

Convention on the Rights of the Child

First Periodic Report — Indonesia

1993 – June 2000

Introduction

The onset of the economic crisis in mid-1997, which was followed by political upheaval and instability of the situation in Indonesia, is the main reason why this first periodic report, which should have been completed in October 1997, is late. The political condition, notably since May 1998, which has been marked by a relatively rapid and swift change in government and a continued search for a stable cabinet line-up, has hampered the delegation of authority for and coordination of the drawing up of this report.

Only towards the end of 1999, when a legitimate and democratic government was formed, could the planning for the compilation of the CRC report begin. With the full support of UNICEF Indonesia, the drawing up of this first periodic report has begun in April 2000.

Economic crisis, social tension, and the threat of national disintegration, never before experienced, has absorbed a large part of the government's attention, and has meant that some information and supporting data needed to draw up this report are not yet available. The refugee problem for instance, including the problem of internally displaced children, is a new issue never before encountered. Lack of experience in dealing with this problem, and arising as it does right in the midst of national economic difficulties, meant data concerning this issue could not be properly collated.

The prolonged economic crisis has also meant that a number of set targets directly related to fulfilling the rights of the child were not achieved. In particular, the situation regarding immunisation, iodisation, and clean water supply, which, having almost achieved World Summit Goals prior to the crisis could have been described as normal, following the onset of the crisis suddenly and unavoidably stagnated or even declined. The number of people living below the poverty line,

previously under control, suddenly rose drastically, bringing new problems and challenges, regarding for instance, continuity of life and development of the child.

At least, however, every effort has been made to respond to the crisis, including the reallocation of development funds to counteract, or to be more precise, abate , the negative impacts of the crisis. With international support, programmes such as the Social Safety Net, education aid for children of elementary school age, and primary health care have been set up.

Meanwhile, political reform towards a more democratic system of government, along with new awareness regarding the importance of respecting human rights, has created a situation far more conducive to recognising, respecting, and fulfilling human rights in general, including the rights of the child. At the same time, appreciation of the role of civil society has also improved, which is why compilation of this report involved NGOs and higher education establishments. They were invited not only to provide input to and comments on a draft of the report, but from the outset were actively involved in the drawing up of the report itself.

This draft report was drawn up by a team comprising:

- Government representatives: Office of the Coordinating Minister for Social Welfare, Department of Social Affairs (now the Ministry of Health and Social Affairs), Department of Religious Affairs, Department of Health, Department of National Education, and Department of Manpower.
- NGOs, including Komisi Perlindungan Anak, Yayasan Komite Pendidikan Anak Kreatif Indonesia (Jakarta), and Yayasan Sekretariat Anak Merdeka Indonesia (Yogyakarta)
- Higher Education Establishments: University of Indonesia (Faculty of Psychology and Faculty of Sociology and Politics, Criminology Department) and Atma Jaya University, Jakarta
- The then Office of the State Minister for Human Rights (observers)

The draft report drawn up by these team members was then disseminated for feedback from a wider audience, including representatives of central and regional government, approximately 35 child-focused NGOs, including provincial Child Protection Agencies, professional associations and other sectors of civil society, in a consultative workshop held in Jakarta on May 9 –10 2000. Feedback from this consultative workshop was then used to complete the draft report, which was subsequently consolidated into this final report.

This final draft, before being translated into English, was published and distributed to all parties involved in the consultative workshop, and is available for access by the general public.

A new era of reform began in May 1998 bringing several fundamental changes to the nation. For the first time in Indonesian history, legal recognition of human rights, including rights of the child, was realized in the form of national legislation (Act No. 39 of 1999 concerning Human Rights). Several other national laws in concord with the spirit of UN Conventions and international instruments on human rights have also been and will continue to be adopted.

The 1999 General Election, which produced a new, legitimate and democratic government, helped propel these fundamental changes in the nation. At the time this report was completed, the Indonesian Parliament (People's Legislative Assembly) had approved amendments to the Constitution, which involved adopting certain clauses concerning human rights, the rights of the child included. This means that several provisions concerning human rights and the rights of the child have a constitutional guarantee.

The various crises facing Indonesia today aside, it is hoped that the changes that have taken place, are taking place, and will continue to take place, will provide a positive contribution to the advancement of peace, and respect for and advancement of human rights in the international community.

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Cluster I, II & III

◆ GENERAL MEASURES OF IMPLEMENTATION

(arts. 4; 42 and 44, para. 4)

◆ DEFINITION OF THE CHILD

(art. 1)

◆ GENERAL PRINCIPLES

(arts. 2; 3; 6 and 12)

Cluster I: General Measures of Implementation (arts. 4; 42 and 44, para. 4)

Introduction

In addition to being guided by the General Guidelines (of Reporting) prepared by the Committee for the Rights of the Child, the drawing up of Cluster I of this report will, as far as possible, take into consideration the suggestions and recommendations of the Committee regarding the Initial Indonesia Report, as discussed in the Concluding Observations (CRC/C/15/Add. 25, October 14 1994), including, relevant to this Cluster, the following :

18. The Committee encourages the Government of Indonesia to complete the review of child-related laws so as to ensure their conformity with the provisions of the Convention and, in that regard, draws once again attention to the activities developed by the Programme of Advisory Services and Technical Assistance of the United Nations Centre for Human Rights...

21. The authorities should undertake all appropriate measures to the maximum extent of their available resources to ensure that sufficient resources are allocated to children, particularly children living in poverty, children living and/or working in the streets and children belonging to minority groups and other vulnerable children.

25. The Committee recommends that the provisions of the Convention should be widely publicized, among the general public and, in particular, among teachers, social workers, ...

