



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Consideration of reports submitted by States parties under article 44 of the Convention

Third and fourth periodic reports of the State party 2007

**Indonesia\***

[14 October 2010]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

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## I. Introduction<sup>1</sup>

1. The Government of the Republic of Indonesia welcomes the recommendations of the Committee regarding its Second Periodic Report on the Implementation of the Convention on the Rights of the Child. The government has taken strategic steps in translating the Committee's recommendations into policy, programs, and activities explained in this report.
2. The government has enacted several laws during this reporting period:
  - (a) Law No. 13 of 2003 regarding Labour;<sup>2</sup>
  - (b) Law No. 20 of 2003 regarding National Education System;<sup>3</sup>
  - (c) Law No. 23 of 2004 regarding Elimination of Domestic Violence;<sup>4</sup>
  - (d) Law No. 11 of 2005 regarding Accession to the International Covenant on Economic, Social and Cultural Rights;<sup>5</sup>
  - (e) Law No. 12 of 2005 regarding Accession to the International Covenant on Civil and Political Rights;<sup>6</sup>
  - (f) Law No. 12 of 2006 regarding Indonesian Citizenship;<sup>7</sup>
  - (g) Law No. 23 of 2006 regarding Population Administration;<sup>8</sup>
  - (h) Law No. 17 of 2007 regarding Long-term National Development Plan 2005–2025;<sup>9</sup>

<sup>1</sup> General Guidelines Regarding The Form And Contents of Periodic Reports To Be Submitted By State Parties Under Article 44, Paragraph 1 (b), Of The Convention, Adopted by the Committee at its 343rd Meeting (Thirteenth Session) on 11 October 1996.

<sup>2</sup> Article 68 mandated that entrepreneurs are prohibited to employ the children, and article 74 mandated that anyone is prohibited to employ and engage children in the worst forms of work.

<sup>3</sup> Article 6 on this Law mandated that every citizen who is 7–15 years, obliged to undertake the elementary education.

<sup>4</sup> Article 2 mandated that the household context includes the husband, the wife, and the children. Article 4 stated that the eradication of the domestic violence aims at preventing, protecting, taking measure toward the domestic violence, and maintaining the unity of harmonious and prosperous family.

<sup>5</sup> Article 10 mandated that the rights of the possible extension of the protection and the assistance for family, mothers, children, and the youths.

<sup>6</sup> Article 24 mandated the rights of the child for the protection needed as underage children, the obligation of every newborn child to be registered and the obligation to have a name, and the right of the child for the citizenship.

<sup>7</sup> Article 6 mandated that the Indonesian citizenship for the children as mentioned in the article 4 c, d, h, i, and article 5, cause the children to have the dual-citizenship, after reaching 18 years or having married, the children shall only affiliate to one citizenship.

<sup>8</sup> Article 27 provision 2 on the Explication of the Law, mandated the Publishing of the Quotation of the Birth Certificate without fee.

<sup>9</sup> Chapter IV. 1.2.A.5 the Enclosure of the Law stated that the development of women and children empowerment is directed towards the enhancement of the life quality and the role of women, the prosperity, and the protection of the children in the various development area; the decrease of the amount of violence, exploitation, and the discrimination against women and children; and the institutional and the gender and children mainstreaming network strengthening at the national and the regional level, including the availability of the data and gender's statistic.

- (i) Law No. 21 of 2007 regarding Eradication of Trafficking in Persons;<sup>10</sup>
- (j) Law No. 24 of 2007 regarding Disaster Management;<sup>11</sup>
- (k) The Government of Indonesia has signed the Convention on the Rights of Persons with Disabilities.<sup>12</sup>

3. The following is an elaboration of the Indonesian government's efforts in implementing the Convention in the third reporting period (1997–2002) and fourth reporting period (2002–2007).

## **II. General implementation efforts (arts. 4, 42, and 44, para. 6, of the Convention)**

4. The Government of Indonesia has withdrawn its declarations to articles 1, 14, 16, 17, 21, 22 and 29 of the 1989 Convention by submitting its instrument of withdrawal of declaration to the Secretary-General of the United Nations on 11 January 2005.

### **A. Legislation**

5. The Government of Indonesia ratified the Convention through a Presidential Decree in 1990. The Ratification of the Convention has inspired the amendment of Article 28B paragraph (2) of the Indonesian Constitution in 2000.<sup>13</sup> This Constitutional Mandate was operationally translated into Law No. 23 of 2002 regarding Child Protection.

### **B. Decentralization**

6. The Ministry of Home Affairs has a mechanism to ensure that all provisions in regional bylaws are consistent with the Convention and/or national laws.

### **C. Coordination and National Plan of Action**

7. Child protection is an obligation of all provincial, district and municipality governments according to Government Regulation Number 38 of 2007. Provincial, district and municipality governments established agencies to address child protection following Government Regulation Number 41 of 2007. Provincial, district and municipality governments also formed task forces involving non-governmental and business organizations in implementing child protection policies.

<sup>10</sup> Article 17 mandated if the victim of trafficking is a child, then the perpetrator will be criminalized with the addition of 1/3 of the verdict.

<sup>11</sup> Article 55 mandated that the provision of the protection of the vulnerable groups i.e. baby, baby under five-year old, child, pregnant and breast-feeding mother, in the forms of rescue, evacuation, health service, and social-psychology.

<sup>12</sup> It was signed in New York by the Ministry of Social Republic Of Indonesia, Bachtiar Chamsyah as the Representative of the Government of Indonesia on 20 March 2007.

<sup>13</sup> "Every child shall have the rights to survival, growth, and development and shall have the rights to protection from the violence and discrimination."

## **D. Independent monitoring**

8. Coordination to improve the effectiveness of child protection measures has been mandated by Law No. 23 of 2002 regarding Child Protection. The function has become so important, because implementation of the rights of the child is the responsibility of all stakeholders, including government, community, and parents. In that regard, the Indonesian Child Protection Commission (KPAI), the National Commission for Human Rights, and the National Commission for Women, as independent State institutions, both in their respective and collective monitoring capacities, have developed a mechanism for independent monitoring. These activities include cross institutional cooperation in the form of joint programs in cooperation with the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP), and the United Nations Population Fund (UNFPA). In the meantime, coordination between KPAI, National Commission for Human Rights, and National Commission for the Elimination of Worst Forms of Child Labor (KNPBPTA) is being developed.

9. In discharging of its respective mandate to address complaints related to children's rights, especially for children in conflict areas, KPAI and KNPBPTA enhanced their cooperation especially in the field of investigations. Both institutions also work together to enhance their legal standing in pro justitia investigation with regard to child abuse cases, including through the proposed amendment to Law No. 23 of 2002 regarding Child Protection.

10. KPAI and KNPBPTA faced resource constraints. This, however, should not be a hindrance to their efforts in providing effective child protection. The government has made efforts to gradually increase the resources to meet the needs of these two institutions.

11. To promote its independence, objectivity, effectiveness and public accountability, KPAI conducted a needs assessment in cooperation with UNICEF. This activity was aimed at promoting KPAI as an independent organ. This issue has also been raised with relevant Ministries and Government Institutions, including the Ministry of Administrative Reform, the Ministry of Finance, State Secretariat, and the National Development Planning Agency. KPAI regularly submits investigative reports, inputs/suggestions, and recommendations to the President of the Republic of Indonesia.

## **E. Data collection**

12. The BPS-Statistic Indonesia (Central Board of Statistics) conducted a survey of violence against women and children in 2006.

13. In addition, the Government of Indonesia has developed the following systems:

- (a) Database for recording and reporting handling of women and children victims of violence;
- (b) Database for recording and reporting victims of child trafficking;
- (c) Database for recording and reporting victims of child sexual exploitation;
- (d) Database for reporting children faced with legal prosecution;
- (e) Database for children outside of family care; and
- (f) Database for monitoring Convention on the Rights of the Child.

Development of database is supported by UNICEF, ICMC, ACILS, and ECPAT of Indonesia.

14. The mechanism for recording and reporting was integrated into the existing system in technical implementation units, such as hospitals, police, and immigration.

15. Challenges in data collection, including maintaining the sustainability of data updating, includes transfer and rotation of personnel in managing the data and diverse level of facilities and infrastructures across provinces, regencies and municipalities.

16. The government in its Medium-term National Development Plan 2009–2014 has included programs and their corresponding budget for child protection data collection.

## F. Dissemination of the Convention

17. For this reporting period, the government has conducted a dissemination of the Convention to the government officials, children, parents, families, integrated service post cadres, teachers, field officers/group facilitators, and general public by various means and mediums, including information campaigns, education, and advocacy. It needs to be noted that the government is yet to officially publish the Convention on the Rights of the Child official text in local languages. The Convention was yet to be fully integrated into development programs for the child. This is largely due to the fact that trainings about the Convention have not been given in a systematic, structured, and sustainable manner to decision makers, law-enforcement apparatus (police, prosecutors, civil society researchers, and prison wardens), professional groups, parents, teachers and general public at large.

18. Regarding Concluding Observations of the Committee on the Rights of the Child of the Indonesian 2nd Periodic Report on the Implementation of the Convention on the Rights of the Child submitted on 5 February 2002, the Indonesian Government has translated them into Bahasa Indonesia in March 2007 and published and distributed to relevant stakeholders.

19. The government has conducted training of trainers on CRC in 33 provinces, printed and distributed CRC documents to all stakeholders in the field of child protection. The public can access the CRC Implementation report on the internet at [www.kotalayakanak.org](http://www.kotalayakanak.org).

20. The government has taken strategic steps in implementing the Convention through:

- (a) National Action Plan for the Eradication of Sexual Commercial Exploitation of Children;<sup>14</sup>
- (b) National Action Plan for the Eradication of Woman and Child Trafficking;<sup>15</sup>
- (c) National Action Plan for the Elimination of Worst Forms of Work for Children;<sup>16</sup>
- (d) National Action Plan for Human Rights 2004–2009;<sup>17</sup>
- (e) National Action Plan for Education for All 2015;

<sup>14</sup> Presidential Decree Number 87 of 2002 regarding National Action Plan for the Eradication of Commercial Sexual Exploitation of Children.

<sup>15</sup> Presidential Decree Number 88 of 2002 regarding National Action Plan for the Eradication of Trafficking of Women and Children.

<sup>16</sup> Presidential Decree Number 59 of 2002 regarding National Action Plan for the Eradication of the Worst Forms of Work for the Children.

<sup>17</sup> Presidential Decree Number 40 of 2004 regarding National Action Plan for the Human Rights 2004–2009.

- (f) National Program for Indonesian Children 2015;
- (g) Healthy Indonesia Vision 2010;<sup>18</sup>
- (h) National Action Plan for Teenage Reproductive Health;
- (i) Implementation of Millennium Development Goals;<sup>19</sup> and
- (j) Program for the Development of Child Friendly Model Cities.<sup>20</sup>

21. In this reporting period, the Government has encouraged 41 regencies to increase budget allocation for children. Thirty-five regencies now have regional bylaws providing for free application for birth certificates, and 13 regencies have applied bylaws regarding iodized salt provision. Improvements in mother and child services in West Java, Papua and Maluku have reached 80 per cent of pregnant women in all target regions. Training and equipment for monitoring child growth and pre-natal care has been provided to 15,000 Posyandu (Integrated Service Posts) in nine provinces.

22. The Government has undertaken the following measures in the field of education:

- (a) Expanding awareness and early childhood education;
- (b) Providing free compulsory elementary education for all;
- (c) Supporting education and training for youths and adults;
- (d) Promoting literacy among adults to 50 per cent;
- (e) Achieving gender equality in 2015; and
- (f) Improving the quality of education.

23. The government promoted the development of policies and programs for eliminating the worst forms of work for children. The Regency of Kutai Kartanegara, East Kalimantan Province, was selected under this program as a pilot “Child Labor Free Zone”. The Programs include:

- (a) Program for the elimination of child domestic workers;
- (b) Program for the elimination of child trafficking for labor and sexual exploitation; and
- (c) Program for the prevention of trafficking of narcotics, psycho tropics, and addictive substances for children.

## G. Report preparation process

24. The preparation of this report involved relevant Ministries and State institutions,<sup>21</sup> provincial governments, child protection agencies throughout Indonesia, local and

<sup>18</sup> Decree of the Minister of Health of Republic of Indonesia Number 574/Menkes/SK/IV/2000 regarding Health Development Policy Towards Healthy Indonesia 2010.

<sup>19</sup> The Report on Development of Millennium Goals Developments, February 2004.

<sup>20</sup> Development of *Model Kota Layak Anak* (Child-Friendly City Models) is aimed at building the initiative of regional government to realize the National Program for Indonesian Children (PNBAI) 2015 by mainstreaming the rights of the child into city development planning. This initiative is transforming the UN Convention on the Rights of the Child from a legal framework into definitions, development strategy, and intervention such as policy, institutions, and programs that are child friendly. This concept was tested in 2006 in 5 regencies/municipalities and in 2007 in 10 regencies/municipalities.



international non-governmental organizations,<sup>22, 23</sup> and child representatives.<sup>24</sup> This preparation also involved a series of consultations of both national and provincial level.

### III. Definition of the child (art. 1)

25. A child is “every human being under the age of eighteen, including those still in the womb”. This definition refers to Article 1 paragraph (1) of Law No. 23 of 2002 regarding Child Protection.

