

SUMMARY TABLE OF NATIONAL INITIATIVES ON TOPIC B	
SUMMARY TABLE FOR: INDONESIA	
WELFARE AND PROTECTION OF CHILDREN	
National Initiative/s	Areas for Possible Common Legislation
<ul style="list-style-type: none"> <li>• The issue on the promotion and protection of the rights of children in Indonesia is being handled by the Ministry of Women Empowerment and Child Protection. Based on Act No. 23 year 2002 on Child Protection, the Ministry has set goals to support Child Protection Development: <ul style="list-style-type: none"> <li>(a) Improving the quality of growth and child survival; (b) Protection of children from any forms of abuse, violence, exploitation, trafficking and discrimination; and (c) Improving institutional capacity and networks and community participation in supporting the fulfillment of children's rights.</li> </ul> </li> <li>• The President issued the Presidential Decree No. 77 year 2003 on the Establishment of the Indonesian Child Protection Commission. The Commission is an independent entity, which has missions as follows: <ul style="list-style-type: none"> <li>a. Disseminating all provisions of legislation relating to child protection, collecting data and information, receiving public complaints, conducting review, monitoring, evaluation, and oversight of the implementation of child protection; and</li> <li>b. Providing reports, suggestions, feedback and consideration to the President in the framework of child protection.</li> </ul> </li> </ul>	<p>ASEAN has set up several efforts to pursue the promotion and the protection of the rights of women and children.</p> <p>The inauguration of an ASEAN Commission on Protection and Promotion of the Rights of Women and Children (ACWC) has been signed by ASEAN leaders in April 2010 at the 16<sup>th</sup> ASEAN Summit in Vietnam.</p> <p>The AICHR (ASEAN Intergovernmental Commission on Human Rights) was established earlier in October 2009, during the 15<sup>th</sup> ASEAN Summit in Thailand.</p> <ol style="list-style-type: none"> <li>1. The main objective should be aligned to enable the two Commissions to more actively respond to the human rights issues including the rights of women and children, and to articulate the necessary comprehensive and concerted actions for the protection and promotion of human rights and fundamental freedom of the peoples of ASEAN, including women and children.</li> </ol>

- The Indonesian Constitution has regulated a number of laws regarding Welfare and Protection of Children.

### **1. Law No. 23/2002 on Child Protection**

Special protection that should be provided for children from certain categories:

- Children who become victims of criminal acts: rehabilitation in or outside of orphanage; making sure the child's identity doesn't get spread through mass media; giving safety insurance to victims and key witness, be it physical, mental, or social; ensuring access to information on the case development (Article 64);
- Children who are financially or sexually exploited: distribution of information of laws and regulations; supervision, report and witness protection; the involvement of various institutions and departments to eradicate exploitation.
- Children who become victims of kidnapping and trafficking.
- Children who become victims of mistreatment and abandonment: measures of supervision, prevention, treatment and rehabilitation by the government or society (Article 71).

### **2. Law No. 23/2004 on Domestic Violence**

All domestic violence victims, including children, are entitled to a temporary shelter and

police protection, healthcare, counseling, assistance during the whole legal proceedings, and assistance in finding a new safe home or temporary shelter. The request may also be made to the court for a protection program by giving certain orders to the perpetrator from living at the same house and contact the victim.

### **3. Law No. 21/2007 on Human Trafficking**

Social welfare institutions at the central and regional level should provide social rehabilitation, assistance to bring home and socially reintegrate human trafficking victims, which also include children. The guidelines are pertaining to mechanism and procedure in providing integrated service for human trafficking victims which have been regulated in Government Regulation No.9 Year 2008 on Ways and Mechanisms in Integrated Service for Witness and/or Human Trafficking Victims, along with the Standard Operation Procedures in providing integrated service for human trafficking victims through integrated service center at provincial and city/district level.

### **4. Law No. 11/2009 on Social Welfare**

The law states that whoever has social dysfunction (which is defined in the clarification section as children who become victims of violence, human trafficking, and abandoned, and children with special needs) is

entitled to social rehabilitation service. The service may include “encouraging approach, motivation or coercion in the family, society or social welfare institution.”

Social rehabilitative service comprises of: motivational talk and psycho-social diagnose; care and supervision; vocational and entrepreneurship training; mental/spiritual counseling; physical training; social and psycho-social counseling; service on accessing; social assistance; re-socialization; follow-up service; and/or referral service.