26. The Committee recommends that the initial report and additional information along with the relevant summary records and

the preliminary and concluding observations adopted thereon by the Committee, be made widely available to the public at large, including non-governmental organizations.

These suggestions and recommendations will, as far as possible, be integrated into the report narrative, without any specific pointers being provided.

On reservations

When the Convention on the Rights of the Child was ratified, Indonesia issued the following “Declaration”:

The 1945 Constitution of the Republic of Indonesia guarantees the fundamental rights of the child irrespective of its sex, ethnic origin or race. The Constitution prescribes those rights to be implemented by national laws and regulations.

The ratification of the Convention on the Rights of the Child by the Republic of Indonesia does not imply the acceptance of obligations going beyond the constitutional limits nor the acceptance of any obligation to introduce any right beyond those prescribed under the Constitution.

With reference to the provisions of articles 1, 14, 16, 19, 21, 22 and 29 of the Convention, the Government of the Republic of Indonesia declares that it will apply these articles in conformity with its Constitution.

This “declaration” sparked criticism at both national and international levels, because in essence it was seen as a reservation. Consequently, Indonesia declared its willingness to review this “declaration”, and at that time, gave serious consideration to revoking from the declaration, not only the third paragraph, but

also the second paragraph, which was also frequently criticised as a blanket reservation.

A further issue related to this ratification is that the instrument of ratification is a Presidential Decree. The use of a Presidential Decree as the instrument to ratify the CRC has prompted much criticism within Indonesia, particularly in the recent past, because in terms of its legal position a Presidential Decree is ranked fourth below an Act. In regard to this problem, Indonesia is earnestly considering and exploring ways of raising the instrument of ratification from a Presidential Decree to an Act.

On measures to bring national legislation and practice into conformity with the principles and provisions of CRC

To a certain extent this has already been done, most extensively perhaps over the past two years. However, it must be appreciated that a comprehensive review of national legislation will take a quite considerable amount of time and effort.

At the time this report was being prepared, the Indonesian Parliament (People's Legislative Assembly) was in the process of making changes and/or amendments to the 1945 Constitution, in which clauses concerning human rights, including the rights of the child, would be integrated into the Constitution. It is hoped that these amendments and/or changes to the 1945 Constitution will provide a constitutional basis for review of legislation and other regulations, in particular review of compliance to criminal and civil law.

In the meantime, several new acts have been introduced recently. While embodying several constraints and limitations, several of the new laws and regulations that have come into effect while this report was being drawn up, in particular those introduced over the past two years, appear to be very accommodating to provisions concerning human rights, including the rights of the child, as set forth in a number of international instruments. These new national

laws and regulations will be described in more detail in clusters IV – VIII.

However, following is a broad outline of some of these instruments:

Those generally relevant to all clusters:

- Act No. 39 of 1999 concerning Human Rights

Those relevant to cluster IV

- Act No. 9 of 1997 concerning Freedom of Public Expression,
- Act No. 40 of 1999 concerning the Press.

Those relevant to cluster VI:

- Act No. 4 of 1997 concerning the Disabled, accompanied by Government Regulation No. 43/1998 concerning Measures to Raising the Welfare of the Disabled, and Decree of the Minister of Public Works No. 468/1998 concerning Accessibility Requirements for Public Buildings and their Environments.

Those relevant to cluster VIII:

- Act No. 12 of 1995 concerning Corrections
- Act No. 3 of 1997 concerning Juvenile Courts,
- Act No. 22 of 1997 concerning Narcotics.

In addition, relevant international instruments ratified during this period were:

1. Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (with Act No. 5 of 1998)
2. International Convention on the Elimination of All Forms of Racial Discrimination (with Act No. 29 of 1999)
3. ILO Convention No. 138 concerning Minimum Age for Admission to Employment (with Act No. 20 of 1999)
4. ILO Convention No. 182 (through Act No. 1 of 2000)

Finally, still with regard to this issue, it can be reported that Indonesia is currently in the process of preparing a Child Protection Act, which it is hoped, will provide

more adequate recognition of protection for children. In addition, it is planned that several other international instruments will be ratified, including:

1. International Covenant on Economic, Social and Cultural Rights
2. Slavery Convention of 1926
3. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
4. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
5. International Covenant on Civil and Political Rights.

On the status of CRC in domestic law

Up to the end of this reporting period, the Indonesian constitution (1945 Constitution) did not explicitly provide for recognition of the rights of the child, but it should be noted that the Indonesian Parliament (People's Legislative Assembly) is currently planning changes and/or amendments to the constitution, into which recognition of human rights, including the rights of the child, would be integrated.

Regarding national legislation, the Child Welfare Act (1979) mentions several of the rights of the child, although the scope is limited. Adoption of the Human Rights Act (1999) marked a new era with regard to legal recognition of human rights, including the rights of the child, in Indonesia. In the Human Rights Act, the rights of the child are set forth in greater detail (compared to the detail given in the Child Welfare Act), in Chapter III (Human Rights and Freedoms), Section Ten, Articles 52 –66. Aside from the Human Rights Act, legal recognition of the rights of the child is also provided in, for example, the Juvenile Court Act (1997) and the Corrections Act (1995). Meanwhile, in other acts, particularly those adopted over the past three years, various clauses regarding human rights are also set forth, although details concerning the rights of the child are not specifically mentioned.

In judicial practice in Indonesia, provisions set forth in international conventions are not normally directly applied. Commonly they are applied first by integrating

the provisions into relevant national legislation. If there is a contradiction between the provisions set forth in a Convention and national legislation, in their application in court, national legislation prevails. So, it is necessary to 'translate' the convention provisions into national law.