26. The Government shared the concern of the Committee with regard to some practices of underage marriage in the country, and has made efforts to address it.

27. To prevent underage marriages the Government conducted a campaign on the risks of underage marriages in terms of the physical, mental and economical aspects. This effort is yet to show optimal results, because underage marriages are still prevalent in certain regions.

### IV. General principles

28. To achieve “A World Fit for Children”, the Government has launched a National Program for Indonesian Children 2015. This program serves as reference for all stakeholders in Indonesia’s child welfare and protection. There are four focus areas in the National Program for Indonesian Children: (a) promotion of healthy living; (b) quality education; (c) special protection; and (d) prevention of HIV/AIDS.

29. The National Program is based on four general principles of CRC that includes non-discrimination; best interests of the child; right to life, survival and development; and respect for the views of the child.<sup>25</sup>

<sup>21</sup> Ministry of National Education, Ministry of Health, Ministry of Social Affairs, Ministry of Labor and Transmigration, Ministry of Law and Human Rights, Ministry of Religious Affairs, Ministry of Foreign Affairs, Ministry of Home Affairs, Ministry of Transportation, Ministry of Tourism and Culture, Ministry of Communication and Information, Ministry of Public Works, Ministry of Women’s Empowerment, Ministry of Public Housing, Coordinating Ministry for People’s Welfare, National Development Planning Agency, Family Planning Coordination Agency, Central Statistics Agency, Attorney General Office, Police of the Republic of Indonesia.

<sup>22</sup> Non-governmental organizations include *Lembaga Perlindungan Anak dari Seluruh Indonesia*, *Yayasan Pemerhati Hak Anak*, *Yayasan Kesejahteraan Anak Indonesia*, *KOWANI*, *Jaringan LSM untuk Penghapusan Pekerja Anak*, *Forum Komunikasi Pengembangan dan Pembinaan Anak Indonesia*, *ECPAT Indonesia*, *Organisasi Pekerja Rumah Tangga Rumpun Gema Perempuan*, *Yayasan Amal Bakti Ibu*, *Yayasan Kusuma Buana*, *Yayasan Bangun Mitra Sejati*, *Yayasan Sayap Ibu*, *Yayasan Mitra Perempuan*, *Yayasan Pulih*, *Yayasan Sumber Pendidikan Mental Agama Allah*, *Dewan Nasional Indonesia Untuk Kesejahteraan Sosial*, *Forum Alumni Kohati Nasional*, *Lembaga Bantuan Hukum Asosiasi Perempuan Indonesia untuk Keadilan*, *Ikatan Dokter Anak Indonesia*, *Ikatan Bidan Indonesia*, *Perkumpulan Keluarga Berencana Indonesia*, *Konsorsium Catatan Sipil*, *Tim Penggerak Pendidikan Kesejahteraan Pusat*, and *Sahabat Andik*.

<sup>23</sup> International non-governmental organizations include Save the Children UK, Christian Children’s Fund (CCF), Plan International Indonesia, World Vision International Indonesia, and Terre des Hommes-Netherlands.

<sup>24</sup> Child’s representatives from ERKA, CCF, Sahabat Andik PKBI DKI Jakarta, Rumah Kita, IKODESA.

<sup>25</sup> Article 2 Law No. 23 of 2002 regarding Child Protection.

**A. Non-discrimination (art. 2)**

30. In applying the principle of non-discrimination for Indonesian child of Chinese descendant, the Government has revoked Presidential Instruction Number 14 of 1967 which placed restrictions on the observance of Chinese Religion, Beliefs, and Traditions by issuing the Presidential Decree No. 6 of 2000.

31. The government also passed Law No. 12 of 2006 regarding Indonesian Citizenship and Law No. 23 of 2006 regarding Population Administration that ensures the principle of non-discrimination, especially for Indonesian children of Chinese ethnicity and children of mixed marriages.

32. To deal with the economic and social disparities in and between rural and urban areas, and to prevent discrimination against marginalized children, the Government has established the National Community Empowerment Program (*Program Nasional Pemberdayaan Masyarakat/PNPM*) to help achieve the Millennium Development Goals that includes Urban Poverty Eradication Program, Environment and Residential Management Program, and Sub-district Development Program. The National Community Empowerment Program has reached 7,273 villages in 834 sub-districts from 252 regencies/municipalities in 33 provinces.

33. Urban Poverty Eradication Program aims at substantially reducing poverty through community empowerment and by promoting an independent movement for mitigating poverty and sustainable development, based on universal virtues and principles.

34. The Environmental and Residential Management Program aims at renovating and rebuilding shanty-towns in urban areas.

35. The Sub-district Development Program aims to promote the livelihood of people by involving the poor, including women and children, at every stage of activities. This program has a special mechanism to accommodate the aspiration of women through Special Women Consultations, in which they can propose and be involved in every activity. Between 1998 and 2006, the program has reached 34,103 poor villages in Indonesia, or more than half (54%) of all villages in Indonesia.

36. To reduce the homeless group and people living in unfit dwellings, Habitat for Humanity Indonesia is developing programs in Bandung, Batam, Jakarta, Manado, Surabaya, and Yogyakarta. This program aims to build simple, clean and affordable housing together with families who need it. The program targeted working families with children with a maximum monthly income of Rp. 1,000,000.- (around US\$ 100).

**B. Best interest of the child (art. 3)**

37. Article 28B paragraph (2) of the Indonesian Constitution mandates that “every child has the right to survive; grow and develop; and to be protected from violence and discrimination”. This Constitutional mandate is elaborated operationally in Law No. 23 of 2002 regarding Child Protection, Law No. 20 of 2003 regarding National Education System, Law No. 23 of 2004 regarding Elimination of Domestic Violence, Law No. 12 of 2006 regarding Citizenship, Law No. 23 of 2006 regarding Population Administration, Law No. 17 of 2007 regarding National Long-Term Development Plan 2005–2025, Law No. 21 of 2007 regarding Eradication of Human Trafficking Crime, and Law No. 24 of 2007 regarding Disaster Mitigation.

38. The best interest of the child principle has been integrated into policies of housing and residential development. This is reflected in the Healthy, Modest and Proper Housing Development Program that aims to provide the opportunity for poor families to live in

houses that are fit for children and other family members. In addition, to ensure the safety of street children, the Government has developed a schoolchildren safety program with the School Safety Zone initiative in five provinces since 2006. This program is part of Global Road Safety Partnership series initiated by the World Bank.

### C. The right to life, survival, and development (art. 6)

39. The 1945 Constitution and other laws guarantee a child's right to life; creating a conducive environment to ensure to the maximum possible extent the survival and development of children, including the physical, mental, spiritual, moral, and social development in a way consistent with human rights and dignity; and to prepare Indonesian children to be independent and ready for competition in the globalization era.<sup>26, 27, 28</sup>

40. Within the last reporting period, the government has developed the Healthy Regency/Municipality Administration Program. The program aims to create a clean, comfortable, safe, and healthy living and working environment in regencies/municipalities so as to improve the facilities, productivity and economy of the people. To reduce the child mortality rate from dengue fever and avian flu, the government, along with other stakeholders, is promoting public awareness about clean environment.

### D. Respect for the views of the child (art. 12)

41. Freedom of expression is not exclusive for adults. Constitutionally,<sup>29</sup> the State guarantees the freedom for everyone, including children, to express their opinions and or views in regard to their needs, desires, and best interests. Operationally, this Constitutional mandate is regulated through Law No. 23 of 2002 regarding Child Protection.<sup>30</sup> To establish mediums for child participation, the government has set up programs under the Medium-Term National Development Program 2004–2009.<sup>31</sup> One of the activities is to involve

<sup>26</sup> Article 62 Law No. 39 of 1999 regarding Human Rights states that “[e]very child shall have the right to obtain health care and social security properly, according to the physical and mental spiritual needs”.

<sup>27</sup> Article 44 (1) Law No. 23 of 2002 regarding Child Protection states that “The government shall be required to provide facilities and make efforts to ensure comprehensive healthcare for children so that every child shall obtain the best possible health from conception.”

<sup>28</sup> Article 28H paragraph (1) of the 1945 Indonesian Constitution states “[e]very person shall have the rights to live in physical and spiritual prosperity, to have a home and to enjoy a good and healthy environment, and shall have the right to obtain medical care”.

<sup>29</sup> Article 28E paragraph (3) of the 1945 Indonesian Constitution states that “[e]very person shall have the right of the freedom to associate, to assemble and to express opinions”. Article 28F states “[e]very person shall have the rights to communicate and to obtain information for the purpose of the development of his/her self and social environment, and shall have the rights to seek, obtain, possess, store, process and convey information by employing all available types of channels”.

<sup>30</sup> Article 10 Law No. 23 of 2002 on Child Protection states “Every child shall be entitled to speak and have his/her opinions listened to, and to receive, seek and impart information in accordance with his/her intellect and age for the sake of his/her personal development in accordance with the norms or morality and propriety.”

<sup>31</sup> Presidential Regulation Number 7 of 2005 regarding Medium Term National Development Program 2004–2009. Attachment to Chapter 12 regarding Increasing the Life Quality and Role of Women as well as Welfare and Protection of Children, especially the Child Welfare Improvement and Protection Program, aimed at improving the welfare of children and make healthy, smart, happy and virtuous Indonesian children; as well as protecting children from various forms of violence, exploitation, and discrimination. For child welfare improvement and protection program the following key activities

children in preparing the National Action Plan for the Elimination of Violence against Children.

## V. Civil rights and freedoms (arts. 7, 8, 13–14 and 37 (a))

### A. Name and nationality (art. 7)

42. Indonesia guarantees the rights of the child to have a name and citizenship under Law No. 39 of 1999 on Human Rights.<sup>32, 33</sup> This policy is further reinforced by Law No. 23 of 2002 regarding Child Protection,<sup>34</sup> Law No. 12 of 2005 on the Accession to the International Covenant on Civil and Political Rights,<sup>35</sup> Law No. 12 of 2006 regarding Indonesian Citizenship,<sup>36</sup> and Law No. 23 of 2006 regarding Population Administration.

are developed:

...

- (g) Establishing mediums to listen to and voice the opinions and hopes of children as a form of child participation in the development process.

...

<sup>32</sup> Article 53 paragraph (2) Law No. 39 of 1999 regarding Human Rights states “Every child shall have the right to a name and a citizenship status since birth”.

<sup>33</sup> Article 56 paragraph (1) Law No. 39 of 1999 regarding Human Rights states “Every child shall have the right to know his/her parents, to grow up and be cared for by his/her own parents”.

<sup>34</sup> Article 27 paragraph (1) Law No. 23 of 2002 regarding Child Protection states that “Every child must be given an identity from birth”. Article 28 paragraph (1) states “The issuance of a birth certificate shall be the responsibility of the government, and be carried out in practice at a level that is not lower than that of the village or sub-district”.

<sup>35</sup> Article 24 paragraph (3) Law No. 12 of 2005 regarding the Accession to International Covenant on Civil and Political Rights states that “Every child has the right to acquire a nationality.”

<sup>36</sup> Article 4 Law No. 12 of 2006 regarding Citizenship of the Republic of Indonesia states that “[a] Citizen of Indonesia is:

(a) Every person who based on laws and regulations and/or based on an agreement between the Government of the Republic of Indonesia with other country before this Law took effect has become a Citizen of Indonesia;

(b) A child born from a legal marriage of a father and a mother who are Citizens of Indonesia;

(c) A child born from a legal marriage of a father who is a Citizen of Indonesia and a mother who is a foreign national;

(d) A child born from a legal marriage of a father who is a foreign national and a mother who is a Citizen of Indonesia;

(e) A child born from a legal marriage of a mother who is a Citizen of Indonesia, but whose father is stateless or the law in his country of origin did not afford citizenship to the child in question;

(f) A child born within 300 (three hundred) days after the death of his father from a legal marriage and whose father is a Citizen of Indonesia;

(g) A child who is born out of wedlock from a mother who is a Citizen of Indonesia;

(h) A child who is born out of wedlock from a mother who is a foreign national and who is recognized by a father who is a Citizen of Indonesia and that recognition is made before the child turns 18 (eighteen) years of age or before married;

(i) A child who is born on the territory of the Republic of Indonesia whose father’s and mother’s citizenship status was unclear at the time of his/her birth;

(j) A newborn child who is found on the territory of the Republic of Indonesia whose

The passage of this Law has rendered all previous population administration laws invalid.<sup>37, 38</sup>

43. To promote the child's right to obtain an identity and nationality, the government has conducted a campaign about "Birth Registration" through electronic and printed media, with the participation of the President and the First Lady. Other efforts have been made to support regional government to enact regional bylaws regarding free birth certificates.<sup>39</sup>

44. Law No. 23 of 2006 regarding Population Administration provides that demographic data includes individual and/or aggregate data.<sup>40, 41, 42</sup>

father or mother is unknown;

(k) A child who is born on the territory of the Republic of Indonesia in the event that his/her father and mother are stateless or whose whereabouts is unknown;

(l) A child born outside of the territory of the Republic of Indonesia from a father and a mother who are Indonesian citizens who due to the legal provisions of the country where the child was born was given a citizenship status to the child in question;

(m) A child of a father or mother whose citizenship application was granted, and the father or mother passed away before they state their oath of allegiance."

