

Ministry of Social Affairs  
of the Republic of Indonesia

**Indonesian Government Policy on  
Separated Children, Unaccompanied Children  
and Children left with One Parent in  
Emergency Situations**

**A. Introduction**

This paper is intended to explain the policies of the Republic of Indonesia Government on Separated Children, Unaccompanied Children and Children left with One Parent in Emergency Situations, which policies are founded on:

1. The relevant legislation, including the Child Protection Law (No. 23 of 2002;
2. The prevailing Government Regulations;
3. The Government's experience of handling emergencies, particularly in the light of the earthquake and tsunami that hit Aceh and North Sumatra;
4. The United Nations' Convention on the Rights of the Child, and other international conventions and treaties;

5. Consultation between Government departments and the Government's partners from the non-governmental sector.

In an emergency, children generally find themselves in a very vulnerable position. They are easily separated from their parents, families, and communities, which leaves them at risk of neglect and exploitative treatment.

This Policy Paper is designed to ensure that all decisions connected with children are based on the best interests of the children involved, and that the rights of children and their parents to participate in policy-formulation are respected.

This Policy Paper sets out the general principles applicable to separated and unaccompanied children, and children left with only one parent in emergency situations, and also sets out guidelines for effecting intervention.

## **B. Definitions**

The definitions given below represent the adaptation of international standards to the Indonesian context:

1. A separated child shall mean a child who has been separated from both of his/her parents, or primary

guardian based on *adat* or state law. However, for the purposes of this definition it is not necessary for the child to be separated from his/her siblings. Accordingly, the definition of an unaccompanied child does not include children who are accompanied by other adult members of their families, such as a grandfather/grandmother, uncle/aunt, or some person who is known and familiar to the child or some person from the same community (family friend, neighbor, a person from the same village, etc.)

2. An unaccompanied child shall mean a child who has been separated from both of his/her parents, and is not being taken care of by an adult who has a responsibility under *adat* or state law to do so. Should the child be taken care of by an adult but the child is not familiar with this adult, or the said adult be from a different geographical area (different district), then the child shall continue to be treated as an unaccompanied child.
3. An orphan shall mean a child whose two parents are known to have died.
4. A child left with only one parent shall mean a child who is living with only one of his parent's following

the death of his/her other parent, or where the child's other parent is unable to provide the care that the child needs.

5. The fostering of a child shall mean a situation where the child in question is taken care of by a family other than his/her own family.

6. Adoption shall mean the permanent surrender under *adat* or state law of the rights and responsibilities of natural parents to a child's adoptive parents.

### **C. General Principles**

All children have the right to a family, and every family has the right to care for its children. Children are most likely to receive the best possible care if they are living with their natural family in the bosom of their religion, community and culture. The fact that children are living in an environment with which, and with people with whom, they are familiar helps strengthen and maintain their family, communal, cultural and religious identities. Removing a child from the environment with which he/she is familiar may result in stress and interfere with the child's recovery.

A child requires attention, love and protection. Children are particularly at risk during the current crises so

that special efforts are required to ensure that they receive the proper care and protection that they are entitled to.

Every effort must be undertaken so as to ensure that children are able to stay with their families and communities. In a situation of crisis, most children who have lost or have become separated from their parents will be cared for by relatives or other persons from their own community, such as neighbors, teachers, religious figures, or family friends. Experience teaches us that many children who have become separated from their parents during a disaster may subsequently be reunited with them. Separated children who are still living with relatives must continue to do so wherever possible until they are reunited with their parents or until a suitable, permanent alternative is found for them.

The priority at all times must be to reunite those children who are unaccompanied or separated with their parents or family/relatives.

#### **D. Intervention**

Various services, including the registering and recording of separated and unaccompanied children, the tracing and

identification of their parents or other family members, and the reuniting of the children with their parents or other family members, must be provided as expeditiously as possible after the occurrence of the emergency.