In this context, the ratification instrument effectively determines its position. If it is ratified by an Act, the instrument ratified can be used as a reference for drawing up national law. But if it is ratified by a Presidential Decree, which in terms of national law ranks number four below an Act, the instrument ratified cannot be used as a reference for drawing up or amending national law. Therefore, Indonesia plans to change the instrument of ratification of the Convention on the Rights of the Child from a Presidential Decree to an Act.

On steps to adopt a national strategy for children

Several steps can be mentioned, including:

- Establishing a section on Child and Youth Development in the Basic Guidelines on State Policy (1993)
- Presidential declaration of the National Child Protection Movement in 1997
- Declaration of the 2nd Decade of the Child 1997 – 2006
- Issue of Presidential Instruction No. 3/1997 on improving the quality of the child as a part of child development during the 2nd Decade of the Child
- Decree of the People's Legislative Assembly No. XVII/MPR/1998 concerning Human Rights dated November 13 1998

Strategic steps of significance taken since 1996 with the establishment of the Child Protection Agency (Lembaga Perlindungan Anak or LPA) under which a board known as the National Commission for Child Protection was formed. The government sectors, NGOs, higher education establishments, the press, the Supreme Court all participated in the setting up of the Child Protection Agency, which came into effect in 1998. Unfortunately, up to the end of this period, the

legal status of Child Protection Agency is a Foundation, the legal entity of which is legalised by a notary public.

Strategic programmes implemented by the Government include conducting a situation analysis of children in need of special protection, including child workers, street children, and sexually exploited children (Department of Social Affairs in cooperation with UNICEF, 1997).

As a consequence of the economic crisis, one strategic measure adopted since 1997 is the social safety net (SSN) programme, which allocates funds among others for child education and health. This social safety net programme is implemented in cooperation with the World Bank, ADB, UNDP, USAID, and others.

On existing or planned mechanisms for implementation of the Convention

Authority to monitor and implement the Convention is vested in the Coordinating Minister for People's Welfare, who is charged with the task of coordinating the national and integrated design of policy, programmes, and activity plans for improving the welfare of the child, and with monitoring their implementation, which at a functional level is undertaken by the department and other non-departmental agencies both independently and in cooperation with the public.

In addition, as referred to above, the Child Protection Agency--an independent body to promote and protect the rights of the child--has been set up. At the end of this reporting period, as well as a national secretariat in Jakarta, the Child Protection Agency has five regional offices in Medan (North Sumatra), Makassar (South Sulawesi), Bandung (West Java), Semarang (Central Java), and Surabaya (East Java).

Unfortunately, at the end of this reporting period, no measures have been taken to guarantee a systematic collection of data on the situation of the rights of the child or periodic evaluation of progress achieved.

On initiatives taken in cooperation with the civil society

At the end of December 1995, the Government (Office of the Coordinating Minister for People's Welfare) which is vested with the authority to coordinate activities related to responsibilities set forth in the Convention, facilitated by UNICEF, organised a national conference involving several NGOs, in Bogor, West Java. The conference was followed by a special meeting for NGOs held in June 1996 in Solo, Central Java. At this most recent meeting, ten action plans were drawn up to be followed up on by the NGOs themselves.

Since then, there have been a number of initiatives from several other departments, including the Department of Social Affairs, in cooperation with NGOs and other components of civil society, particularly with regard to setting up the Child Protection Agency. Currently, particularly since reform towards a more democratic society, there are an increasing number of government initiatives to forge cooperation with NGOs in designing programmes related to the rights of the child.

On measures to ensure the implementation of the economic, social and cultural rights of children to the maximum extent of available resources

During this reporting period (1993-2000), budget allocation for the education sector averaged around 6 (six) percent of the total development budget, and the allocation for the health sector, around 3.9 percent.

Allocation of the development budget for Education, National Culture, Belief in God Almighty, and Youth and Sports in 1989/1999 amounted to Rp 4.740 trillion of a total budget of Rp 171.205 trillion; and in 1999/2000 amounted to Rp 6.045

trillion of a total budget of Rp 137.155 trillion. The allocation for Social Welfare, Women's Role, and Children and Teenagers in 1998/1999 came to Rp 0.70 trillion, and in 1999/2000 to Rp 0.83 trillion.

In addition, several international cooperative programmes were developed over this reporting period, aimed particularly at high-risk children. Those developed since the onset of the economic crisis in Indonesia include:

- 1992, U.S. Agency for International Development (USAID) provided financial aid for the Reaching Street Children in an Urban Environment Project (RESCUE), which was subsequently followed up by RESCUE II.
- The Department of Social Affairs with the support of UNDP provided funds of US\$ 362,000 to develop a model for protection of street children in need of special protection (1994-1998).
- UNICEF played a major role in the establishment and development of national and provincial Child Protection Agencies by providing funds of US\$ 732,000, as a part of Special Protection Measures for Children & Mainstreaming Child Rights in Indonesia.
- Following the onset of the crisis, in 1999-2000, UNICEF also provided funds of more than US \$ 230,000 towards the protection of street and working children through NGOs and local government in selected provinces.
- Since 1999, ADB has provided loans amounting to US\$ 2.7 million for a Social Protection Sector Development Program (SPSDP) and US\$ 276.3 million for a Health and Nutrition Sector Development Program.
- In 1999, the Australian Agency for International Development supported the Prevention and Health Services for Prostituted Children programme implemented in cooperation with higher education institutes and NGOs.
- In addition to this aid, other aid was provided by the International Labor Organization, the Japanese Embassy, the British Embassy, Canadian International Development Assistance, UNHCR, Swiss Contact, and International Planned Parenthood Federation.