<sup>37</sup> Article 106 Law No. 23 of 2006 regarding Population Administration.

<sup>38</sup> The Law and Regulation referred to is:

(a) The First Book Second Chapter Second Part and Third Part of the Criminal Code (*Buku Kesatu Bab Kedua Bagian Kedua dan Bab Ketiga Kitab Undang Undang Hukum Perdata*) (*Burgerlijk Wetboek voor Indonesie, Staatsblad 1847:23*);

(b) Civil Registry Regulation for the European Class (*Peraturan Pencatatan Sipil untuk Golongan Eropa*) (*Reglement op het Holden der Registers van den Burgerlijken Stand voor Europeanen, Staatsblad 1849:25* as amended most recently by *Staatsblad 1946:136*);

(c) Civil Registry Regulation for the Chinese Class (*Peraturan Pencatatan Sipil untuk Golongan Cina*) (*Bepalingen voor Geheel Indonesie Betreffende het Burgerlijken Handelsrecht van de Chinezean, Staatsblad 1917:129 jo. Staatsblad 1939:288* s amended most recently by *Staatsblad 1946:136*);

(d) Civil Registry Regulation for the Indonesian Class (*Peraturan Pencatatan Sipil untuk Golongan Indonesia*) (*Reglement op het Holden van de Registers van den Burgerlijken Stand voor Eenigle Groepen v.d nit tot de Onderhoringen van een Zelfbestuur, behoorende Ind. Bevolking van Java en Madura, Staatsblad 1920:751 jo. Staatsblad 1927:564*);

(e) Civil Registry Regulation for the Christian Class (*Peraturan Pencatatan Sipil untuk Golongan Kristen Indonesia*) (*Huwelijksor-donantie voor Christenen Indonesiers Java, Minahasa en Amboiena, Staatsblad 1933:74 jo. Staatsblad 1936:607* sebagaimana diubah terakhir dengan *Staatsblad 1939:288*); and

(f) Law No. 4 of 1961 regarding Changes or Adding Surnames (1961 State Gazette Number 15, Addition to State Gazette Number 2154).

<sup>39</sup> According to the Indonesian Child Protection Commission of 2007, 52 regencies/municipalities have bylaws and regent/mayor decrees regarding free Birth Certificates.

<sup>40</sup> Article 68 Law No. 23 of 2006 regarding Population Administration.

<sup>41</sup> Population data includes:

- (a) Household Card Number;
- (b) Primary Identification Number;
- (c) Full name;
- (d) Sex;
- (e) Place of birth;
- (f) Date of birth;
- (g) Blood type;

45. The state guarantees that every Indonesian child born from a mixed marriage may obtain dual citizenship as mandated by Law No. 12 of 2006 regarding Indonesian Citizenship<sup>43</sup> and Law No. 23 of 2002 regarding Child Protection.<sup>44</sup> The enactment of Law No. 12 of 2006 regarding Indonesian Citizenship has annulled previous laws and regulations which caused many children born from a mixed marriage stateless.

46. To expedite the implementation of Law No. 12 of 2006 regarding Citizenship, the government has started a campaign and advocacy for government apparatus and the public, and capacity building for administration services.

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- (h) Religion/belief;
  - (i) Marriage status;
  - (j) Familial relationship status;
  - (k) Physical and/or mental disability;
  - (l) Latest occupation;
  - (m) Occupation;
  - (n) Primary Identification Number of biological mother;
  - (o) Mother's maiden name;
  - (p) Primary Identification Number of father;
  - (q) Father's name
  - (r) Previous address;
  - (s) Current address;
  - (t) Ownership of birth certificate/birth recognition letter;
  - (u) Birth certificate/birth recognition letter number;
  - (v) Ownership of marriage act/marriage license
  - (w) Marriage act/marriage license number;
  - (x) Marriage date;
  - (y) Ownership of divorce act;
  - (z) Divorce's act/divorce letter number;
  - (aa) Divorce rate.

<sup>42</sup> Whereas Civil Registration Act (birth; death; divorce; and child recognition) includes the following:

- (a) Type of important event;
- (b) Primary Identification Number and citizenship;
- (c) Name of person experiencing the important event;
- (d) Place and date of the event;
- (e) Place and date of the act issuance;
- (f) Name and signature of authorized official; and
- (g) Statement of how the information matches with the data in the Civil Registry.

<sup>43</sup> Article 21 paragraph (1) Law No. 12 of 2006 regarding Republic of Indonesia Citizenship states that "A child who has not turned 18 (eighteen) years of age or not married, present and residing in the territory of the Republic of Indonesia, from a father or mother who have obtained a Citizenship of the Republic of Indonesia is automatically a Citizen of the Republic of Indonesia." Paragraph (2) states "A foreign national child under the age of 5 (five) who is legally adopted by a court decision as a child by a Citizen of Indonesia obtains a Citizenship of the Republic of Indonesia."

<sup>44</sup> Article 29 paragraph (1) Law No. 23 of 2002 on Child Protection states that "In the event of a child born from a marriage between a citizen of the Republic of Indonesia and a foreign national, he/she shall be entitled to take his/her citizenship from either his/her father or his/her mother in accordance with the provisions of the laws and regulations in effect."

## **B. Preservation of identity (art. 8)**

47. Measures by the Government to preserve the identity of Indonesian children are taken by the enactment of Law No. 23 of 2006 on Demographic Administration, especially regarding requirements and procedures for registering adoptions, determining and recognizing their legal status.

48. These measures were further regulated in a Presidential Regulation. In addition, in order to expedite the implementation of Law No. 23 of 2006 regarding Population Administration, the government has started a campaign and advocacy for government officials, families and the public, as well as capacity building in administration services.

## **C. Freedom of expression (art. 13)**

49. Indonesian Constitution guarantees the right of every citizen, including children, to express opinions.<sup>45</sup> Operationally, freedom of expression is regulated under Law No. 23 of 2002 regarding Child Protection, in Article 10.<sup>46</sup>

50. To expedite the realization of freedom of expression, the Ministry for Women's Empowerment through Presidential Regulation Number 7 of 2005 regarding Medium-Term National Development Plan 2004–2009 has conducted a campaign by establishing a child forum such as the National Forum for Child Participation, Teen Parliament, Indonesian Child Congress, Child Council, Election of Young Leaders, and National Child Consultation, where children can voice opinions and aspirations as a form of child participation in the development process.

51. By the end of 2007 policies on child participation in development has not been promoted and advocated to stakeholders in child protection in all provinces.

52. To expedite the participation of children in the development process in the next five years, the Government has established more mediums to ensure children's views, aspirations and hopes heard and fulfilled through advocacy of policies on mainstreaming children into development programs.

## **D. Freedom of thought, conscience and religion (art. 14)**

53. The 1945 Constitution Article 28E paragraph (1) and (2) as well as Law No. 39 of 1999 guarantee the freedom of thought, conscience and religion.

54. The promotion of children's freedom of thought has been done with the participation of non-governmental organizations and UNICEF, such as drawing and writing contests for children about their knowledge and understanding of children's rights as well as their ideas for accelerating the implementation of children's rights.<sup>47</sup>

<sup>45</sup> Article 28E paragraph (3) of the 1945 Constitution states that "[e]very person shall have the right of the freedom to associate, to assemble and to express opinions".

<sup>46</sup> The Article states "Every child shall be entitled to speak and have his/her opinions listened to, and to receive, seek and impart information in accordance with his/her intellect and age for the sake of his/her personal development in accordance with the norms or morality and propriety".

<sup>47</sup> This essay writing contest was held by Yayasan Kesejahteraan Anak Indonesia with the support of the government and UNICEF to compete for the UNICEF AWARD. In 2004 with the theme "A World Fit for Children," in 2005 with the theme "Children's Rights," in 2006 with the theme "TV Safe for Children," and in 2007 with the theme "Men and Women, are they equal?"

55. Children's freedom of religion and belief and to practice a religion according to one's religion and belief,<sup>48, 49</sup> is guaranteed under Law Number 20 of 2003 regarding the National Education System, Article 12 paragraph (1) letter a, where "all pupils in all education units have the right to religious education according to one's faith and taught by an instructor of the same faith."

56. Religious activities have become more open with the revocation of Presidential Instruction Number 14 of 1967 regarding Chinese Religion, Beliefs and Traditions.

57. In the next five years, the Government will continue to consistently guarantee the freedom of children to think, create, and worship according to their religion and beliefs. In addition, the Government will continue to promote tolerance and mutual respect, including through "Peace Forum" where children of various religions are involved.

## E. Freedom of association and of peaceful assembly (art. 15)

58. Children's freedom of association and peaceful assembly<sup>50</sup> are guaranteed by Article 28E of the 1945 Constitution and regulated by Article 56 of Law No. 23 of 2002 regarding Child Protection. The freedom of association and assembly of children is realized through the Intra-School Students Association,<sup>51</sup> scouts movement, teen red cross, religious organizations, and village youth organizations (*Karang Taruna*).

59. Freedom of association and peaceful assembly still faced several problems in its realization, including the lack of understanding among parents, family and the public regarding children's rights, limited ability and capacity of children in organizational management, and the children's lack of knowledge of children's rights issues.

60. Indonesia will continue to systematically promote the establishment of communication fora and media of association and peaceful assembly from the village to the national level; and increase the ability and capacity of children in organizational management.

<sup>48</sup> Religions in Indonesia are Islam, Catholic, Protestant, Hindu, Buddha, and Confucianism.

<sup>49</sup> To instil religious values to children from childhood, every religion has their own programs and activities, such as:

- (a) Quranic Schools almost in every mosque;
- (b) Sunday Schools in churches;
- (c) Religious activities in *pura* (Hindu temples);
- (d) Religious activities in *vihara*; and
- (e) Religious activities in *klenteng* (Chinese temples).

<sup>50</sup> Article 28E paragraph (3) of the of the 1945 Indonesian Constitution states "[e]very person shall have the right of the freedom to associate, to assemble and to express opinions".

<sup>51</sup> The Intra-School Students Organization as an Organization at the Junior High School Level/*Madrasah Tsanawiyah*, Senior High School/*Madrasah Aliyah* and Vocational Middle Schools is managed by students elected to be officials with all pupils in the school as members. Forum for association and assembly for children in a religious organizations in all of Indonesia is conducted along the lines of the religion and belief, that includes the *Muhamadiyah* Teen Association, *Nahdhatul Ulama* Students Association, each having members from all corners of the nation, from village to city levels, the field of activity of patronage of teens and students.



## F. Protection of privacy (art. 16)

61. Article 28G of the 1945 Constitution paragraph (1) guarantees that “[e]very person shall has the right to protection of self, family, honor, dignity, and property, and shall have the right to feel secure against and receive protection from the threat of fear to do or not to do something that is a human right”. Article 28H paragraph (4) further affirms that “[e]very person shall have the right to be free from torture or inhuman and degrading treatment, and shall have the right to obtain political asylum from another country”.

62. The notion of privacy is being introduced to children through early childhood education, among others, by introducing the idea of privacy rights.

63. Protection of privacy has seen a number of challenges, including the practices of inspection of child’s possession without his/her consent due to the lack of understanding of the parents, family and public regarding the rights of the child to privacy, and the fact that children are also unaware of the importance of privacy.

64. To remedy the adverse effects of violation of child’s privacy rights, in the next five years the Government will be preparing a policy about inspection of a child’s belongings which would strike a balance between ensuring respect for child’s rights to privacy and the need to uphold law enforcement. The development of such policy will involve children’s participation. In this regard, raising the public officials’ and other adults’ awareness and appreciation of the importance of respecting a child’s privacy is essential.

## G. Access to appropriate information (art. 17)

65. Article 28F of the 1945 Constitution,<sup>52</sup> Article 56 of Law No. 23 of 2002 regarding Child Protection, and Law No. 43 of 2007 regarding Libraries guarantees the right of children to obtain access to information, written and oral, appropriate to their age and development.

66. To improve children’s access to information and knowledge, the Solidarity of Spouses of Indonesian Cabinet Ministers, initiated by the First Lady in May 2005, is developing mobile libraries, such as “Learning Car”, “Learning Motorcycle”, and “Learning House” programs in cooperation with Jakarta State University.<sup>53</sup>

67. The Mobile Libraries has expanded its operation to slum areas, the outskirts of urban areas and villages,<sup>54</sup> and the remote areas out of reach by land transportation in the form of Floating Libraries.<sup>55</sup>

<sup>52</sup> “Every person shall have the right to communicate and obtain information for the development of his/her self and social environment, and has the right to seek, obtain, possess, keep, process, and convey information using all available channels.”

<sup>53</sup> The goal of this Program is to:

- (a) Increase the reading interest of children between 4–15 years of age;
- (b) Reach out to children whose learning environments lack studying resources;
- (c) Facilitate studying outside of schools;
- (d) Disseminate information on science, technology and arts according to the child’s level of development; and
- (e) Optimize the potential of the child by using *multiple intelligence* approach.

<sup>54</sup> *Yayasan Kesejahteraan Anak Indonesia* operates Mobile Libraries in Banda Aceh, Medan, Jambi, Pekanbaru, Indramayu, Jakarta, and Yogyakarta. *Yayasan Nurani Dunia* working together with International Board on Books for Young People, Ohanashi Caravan Center, Yayasan Murti Bunanta

68. Other efforts include establishment of public reading parks and development of a child helpline (Telephone Sahabat Anak/TeSA 129) using free dial facilities.<sup>56</sup>

69. Challenges in the efforts to provide access to information for children includes the limited quantity and quality of reading material that meets the needs and desires of children and the lack of service facilities to access information that goes down to the village level.

