluation of the SOP implementation, such as who does it, when it is done, and the procedure, must be clearly stated in the SOP.

VIII. Attachment

a. Checklist for Self-Assessment

(can be adjusted according to the context of the press company)

No	Principle	Question
1	Survivor-Centered	Has your press company provided survivors with adequate information about the support and options available, including the advantages and disadvantages if any?
2	Non-Judgemental	Has your press company provided services prepared or trained to deal with survivors?
		Are employees (SOP implementers) in your press company trained to handle cases of sexual violence?
		If so, are the employees at your press company able to recognize and understand the physical and psychological signs of survivors of sexual violence?
3	Non-	Does your press company respect survivors

	Discriminatory	<p>regardless of background, such as religion, race, ethnicity, position, sexual orientation, and so on?</p> <p>Do the employees (SOP implementers) at your press company understand the efforts to prevent stigma or discrimination so as not to prevent survivors from reporting their cases?</p>
4	Gender Equity	<p>Does your press company value the fulfillment of the rights, obligations, and opportunities of all employees, including survivors?</p> <p>Do the employees (SOP implementers) in your press company have a gender-equity perspective towards survivors?</p>
5	Equality	<p>Do the employees (SOP implementers) at your press company have a non-degrading attitude towards survivors?</p>
6	Confidentiality and Security of Data	<p>Does your press company have a safe and comfortable space for survivors to tell stories?</p> <p>Does your press company have data collection and storage protocols submitted by survivors to ensure the confidentiality and security of the data?</p>
7	Independence and Impartiality	<p>Is your press company capable of building a system for handling sexual violence that is free from the influence or pressure of any party?</p> <p>Are employees (SOP implementers) at your press company able to act professionally and not be affected by conflicts of interest?</p> <p>Are employees (SOP implementers) at your press company able to protect survivors from various forms of intimidation?</p> <p>Are the employees (SOP implementers) at your press company able to protect the rights and confidentiality of the reported party?</p>

b. External Partners

- Help for victims of violence: Carilayanan.com
- Mental Health and Suicide Prevention Hotline: +62 811 3855 472 (L.I.S.A)
- KBGO complaint link to Safenet: <https://id.safenet.or.id/laporkasus/>
- Legal Consultation Assistance related to Sexual Violence SOP: Center for Law, Gender, and Society Studies, Faculty of Law UGM (<https://lgs.law.ugm.ac.id>)

c. PR2Media and AJI Indonesia Research Report (in separate documents)



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Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia

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GUIDE TO CREATING SOP

*for Press Companies
to Overcome
Sexual Violence
in the World of Work*



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