

# Caring for children deprived of parental care in Indonesia



A blue sky with light clouds over a vast blue ocean. The sun is visible on the left side, creating a bright reflection on the water's surface.

# A post Tsunami summary

# Children in the Indonesia context

- Population of Indonesia: 217.6 Million *(2004 WB)*
- Children (under 18 years of age): 78 million or about 35% of the total population *(2003 UNICEF)*
- In the year of 2002, there were 38.4 million people in Indonesia recorded as living below the poverty line. 65.36% of them live in rural areas.

# Child Protection concerns

- Approximately 4.4 million children are deemed neglected or abandoned and another 10 million are at risk. *(DEPSOS)*
- Around 400,000 children are displaced and affected by armed conflicts and natural disasters
- An estimated 8 million children work. *Of the children aged between 15 and 17, approximately 65% of them worked an average of 25 hours per week.*
- 30% of the more than 40,000 women involved in the commercial sex industry were girls under the age of 18. *(1997-2000)*
- There are over 680 000 children, mainly girls, working as domestic workers, many having started work as young as 12 years of age.
- Over 40 000 children are deemed to be victims of violence and maltreatment.
- Numbers of street children are estimated to be over 50,000. Over 4000 children are routinely detained by the police and more than 9000 children deemed in conflict with the law or 'at risk', are placed in reform institutions. *(2002)*

# Child Protection Strengths

- At the same time Indonesia has an important and well established child protection framework.
- Kinship care is deeply rooted and extended families (kerabat) have longed stepped in to care for children who cannot be cared for by their parents.
- Social responsibility underlies both religious and cultural values and the care of those vulnerable, particularly children, is understood to be both a state and a community responsibility.

- Indonesia already relies on a welfare society rather than a welfare state.
- There is also a well established and comprehensive social work tradition in Indonesia with 28 Academic programs for the training of professional social workers and eight Regional training centers operated by the Department of Social Welfare. (DEPSOS)

# A child rights framework

- The 1945 Indonesian Constitution recognized at the outset the responsibility of the State to care for indigent and neglected/abandoned children.
- With the ratification of the Convention on the Rights of the Child by Indonesia in 1990 and the amendment of the Indonesian Constitution in 2000 it recognised children's right to protection.
- In 2002, with Law no 23 on Child Protection, the Government has moved from a social welfare framework for the protection of children to a rights framework.

# Some of the challenges...

- Neglected or abandoned children include any child whose parents 'for one reason or another, are incapable of providing for the child's needs, as a result of which the child suffers neglect or abandonment'.
- This has traditionally been understood as meaning that the State and the community should step in usually through the provision of institutional care.
- Much of the work and financial support of the Social Work agencies has been focused on supporting institutions such as Panti Asuhan Anak (Care/fostering institutions for neglected children) rather than supporting families to care for their children.
- The reliance on long term residential care for children is also very entrenched in the community and religious culture through the use of religious boarding schools (Pesantren).

- There has been very little focus on prevention of separation and support for family based care.
- The massive decentralization of power to the provinces in 1999 has created enormous pressure on the delivery of social services at provincial and district levels.

# Residential care for children

- There are over 7000 Panti Asuhan Anak (Care/fostering institutions for children) in the country.
- The overwhelming majority of those Pantis are privately run with the government running less than 72 of the more than 3300 institutions that receive some form of government subsidies.
- These Pantis alone care for over 127000 children.
- There are more than 6 different types of residential institutions (Panti) that care for children deemed in need of special protection.
- The majority of children in those institutions have at least one parent alive and virtually all have extended families.
- Most of these children are placed in these institutions by parents or relatives who feel they cannot provide adequately for their children

# Religious boarding schools in Indonesia (Pesantren)

- There are 14,656 Pesantren in Indonesia. (2003-04)
- They care for 3,369,193 children.
- Pesantren do not come under the authority of the Department of Social Services but of the Ministry of Religion.
- Children are usually placed in Pesantren for their education from the age of 12 to 20 years old.
- The children are allowed some contacts with their families and entitled to go home for holidays but few have the resource to do so.
- Children are placed in Pesantren by their parents to ensure they receive religious education and because of the lack of capacity to care for them or pay for their care including formal education.