70. The government will continue to encourage all stakeholders at the national and regional levels, businesses, non-governmental organizations, the public, and families, to provide the widest possible access to information for children by providing mobile libraries (i.e. learning cars, motorcycles and houses) and the internet. This will also encourage interest among children to read.

## **H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment (art. 37 (a))**

71. The government guarantees the right of every child to be protected from violence, discrimination, harassment, and mistreatment under Law No. 39 of 1999 regarding Human Rights, Law No. 23 of 2002 regarding Child Protection and Law No. 23 of 2004 regarding Elimination of Domestic Violence.

72. The government has established an Integrated Service Unit for the Empowerment of Women and Children (P2TP2A) in every province, regency and municipality, to undertake the task of preventing violence, discrimination, harassment, mistreatment, and neglect and of handling, recovering, rehabilitating, and reintegrating child victims.

73. The government has initiated the process to develop a National Action Plan for the Elimination of Violence against Children with a view to ensuring the continuity of programs of preventing violence, discrimination, harassment, mistreatment, and neglect, and of handling, recovering, rehabilitating, and reintegrating child victims.

74. The government has developed a system for recording and reporting of child victims of violence, discrimination, harassment, mistreatment, and neglect. The mechanism is available at regency/municipality, provincial, and national levels. At every level, the Woman Empowerment and Child Protection Bureau acts as the center for data and information gathering.

75. Challenges in fulfilling the rights of children to be protected from violence, discrimination, harassment, mistreatment, and neglect include practices of imposing discipline through corporal punishment, authoritarian patterns of raising children, lack of understanding about children's rights, parents' perception that children are their property, lack of public awareness to oversee and report incidence of violence against children.

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operates Motorcycle Mobile Libraries in Banda Aceh, Maumere, and Purwakarta.

<sup>55</sup> Floating Library was initiated by the National Library.

<sup>56</sup> Tesa 129 was developed by the Ministry for Women's Empowerment, Ministry of Communication and Information, PT Telkom, Plan International, Yayasan Kesejahteraan Anak Indonesia. Tesa has been socialized in 22 provinsi and established in 13 provinces.

76. The Government has taken steps to reduce violence against children through the following programs:<sup>57</sup>

- (a) Global campaign to eliminate all forms of violence against children;
- (b) Reviewing of laws and regulations to ensure their conformity with the principle of the best interests of the child;
- (c) Development of national and regional regulations that prohibit all forms of physical and psychological punishments of children at home and in schools;
- (d) Creation of local institutions to assess and hold discussions of customs and traditional practices that may legitimize violence against children and undermine the rights of the child;
- (e) Promoting the capacity of children and the public at large to better understand the rights of the child; and
- (f) Monitoring the implementation of laws regarding the elimination of violence against children.

## **VI. Family environment and alternative care (arts. 5; 18, paras. 1–2; 19–21; 25; 27, para. 4; and 39)**

### **A. Parental guidance (art. 15)**

77. Law No. 23 of 2002 regarding Child Protection in Article 26 provides for that one of the primary responsibilities of parents is to provide guidance to children.

78. The Indonesian family structure has been undergoing a transformation,<sup>58</sup> from an extended family to a nuclear family. In the extended family concept, a child has the opportunity to receive guidance from other extended family members, besides parents. Whereas in the nuclear family concept, the responsibility to provide guidance rests squarely with the parents, and while the parents are away for working, the child's nurturing function is handled by child carers or domestic workers.

79. To promote the parents' understanding in child development, the Government has developed the Under-five Family Education program (*Bina Keluarga Balita*, BKB) in every locality and village since 1981. This program aims at providing knowledge and training to parents about the child's development.<sup>59, 60, 61</sup>

<sup>57</sup> Arna, Antarini Pratiwi. dkk. (2005). *Kekerasan Terhadap Anak di Mata Anak Indonesia: Hasil Konsultasi Anak regarding Kekerasan terhadap Anak di 18 Provinsi dan Nasional*. Jakarta: Kementerian Negara Pemberdayaan Perempuan, Yayasan Pemantau Hak Anak, Yayasan Kesejahteraan Anak Indonesia, Christian Children's Fund (CCF), Save The Children UK, Plan International, World Vision International Indonesia, UNICEF.

<sup>58</sup> Central Statistics Agency defines a "Family" as a group of people living in one house who still have familial/blood relations due to marriage, birth, adoption and so forth. There are two types of families, namely: (a) Nuclear family, consisting of a father, mother and biological children, adopted children who are unmarried, or a father with children who are unmarried or a mother with children who are unmarried; (b) Extended family, consisting of a father, mother and children both married and unmarried, grandchildren, parents, in-laws as well as other relatives who are dependents of the head of family.

<sup>59</sup> National Family Planning Coordinating Agency. (2005). *Keterpaduan Bina Keluarga Balita Secara Komprehensif*. Jakarta: BKKBN.

80. The government has developed Integrated Service Posts (*Taman Posyandu*) to strengthen the parents' capacity to raise under-five children.<sup>62</sup>

81. A challenge encountered in maintaining the sustainability of BKB and *Taman Posyandu* programs is a decreasing number of people willing to serve as cadres. Additionally, the frequency of cadre training conducted by the government has dropped, especially since the introduction of regional autonomy policy, where BKB program has received less priority.

## **B. Parental responsibilities (art. 18, paras. 1–2)**

82. Article 26 paragraph (1) Law No. 23 of 2002 stipulates that upbringing, caring, educating and protecting a child is the obligation and responsibility of parents. These obligations and responsibilities of parents are taking into account of the principles set forth in the Convention on the Rights of the Child that includes the child's best interests.

83. To help parents in meeting their obligations and responsibilities, the government is promoting the Family Planning Program. Other efforts include counselling to parents to prevent divorces and polygamy.

84. The prolonged impact of the economic crisis in 1997–1998 has increased the number of poor families. Many Indonesian families, as a result, have less capacity to fulfil the basic needs for their child's development, especially in terms of raising, caring for, educating and protecting children. Economic constraints of families have led to a deterioration of family resilience against vulnerability to divorce.

85. The government encourages every parent to fulfil their obligations and responsibilities in raising, caring for, educating and protecting children through the following efforts:

- (a) Family empowerment;
- (b) Intensifying the campaign to prevent divorces and polygamy;
- (c) Encouraging families, especially poor families, to participate in Family Planning Program;
- (d) Strengthening regulation on child custody and childcare guarantees; and
- (e) Advocating the rights of the child.

## **C. Separation from parents (art. 9)**

86. Article 59 paragraph (1) Law No. 39 of 1999 regarding Human Rights states that "[e]very child shall have the right not to be separated from his or her parents against the child's will, unless there are reasons or valid legal grounds to demonstrate that the separation is for the best interest of the child".

<sup>60</sup> Ministry for Women's Empowerment. (2007). *Panduan Kebijakan dan Operasional Program Bina Keluarga Balita*. Jakarta: KPP.

<sup>61</sup> BKKBN 2007 Data: Jumlah kelompok BKB di seluruh Indonesia ada 77.099 kelompok, dan jumlah keluarga ada 2.215.546 keluarga.

<sup>62</sup> Ujicoba Taman Posyandu ini di Provinsi Jawa Barat, Jawa Tengah, Jawa Timur, dan Sulawesi Selatan.

87. The government, in partnership with some non-governmental organizations, has established a system for registering and tracing separated children or those seeking to find their families (Family Tracing and Reunification). The system was initially developed in response to the tsunami disaster in Aceh, when the government formed the Family Tracing and Reunification Network. Between January 2005 and May 2005, 2,831 children without custodians or those separated from their parents were registered, and many of these cases were resolved.

88. With regard to the victims of Aceh tsunami, the government developed a policy to deal with problems related to separated children, unaccompanied children, and children with single parents during the emergency response period. This policy provides that children shall receive the best care in a family-like environment and live in their own community, culture and religion. The focus of this policy is to ensure that children in emergency situations must not be separated from families and communities, and care in foster homes shall only be used as the last resort.<sup>63</sup>

89. The government will undertake the following efforts to reduce the number of children separated from parents due to disasters or social and/or armed conflicts:

(a) Continuing campaign to raise public awareness on the importance of family as the first and primary vehicle for raising, educating, and protecting children. Raising children in foster homes shall only be used as the last resort;

(b) Economic empowerment of families in order to be able to meet the child's basic needs; and

(c) Intensifying dissemination and advocacy of government policies regarding separated children, children without custody, and children with single parents in emergency response period.

#### **D. Family reunification (art. 10)**

90. Throughout this reporting period, the government has made successful efforts in family reunification for children separated from their parents as an impact of the event in 1999 in the former province of East Timor which led to the separation of this province from Indonesia and become a new independent state.

#### **E. Illicit transfers and non-return (art. 11)**

91. Article 6 of Law No. 21 of 2007 regarding Eradication of Human Trafficking<sup>64</sup> guarantees the rights of children not to be transferred illegally.

<sup>63</sup> In the case of Aceh many Child Social Foster Homes took in children victims of tsunami. 2,500 children tsunami victims lived in the home after the disaster, mostly were not orphans. More than 85% of them still had at least one surviving parent. More than 42% still had both parents and 43% had one living parent. Only 10% were true orphans, and 4.5% did not know the whereabouts of their parents (Save the Children UK, 2006).

<sup>64</sup> Article 6 Law No. 21 of 2007 stipulates that "Every person who sends a child into or out of a country by various means that leads to the child being exploited shall be criminalized with an imprisonment of at least 3 (three) years and at most 15 (fifteen) years and a fine of a minimum Rp. 120,000,000.- (one hundred twenty million rupiah) and at most Rp. 600,000,000.- (six hundred million rupiah)".

92. The government, in cooperation with international organizations, and non-governmental organizations, and business sector, works to prevent illicit transfers of children, especially for the purposes of labor and sexual exploitation.

93. The government will strengthen the Task Force for Combating Trafficking-in-persons at the national, provincial, and regency/district levels, especially in areas of origin, transit and destination.

#### **F. Recovery of maintenance for the child (art. 27, para. 4)**

94. Article 34 (2) of the 1945 Constitution<sup>65</sup> and Law No. 40 of 2004 regarding National Social Security System ensures the efforts to poverty alleviation for the purpose of recovery of maintenance for the child. This is realized by provision of food supplements/mother's breast-feeding supplements, campaign for balanced nutrition, and diversification of food locally-made available at affordable prices.

95. The challenge faced in recovery of maintenance for children is poverty which caused mothers and infants fail to get sufficient food and balanced nutrition at affordable prices. This condition worsened by the economic crisis of 1997.

96. The government will intensify campaign to enhance families' knowledge about nutrition and childcare in the next five years. In addition, the government will intensify dissemination and advocacy to encourage business community to support provision of supplemental food with balanced nutrition as a form of corporate social responsibility.

#### **G. Children deprived of family environment (art. 20)**

97. The government ensures that every child has the right to be raised by their own parents, except when there are reasons and/or valid legal provisions indicating that separation may be in the best interest of the child and constituted the last resort.<sup>66</sup>

98. Responding to the Committee's recommendations, the government conducted a comprehensive review of policies, standards and practices regarding children outside of family care.<sup>67</sup> A study in 2007 assessed the situation in foster homes in six provinces, Aceh, Central Java, West Kalimantan, North Sulawesi, West Nusa Tenggara and Maluku.

99. The government has taken some measures to improve the quality of child services in foster homes by establishing Standard Operational Procedures with periodic monitoring of its implementation.

100. The government has developed a database system of Children outside Family Care to facilitate their monitoring and oversight. This system has been tested in Aceh, West Sumatra, Jambi, Jakarta, West Java, Central Java, West Sumatra, South Sulawesi, West Nusa Tenggara, East Nusa Tenggara and Maluku.

101. The government has made efforts to disseminate the policy on children who live in the foster home to be eventually returned to their families. However, the public and

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<sup>65</sup> Article 34 (2) mandates "The State to develop a social security system to all the people and empower the weak and disadvantaged in accordance with human dignity."

<sup>66</sup> Article 14 Law No. 23 of 2002 regarding Child Protection.

<sup>67</sup> First comprehensive study on the quality of childcare in foster homes was conducted with the cooperation between the Department of Social Affairs, Save the Children UK, and UNICEF.

religious organizations in general, consider foster home as the first alternative in caring the children who need fostering especially from poor families.

102. To further improve services for children who lost their family environments, the government will be undertaking the following measures:

- (a) Disseminating foster care standards in social foster homes;
- (b) Setting up systems for permits issuance, registration, and monitoring of social foster homes for children;
- (c) Developing and implementing data collection system for children in alternative care, including children in social foster homes; and
- (d) Establishing policies and prioritizing family-like and community-based care as the first alternative.

## H. Adoption (art. 21)

103. Article 39 (1)<sup>68</sup> of Law No. 23 of 2002 regarding Child Protection and Article 47 (1),<sup>69</sup> (2),<sup>70</sup> and Article 48 (1)<sup>71</sup> of Law No. 23 of 2006 regarding Population Administration provides guarantees that adoption of a child is conducted on a basis of the principle of best interests of the child and in accordance with local customs and traditions and applicable laws. Prevention of illegal adoptions is provided under Article 5<sup>72</sup> of Law No. 21 of 2007 regarding Combating Trafficking in Persons.