On measures to make the principles and provisions of the Convention widely known

During this reporting period, the Convention on the Rights of the Child, although translated only into Indonesian and not yet into regional languages, was widely publicised and socialised not only to the various Government sectors and NGOs, but also to sectors of civil society, including the religious community in Indonesia. Tens of seminars, consultancies, training sessions, workshops and so on were held during this reporting period at national, regional and local levels, both sectoral and cross-sectoral, including with the police, mass media, Family Welfare Movement (PKK), production houses, NGOs, and professional groups such as the Association of Indonesian Doctors and the Association of Indonesian Paediatricians. For NGOs, training of trainers was also provided, sponsored by UNICEF in cooperation with the Office of the Coordinating Minister of People's Welfare. In addition, a number of activities were organised to publicise the principles and provisions of the Convention on the Rights of the Child to the mass media.

NGOs played a central role in making the Convention of the Rights of the Child widely known. In many cases, NGOs took a leading role by implementing a number of initiatives, including organising training sessions, consultancies, and workshops.

Although no specific measures have been adopted to make the Convention widely known among children, several publications (in Indonesian) have taken the initiative to do so, and these are available to the public at large, in particular to those concerned about or working with children.

The Child Protection Agency has attempted to develop a professional code of conduct based on the principles and provisions set forth in the Convention, which was ultimately approved for inclusion in its Rules of Association.

On measures to make the reports widely available to the public at large

This report was drawn up jointly by components of the Government, NGOs and higher education institutes. This is a step forward considering that the initial report was drawn up by the Government alone. Facilitated by UNICEF, the process of drawing up this report began with the formation of a report design team (April 2000) responsible for drawing up the initial draft report.

Components of the Government included on the team came from:

- Office of the Coordinating Minister for People's Welfare
- Department of Social Affairs (now the Ministry of Health and Social Affairs)
- Department of Religious Affairs
- Department of Health
- Department of National Education
- Department of Manpower

Components from NGOs came from:

- Child Protection Agency (Lembaga Perlindungan Anak)
- Yayasan Komite Pendidikan Anak Kreatif Indonesia
- Yayasan Sekretariat Anak Merdeka Indonesia

Components from higher education institutes came from:

- University of Indonesia (Faculty of Psychology and the Faculty of Sociology and Politics, Department of Criminology), Jakarta
- Atma Jaya University, Jakarta
- Yayasan Kesejahteraan Anak Indonesia, Jakarta

In addition, acting as observers were other components of the Government from:

- Office of the State Minister of Human Rights Affairs
- Department of Foreign Affairs
- People's Representatives, Commission VII

The draft report was then disseminated for discussion and input from a wider audience, comprising representatives of the Government (central and regional) and NGOs, as well as other sectors of civil society, at a consultative workshop held in Jakarta on May 9-10 2000. Feedback from this consultative workshop was then used by each team member to finalise the draft report, which was subsequently consolidated into a comprehensive report.

The final draft report, before being translated into English, will be published and distributed to all those participating in the consultative workshop, and will be made available to a wider public.

Cluster II: Definition of the Child (art. 1)

In general, definition of the child in national legislation follows the standard set forth in the Child Welfare Act (1979); that is, a person under the age of 18. Definition of the child is also set forth in several other pieces of national legislation, as follows:

- Universal education: no age limit is determined, but universal education applies to the 9 (nine) years of elementary education (National Act on Education System, 1989).
- Admission to employment: 15 years; admission to employment in hazardous work: 18 years (Employment Act, 1995).
- Marriage: 16 years for women and 19 years for men, in both cases with the legal consent of the parents, up to the age of 21 (Marriage Act, 1974).
- Sexual consent: 12 years (penal law)
- Voluntary enlistment in the armed forces: 17 years (Defense and Security Act, 1982).
- Conscription into the armed forces: 18 years (Defense and Security Act, 1982).
- Criminal responsibility: 8 years (Juvenile Court Act, 1997)

- Capital punishment & life imprisonment: 18 years (penal law, Juvenile Court Act)
- Legal age of inheritance, to conduct property transactions: 21 years (Presidential Instruction, 1991).

The minimum age of admission to employment as determined in the Employment Act (1995) has a positive correlation with universal education for the 9 years of elementary education, since in practice, the minimum age for acceptance into elementary school is 7 years, which means that a child will have completed his or her basic 9 years' education by the age of 15.

Cluster III: General Principles

Introduction

In the Concluding Observations on the Initial Indonesia Report, the Committee on the Rights of the Child gave several suggestions and recommendations ((CRC/C/15/Add. 25, 14 October 1994), including, relevant to Cluster I, the following:

18. ... *Principles relating to the best interests of the child and prohibition of discrimination in relation to children should be incorporated into domestic law, and it should be possible to invoke them before the courts.*

22. *The Committee recommends that urgent measures be adopted to combat discrimination against children belonging to the most vulnerable groups, in particular children living in poverty, children living and/or working in the streets, children living in remote parts of the country, and children belonging to minorities, including measures to eliminate and prevent discriminatory attitudes and prejudices such as those based on gender.*

A. Non-discrimination (art. 2)

The principle of non-discrimination, particularly in regard to the rights of the child, has yet to be incorporated into the Constitution or into national legislation. It is hoped that the principle of non-discrimination will be included in the Child Protection Act, which is currently being prepared.

'Discriminative' provisions in national legislation, if they can be called thus, in fact originate from criminal law adopted from the criminal law that was in force during colonial times. This criminal law set forth different provisions for different groups, i.e. those who embraced the European legal system, and Foreign Orientals (Chinese and non-Chinese). At that time, people were classified into these groups according to the respective provisions governing their civil registration. Indigenous peoples were subject to provisions set forth in their respective traditional laws. These discriminatory provisions gave rise to certain discrimination in a number of areas, for instance in civil registration and /or registration of births which today, even after Indonesia has gained its independence, could be perceived as discriminative.

