

INDONESIA'S COUNTRY REPORT ON WELFARE AND THE PROTECTION OF CHILDREN

A. Overview of the situation of children in Indonesia

Referring the definition in the Law No. 23 of 2002 regarding Child Protection, a child is “every human being under the age of eighteen, including those still in the womb”. The percentage of children in Indonesia is about 30 % out of Indonesia total population or 85 million children. Each year, about 4-5 million babies are born, aggravated with high infant mortality rate, which is 34/100 birth. About 60 per cent of newborn children do not have birth certificates and half are not registered anywhere. The lack of birth registration heightens the risk in later life of exploitation, age and identity falsification.

According to UNICEF, three million children work in potentially hazardous occupations. At least 30 per cent of all female sex workers in Indonesia are under eighteen years of age, with children as young as ten are forced into prostitution. An estimated 100,000 women and children are trafficked annually, mostly as commercial sex workers in Indonesia and abroad. Around 12 per cent of females are married at or before the age of 15. Some 4,000 to 5,000 children are in detention centers, correction facilities and prisons; 84 percent of those sentenced are detained with adult criminals.

Other issue of concern is the special vulnerability of children and women in conflict- or disaster-affected communities, including more than 2,000 children left parentless and many more psychologically affected after the tsunami that struck Aceh and North Sumatra on December 26, 2004.

In Indonesia, data on children infected with, made vulnerable and/or orphaned by HIV/AIDS are limited. Nevertheless, with a Total Fertility Rate (TFR) of 2.3 in 2003, it is thought that 2,250 to 3,250 new born are at risk of HIV infection each year. By 2010, it is estimated that 110,000 people will be suffering or will have died of AIDS and another million will be HIV-positive. In a presentation made in 2005 by Ministry of Health, nine HIV/AIDS cases were reported among children below four years of age, eight in the 5-14 age group and 82 in the 15-19 age groups. It is likely that there are vastly more cases that remain unreported.

Children in Indonesia - as elsewhere around the world - experience violence at home, on the streets, at school and among fellow children. But much of this violence is hidden, or unreported due to the prevailing view that it is part of disciplining the children. It is added with the fact that the rights of children are new norms unknown to public in general that need to be campaigned and socialized continuously. With so many Indonesian children in vulnerable situations, the promotion of welfare and protection of children in Indonesia is a key challenge for the national initiatives.

B. Progress and Achievements

Generally, there are several progresses and achievements of the government of Indonesia in addressing the need to ensure the welfare and protection of children. In global level, the government of Indonesia ratified the UN Convention of the Rights of Children through a Presidential Decree in 1990. As State Party of this Convention as well as part of international community, Indonesia is also committed in developing a “World Fit for Children”. The Ratification itself has inspired the amendment of Article 28B paragraph (2) of the Indonesian Constitution in 2000. This Constitutional Mandate was operationally translated into Law No. 23 of 2002 regarding Child Protection.

In regional level, Indonesia is also actively participated in the promotion and protection of human rights within ASEAN through AICHR (ASEAN Intergovernmental Commission on Human Rights) and ACWC (ASEAN Commission for the Promotion and Protection of the Rights of Women and Children) in particular. Thus, during the 17th ASEAN Summit in 2010, leaders of ASEAN, including Indonesia, released Hà NÙi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children which contains measure and actions in the enhancement of the welfare and development of women and children in ASEAN.

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: 1) promotion of healthy living; 2) quality education; 3) special protection; and 4) prevention of HIV/AIDS, which will be explained in the following:

1. Promotion of healthy living

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 and Law No. 39 of 1999 regarding Human Rights. These health services are provided across the country through establishment of health service standards according to a child’s stage of development (baby, infant, school age and teenage); facilitating a child’s development monitoring with the use of “Mother and Child Health book” and “Kartu Menuju Sehat” (Health Record Card); provision of comprehensive child healthcare in community health centres (Puskesmas) and referral hospitals; Health Insurance Program for Poor Family (ASKESKIN) specifically for children from poor families; and mobile health services to areas beyond regular health service coverage especially in remote areas, such as a mobile Puskesmas and floating Puskesmas.

In term of reducing infant and child mortality, efforts have been done by the government, among which: advocacy and dissemination of health services program; upgrading the knowledge and skills of health workers; community empowerment; cooperation across relevant sectors, professional organizations, and non-governmental organizations; and pregnant Women and Baby Health Maintenance Program from Pre Natal to Ante Natal care. The government is also actively engaged in reducing child malnutrition by promoting breastfeeding, supplemental food and monitoring children's growth through Posyandu.

Realizing that clean environment is a necessity to reduce the child mortality rate from dengue fever and avian flu, the government has also developed a public campaign to create awareness to the people on the importance of maintaining a healthy, save and clean environment particularly for children.