The Department of Social Affairs, together with its partners, performs various services to provide immediate help and support to vulnerable children. The latest information on the services available in emergencies is available directly from the Department of Social Affairs.

Those families which are currently hosting separated children must be provided with the support they need in order to keep caring for the children for the duration of the emergency. This support includes the putting in place of measures to ensure that families and children receive priority as regards access to food, shelter, healthcare services, psychosocial support and education.

In more detail, such special family support includes the following:

1. food and shelter;
2. support in the form of sponsorship or the provision of material assistance (clothes, household utensils/goods, etc.);

3. organizing of activities that are capable of providing/increasing family income;
4. reducing or eliminating school fees;
5. provision of free health services, including reducing the cost of medicines or providing these free of charge;
6. provision of psychosocial support;
7. providing referrals to specialists; and
8. establishing parent support groups.

A child left with one parent where his/her other parent is known or believed to have died or is no longer capable of providing the care and attention that the child needs also finds himself/herself in a vulnerable position. In addition, children living in households headed by women are also at risk. All children looked after by a sole parent need to be registered and recorded. If necessary, a family living in such circumstances must be provided with the support it requires so that the one remaining parent is capable of providing proper care and attention to his/her children.

Generally speaking in crisis situations, only a small number of children who are left uncared for by adults.

For this small number of unaccompanied children, the priority must be to place them in the care of families from their own communities, with particular attention being given to the need to place them with families who are known to them, such as those of family friends and neighbors.

The placing of children in institutional care, such as in orphanages and boarding schools is not advised during the emergency stage. Such institutionalization might only serve to reinforce and perpetuate the separation of the children involved from their parents, and make the registration and recording, tracing and reunification processes more difficult instead of easier. In addition, parents might be tempted to place their children in such institutions based on the mistaken belief that the children would receive better services and support in an institutional setting.

During the initial emergency stage, it is best that children not be placed in orphanages or other form of temporary care outside of the emergency zone. Should children need to be evacuated from the emergency zone for medical reasons, they should be accompanied by a family member and the evacuation recorded by and coordinated

with the Department of Health. Every child placed in an institution must be immediately registered and recorded by the mosal so as to facilitate subsequent tracing and eventual reunification with his/her family, or to determine whether the child's status in the institution should be put on a permanent footing.

Organizations wishing to help separated children, unaccompanied children or children who have lost a parent must be encouraged to:

1. support the reunification of such children with their families;
2. provide support to families who are currently hosting such children in their own communities;
3. support the fostering of such children within their own communities.

Organizations wishing to provide support should contact the Directorate of Children's Social Services at the Department of Social Affairs.

Parents, families, society and the government must all strive to the utmost to ensure that criminals do not benefit in any way from the emergency through the prejudicing of the affected children in any manner whatsoever (for example, through mistreatment, sexual

exploitation, or child trafficking). Any suspicious activities should be reported immediately to the police.

Adoption should preferably not be contemplated during the emergency stage, and should only begin to be considered after all efforts have been made to facilitate family reunion, but these have failed to bear fruit. Priority should be given to adoption by relatives who are known and familiar to the children.

#### **E. Registration/Recording, Tracing and Family Reunification**

The process of reunifying a separated or unaccompanied child with his/her parents/family must involve the identification, registration and documenting of the child. These processes must have regard to the following aspects:

1. Registration/recording needs to be coordinated by the Department of Social Affairs, and may be carried out on the ground by institutions/bodies that satisfy the requirements, including government departments, local and international NGOs, and religious organizations;
2. The registration/recording of separated or unaccompanied children needs to be undertaken at the

same time as the registration/recording of parents seeking their children.