Thus, possible 'discriminative practices' arise not as a result of discrimination based on race, religion or skin colour or other differences, but rather solely on the historical discrimination of the system of civil registration for each group. Also, it should be noted that discriminative provisions in civil law have begun to diminish with the coming into force of legislation related to certain data registration, such as the Marriage Act (1974).

Review and harmonisation of national legislation, in this regard primarily concerning civil law, will continue, but it must be recognised that this kind of work is very time consuming. Also, in the future it is necessary to take into consideration new developments related to non-discriminative clauses concerning indigenous groups living in Indonesia.

In this regard, special consideration will also be given to the recommendations of the Committee, particularly in regard to drawing up national legislation in the future, in particular legislation concerning the child and the family.

In the mean time, several campaigns have been implemented both by the Government and by non-government components in an effort to focus on discrimination, in particular on discriminative practices against girls. The Planned Parenthood campaign, for instance, socialises the equality of the sexes. Likewise the campaign for equal education.

A new problem that requires serious consideration emerging during this period is the problem of child refugees (internally displaced children), arising as a consequence of the referendum in East Timor and as a consequence of social and political conflict in several regions of Indonesia since 1998. According to data from the Office of the Coordinating Minister of People's Welfare, since December 1999 a total of 256,098 residents of East Timor evacuated to East Nusa Tenggara (NTT) following the referendum in August 1999. It is estimated that 40% of these refugees are children under the age of 18. In light of this new phenomenon, efforts to integrate the principle of non-discrimination into national legislation, in particular legislation concerning child rights, need to be considered in the future.

B. Best interests of the child (art. 3)

The principle of the best interests of the child has yet to be integrated into the Constitution or into national legislation. However, in day-to-day life it can be assumed that this principle, to a certain degree, is put into practice. Nevertheless, it must be recognised that over time this principle appears to be eroding.

With regard to future strategy, serious consideration will be given to this principle, particularly regarding administrative practices and especially with regard to

juvenile justice. Consideration will also be given in anticipation of regional autonomy, in which regions will be given greater authority in several areas, including child welfare. In this regard, it should be noted that the change in the planning management system from Repelita (5-Year Development Plan) to PROPENAS (National Development Programme) provides an opportunity to integrate several provisions, and particularly the principles of the Convention on the Rights of the Child, within input into policy, development programs and projects in general. This, however, does not guarantee a similar commitment in the drawing up of PROPEDA (Regional Development Program), since authority is being decentralised.

Finally, it can be concluded that in the case of adoption, this principle is already applied as far as possible.

C. The right to life, survival and development (art. 6)

This principle has long been reflected in all national policy. There are a number of development programmes particularly aimed at reducing neonatal and infant (under-5s) mortality figures, an immunisation programme, and several child education programmes.

With regard to reducing neonatal and infant mortality figures, data show that significant progress has been made. The neonatal mortality rate fell from 63.45 (per 1,000 live births) in 1990 to 50 in 1997. Meanwhile, the infant mortality rate also dropped, from 86.44 (1990) to 70.41 (1996).

With the improvement in the quality of health, the quality of child nutrition and immunisation coverage are also apparently improving. This is indicated by the decrease in the number of malnourished infants. The percentage of well-nourished infants rose from 54.18 percent (1990) to 63.86 percent (1996). Immunisation coverage increased from 74.0 percent (1992) to 91.01 percent (1997). The percentage of infants breastfed to age 6-11 months or more also

rose, from 39.4 percent (1990) to 97.34 percent (1997). The percentage of children (2-4 year olds) breastfed for more than 6 months also increased, from 97.4 percent (1992) to 98.1 percent (1994).

Access to elementary education and eradication of illiteracy are also key factors to safeguarding improved welfare and a better future for children. One indicator of child welfare that demonstrates advancement in education is the level of participation in elementary education. The data indicate fairly positive growth in this respect, from 87.6 percent (1992) to 94.84 percent (1996).

However, the economic crisis of 1997, which led to a rise in the number of poor, undermined the realisation of this principle. This growth in the “at-risk” population cannot be reported in full due to the lack of a systematic mechanism for recording data on the impact of the crisis. However, the impact of the crisis has meant that poor families are increasingly unable to meet their basic needs, including their children’s needs. As a consequence, it is estimated that around 13% of street children have dropped out of school.

Since the onset of the crisis, concern for survival and development of the child has been a key priority, in particular with the implementation of the social safety net and other child protection programmes. These programmes are implemented, among others, through international cooperations and, increasingly, by mobilising participation from NGOs.

Registration of child mortalities is, unfortunately, less than optimal. Nevertheless, it can be assumed that juvenile (under 18 years of age) suicides in Indonesia, if they exist at all, are very few in number and that this is not a serious issue. Likewise children infected with sexually transmitted diseases, including HIV/AIDS, is felt not to be a serious problem as yet. However, of growing concern are the cases of drug and narcotic abuse that have begun to claim a large number of juvenile victims.

D. Respect for the views of the child (art. 12)

As with the other principles, the principle of respect for views of the child has yet to be integrated optimally into national legislation.

Particular concern will be given in the future to the issue of juvenile justice, in particular with regard to children who have been handed over by their parents or guardians to the state to be educated.

The main constraint in promoting this principle is the paternalistic and feudal culture that persists in Indonesian society.

However, several special initiatives from NGOs to promote this principle on a limited scale are now being planned. In addition, efforts towards realising this principle will continue in the future.