Based on the measures and efforts implemented by the government, significant progress is made. Improvements in mother and child services have reached 80 percent 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. Infant mortality rate in Indonesia has dropped from 68/1000 live births in 1991 to 34/1000 live births in 2007. Other improvements are shown in the area of nutritional improvement in the last two decades. Malnutrition prevalence rate decreased from 31% in 1989 to 21,6% in 2000 and 17.9% in 2010.

There are, however, regional disparity in the percentage shown above, which reflects the different access to health services, particularly in the poor and remote areas. Future priority of the government in this issue is to strengthen the health service system and increase access to health services in poor and remote communities in particular.

2. Quality Education

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 and Article 3 of Law No. 20 of 2003 regarding National Education System and taking into account the National Action Plan for Education for All 2015.

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. The National Education System is elaborated in the education program

to include early childhood education, primary education, literacy programs, gender equality in education, and education quality improvement.

To ensure the fulfillment of children's right to education, the Government has set a target of 75 percent of children receiving Early Childhood Education service (PAUD) by 2015 among others through: kindergarten; raudhatul atfhal (Islamic Kindergarten); playgroups; daycare centers; and 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).

To increase the rate of participation in the early childhood education, emphasis is put in expanding access of early childhood services to all children; improving early childhood education quality by formulating and developing standards for personnel, facilities, infrastructure, curricula and other matters; and developing good governance and accountability in early childhood education provision.

The government has committed in developing primary education to Indonesia children, since 1994, in the form of compulsory basic education program (pendidikan dasar 9 tahun) to ensure that all children age 7-15 receive basic education to junior high school level. Budget wise, starting from 2009, the government has increased the education budget into 20% out of total National Budget. Special Allocation Fund (Dana Alokasi Khusus/DAK) from National Budget has been dispersed to regions since 2003 to support the compulsory basic education program through elementary school rehabilitation efforts. Each year, the fund allocation for this project increases and in 2010 has accumulated Rp 9.3 trillion and expanded the program to reach junior high school.

Considering that poverty is the main obstacle for children to obtain basic education, the government also allocated special fund for School Operational Assistance (Bantuan Operasional Sekolah/BOS) and scholarship program. While BOS was designed to reduce and eventually diminish the cost for public/private school, the scholarship was intended to help students from poor family to finish their compulsory basic education.

With regard to eradicating illiteracy, the Government sets a target of a 50 percent 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. Challenges in achieving the literacy target are the lack of facilities and infrastructure to reach children without access to education. Therefore, to achieve the literacy target the Government is focusing in expanding services of literacy program and increasing the quality of literacy program through various programs, among which: increasing the capacity and services of core trainers; encouraging universities, the private sector, the public and non-governmental organizations to support literacy programs; and enhancing access to libraries.

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

To improve the quality of education, the Government has established the National Education Standard based on Article 35 of Law No. 20 of 2003. Thus, the Government is focusing on: improving a standard for and monitoring of education quality; monitoring of education quality through surveys and studies; capacity building of education institutions and organizations; quality improvement of education and teaching process; increasing accredited schools and certified educators; and development and expansion of school libraries and its service system.

Indonesia's efforts in achieving quality education for all, particularly in promoting compulsory basic education and eradicating illiteracy is on track. In 2008/09 enrollment rate for elementary school is about 95.23%. In general, the disparity of participation level in elementary through secondary school has narrowed down with enrollment in most provinces reaches more than 90%. It is believed that, during the past 6 (six) year, BOS and scholarship program has largely contributed in the acceleration of the completion of compulsory basic education as well as decreasing school dropout rate. Data from the Ministry of Education shows that there is a decreasing tendency in the elementary school dropout rate from 2.74% in 2005 to 1.7% in 2009. In the mean time, the literacy level increased as well, with 99.47% rate in 2009.

Based on the efforts and achievements of the government aforementioned, there is still a main challenge in this issue, which is how to increase the equal distribution of access to all children, regardless their sex, to obtain a quality education in all regions.

3. Special Protection

The Government guarantees the right of all children to obtain special protection in situations of emergency, among which: economic exploitation and any worst forms of exploitation, including child labor, Children in conflict with law situation (Anak Berhadapan dengan Hukum/ABH), conflict situation and violence.

In term of economic and other forms of exploitation, which include child labor, the government guarantees the right of all children from any exploitation 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.

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. Moreover, 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 Labor Organization, along with non-governmental organizations and universities, has 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;
- 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.

In this regard, the government has prepared a number of programs, which include providing children with good education (formal, non-formal and vocational), provision of health services and counseling for children involved in the worst forms of work; and improving condition of workplace which involved children. Furthermore, The Government has taken steps to implement the National Action Plan for Eliminating Worst Forms of Child Labor 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.

The government protects children from sexual exploitation through article 59 of Law No. 23 of 2002 regarding Child Protection. And, to this end, 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: protection; prevention; recovery, rehabilitation and reintegration; child participation; and coordination and cooperation.