104. Pursuant to Law No. 23 of 2002, the government has issued Regulation Number 54 of 2007 regarding Child Adoption. However, the government was still confronted with some obstacles in implementing this regulation, partly because the procedures and mechanisms have not yet worked properly. Additionally, the data collection on adoption was yet to be centralized, making it difficult for the government to conduct monitoring and evaluation. Another obstacle is the lack of knowledge and awareness of the family and those who wish to adopt a child regarding the procedures.

105. The government will undertake the following efforts to enhance protection of adopted children:

- (a) Improving procedures and mechanisms for child adoption and monitoring;
- (b) Conducting campaigns regarding the proper and effective child adoption process;

<sup>68</sup> Article 39 paragraph (1) states that "Adoption of a child shall only be done for the best interest of the child and based on local traditions and customs and provisions of laws and regulations in effect."

<sup>69</sup> Article 47 paragraph (1) states that "Registration of child adoption shall be conducted based on a court decision of the applicant's place of residence."

<sup>70</sup> Article 47 paragraph (2) states that "The registration of a child adoption as referred to in paragraph (1) must be reported by the Resident to the Executing Agency issuing the Birth Certificate at the latest 30 (thirty) days after the receipt of the copy of the court decision by the Resident".

<sup>71</sup> Article 48 paragraph (1) states that "Adoption of a foreign national child by an Indonesian Citizen outside of the territory of the Republic of Indonesia must be registered by the authorized institution of the country of origin."

<sup>72</sup> Article 5 states "Every person who adopts a child by promising something or giving something with the intent of exploitation shall be criminalized with a minimum term of imprisonment of 3 (three) years and a maximum of 15 (fifteen) years and a fine of at least Rp. 120,000,000.- (one hundred twenty million rupiah) and at most Rp. 600,000,000.- (six hundred million rupiah)."

- (c) Developing a database of recording and reporting on child adoption;
- (d) Sensitizing the procedure for child adoption to families/the public who have adopted children by traditional means in order for them to obtain a proper legal status with regard to the adoption; and
- (e) Developing a system of monitoring and evaluation of the process of child adoption to prevent trafficking and illegal child adoptions.

#### **I. Periodic review of placement (art. 25)**

106. The Government has established the National Child Protection Commission (Komisi Perlindungan Anak Indonesia/KPAI), in accordance with Article 76 of Law No. 23 of 2002, with functions and mandates include monitoring the placement of Child Needs Special Protection.

107. Among the challenges faced by the said Commission in this monitoring are limited resources and capacity and coordination with other relevant bodies in monitoring and overseeing of implementation of child placement services.

108. The Government will support the Commission to broaden its network in order to ensure effective periodic monitoring and overseeing child placement services.

#### **J. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)**

109. The Government has taken steps to prevent abuse and neglect of children, and protect, recover physically and psychologically, and reintegrate socially of children victims. One such step is developing a comprehensive system to address this issue, including preparing a National Action Plan for the Elimination of Violence against Children.

110. The Government has established and developed the Integrated Service Center for Women Empowerment and Child Protection (P2TP2A) in 23 provinces and 40 regencies/municipalities to handle cases of violence against children.

111. The Government, in cooperation with national and international NGOs, has established a child helpline (Telephone Sahabat Anak/TeSA 129)<sup>73</sup> in Jakarta, Surabaya, Banda Aceh, Makassar, Pontianak, and Sidoarjo in 2006. The purpose of TeSA 129, among others, is to provide child protection service to victims of abuse and neglect.

112. Challenges in implementing P2TP2A include:

- (a) Lack of awareness among the public at large about the existence of the P2TP2A services and the rights of the child in general;
- (b) Expansive coverage area and a limited number of certified social workers;
- (c) Lack of awareness among all relevant law enforcement officials on the rights of the child and of skills to communicate with children in conflict with law;
- (d) Lack of other referral agencies to provide services to victims of violence; and

<sup>73</sup> Ministry of Communication and Information of the Republic of Indonesia (2007). *Pedoman Penyelenggaraan Layanan Telepon Sahabat Anak (TESA) 129*. Jakarta: Department Komunikasi dan Informatika Republik Indonesia.



(e) Lack of coherence in data management with regard to recording and reporting of handling of children and women victims of violence.

113. Challenges pertaining to TeSA 129 Hotline include:

(a) Lack of awareness among the public at large about TeSA 129 hotline services;

(b) Expansive coverage area of service;

(c) Lack of TeSA 129 operators and counsellors;

(d) The uses of landline system in TeSA 129 hotline system instead of cellular service; and

(e) Lack of institutional standing of TeSA 129 which enable to independently mobilize resources.

114. The government will undertake the following efforts:

(a) To intensify dissemination of laws and regulation pertaining to children's rights by involving private sectors and religious and professional organizations;

(b) To increase the number of certified social workers and chaplains through education and training programs;

(c) To conduct more programs on education and training on the rights of the child for all relevant law enforcement officials;

(d) To incorporate the rights of the child material into education and training curriculum;

(e) To encourage public participation in establishing referral agencies for victims of violence;

(f) To integrate data management system for recording and reporting of women and child victims of violence into the P2TP2A system;

(g) To increase the number of facilitators, operators, and counsellors of TeSA 129 hotline;

(h) To develop cellular-based TeSA 129 hotline; and

(i) To strengthen institutional capacity of TeSA 129 hotline.

## **VII. Basic health and welfare (arts. 6; 18, para. 3; 23; 24; 26; and 27, paras. 1–3)**

### **A. Children with disabilities (art. 23)**

115. The right of children with disabilities for equal treatment is guaranteed under Article 12 of Law No. 23 of 2002 regarding Child Protection<sup>74</sup> and Article 5 of Law No. 4 of 1997 regarding People with Disabilities.<sup>75</sup>

<sup>74</sup> Article 12 Law No. 23 of 2002 on Child Protection states that "Every child with disabilities shall have the right to rehabilitation, social assistance, and have his/her level of social well being maintained."

<sup>75</sup> Article 5 Law No. 4 of 1997 on Persons with Disabilities stipulates that "Every person with disability has equal rights and opportunities in all aspects of life and livelihood."

116. The Central Board Statistics Agency has introduced a system that segregate data based on sex, age group, and type of disability to be used in formulating policies for development and protection of children with disabilities from discriminatory actions.

117. The government facilitated the establishment of the “Communication Forum for Families with Children with Disabilities” to promote parents’ knowledge and understanding of children with disabilities and their rights that must be fulfilled in 11 provinces and will continue to expand to other provinces. This forum is a medium for the Government to address matters pertaining to the needs and aspirations of children with disabilities.

118. The Government provided childcare facilities accessible for children with disabilities in order to help families recognize and develop the potential of children with disabilities. In addition, the Government has developed a Mobile Social Rehabilitation Service Unit Program to provide services to children with disabilities outside childcare facilities.

119. The government provides special treatment for children with disabilities through:

- (a) Provision of professional services;
- (b) Adjusting buildings and infrastructure to be accessible to children with disabilities;
- (c) Provision of schools facilities and trainings dedicated for children with disabilities;<sup>76</sup>
- (d) Conducting annual trainings of trainers for child protection officers to improve their professional service for children with disabilities;
- (e) Providing family welfare consultants and training on good parenting; and
- (f) Periodic recording and reporting of children with disabilities.

120. Challenges in fulfilling the rights of children with disabilities and in ensuring equal treatment for them include:

- (a) Lack of broad based and effective dissemination of Law on Persons with Disabilities;
- (b) Registration system for children with disabilities is not yet regularly implemented;
- (c) Lack of understanding of many stakeholders in the field of child protection on the needs and interests of children with disabilities; and
- (d) Lack of public and private sector participation to provide public facilities for children with disabilities.

121. The Government will continue as a matter of priority to further encourage relevant stakeholders, including business sector, to pay greater attention to:

- (a) Full implementation of Law on Persons with Disabilities;
- (b) Regularizing data collection on children with disabilities; and
- (c) Provision of public facilities for children with disabilities.

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<sup>76</sup> Article 11 Law No. 4 of 1997 on Persons with Disabilities stipulates that “Every person with disability shall have equal opportunity to receive education at an education unit, channel, type, and level in accordance with his/her type and degree of disability.”

## B. Health and health services (art. 24)

122. The government guarantees the rights of every child to obtain adequate health care and social security, according to the physical and spiritual needs as guaranteed by the 1945 Constitution<sup>77</sup> and Law No. 39 of 1999 regarding Human Rights.<sup>78</sup> These health services are provided across the country through:

- (a) Establishment of health service standards according to a child's stage of development (baby, infant, school age and teenage);
- (b) Facilitating a child's development monitoring with the use of "Mother and Child Health book" and "Kartu Menuju Sehat" (Health Record Card);
- (c) Provision of comprehensive child healthcare<sup>79</sup> in community health centres (Puskesmas) and referral hospitals;
- (d) Health Insurance Program for Poor Family (ASKESKIN) specifically for children from poor families; and
- (e) Mobile health services to areas beyond regular health service coverage especially in remote areas, such as a mobile Puskesmas and floating Puskesmas.

123. The Government is actively reducing infant and child mortality through:

- (a) Advocacy and dissemination of health services program;
- (b) Upgrading the knowledge and skills of health workers;<sup>80</sup>
- (c) Community empowerment;
- (d) Cooperation across relevant sectors, professional organizations, and non-governmental organizations; and
- (e) Pregnant Women and Baby Health Maintenance Program with the following steps:
  - (i) Pre natal: teen reproductive health campaign and provision of Pregnancy Package, which includes Fe tablets;
  - (ii) Pregnancy: ANC (ante natal care);
  - (iii) Planning, observations, delivery, and prevention of complications;
  - (iv) Antenatal: provision of healthcare package for newborn babies, including neonatal visits (2 times), screening for congenital hypothyroid, hepatitis B immunization and K1 vitamin injection.

124. The government is actively engaged in reducing child malnutrition by:

<sup>77</sup> Article 28H paragraph (1) of the 1945 Indonesian Constitution stipulates that "[e]very person shall have the rights to live in a physical and spiritual prosperity, to have a home and to enjoy a good and healthy environment, and shall have the right to obtain medical care."

<sup>78</sup> Article 62 Law No. 39 of 1999 regarding Human Rights.

<sup>79</sup> Comprehensive health measures include promotion, preventive, curative and rehabilitative efforts, both for primary health and referral services.

<sup>80</sup> Education and skills promotion for health personnel is intended for them to be able:

- (a) To directly address baby mortality due to low birth weight and asphyxiation; and
- (b) To conduct neonatal visitations, Integrated Management of Newborn Babies and Integrated Sick Infant Management, Primary Emergency Obstetric Neonatal Service, Comprehensive Obstetric Neonatal Service.

- (a) Early breastfeeding initiation and exclusive breastfeeding campaign;
- (b) Using of supplemental breastfeeding food according to a child's age;
- (c) Provision appropriate food for children;
- (d) Monitoring of a child's growth at *Posyandu* (village-level Integrated Health Posts);
- (e) Provision of treatment for child suffering malnutrition; and
- (f) Provision of clean water and sanitation.

125. The government conducts HIV and AIDS prevention education and campaign among children through various media, including traditional media:

- (a) Prevention from Mother to Child Transmission (PMTCT) program and Prevention of Sexually Transmitted Infections Program for pregnant women;
- (b) Promotion, advocacy, peer campaign, and social mobilization;
- (c) Integration of services, prevention and treatment at primary health services; and
- (d) Incorporation of HIV and AIDS prevention material in school curriculum.

126. To address cases of HIV and AIDS among children, the government is taking the following measures:

- (a) Publication of handbook for children on handling cases of HIV and AIDS;
- (b) Care and Support Treatment (CST) and Voluntary Counselling and Testing (VCT) trainings in hospitals and relevant stakeholders; and
- (c) Provision of Anti Retroviral Therapy (ART) for children.

127. The Government promotes teen health activities aimed at prevention of early or unwanted pregnancies as well as prevention of the use of narcotics, psycho tropics, and addictive substances and transmission of HIV/AIDS.<sup>81</sup>

128. The Government issued Director General of Public Health Circular Number HK.00.07.1.3.1047a regarding Medicalization of Female Circumcision for Health Personnel that prohibit medical personnel, paramedics and health-related professions to conduct female circumcision, either by incision, cutting, or mutilation of genitals and surrounding parts.

129. Challenges in the implementation of the Convention in the field of health included the low ratio of medical workers to population; improvements pace in health facilities and infrastructure that cannot keep up with population growth; and decreasing public access to health services due to the prolonged impact of economic crisis.

130. The government has set four main strategies in the health sector:

- (a) Promotion of clean and healthy living habits;
- (b) Improvement of public health access to quality healthcare;
- (c) Development of surveillance, monitoring and health information system; and

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<sup>81</sup> The government is taking measures through Teenage Aware Health Services at *puskesmas* with a teen friendly health service approach that includes CIE, counselling, medical services, *peer group*, *life skill education* or healthy living skills.

- (d) Increase of budget allocation in health sector, including for children.