Priorities for the next 5 years for Clusters I-III

Priorities for the next 5 years for Clusters I-III are:

- To conduct a complete review of the reservations implied by the “Declaration” drawn up by Indonesia with regard to the Convention on the Rights of the Child.
- To upgrade the ratification instrument, from Presidential Decree to Act.
- To set up an inter-department and cross-sector Work Team, with perhaps the involvement of the House of Representatives and the Supreme Court, to monitor implementation of child rights, along with NGOs and other components of civil society.
- To make widely known the provisions and principles on child rights set forth in the Convention to the authorities and to professional groups directly involved with children.
- To undertake mainstreaming of the provisions and principles of the Convention into national development plans.

- To conduct an in-depth study into the extent to which the principles of the rights of the child are reflected in national legislation and examine the possibility of integrating these principles into national legislation and regulations.

Cluster IV

CIVIL RIGHTS AND FREEDOMS

(arts. 7; 8; 13-17 and 37 (a))

A. Name and nationality (art.7)

Situation

At the outset, the registration of births in Indonesia was regulated by an ordinance introduced by the Dutch colonial government, and was compiled in ordinances on civil registration. It should be noted that when this ordinance came into force, Indonesia had yet to become an independent nation and therefore the concept of “Indonesian nationality” was as yet unknown. Instead, the Dutch colonial government introduced four pieces of legislation for the four categories of citizens based on their respective civil affiliation, namely:

- a) *Staatsblad* 1849 (No. 25), the legal instrument concerning registration of birth and other civil registration for citizens of Dutch/European nationality, or for those who pronounced their adherence to the Dutch legal system.
- b) *Staatsblad* 1917 (No. 130), for citizens of Foreign Oriental nationality, in particular those of Chinese nationality.
- c) *Staatsblad* 1920 (No. 751), for indigenous peoples who, (a) who held citizenship papers, (b) were government employees with a minimum salary of 100 guilders, and (c) armed forces officers and retired armed forces officers in Java, Madura, Minahasa, and some areas of Amboina.
- d) *Staatsblad* 1933 (No. 75), for indigenous Christian citizens in Java and Madura, Minahasa, and some areas of Amboina.

Several points need to be noted with regard to the legalisation and practice of registration of births at that time, namely: (a) registration of a birth did not confer citizenship; (b) registration of births was regulated by different legislation and administrative provisions, and (c) registration of births for indigenous peoples was provided only for the children of the upper classes and the children of Christian families.

In February 1967, based on Joint Circular Letter of the Minister of Justice and the Minister of Home Affairs dated January 28 1967, a new policy came into effect, which in essence,

- conferred citizenship upon registration of birth
- gave access to birth registration services to all citizens throughout the territory of the Republic of Indonesia, including those who had previously been denied the right to register births.

In 1983 came another significant development with regard to the administration of birth registration. Presidential Decree No. 12 of 1983, decreed that the Civil Registry Office was no longer under the authority of the Department of Justice, and placed it under the full authority of the Department of Home Affairs and its subordinates at regional level, namely the Governors and Regents/Mayors.

With this authority, the Minister of Home Affairs issued two important decrees in succession, as follows:

- 1986, granted dispensation for late registration of births for those born before 1986.
- 1989, provided a “special” birth registration procedure for children born after January 1 1986 whose births were registered late (more than two months after the birth).

Aside from the several policies and administrative measures adopted prior to this reporting period, the social reality of birth registration in Indonesia was little known up until early 1998 when UNICEF (*Progress of Nations 1998*) reported that Indonesia had one of the lowest levels of birth registration. In this report it was estimated that in Indonesia between around 50-69 percent of births were registered.

Also in 1998, UNICEF-Indonesia, in cooperation with the University of Indonesia Research Agency, took the initiative to conduct a survey and found (May 1998)

that in four regions-- Jakarta, Madura, Pontianak, and Manado--the birth registration rate was 55 percent.

Also in 1998, PLAN-International in cooperation with the NGO Committee on UNICEF conducted an analysis of the situation on unregistered children in 3 Southeast Asian countries, including Indonesia. From a sample survey carried out (December 1998), it was found that the births of less than 30 percent of PLAN-International foster children in Indonesia had been registered.

Elements of the child's identity included in birth registration are as follows:

- name
- sex
- date of birth
- nationality
- names of parents (or name of mother if the child is born outside official wedlock)

Measures adopted (1993-June 2000)

Since the introduction of the administrative policies in 1986 and 1989 referred to above, no significant new policy has been adopted during this reporting period. Likewise, no effective action has been taken to prevent non-registration.

However, Civil Registry Offices commonly take several measures to promote the birth registration of newborns, such as:

- Publicising the meaning and benefit of birth registration/birth certificates, among others through extension work in rural areas and at exhibitions on National Development commonly held on the anniversary of Indonesian independence day (August 17) at regency/municipal level.
- Requesting hospitals, maternity clinics, and midwives to encourage parents to immediately register the birth of their children. In general, hospitals, maternity clinics, and midwives offer a birth registration service as part of the obstetric

services they offer. In rural areas in particular, birth registration services offered by midwives are significantly helpful, given that in Indonesia administration of civil registrations is currently available only at regency/municipal level.

Aside from these routine measures, it should also be noted that in follow up to the study carried out by UNICEF in cooperation with the University of Indonesia Research Agency and analysis of the situation conducted by PLAN-International in 1998, with the support of UNICEF, NGOs, academics, and the Indonesian government (in particular the Department of Home Affairs) are involved in a number of activities to sensitise and open discussion concerning the issue of birth registration for children. In 1998-9, a series of seminars and workshops on birth registration were held, as follows:

- December 1998: Socialisation and exclusive workshop organised by the Department of Social Affairs, in follow up to the UNICEF-LPUI study
- May 1999: Seminar-Workshop organised by the Department of Home Affairs to present and follow up on the findings of the PLAN-International analysis.
- September 1999: National workshop organised in Jakarta by the Department of Home Affairs (in cooperation with PLAN-International and UNICEF) which produced the “Jakarta Declaration” on birth registration in Indonesia.