However, challenges in eradicating sexual exploitation of children remain. Being aware of the challenges faced, the government is taking the following measures: 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; promote public awareness on the issue of commercial sexual exploitation of children; develop data system on child sexual exploitation; and intensify dissemination of RAN-PESKA at provincial level.

Indonesia is a source, but also a transit and destination country for human trafficking, in 24% of the total victims are children. Recognizing the seriousness of the problem, the Indonesian government has enacted various anti-trafficking laws and regulations to help criminalize and eradicate it from society.

Law no. 21 of the Eradication of Trafficking in Persons, passed in 2007, and the Presidential Regulation 69 on the Task Force for the Prevention and Handling of Trafficking in Persons are just two of the most recent examples. In particular, the government protects children from sale, trafficking and abduction as stipulated in article 83 of Law no.23/2002 regarding Child Protection.

Currently, 15 provinces and 242 or about half of 467 regencies and municipalities in Indonesia have conducted recording and reporting of human trafficking. The State Ministry for Women Empowerment and Child Protection has launched a website that provides information about trafficking and trafficking cases. In January 2010, the Government issued Decree 1/2010 stipulating a Minimum Services Standard for female and child victims of violence at both the national and regional levels. Moreover, 305 Women and Children Units have been established in all over 33 provinces and 42 military hospitals.

More importantly, in terms of criminal prosecution, more progress has been achieved. National Police Criminal Investigation Body data shows that from a number of cases identified, turned over to the police, and actually prosecuted and resolved have been gradually increased. This will bring the issue to a higher degree of public scrutiny.

Regarding children in conflict with law (Anak Berhadapan dengan Hukum/ABH), 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. Challenges faced by the government in this area include, 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.

In the situation where the children have already prosecuted, 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.

In term of children in conflict situation, 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 stipulated in Law No. 39 of 1999 regarding Human Rights and Article 63 and 87 of Law No. 23 of 2002 regarding Child Protection.

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.

For children in disaster-affected areas, 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.

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.

Concerning violence against children, 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.

Various efforts have been conducted by the government to address the task of preventing violence, discrimination, harassment, mistreatment, and neglect and of handling, recovering, rehabilitating, and reintegrating child victims, among which: establishing an Integrated Service Unit for the Empowerment of Women

and Children (P2TP2A) in every province, regency and municipality; developing a National Action Plan for the Elimination of Violence against Children; and creating a system for recording and reporting of child victims of violence, discrimination, harassment, mistreatment, and neglect. At every level, the Woman Empowerment and Child Protection Bureau acts as the center for data and information gathering.

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.

4. Prevention of HIV/AIDS

The national commitment to combating HIV/AIDS is growing. It is documented that 106% increase in the government funding allocation from US\$ 6.3 million in 2003 to US\$ 13.0 million in 2005 (US\$ 11.4 million by the central government and US\$ 1.6 million by local governments). In addition to that, HIV/AIDS is a component in the Short Term National Development Plan for 2004–2009. In 2004, six cabinet ministers, together with the governors of six high-prevalence provinces, made a commitment to collaborate on strengthening and expanding the response to the epidemic. In 2006, the National AIDS Commission plans to roll out the HIV/AIDS prevention, care and treatment program to a total of 100 districts in 21 provinces.

Important steps towards strengthening health-care systems to support people living with HIV/AIDS has been initiated by staff training at 75 ARV referral hospitals across the country and providing subsidized antiretroviral drugs and expanded Voluntary Counseling and Testing (VCT) services within those hospitals, as well as providing reagents for HIV testing.

Two positive results in 2005 that target children are the development of policy on the prevention of mother-to-child transmission of HIV (PMTCT) and the introduction of life skills education for HIV/AIDS into the school curriculum. Students at a total of 533 high schools in 20 provinces in Indonesia received life skills-based HIV/AIDS education during the last academic year. The Government also promotes teen health activities aimed at prevention of early or unwanted pregnancies as well as prevention of the use of narcotics, psychotropics, and addictive substances and transmission of HIV/AIDS.

Many challenges remain, including stigma and discrimination against people living with HIV/AIDS, which seriously hampers all efforts to prevent HIV/AIDS and to provide care, support and treatment for people affected by the virus.

C. Conclusion

The government is entrusted to provide care and protection for the welfare and development of children as they are the future generation who will set the course of the entire nation. Therefore, efforts and measures conducted by the government should be increased, particularly in giving the special protection to children in vulnerable condition.

Despite the positive steps forward, Indonesia recognizes that there still remains challenge as to better implement the available legal frameworks to equally distributed programs/actions to children all across Indonesia. Thus, capacity building for officials or other concerned parties and related stakeholders is now an urgent priority, as well as creating more national awareness about the issue.

To conclude, it is high time for the government as well as international community to further enhance cooperation with relevant stakeholders in addressing the issue.