# Refocusing care and protection systems

- Since the adoption of Law No23 on Child Protection, there has been a new emphasis on family based care.
- This law recognises the importance of family based care and that every child is entitled to be “brought up by his/her own parents save where there is a valid reason and/or legal provision that requires the separation of the child from his/her parents in the interest of the child.” (Article 14)
- It also states that the state, the government, the community, the family and parents “shall all be responsible and accountable for protecting children”. (Article 20)

# Moving towards family based care

- The Department of Social Services (DEPSOS) has developed policies to promote the use of non residential care and more community and family based care options.
- DEPSOS has also developed a number of best practice models such as the “Pati” model of care in the community which aims to transform the Panti into a community referral point for children facing care issues

# Supporting children in the community

- It has developed model Drop-in and transit centers for the care of children facing protection challenges including street children and children victims of abuse and trafficking.
- It is supporting the development of a new law on guardianship to formalize care arrangements and protect the rights of children deprived of parental care.
- It is in the process of revising its adoption law and policies to ensure a wider basis for national adoption and tighter control over inter-country adoption.

# December 2004: The Tsunami and earthquakes in Aceh.

How did they impact on care  
responses?

- It is estimated that over 150 000 people died in the earthquakes and Tsunami in Aceh.
- Over 8000 children are estimated to have lost one or both parents.
- More than 477,000 people were displaced across Aceh.

- Over 15,000 children are currently in the displaced camps and temporary living accommodations.
- More than 2000 children are recorded as being separated or unaccompanied.
- Over 11,000 hectares of land have been damaged
- Destroyed: 1488 schools, 2 hospitals, and 26 primary health centres. Many more damaged.

# Immediate care responses

- It is estimated that around 70 to 80% of separated and unaccompanied children are being taken care of by extended families.
- This is the case even though many of these families have often lost everything themselves, pointing to an enormous capacity and willingness to take responsibility for children within the family.
- Other children were taken in by the Pantis and the Pesantrens which transformed themselves to care for thousands of children. (There are 168 Pantis and 860 Pesantren in Aceh)
- There are over 250 000 displaced persons being cared of in host communities around Aceh.

- However at the same time there was a drive towards the building of more residential institutions, both public and private, in some cases with the support of donors.
- International solidarity responses also included attempts at taking children abroad to be cared for in institutions there, but these initiatives were by and large prevented.

# Focus of protection agencies

- International and national agencies working with the Government focused instead on carrying out tracing for family reunification and provide psycho-social support to children and their families.
- 2343 separated children were registered and the reunification of 362 children was facilitated.

# Preventing further separation

- In the face of increasing concerns that children were being separated and sent away from their remaining communities and families, the government responded decisively to prevent further separation of children.
- It froze all adoptions intra or inter-country, and prevented the transfer of children abroad.
- It promulgated a new Policy on Separated Children, Unaccompanied Children and Single-parent Children affected by Emergency Situations.

# A new policy for separated children in Emergencies

- The new policy states clearly that “children receive the best care when they are in a family environment and remain in their community, culture and religion”.
- It articulates the principles upon which interventions should be based in particular:
  - That separation from the family and community should be prevented whenever possible.
  - That support for family based care should be prioritised and,
  - That placing children in institutional care should be a measure of last resort.

# Supporting families

- The policy also identified the range of support that families should be given in order to ensure that they are able to continuing caring for these children during the emergency including:
  - Food and shelter
  - Income generation projects
  - Free or reduced fees for schooling
  - Free access to healthcare
  - Psycho-social support

# Some of the remaining challenges

- Although 2343 separated or unaccompanied children have been registered by the Family Tracing Network (October 13, 2005), there are certainly many more that are not yet registered.
- Little registration has taken place so far in the hundreds of Pesantren and Pantis in Aceh where many children separated as a result of the Tsunami are likely to be.
- Reunifications are continuing but follow up with families is not consistent.
- As of September 2005 there were still over 120,000 people living in barracks or tents.
- The legal and social situation of most children who have lost both parents in the Tsunami remains unclear, including in relation to inheritance rights, property and care status.

# Longer term challenges

- The risk of secondary separation is high as many families and communities are likely to feel that they are unable to care for their children properly, particularly in the context of temporary and cramped barracks or camps, and often located far away from schools.
- Many families will have to search for livelihood options, often far from their own communities.

- Family support schemes such as cash subsidies, livelihood projects, scholarships continue to be ad hoc and short term.
- There is lack of clarity regarding the application of guardianship laws on children deprived of parental care as a result of the Tsunami, whether under the existing Syariah rules or under the proposed new law.

# What next?

- A clearer framework for family support to prevent separation is needed including some good models of interventions.
- Greater refocusing of Social services resources and capacities towards supporting family based care alternatives including for non kinship care.
- Changing the traditional reliance on institutional care as the preferred option and a campaign on the role of the family in the care and protection of children.

# And finally...

- We need a better picture of the situation of children in all institutions and to transform the role of these institutions from permanent care options to interim care options and a last resort.
- Minimum Standards must be developed for all child care institutions.
- Need to work with Boarding Schools (Pesantren) to ensure children's relationships and ties to families are prioritized and supported.