In addition, representatives from the Department of Home Affairs also participated in the “Asian Civil Registrars General Convention” held in Bangkok, Thailand in November 1999, which produced a fundamental commitment to improving the system and procedure of birth registration in Indonesia.

Also, it can be reported that the Human Rights Act enacted in 1999 has provided legal recognition to the right of the child to a name and a nationality (Article 53 clause 2) and the right of the child to know, and as far as possible be brought up by, his or her parents (Article 56 clause 1). This kind of recognition is a first in Indonesia’s legal history. However, the legal recognition provided by the Human Rights Act has yet to be followed up by legislation concerning civil registration

and/or birth registration, although plans to draw up a Civil Registration Act at national level have been discussed since December 1966.

The four elements of the identity of the child included in birth registration, as referred to above, include:

- name
- sex
- date of birth
- nationality
- names of parents (or name of mother if the child is born outside official wedlock)

By stating the names of the parents on the birth certificate, a child (assuming he or she can read) will know who his or her parents are. In the case of a child born outside official wedlock, unfortunately, no measures have yet been adopted with regard to the right of the child to know who his or her parents are and to be brought up by them.

Concerning measures to guarantee the right of the child to a nationality, there has been no progress as yet, although, as mentioned above, the child's right to a nationality has been guaranteed by the Human Rights Act enacted in 1999. Also, the Nationality Act (Act No. 62 of 1958), which states that nationality is passed through the father, has yet to be revised.

Progress made

Because the legal basis for civil registration and /or birth registration in Indonesia is still the four ordinances enacted in colonial times, no radical progress can be made. Nevertheless, it is hoped that several developments, particularly since 1998 as described above, will pave the way for more systematic progress.

Factors and Difficulties

- The need to draw up solid national legislation concerning civil registration (including birth registration) which does not classify citizens by group, has been apparent since 1966. But, since civil registration is closely linked with civil law, to implement such a change would first require fundamental changes to be made to prevailing civil law, which also classifies citizens based on particular civil affiliation.
- Conversely, the low rate of birth registration and the limited number of service outlets hamper efforts to make birth registration a significant administrative process. This lack of administrative validity of birth registration must in turn be recognised as a factor that discourages parents to register their children's births.
- As a consequence, birth registration is not a customary practice. Many parents, particularly those living in remote areas, do not understand the procedure and do not feel it necessary to register their children's births.
- Finally, in terms of cost, birth registration is also considered to be relatively expensive.

Priorities for the next 5 years

While more consideration and time is needed to make changes to legislation, in the meantime education measures will be introduced to raise birth registration figures nationally. The 'Jakarta Declaration' proclaimed during a workshop on birth registration in Jakarta in September 1999, and the commitment pledged at the "Asian Civil Registrars General Convention" (Bangkok, November 1999) could form the basis for future strategy on birth registration.

In addition, there is a possibility of making birth registration a valid administrative procedure, by linking birth registration and certain services, as set forth in Article 26 (2) of the Human Rights Act, that, “Everyone has the freedom to choose his nationality, and without discrimination has the right to enjoy his rights as a citizen...”

B. Preservation of identity (art. 8)

To the end of this reporting period, the situation regarding the possibility of there being illegal deprivation of some or all of the elements of a child’s identity, is unknown. Likewise, no specific measures have been adopted with regard to the obligation based on article 8 of the CRC. Thus, no progress or difficulties can be identified or reported for this period.

However, it can be noted that legal guarantee of the right to citizenship is also provided in the Human Rights Act (1999), as set forth in article 26 (1), “Everyone has the right to have, obtain, change and maintain his nationality.”

A priority for the coming 5 years would be analysis of situations in which there could be a possibility of illegal deprivation of some or all of the elements of the child’s identity, so that necessary measures can be anticipated.

C. Freedom of expression (art. 13)

With regard to article 13 of the CRC, this report cannot provide specific assessment of the situation, progress, difficulties, or priorities for the coming 5 years. However, in general, it can be said that the change in the system of government towards a more democratic system, the situation in general at the end of this reporting period is now more conducive to full enjoyment of the right to freedom of expression.

In this regard, it can be reported that three laws were enacted in 1998-1999 relevant to the freedom of expression, as follows:

- Act No. 9 of 1998 concerning Freedom of Public Expression
- Act No. 39 of 1999 concerning Human Rights
- Act No. 40 of 1999 concerning the Press.

Article 2 (1) of Act No. 9 of 1998 concerning Freedom of Public Expression states that “Every citizen as an individual or group, has the freedom to express himself as a realisation of the democratic rights and responsibilities of society, nation, and state.

Act No. 39 of 1999 concerning Human Rights states that “Everyone has the freedom to hold, impart and publicise his beliefs, orally or in writing through printed or electronic media, taking into consideration religious values, morals, law and order, the public interest, and national unity.” (Art. 23 clause 2); and that “Every citizen has the right to express his opinion in public...” (Art. 25). Furthermore, this act explicitly sets forth the right of the child to “...to practice his religion, and to think and express himself as befits his intellectual capacity and age under the guidance of a parent or guardian.” (Art. 55)

Meanwhile, Act No. 40 of 1999 concerning the Press states that “Freedom of the press is guaranteed as a citizen’s right.” (Art. 4 clause 1), and “The national press shall not be censored, muzzled, or banned from circulation” (Art. 4 clause 2). This Act also states that “Circulation of foreign press and establishment of representative offices of foreign press corporations in Indonesia shall be in accordance with prevailing law (Art. 16).