### C. Social security and childcare services and facilities (arts. 26 and 18, para. 3)

131. The government guarantees the right of every person to decent standard of living, to adequate housing, and to live in a good and healthy environment, and to have access to basic health services pursuant to Article 28 H paragraph (1) of the 1945 Constitution and operationally under Law No. 40 of 2004 regarding National Social Security System.<sup>82</sup>

132. The government guarantees the right of poor children to obtain Health Insurance for the Poor (ASKESKIN)<sup>83</sup> as stipulated in Health Minister Decree No. 1241/MENKES/SK/XI/2004 of 12 November 2004 that appointed PT Asuransi Kesehatan to manage social security-based basic health services program for the poor. This service can be obtained in all Puskesmas and in several regional public hospitals appointed for that purpose by the local government.

133. Challenges in accessing ASKESKIN by poor families include the lack of dissemination to the public about the procedures and mechanism to obtain health services using ASKESKIN facilities.

134. In providing social security, childcare services and facilities, the government strives to:

- (a) Improve the quality and quantity of ASKESKIN services for children of poor families that could serve as a basis to develop a Social Security Network System;
- (b) Strengthen advocacy for poor families with children to maximize the use of ASKESKIN to support child development; and
- (c) Develop data system that is updated annually to be used as a basis for planning, implementation, observation and evaluation of ASKESKIN program.

### D. Standard of living (art. 27, paras. 1–3)

135. The government has established a National Program for Indonesian Children 2015 and Healthy Indonesia 2010 with target indicators as reference for all stakeholders as follows.

<i>Indicator</i>	<i>Target</i>
<b>Mortality</b>	
1. Infant mortality per-1,000 live born	17**
2. Under-5 mortality per-1,000 live born	23**
3. Mother mortality per-1,000 live born	125**

<sup>82</sup> Article 28H paragraph (1) of the 1945 Indonesian Constitution stipulates, "Every person shall have the right to live in physical and spiritual prosperity, to have a home and to enjoy a good and healthy environment, and shall have the right to obtain medical care."

<sup>83</sup> ASKESKIN is the health safety net for society, particularly for impoverished people (JPKMM) or the impoverished family (JPK-Gakin).

<i>Indicator</i>	<i>Target</i>
4. Lived child-birth expectancy	67.9
<b>Morbidity</b>	
1. Malaria morbidity per-1,000 people	1**
2. Number of recovery sufferer TB Lung BTA+	85*
3. HIV prevalence (case percentage to risked citizens)	0.9*
4. Number of acute flaccid paralysis (AFP) on children aged <15 per year per 1,000 children	0.9*
5. Number of dengue haemorrhagic fever per-1,000 people	2*
<b>Nutrition status</b>	
1. Percentage of under-5 malnutrition	15*
2. Percentage of free-risk of malnutrition districts	80*
3. Percentage of under-5 baby gets vitamin A capsule twice a year	90*
<b>Environment conditions</b>	
1. Percentage of healthy house	80*
2. Percentage of healthy public places	80*
3. Provision of safety routes to school	Qualitative
<b>Community lifestyles</b>	
1. Percentage of household with clean and healthy lifestyle	65*
2. Percentage of Purnama and Mandiri Integrated Service Center	40*
<b>Access and quality of health services</b>	
1. Percentage of people utilize community health center	15*
2. Percentage of people utilize hospital	1.5*
3. Percentage of health facilities with labororium	100*
4. Percentage of hospitals that provides 4 basic health special services	100*
5. Percentage of stamped generic drugs in medicine stocks	100*
<b>Health services</b>	
1. Percentage of childbirth by health workers	90*
2. Percentage of district reaches universal child immunization (UCI)	100*
3. Percentage of village with outbreak handled less than 24 hours	100*
4. Percentage of pregnant mother gets tablet Fe	80*
5. Percentage of baby gets exclusive breast-milk	80*

<i>Indicator</i>	<i>Target</i>
6. Percentage of elementary/Madrasah Ibtidaiyah student gets dental and mouth checks	100*
7. Percentage of poor family gets health services	100*
Sources of health	
1. Doctor ratio per-100,000 people	40*
2. Specialist doctor ratio per-100,000 people	6*
3. Family doctor ratio per-1,000 families	2*
4. Dentist ratio per-100,000 people	11*
5. Pharmacist ratio per-100,000 people	10*
6. Midwife ratio per-100,000 people	100*
7. Nurse ratio per-100,000 people	117.5*
8. Nutritionist ratio per-100,000 people	22*
9. Sanitation expert ratio per-100,000 people	40*
10. Public health practitioner ratio per-100,000 people	40*
11. Percentage of participation of health preservation assurance	80*
12. Average percentage of regency/municipality health budget	15*
13. Government health budget allocation per capita per year (thousand rupiahs)	100*
Health management	
1. Percentage of regency/municipality with health system documents	100*
2. Percentage of regency/municipality contingency plan for health problems caused by disasters	100*
3. Percentage of regency/municipality with health profiles	100*
Contribution of related sectors	
1. Percentage of family with access to clean water	91.2**
2. Percentage of family with sanitary latrine	97.7**
3. Percentage of eligible couple who participate in family planning program	70*
4. Number of traffic accident per-100,000 people	10*

## VIII. Education, leisure and cultural activities (arts. 28, 29 and 31)

### A. Education, including vocational training and guidance (art. 28)

136. The Government guarantees the rights of everyone, including children, to their personal development by fulfilling basic needs, getting education and obtaining benefits from science and technology, arts and culture, for the sake of improving living standards and the welfare of humanity as stated in Article 28C (1), of the 1945 Constitution, Article 9 (1) of Law No. 23 of 2002 regarding Child Protection<sup>84</sup> and Article 3 of Law No. 20 of 2003 regarding National Education System.<sup>85</sup>

137. The provisions in these Laws concerning the national education system are in line with the Convention on the Rights of the Child, the Dakar Framework for Action: Education for All, Millennium Development Goals, and A World Fit for Children.

138. The National Education System is elaborated in the education program to include early childhood education,<sup>86</sup> primary education,<sup>87</sup> literacy programs, gender equality in education, and education quality improvement.<sup>88, 89</sup>

#### 1. Early childhood education

139. To ensure the fulfilment of children's right to education, the Government has set a target of 75 per cent of children receiving Early Childhood Education service (PAUD) by 2015 among others through:

- (a) Kindergarten;
- (b) Raudhatul atfhal (Islamic Kindergarten);
- (c) Playgroups;
- (d) Daycare centers; and

<sup>84</sup> Law No. 23 of 2002 regarding Child Protection Article 9 (1) states that "Every child shall have the right to an education and learning for his/her own personal and intellectual development according to his/her interests and talents."

<sup>85</sup> Article 3 Law No. 20 of 2003 regarding National Education System states that "National education functions to develop the abilities and to shape a character and civility of the a dignified nation in order to educate the life of the people, and is aimed at developing the learning potential of education participants to become individuals who believe in and abide by One God, virtuous, healthy, intelligent, able, creative, independent, and become democratic and responsible citizens."

<sup>86</sup> Article 28 (1) Law No. 20 of 2003 regarding National Education System states that "Early childhood education is held prior to elementary level of education. Early childhood education may be done through formal, non-formal and/or informal channels." Paragraph (2) states that "Early childhood education in the formal education channel take the form of a Kindergarten, *Raudhatul Athfal*, or other forms of the same degree."

<sup>87</sup> Article 17 paragraph (1) Law No. 20 of 2003 regarding National Education System states that "Elementary education is a level of education that serves as the basis to middle level of education." Paragraph (2) states, "Elementary education takes the form of an Elementary School and *Madrasah Ibtidaiyah* or other equal forms as well as a Junior High School and *Madrasah Tsanawiyah*, or other forms of equal level."

<sup>88</sup> Article 42 paragraph (1) Law No. 20 of 2003 regarding National Education System states that "An educator must have minimum qualifications and certificate according to the level of authority".

<sup>89</sup> National Forum Coordination Education for All. (2005). *National Action Plan Education for All*. Jakarta: DfNE.



(e) Other similar early childhood education units (Education for family with under-five year child or BKB, Integrated Health Post (Posyandu), Posyandu PAUD, Al-Qur'an Education Center for Children).

140. Challenges for achieving the target of early childhood education, where at the present, the rate of participation is 28%,<sup>90</sup> include:

(a) Lack of quantity and quality of early childhood education service facilities and infrastructure in certain areas;

(b) Lack of awareness among parents and the public of the importance of early childhood education, in particular poor families;

(c) Lack of quality of teachers and workers in early childhood education in remote areas;

(d) Early childhood education service has not been linked to health and nutrition service programs; and

(e) Budget allocation for early childhood education is not yet a priority.

141. To overcome the challenges for achieving early education targets, the Government puts the emphasis on:

(a) Expanding access of early childhood services to all children through:

(i) Building more early childhood education facilities and infrastructure;

(ii) Developing and promoting models of early childhood education, such as child activity centers, playgrounds, kindergartens, alternative kindergarten, early childhood education and health post integration (Posyandu-PAUD), early childhood education and education for family with under-five year children (BKB-PAUD);

(iii) Developing early childhood education referral centers, especially in rural areas;

(iv) Intensifying awareness campaign on the importance of early childhood education through dissemination, advocacy, and direct guidance for providers of early childhood education;

(v) Exploring various funding sources from the central and regional governments, public at large, and the private sector to support expansion of services; and

(vi) Providing support and assistance for institutions in the field of early childhood education.

(b) Improving early childhood education quality by formulating and developing standards for personnel, facilities, infrastructure, curricula and other matters that pertain to early childhood education services. Such improvements are to be achieved through:

(i) Enhancing qualification and competence of educators and education workers in early childhood education programs;

(ii) Providing support and assistance to institutions in the field of early childhood education;

(iii) Development and evaluation of education materials, guidelines, curricula, and facilities and infrastructure needed in early childhood education services;

<sup>90</sup> Source: Department of National Education, 2005.

- (iv) Developing policies for cooperation with relevant departments and other organizations to facilitate early childhood education services;
  - (v) Provision of technical assistance, guidelines, special motivation for relevant early childhood education institutions; and
  - (vi) Exploring sources of additional funding from central and regional governments, public at large and business communities to support early childhood education services.
- (c) Developing good governance and accountability in early childhood education provision by:
- (i) Providing assistance, monitoring and evaluation in a sustainable manner to relevant early childhood education institutions;
  - (ii) Developing cooperation and partnership networks and coordination with relevant institutions, organizations, and sectors, and consortia, forums and professional associations in early childhood education;
  - (iii) Collection and consolidation of data from target groups/early childhood education service programs;
  - (iv) Development and dissemination of Communication Information Education (CIE);
  - (v) Development and expansion of operational standards and early childhood education service procedures;
  - (vi) Monitoring, evaluation and feasibility studies to prepare early childhood education policies; and
  - (vii) Renewal and development of early childhood education service management at the central and regional levels.

## 2. Primary education

142. The Government is targeting 95 per cent of children (aged 7–15 years) attending nine years primary education by 2008/09.
143. Challenges in achieving 9-year Compulsory Education Program include:
- (a) Transition from a centralized to a decentralized government system leading to delays in achieving 9-year Compulsory Education Program;
  - (b) Lack of access to early childhood education, resulting in lack of readiness of many children to follow elementary education; and
  - (c) Lack of teachers and education workers in remote and border regions.
144. The government has developed the following plans:
- (a) Accelerating and expanding education by:
    - (i) Continuing to build new schools and classes in regions where education facilities are lacking, especially in rural areas, remote and border regions;
    - (ii) Increasing the quantity and quality of teachers; and
    - (iii) Maximizing the provision of primary education in Islamic boarding schools (Pesantren and Madrassah Diniyah) and in Elementary and Secondary Equivalent Package Programs (kejar paket A dan B).
  - (b) Improving the quality and enhancing the relevance of education by:

- (i) Complementing primary education curriculum with basic skills, implementing learning master concept, and developing innovative, creative, democratic, and independent attitude among students;
- (ii) Improving quality of educators; and
- (iii) Developing a competitive atmosphere and environment.
- (c) Promoting good governance and accountability in primary education by:
  - (i) Increasing the ability and competence of education managers;
  - (ii) Increasing capacity and competence of education management at the provincial and regency/municipality level within the framework of education autonomy;
  - (iii) Increasing capacity and competence of education planners;
  - (iv) Improving education quality monitoring system; and
  - (v) Accelerating the development of one-roof schooling for all levels.

### 3. Literacy program

145. The Government sets a target of a 50 per cent reduction of illiteracy among children in the group of 15-year old and under, by 2015 by the issuance of a Joint Ministerial Decree of the Minister of National Education, Minister of Home Affairs, and State Minister for Women's Empowerment.

146. Challenges in achieving the literacy target are the lack of facilities and infrastructure to reach children without access to education.

147. To achieve the literacy target the Government is focusing on the following efforts.

- (a) Expanding services of literacy program by:
  - (i) Reducing the illiteracy among children;
  - (ii) Encouraging universities, the private sector, the public, and non-governmental organizations to support literacy programs; and
  - (iii) Increasing the capacity and services of core trainers;
- (b) Increasing the quality of literacy program by:
  - (i) Enhancing access to libraries;
  - (ii) Combining literacy programs with life-skills program; and
  - (iii) Increasing the number of public education centers.