3. All organizations involved must adopt a uniform approach to the registration/recording of children, including the use of uniform or compatible registration forms, systems and processes.
4. Coordination and allocation of duties and authority among all the organizations involved needs to be undertaken so as to ensure that all separated or unaccompanied children are reached and no overlapping occurs. A joint database needs to be set up by the Department of Social Affairs in which all relevant information on separated or unaccompanied children, and their parents and families, may be stored and analyzed.
5. The confidentiality of all information collected and stored must be maintained, and effective systems must be developed so that such information may be transmitted in a secure manner so that it only becomes available to those institutions/organizations that are responsible for tracing and reunifying parents and children, and for looking after and caring for

children. Under no circumstances may such information be employed or made available for any other purposes.

6. The validity of parent-child relationships and whether children and parents wish or are willing to be reunited needs to be verified in the case of each separated or unaccompanied child.
7. All actions that could interfere with the reuniting of children with their parents must be avoided. Actions such as adoption, changing the name of a child, or removing a child far from his/her parents or community shall not be permitted until such time as all possible efforts to reunite the child with his/her parents have failed.

#### **F. Foster Care Plans**

In order to encourage family-based fostering, an Emergency Foster Care Plan will be required in the short term. In addition, a system needs to be put in place for the purpose of assessing and determining the most appropriate long-term/permanent foster care plan for each child.

**G. Principles governing the Care of Separated or unaccompanied children, and Children left with one parent**

The proposed adoption of a separated or unaccompanied child or child left with one parent must be based on the following principles:

1. The child should be allowed to remain with his/her family (including siblings), and the possibility of the child being separated from his/her family avoided;
2. The reuniting of the child with his/her family (including siblings);
3. The promotion of family-based adoption, preferably within the child's own community;
4. Avoiding institutionalization/placing of the child in an orphanage;
5. Ascertaining the best interests of the child as an individual, and taking into consideration the wishes of the child;
6. Ensuring that the child is informed about the plan that has been drawn up for him, and that his/her views and wishes are taken into consideration.

7. Ensuring that the fostering of a child is sustainable, and avoids the possibility of the child being shunted from one set of foster parents to another save where this is in the best interests of the child.
8. The fulfillment of the basic needs of the child, including food, shelter, medical care, psychosocial support and education.
9. Ensuring support for the psychosocial support and development of the child.
10. Protecting the child from exploitation and abuse.

#### **H. Care of Children during an Emergency**

The following steps will be taken to ensure that separated or unaccompanied children, and children left with one parent receive proper care during an emergency:

**Step 1** :Identifying and registering separated or unaccompanied children and children left with one parent

**Step 2** :Option A for children left with one parent

1. The child in question is left with his/her remaining parent.

2. Support is provided to the child's remaining parent so as to ensure that he/she continues to take care of the child (material, psychological, and social support as described above).

**Step 2** :Option B for separated children

1. The child in question is left with the family looking after him/her.
2. Efforts are made to reunite the child with his/her family (tracing);
3. Support is given to the foster family so that it continues to take care of the child;
4. The best solution for the long-term care of the child is decided upon

**Step 2** :Option C for unaccompanied children

1. Efforts are made to reunite the family (tracing)
2. The child is placed in temporary foster care with priority being given to the placing of the child with relatives or, where this is not

possible, with a member of the community who is known and familiar to the child.

3. (Only applicable if the two earlier options have been tried unsuccessfully) The placing of the child in a group home where approximately 6 children are looked after by 1-2 adults. Such homes should be located in the communities from which the children hail.
4. Only applicable if the three earlier options have been tried unsuccessfully) The child is placed in a transit center, such as an orphanage. Such centers must represent temporary care centers where children can be accommodated on an emergency basis (for example, for up to one week) where all of the earlier alternatives have been tried but found to be unsuccessful. Simultaneously, efforts to reunite the child with

his/her parents should be continued, as well as efforts to find a family willing to foster the child should his/her parents not be found.

5. The best option for the long-term care of the is decided upon based upon the best interests of the child.

**Step 2** :Option D for children who have been placed in residential care for the duration of the emergency:

1. Should the child in question be living in the midst of his own community, efforts should be made to reunite him/her with his/her family;
2. Should the child involved be living outside his/her community, then wherever possible efforts will continue to be made to reunite the child with his parents. If this proves impossible, the child shall be placed in foster care within his/her own community.