- Through the Ministry of Women Empowerment and Child Protection, several laws and regulations have already been issued, such as:

#### **Act**

Act No. 23 year 2002 on Child Protection

#### **Presidential Decree**

1. Presidential Decree No. 59 year 2002 on National Action Plan for Elimination of Worst Forms of Occupation for Children;
2. Presidential Decree No. 87 year 2002 on National Action Plan for Elimination of Commercial Sexual Exploitation for Children;
3. Presidential Decree No. 88 year 2002 on National Action Plan for Elimination of Women and Children Trafficking; and
4. Presidential Decree No. 77 year 2003 on the Establishment of the Indonesian Child Protection Commission.

**NSPC (Norms, Standards, Procedures and Criterias)**

NSPC for Child Protection

**Ministerial Regulation (Peraturan Menteri)**

Ministry of Women Empowerment and Child Protection Regulation No. 2 year 2010 on National Action Plan for Prevention and Treatment of Violence Against Children

**Joint Regulation (Kesepahaman)**

1. Agreement between the Ministry of Social Affairs, Ministry of Interior, Ministry of National Education, Ministry of Health, Ministry of Religious Affairs, Ministry of Justice and Human Rights, Ministry of Women and Child Protection and the Police of the Republic of Indonesia on Improving Social Welfare of Street Children;
2. Joint Regulation with the Ministry for Rural Development on the Increasing Effective Gender Mainstreaming and Child Protection on the Development in the Remote Areas;
3. Joint Regulation with Ministry for Communication and Information on Gender Mainstreaming and Child Protection using the Communication, Information and Technology;
4. Joint Regulation with Ministry of Religious Affairs on Gender Mainstreaming and Fulfilling the Rights of Children in Religious Affairs;
5. Joint Regulation with Ministry of National Education on Gender Mainstreaming and Fulfilling the Rights of Children in

<p>Education;</p> <ol style="list-style-type: none"> <li>6. Joint Regulation with Ministry of Transportation on Gender Mainstreaming and Fulfilling the Rights of Children in Transportation;</li> <li>7. Joint Regulation with Ministry of Environment on Gender Mainstreaming and Child Protection in Natural Resources and Environment;</li> <li>8. Joint Regulation with the BPS on Sharing Data Information on Women and Children;</li> <li>9. Joint Regulation with BKKBN on Improving Women's Empowerment and Child Protection in Small Families;</li> <li>10. Joint Regulation with BPOM on Gender Mainstreaming and Fulfilling the Rights of Children in Drugs and Food;</li> <li>11. Joint Regulation with Indonesian Broadcasting Commission on Gender Mainstreaming and Fulfilling the Rights of Children in Broadcasting;</li> <li>12. Joint Regulation with the Banten Province on Enhancing Capability in Achieving Standard Performance in Women Development and Child Protection;</li> <li>13. Joint Regulation with the Jambi Province on Enhancing Capability in Achieving Standard Performance in Women Development and Child Protection;</li> <li>14. Joint Regulation with the Lampung Province on Enhancing Capability in Achieving Standard Performance in Women Development and Child Protection;</li> </ol>	
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<p>15. Joint Regulation with the Maluku Province on Enhancing Capability in Achieving Standard Performance in Women Development and Child Protection;</p> <p>16. Joint Regulation with the West Sumatera Province on Enhancing Capability in Achieving Standard Performance in Women Development and Child Protection;</p> <p>17. Joint Regulation with the Central Java Province on Enhancing Capability in Achieving Standard Performance in Women Development and Child Protection;</p> <p>18. Joint Regulation with the East Java Province on Enhancing Capability in Achieving Standard Performance in Women Development and Child Protection;</p> <p>19. Joint Regulation with the Jurnal Nasional with regard to Coverage and Publication on Cooperation, Transformation and Dissemination Program of the Ministry to The National Journal Daily Newspapers;</p> <p>20. Joint Regulation with PT Indopos Intermedia Press on Cooperation Program for Women's Empowerment And Child Protection through Publications in The Daily Newspapers Indopos;</p> <p>Joint Regulation with PT Globe Asia Indonesia on Cooperation Program for Women's Empowerment and Child Protection through Publications in Newspapers and Magazines Daily of Globe Asia Indonesia.</p>	
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