### 4. Gender equality in education

148. Indonesia has achieved progress in eliminating gender gap in accessing primary and secondary education, as seen in the better female-to-male ratio of participation in education and level of literacy. The gender equality has been achieved at primary education level, but the ratio at the junior high school level tends to be greater than 100 per cent, which indicates greater proportion of female to male students. However, for female students in continuing to senior high school and universities still faced some challenges including practices of early marriages and a notion in the society that men are the family backbone and consequently, high education for girls is considered to be less important.

149. The government aims at integrating gender issues into all formal education curricula.

**5. Improving the quality of education**

150. To improve the quality of education, the Government has established the National Education Standard based on Article 35 of Law No. 20 of 2003.

151. Challenges encountered in applying the National Education Standard include:

- (a) Diverse quality and unequal distribution of educators;
- (b) Lack of access to quality textbooks; and
- (c) Uneven distribution of quality textbooks.

152. The Government is focusing on:

- (a) Improving a standard for and monitoring of education quality;
- (b) Monitoring of education quality through surveys and studies;
- (c) Capacity building of education institutions and organizations;
- (d) Quality improvement of education and teaching process;
- (e) Increasing accredited schools and certified educators; and
- (f) Development and expansion of school libraries and its service system.

**B. Aims of education (art. 29), with reference also to quality of education**

153. The government guarantees the attainment of aims of education pursuant to the Convention. This guarantee is stipulated in Article 28C (1) of the 1945 Constitution<sup>91</sup> and Article 50 point a of Law No. 23 of 2002 regarding Child Protection,<sup>92</sup> as well as Article 3 of Law No. 20 of 2003 regarding National Education System.<sup>93</sup>

154. Challenges in achieving the aims of education include:

- (a) Budget allocation that has not met the constitutional requirement;
- (b) The problems related to educational infrastructure and facilities;
- (c) Curriculum changes;
- (d) Limited quality and quantity of educators and education workers in many areas; and
- (e) Lack of public understanding of the importance of education in certain communities and the high cost of higher education.

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<sup>91</sup> Article 28C (1) of the 1945 Constitution specifies that “Every person shall have the right to embetterment for him/herself through the fulfilment of his/her basic needs, the right to get education and to benefit from science and technology, arts and culture, for the purpose of improving the quality of his/her life and for the welfare of the human race.”

<sup>92</sup> Article 50 point “a” of Law No. 23 of 2002 on Child Protection states that “[Education ... shall be focused on] developing the behavior, personal capacities, talents, and intellectual and physical capabilities of the child so that he/she may achieve his/her full potential”.

<sup>93</sup> Article 3 Law No. 20 of 2003 on National Education System states that “National education functions to develop the abilities and to shape a character and civility of the a dignified nation in order to educate the life of the people, and is aimed at developing the learning potential of education participants to become individuals who believe in and abide by One God, virtuous, healthy, intelligent, able, creative, independent, and become democratic and responsible citizens”.

155. To address the challenges in fulfilling the aims of education, the Government is taking the following steps:

- (a) Comprehensive studies of the curriculum by taking into account the targets of The Dakar Framework for Action: Education for All;
- (b) Studies on the implementation of national final examination;
- (c) Certification of educators to promote their professionalism; and
- (d) Striving to meet the 20 per cent of the national budget for education as mandated by the 1945 Constitution.

### **C. Rest, leisure, recreation and cultural and artistic activities (art. 31)**

156. The Government guarantees the right of children to vacation, recreation and cultural and artistic activities as stipulated in Article 11 of Law No. 23 of 2002 regarding Child Protection.<sup>94</sup>

157. Challenges in fulfilling the rights of children to vacation, recreation and engaging in artistic and cultural activities are lack of attention from stakeholders in the cultural education, as well as government policy which has not given adequate attentions to the rights of children to use vacation, recreation and engage in art and cultural activities.

158. The government integrates this child's rights in national development plan through Child-Friendly City development policy.

## **IX. Special protection measures (arts. 22, 38, 39, 40, 37 (b)–(d), 32–36)**

### **A. Children in situations of emergency**

#### **1. Refugee children (art. 22)**

159. The guarantees of the Government with regard to the rights of children in emergency as stipulated in Law No. 24 of 2007 on Disaster Mitigation<sup>95</sup> applied to refugee children as well. All provisions of national laws with regard to the rights of the child are applicable to child seeking refugee status as well as refugee children. Indonesia in general is not considered as destination country for refugees.

#### **2. Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39)**

160. Indonesia guarantees the rights of children not to be involved in wars, armed conflicts, social unrest, and other events involving violence. This state's guarantee is

<sup>94</sup> Article 11 Law No. 23 of 2002 on Child Protection states that "Every child shall be entitled to rest and enjoy free time, to mix with other children, to play, enjoy recreation, and to give expression to his/her creativity in accordance with his/her interests, talents, and intellect for the sake of his/her personal development."

<sup>95</sup> Article 55 (1) Law No. 24 of 2007 regarding Disaster Mitigation "Protections to vulnerable groups ... (2) Vulnerable groups ... includes: a. Babies, under-five, and children; b. pregnant and breastfeeding mothers; c. persons with disabilities; and d. the elderly".

stipulated in Law No. 39 of 1999 regarding Human Rights<sup>96</sup> and Article 63 and 87 of Law No. 23 of 2002 regarding Child Protection.<sup>97</sup>

161. Indonesia in the past experienced armed conflicts and social unrest in certain areas. The Government acknowledges the vulnerable situations of people, including women and children living under these circumstances. In order to promote their human rights, the Government has undertaken efforts to promote and protect the rights of children victims of such situations. To that end the government has provided assistance including foster homes, children centers, and other assistances.

162. The Government will undertake the following efforts to fulfil the rights of children in conflict areas:

- (a) Designing standard operational procedures for the reunification of children separated from families and communities;
- (b) Providing access to non-governmental organizations to assist in trauma healing in schools;
- (c) Capacity building of stakeholders in the field of child protection in accordance with the Convention; and
- (d) Providing social protection homes or foster homes for children victims of conflict.

## **B. Children in conflict with the law**

### **1. The administration of juvenile justice (art. 40)**

163. The Government guarantees the rights of every person to legal recognition, guarantee, protection, and certainty and fair and equal treatment. This guarantee is stipulated in Article 28D (1) of the 1945 Constitution and Article 18 and 59 of Law No. 23 of 2002 regarding Child Protection and Law No. 3 of 1997 regarding Juvenile Justice.<sup>98</sup>

164. Challenges faced by the Government in this area include:

- (a) Different level of understanding and awareness among law enforcements officials with regard to the substance of the Convention and Juvenile Justice and Child Protection Laws;

<sup>96</sup> Article 63 Law No. 39 of 1999 regarding Human Rights specifies that “Every child shall have the right not to be involved in events of war, armed conflict, social unrest, and other events involving violence.”

<sup>97</sup> Law No. 23 of 2002 regarding Child Protection Article 87 states “Every person who contravenes the law by recruiting and equipping children for military purposes as referred to in Article 63 hereof, or who misuses children by involving them in political activities, or in an armed conflict, or in a social disturbance, or in a violent event, or in a war as described in Article 15 hereof, shall be subject to a term of imprisonment of not more than five (5) years and/or a maximum fine of one hundred million rupiah (Rp 100,000,000).”

<sup>98</sup> 1945 Constitution Article 28D (1) mandates that “Every person shall have the rights to recognition, guarantees, protection and certainty before a just law, and to equal treatment before the law.” This mandate is affirmed in Law No. 23 of 2002 regarding Child Protection Article 18 stating that “Every child who is a victim or is suspected of being the perpetrator of a criminal offense shall be entitled to legal and other assistance.” This is affirmed in Article 59 stating that “The government or an authorized state institution shall be responsible and accountable for providing special protection to ... children in conflict with the law ...”

- (b) Inadequate training programs on juvenile criminal justice system compared to the number of cases and the number of law enforcement officials;
- (c) Un-integrated systems of data and information regarding children in conflict with the law;
- (d) Special Investigation Rooms (RPK) are only available at the police office at regency/municipality level and not available at the police office in sub-district;
- (e) Low participation of public researchers on children in conflict with the law (BAPAS); and
- (f) In many instances, juvenile justice system is still not child-friendly.

165. The Government will undertake the following efforts in developing its juvenile justice system:

- (a) Expedite the revision of Law No. 3 of 1997 regarding Juvenile Justice System to focus on raising the minimum age of a person who can be held legally accountable before law, from the current 8 years old to 12 years old, and adopt a restorative justice system for children in conflict with the law;
- (b) Continue dissemination of the Convention and the Laws on Juvenile Justice and on Child Protection, especially to law enforcement personnel involved in juvenile criminal justice system;
- (c) Intensify trainings on juvenile criminal justice system for law enforcement personnel;
- (d) Develop data and information system regarding cases of children in conflict with the law;
- (e) Develop Women and Child Protection Unit (UPPA) in all police office at district levels;
- (f) Increase the involvement of public researchers on children in conflict with the law (BAPAS) in court process; and
- (g) Develop a child-friendly justice system.

## 2. **Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b)–(d))**

166. The Government guarantees the liberty and respect for honor and dignity of all human beings, including children in conflict with the law. This guarantee is further asserted in Article 66 (1, 3, 4, 5, 6 and 7) of Law No. 39 of 1999 regarding Human Rights.<sup>99</sup>

<sup>99</sup> Law No. 39 of 1999 regarding Human Rights Article 66 (1) states that “Every child shall have the right not to be subject to ill treatment, torture, or inhuman punishment”. Paragraph (3) states that “Every child shall have the right not to be deprived of his/her liberty against the law”. Paragraph (4) states that “Arrest, detention, or imprisonment of a child shall only be conducted according to applicable laws and shall only be carried out as a last resort.” Paragraph (5) states that “Every child who is deprived of his/her liberty shall have the right to be treated humanely and by taking into consideration the needs of his/her personal development according to his/her age and must be separated from adults, unless it is in his/her interest.” Paragraph (6) states that “Every child deprived of his/her liberty shall have the right to legal assistance or other effective assistance at every level of applicable legal effort.” Paragraph (7) states that “Every child deprived of his/her liberty shall have the right to defend and obtain justice before a Juvenile Court that is objective and fair in proceedings that are closed to the public.”

167. Article 16 (2) of Law No. 23 of 2002 regarding Child Protection states that “[e]very child shall have the right to obtain freedom according to law.” Paragraph (3) states “[a]rrest, detention, or criminal imprisonment of children shall only be done according to applicable laws and can only be done as the last resort”. Furthermore, Article 17 (1) asserts that “[e]very child deprived of liberty has the right to: (a) be treated humanely and separated from adults; (b) obtain legal or other assistance effectively at every applicable legal stage; and (c) defend him/herself and receive justice before an objective and impartial juvenile court in proceedings that are closed to the public.”

168. The government has conducted studies on the protection of children in conflict with the law in three provinces in 2006 which concluded, among others, that procedural errors still occur during arrest, detention, trial and imprisonment, as well as in the fulfilment of the rights of children to not answer matters beyond their knowledge.<sup>100</sup>

169. The Government will undertake the following efforts to protect children deprived of liberty:

(a) Increasing the capacity of the police in investigating children in conflict with the law to promote the understanding so that criminal prosecution is not seen as the only way of achieving justice;

(b) Designing guidelines on arrest procedures as well as detention of child suspects referring to Law on Juvenile Justice, Law on Child Protection, and relevant international instruments;

(c) Preparing guidelines for child investigators that include criteria and procedures in using discretion to employ diversions;

(d) Building better coordination among law enforcement institutions with the view to ensuring speedy diversion process;

(e) Developing information and data system regarding children in conflict with the law; and

(f) Building public awareness on children deprived of liberty.

### 3. The sentencing of juvenile, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a))

170. The Government guarantees the right of children not to be sentenced to capital punishment or life. Article 66 (2) of Law No. 39 of 1999 regarding Human Rights states “[c]apital punishment or life sentence shall not be imposed for a perpetrator of crime who is still a child”.

<sup>100</sup> Criminology Study Center. (2006). *Kajian Perlindungan Anak Dalam Proses Hukum di 3 (Tiga) Provinsi: DKI Jakarta, Sumatera Utara, dan Sulawesi Selatan*. Jakarta: Pusat Kajian Kriminologi, FISIP-UI. Research conclusion:

(a) Procedural issues still occur in the juvenile justice process caused by neglect, lack of understanding and wrong perception of a child’s existence;

(b) Procedural errors still occur in arrest, detention, or imprisonment of a child;

(c) The non-application of the right to silence, the right to face and cross examine witnesses in juvenile justice system;

(d) Still many cases where a child cannot get expedient legal assistance due to the perception that legal aid by a legal counsel is expensive; and

(e) Lack of proper facilities in correctional institutions to be a place for guidance for children oriented at their spiritual and physical recovery, and reintegration into society.



#### 4. Physical and psychological recovery and social reintegration (art. 39)

171. The Government guarantees the right of children to obtain physical and psychological recovery and social reintegration. Patronages of children in correctional facilities are conducted in coordinated manner by relevant parties, including social workers, chaplains, psychiatrists, psychologists, and educators with the purpose of children rehabilitation and reintegration after serving his/her sentences.

