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**Indonesia's combined third and fourth report on the implementation of the Convention on the Rights of the Child. CRC/C/IDN/3-4, 18<sup>th</sup> October 2012.**

**Care-related sections (Extract)**

The Government of the Republic of Indonesia has submitted its third and fourth combined report on the implementation of the Convention on the Rights of the Child (dated 18<sup>th</sup> October 2012), which is due to be examined by the Committee on the Rights of the Child at its 66<sup>th</sup> Session, taking place in May-June 2014 in Geneva.

For the full report, please visit: <http://www2.ohchr.org/english/bodies/crc/crcs66.htm>

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

**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

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included programs and their corresponding budget for child protection data collection.

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

**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>

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.

**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.

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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.

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”.

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

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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.

#### **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.

#### **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.

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.

#### **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.

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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.

**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.

98. Responding to the Committee's recommendations, the government conducted a comprehensive review of policies, standards and practices regarding children outside of family care. 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 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.

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**Adoption (art. 21)**

103. Article 39 (1) 68 of Law No. 23 of 2002 regarding Child Protection and Article 47 (1), 69 (2), 70 and Article 48 (1) 71 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 572 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;
- (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.

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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)73 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
- 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

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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>

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



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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.