3. The best option for the long-term care of the is decided upon based upon the best interests of the child.

**Step 3** :Issuance of Birth Certificate for Child:  
All separated or unaccompanied child, and children left with one parent must have their births recorded so as to provide them with legal protection from the state and legal guarantees in respect of their parents.

**Step 4** :Monitoring is conducted so as to ensure that the child involved is being properly taken care of and receiving the protection he/she requires.

#### 1. Long-term Childcare Alternatives

It shall remain up to the child if he/she wishes to subsequently be reunited with his/her parents or family.

Should a family reunification prove to be impossible after all reasonable searches have been made over a minimum period of six months, or if it is discovered that it would not be in the best interests of the child to be reunited with his/her parents, then both short- and long-term foster care plans shall be drawn up for the child,

including the possibility of participation in a foster child program, placement in a group home with a familial environment, or putting the child up for adoption.

Besides the "Principles governing the Care of Separated or unaccompanied children, and Children left with one parent", the following principles shall also apply in the case of long-term childcare alternatives:

1. Decisions regarding the future care of such children must be taken individually for each child based on his/her best interests and needs.
2. The need for subsequent monitoring and support for such children and the families looking after them, and the desirability of community involvement in these processes.
3. Such children must be fully integrated into the community and all forms of stigmatization avoided. This includes the integration of these children into the education system where they are living (public schools), the provision of psychosocial services together with other children, and avoiding making distinctions between the children.
4. All long-term solutions must be consistent with the options and procedures described in the Child

Protection Law and the provisions of other relevant legislation and regulations.

The alternatives for the long-term care and upbringing of the children, including the alternatives given in the Child Protection Law, are as follows:

1. Fostering within the family. If it is in the best interests of the child involved, such foster care arrangements need to be formalized through the granting of guardianship or foster-parent status to those taking care of the child.
2. Fostering outside the family. Here, first priority must be given to the placing of the child with foster parents in his/her own community and with family which is known or familiar to the child. The second priority is the placing of the child with a family which is not known or familiar to the child but which is a part of the same community. Finally, the last alternative is the placing of the child with a family outside his/her own community.
3. Group Home with Familial Environment - if it proves impossible to place the child with a foster or adoptive family, then he/she may be placed in a small group home that is run like a family home, and which

is based on the social structure prevailing in the area in question.

These options may be combined, of course, with education in a boarding institution, such as an Islamic boarding school (*Pesantren*). It is better for children who study in such an institution to have a family to which they can return to during school holidays so that they can maintain their links with the community. It is preferable that *pesantren* are not employed as orphanages where children spend all of their time with the result that they are cut off from their family members (blood, foster or adoptive) and their community.

#### **J. Institutional Care**

Should none of the options described above be feasible, then the question of placing the child in question in an institution/orphanage may be considered. Any such placement of the child must be on a temporary basis until such time as the child is reunited with his/her parents or placed in community-based, family foster care.

A child may be placed in an institution/orphanage if:

1. he enjoys the same political and civil rights as the other children in his environment;

2. the reuniting of families is one of the goals of the institution and the child is only placed there on a temporary basis.
3. the institution is not large and is managed based on the best interests of the children;
4. the institution is geographically close to the child's community;
5. the institution is integrated into the local community;
6. the institution provides adequate basic care and meets the standard minimum requirements as regards water, sanitation, healthcare and nutrition.
7. the institution has an interesting environment and a structured educational program that includes adequate recreation and rest, with children being taught the skills they will need to survive in the wider community;
8. the staff are properly trained and experienced in looking after and taking care of children.

**Jakarta, 11 February 2005**

**Signed,**

**Bachtiar Chamsyah SE**

Republic of Indonesia Minister of Social Affairs