172. Challenges in educating children in correctional facilities include:

(a) Lack of facilities at correctional institutions to make them a place for educating children towards their mental and physical recovery, and reintegration into society;

(b) Non-existent of detailed information with regard to imprisoned children; and

(c) Lack of awareness among public researchers on children in conflict with the law (BAPAS) and wardens regarding the rights of the child and child protection issues.

173. The Government will undertake the following actions:

(a) Improving the facilities at correctional institutions to be conducive for mental and physical recovery and subsequent reintegration into society of imprisoned children;

(b) Creating detailed information systems with regard to imprisoned children; and

(c) Training for public researchers on children in conflict with the law (BAPAS) and wardens on children rights and child protection issues.

### C. Children in situations of exploitation, including physical and psychological recovery and social reintegration (art. 39)

#### 1. Economic exploitation, including child labor (art. 32)

174. The Government guarantees the right of all children to obtain protection from economic exploitation and any worst forms of child labor that can endanger the child, disrupt his/her education, his/her physical and moral well-being, his/her social and mental spiritual life. This guarantee is stipulated in Article 64 of Law No. 39 of 1999 regarding Human Rights.

175. Statistics on child labor under the age of 15 is available but is not specifically made available because the available data prepared by the National Workforce Survey focusing labor of 10–17 age group.<sup>101</sup>

176. Integrated data system on child engaged in worst forms of labor is not available. One of the data available is on the type of work which employed children and the number of children involved. The Government in cooperation with International Labour Organization, along with non-governmental organizations and universities, have carried out a study on the worst forms of child labor in Indonesia that includes:

(a) Children trafficked for prostitution in parts of Indonesia, occurring among others in Surabaya (East Java), Jepara (Central Java), Yogyakarta and Jakarta;

<sup>101</sup> Sakernas 2004 data informs that the number of working children aged 10–17 reached 2,865,073 persons, comprising of 1,734,125 boys and 1,130,948 girls.

- (b) Children employed in production, distribution and sales of illegal drugs in Jakarta;
- (c) Child labor in the footwear sector in Ciomas, Bogor, and in Tasikmalaya, West Java;
- (d) Child labor in offshore fishing sector in North Sumatra; and
- (e) Child labor in mining sector in West Kutai and Pasir Regencies in East Kalimantan.

177. The Government has prepared a number of programs in this regard:

- (a) Prevention of child labor program and program of releasing children involved in the worst forms of labor through formal education, non-formal, and informal education (vocational education);
- (b) Provision of health services and counselling for children involved in the worst forms of work; and
- (c) Improving condition of workplace which involved children.

178. The Government has taken steps to implement the National Action Plan for Eliminating Worst Forms of Child Labor<sup>102</sup> by providing technical guidance, conducting workshops and seminars, as well as planning future research in other provinces and regencies/municipalities. The Government along with the Indonesian Businessmen Association (Apindo) has disseminated the National Action Plan in 11 provinces.

179. Challenges in implementing the National Action Plan for Eliminating Worst Forms of Child Labor include:

- (a) Public perception that working is part of education process for child to prepare them to be an adult, and also seen as a form of his/her service to the parents, and that a child is a family asset; and
- (b) Coordination issue rising from the introduction of Regional Autonomy, both between regions and between central government and local government.

180. To expedite the implementation of the National Action Plan for Eliminating the Worst Forms of Labor for Children, the Government is taking the following measures:<sup>103</sup>

- (a) Change public perception which is against the best interest of the child in accordance with the Convention;
- (b) Promoting effective coordination among relevant stakeholders, both inter-regional and between central government and regional government; and
- (c) Promoting active role of labor/trade unions and the media to monitor the problem of child labor.

## 2. Drug abuse (art. 33)

181. The Government protects children from the dangers and abuse of narcotics, psychotropics and other addictive substances as stipulated, among others, in Article 65 of

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<sup>102</sup> Presidential Decree Number 59 regarding National Action Plan for the Eradication of Worst Forms of Labor for Children.

<sup>103</sup> National Action Committee for the Eradication of Worst Forms of Labor for Children. (2005). *Laporan Pelaksanaan Rencana Aksi Nasional Penghapusan Bentuk-Bentuk Pekerjaan Terburuk untuk Anak: Periode 2002–2004*. Jakarta: KAN-PBBPTA.

Law No. 39 of 1999 regarding Human Rights and Article 59 of Law No. 23 of 2002 regarding Child Protection.<sup>104</sup>

182. The government has established the National Narcotics Agency (BNN) to protect, among others, children from abuse of addictive substances, by two approaches:

(a) Prevention for children who have never taken drugs (early prevention), children who live in distribution hotspots (reduction of vulnerability), and children who have become victims of drug use (prevention of recurrence); and

(b) Rehabilitation therapy conducted through pre-admission, detoxification, medical rehabilitation, social rehabilitation, vocational rehabilitation and continued treatment.<sup>105</sup>

183. Challenges in protecting children from drug abuse include the notion that children need to be punished for their actions, and the negative impact of global culture and information technology that facilitates narcotics distribution.

184. The government has developed programs to prevent and treat addicts with following measures:

(a) Strengthening the commitment of the government and public at large to combat drug abuse;

(b) Changing public attitude and behavior towards full contribution in the efforts to prevent and to eradicate drug abuse as well as illicit distribution of drugs;

(c) Creating a conducive climate for drug law enforcement;

(d) Improving system and methods of therapy and rehabilitation services for drugs abusers;

(e) Improving system of data collection and reporting on abuse and illicit distribution of drugs;

(f) Adjusting the operation of task forces based on local situation analysis in every region;

(g) Strengthening the role of Provincial/Regency/Municipality Narcotics Agencies in implementing programs of prevention and eradication of drug abuses and illicit distribution; and

(h) Promoting international cooperation in handling drugs issues.

### 3. Sexual exploitation and sexual abuse (art. 34)

185. The government protects children from sexual exploitation through article 59 of Law No. 23 of 2002 regarding Child Protection.

<sup>104</sup> Law No. 39 of 1999 regarding Human Rights Article 65 states “Every child shall have the right to receive protection ... from various forms of misuse of narcotics, psycho-tropics, and other addictive substances”.

Law No. 23 of 2002 regarding Child Protection Article 59 which states that “The government or an authorized state institution shall be responsible and accountable for providing special protection to ... children who become victims of the misuse of narcotics, alcohol, psychotropic substances and other addictive substances ... ”

<sup>105</sup> National Narcotics Agency. (2004). *Pencegahan, Penyalahgunaan Narkotika Bagi Pemuda*. Jakarta: BNN.

186. The government has launched a National Action Plan for the Eradication of Commercial Sexual Exploitation of Children (RAN-PESKA) to expedite the implementation of Child Protection Law through various steps, namely:

- (a) Protection;
- (b) Prevention;
- (c) Recovery, rehabilitation and reintegration;
- (d) Child participation; and
- (e) Coordination and cooperation.

187. Challenges in eradicating sexual exploitation of children include:

- (a) Indonesia is yet to ratify the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography;
- (b) Controversy over draft law on Pornography;
- (c) The handling of the issue of trafficking in persons generally gives inadequate attention to the issue of commercial sexual exploitation of children although both issues are inter-related;
- (d) Lack of systematic data source about commercial sexual exploitation of children; and
- (e) Lack of dissemination of RAN-PESKA at provincial level.

188. The Government is taking the following measures to eradicate sexual exploitation of children:

- (a) Expedite the ratification of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography;
- (b) Promote public awareness on the issue of commercial sexual exploitation of children;
- (c) Develop data system on child sexual exploitation; and
- (d) Intensify dissemination of RAN-PESKA at provincial level.

#### **4. Sale, trafficking and abduction (art. 35)**

189. The Government protects children from sale, trafficking, and abduction as stipulated in Article 83 of Law No. 23 of 2002 regarding Child Protection and Law No. 21 of 2007 regarding Combating Trafficking in Persons (PTPPO).

190. The Government is conducting international cooperation in law enforcement, among others:

- (a) With Australia, through Treaty Between the Republic of Indonesia and Australia on Mutual Assistance in Criminal Matters (ratified by Law No. 1 of 1999);
- (b) With Hong Kong, through Agreement Between The Government of The Republic of Indonesia and The Government of Hong Kong for The Surrender of Fugitive Offenders (ratified by Law No. 1 of 2001);
- (c) In the Framework of ASEAN Police, Joint Communiqué regarding Regional Cooperation to Prevent Cross-Border Problems, includes the issue of fraudulent travel document, transnational fraud, and human trafficking was adopted during the 25th ASEANAPOL Conference in Bali in May 2005, which was reasserted during the 5th ASEAN Ministerial Meeting regarding Transnational Crimes (AMMTC) in Hanoi on

November 2005, and AMMTC+3 Meeting (China, Japan, Republic of Korea) during the same occasion;

(d) Treaty on Mutual Legal Assistance in Criminal Matters of 2004 signed by eight ASEAN countries; and

(e) With Malaysia, through Joint Statement issued in January 2006, in Bukittinggi, West Sumatra that condemned the practice of trafficking of persons as a cruel crime against humanity and stated its resolve to increase cooperation between the police of both countries to combat trafficking in persons.

191. The Government conducts bilateral cooperation to oversee cross-border migration as follows:

(a) Establishment of General Border Committee (GBC) between governments of Indonesia and Malaysia and between governments of Indonesia and the Philippines; and

(b) Establishment a One-Stop Service Agency in 11 points along Malaysia-Indonesia border.

192. Obstacles faced by Indonesia in eradicating child trafficking include:

(a) Diverse level of understanding among government apparatus and the public regarding the danger and the impact of child trafficking;

(b) Lack of connection between population administration system and immigration; and

(c) Inadequacy of resources for eradicating the trafficking in persons.

193. In eradicating human trafficking, the Government will focus on the following:

(a) Promoting the understanding among government officials and the public regarding the danger and impact of child trafficking through education and training;

(b) Developing a better coordination in population registration and immigration system; and

(c) Increasing budget allocation of the government for the implementation of human trafficking eradication.

## **5. Other forms of exploitation (art. 36)**

194. Babies-for-hire phenomenon is found in a number of places in Indonesia with various motives, including rental of babies by parents for the activities of street-beggars.

195. The main challenge in addressing the issue of baby-for-hire is the low sensitivity and understanding of field officers regarding the rights of the child and child protection, resulting in the lack of initiative to take rescue, preventive and punitive measures.

196. To address the problem of baby exploitation the Government is taking the following actions:

(a) Studying the impact of baby-for-hire on the welfare and the protection of child;

(b) Continuing to take measures to prevent, protect, recover and reunite babies with families, including preparing a national action plan in this regard; and

(c) Developing a data and information collection system regarding baby-for-hire to support a more effective policy to address the issue.

**D. Children belonging to a minority or an indigenous group (art. 30)**

197. The Government guarantees the rights of children belong to all ethnic groups under Article 59 and Article 65 (1) of Law No. 23 of 2002 regarding Child Protection.

198. The Government has taken measures to improve welfare and provide equal treatment for children irrespective of their origins or ethnicity through various policies and programs.

199. The government working together with Jakarta State University in 2005 to conduct studies in 2005 in West Sumatra, Jambi, West Java and Banten provinces with the findings among others:

(a) Children's rights are less fulfilled in communities living in geographically remote areas;

(b) Terminology changes from isolated communities to adat communities living in remote areas;

(c) Expansion of provinces and regencies has changed the nature of many adat communities in remote areas;

(d) There were 267,550 households or around 1.1 million persons living in remote areas in 214 regencies and 30 provinces in Indonesia; and

(e) Realization of community empowerment program by end of 2005 is as follows:

(i) Completed: 61,188 households (23%);

(ii) On progress: 13,177 households (5%); and

(iii) Not yet started: 193,185 households (72%).

200. The government has prepared a regional typology to facilitate intervention for children from communities in remote areas that include three types of social communities, namely the hunting and gathering community, the shifting cultivation community, and rural social community.

201. Challenges in fulfilling the rights of children belonging to communities in remote areas fall under three categories:

(a) Education:

(i) Education is yet to reach all community groups, both male and female;

(ii) Lack of teachers and educators;

(iii) Uneven distribution of teachers; and

(iv) Lack of education facilities and infrastructure, such as books and stationery.

(b) Health:

(i) Lack of medical personnel;

(ii) Limited budget for health promotion to this group;

(iii) Regional government's lack of attention to promote Integrated Health Posts where these communities live; and

(iv) Lack of healthy living habits, nutrition awareness and health seeking care.

(c) Social:

(i) Weak monitoring and evaluation on the part of local government;

- (ii) Lack of coordination among government agencies at all levels; and
- (iii) Lack of complete and accurate background data on communities living in remote areas.

202. The government will prioritize the following efforts in fulfilling the rights of the children belonging to communities in remote areas:

- (a) Advocate the regional government, the public and non-governmental organizations to give attention to the promotion and protection of the rights of children belonging to communities living in remote areas and border areas;
  - (b) Develop baseline data for children from isolated communities;
  - (c) Promote cooperation and partnership between government, non-governmental organizations, professional and trade organizations and the private sector to promote welfare of children belonging to communities living in remote areas and border areas;
  - (d) Promote local wisdom as the main modality in promoting welfare of children belonging to communities living in remote areas and border areas; and
  - (e) Build schools in border regions and develop a long-distance education model using radio.
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