The following limitations and restrictions can be identified:

1. Act No. 9 of 1998 concerning Freedom of Public Expression: “Expression of opinion in public is permitted in public open spaces, except (a) in the environs of the presidential palace, houses of worship, military installations, hospitals,

ports and airports, railway stations, land transportation terminals, and objects of vital national importance, and (b) on national holidays.” (Article 9 clause 2).

2. Act No. 39 of 1999 concerning Human Rights

- “In executing his rights and obligations, everyone shall observe the limitations set forth in the provisions in this Act in order to ensure that the rights and freedoms of others are respected and in the interests of justice, taking into account the moral, security, and public order considerations of a democratic society.” (Art. 70)
- “The rights and freedoms governed by the provisions set forth in this Act may be limited only by and based on law, solely for the purposes of guaranteeing recognition and respect for the basic rights and freedoms of another person, fulfilling moral requirements, or in the public interest. (Art. 73)
- “No provisions set forth in this Act shall be interpreted to mean that the government, or any political parties, factions, or any party whosoever is permitted to undermine, impair or eradicate the basic rights and freedoms governed by this Act. (Art. 74).

3. Act No. 40 of 1999 concerning the Press

- “The national press is required to report events and opinions that respect religious norms and moral values and the right to presumption of innocence” (Art. 5 clause 1).
- “Press corporations violating the provisions set forth in Article 5 clause (1)...shall be subject to a fine of five hundred million rupiah (Art. 18 clause 2).

In view of the prior situation, the provisions set forth in these three Acts are considered to be a significant step forward with regard to freedom of expression, even though freedom of expression of the child is not explicitly mentioned in Act No. 39/1999 concerning Human Rights.

With regard to the social reality regarding the actual enjoyment of the right to freedom of expression, in general it can be said that since the fall of New Order

regime, no, or almost no, restraints have been enforced. However, specific assessment concerning enjoyment of the right of the child to freedom of expression cannot be given.

D. Freedom of thought, conscience and religion (art.14)

Situation

At the start of this reporting period, freedom of thought, conscience and religion was not yet recognised as a human right guaranteed by law. During review of the initial Indonesia report, the Committee had the opportunity to pose questions regarding the difficulties experienced by children from families of the Baha'i faith/religion to freely study and practice their teachings and beliefs in schools in Indonesia.

Measures adopted (1993-June 2000)

Following the reformation of May 1998, there has been quite serious concern for human rights and freedoms. In light of this, and concerning freedom of thought, conscience, and religion, the following general measures can be reported:

1. Enactment of Act No. 39/1999 concerning Human Rights (Arts. 23; 25 & 55 as referred to above). In addition, article 22 states that "Everyone has the freedom to choose his religion and to worship according to the teachings of his religion and beliefs" (clause 1), and that, "The State guarantees everyone the freedom to choose and practice his religion and to worship according to his religion and beliefs" (clause 2).
2. Presidential Decree No. 6 of 2000, which revokes Presidential Decree No. 14 of 1967 concerning Chinese Religions, Beliefs, and Customs & Traditions. The Presidential Decree enacted this year revokes the ban on Chinese

religious and traditional celebrations, and Chinese religious and traditional activities may now be carried out without the need for a special permit as in the past.

3. Presidential Decree No. 69 of 2000, which revokes Presidential Decree No. 264 of 1962 that prohibits the Democratic League, Rotary Club, Divine Life Society, Vrijmetselaren Loge, Moral Rearmament Movement, Ancient Mystical Organisation of Rosi Crucians (AMORC), and the Baha'i Organisation. With the revocation of this ban, these organisations are now formally free to conduct their activities in Indonesia.

Progress made

Since legal recognition of freedom of thought, conscience, and religion was achieved only in 1999, and since revocation of restrictions and prohibitions concerning several religious practices and organisations came into effect only in 2000, no specific progress can be reported in this report. However, it can be reported that the general condition for freedom of thought, conscience and religion has progressed rapidly over the past two years.

Factors and difficulties

With regard to article 14 of the CRC, Act No. 39 of 1999 concerning Human Rights does not explicitly recognise the rights of children from indigenous groups. Another anticipated difficulty is legal recognition of the rights and freedoms of non-believers.

E. Freedom of association and peaceful assembly (art. 15)

In general it can be said that illegal restrictions and prohibitions, have, since the fall of the new order regime in mid-1998, not been applied.

Furthermore, although children are not explicitly mentioned, the right to freedom of association and peaceful assembly is guaranteed by Article 24 (clause 1) of Act No. 39 of 1999 concerning Human Rights, “Everyone has the right to peaceful assembly and association.”

With the progress particularly over the past two years, it is hoped that this right, governed by the provisions set forth in article 15 of the CRC, can be enjoyed by “everyone”, children included.

F. Protection of privacy (art. 16)

Concerning article 16 of the CRC, the situation is, in general, not known. However, given the local cultural context, the issue of interference in the privacy of the child is apparently in need of special attention, within the scope of the family environment, community, school and other institutions.

In Act No. 39 of 1999 concerning Human Rights, the right to protection of privacy is a general provision, while the provisions concerning the rights of the child (articles 52-66) do not specifically mention protection of privacy of the child. The general provisions concerning the right to protection of privacy in the Human Rights Act are set forth in article 29 clause 1, article 31 clause 1, and article 32, which read as follows:

Article 29 (1): “Everyone has the right to protection of the individual, his family, opinion, honour, dignity, and rights.”

Article 31 (1): “No one shall be subjected to arbitrary interference with his home.”

Article 32: No one shall be subjected to arbitrary interference with his correspondence, including electronic communications, except upon the order of a court or other legitimate authority in accordance with prevailing legislation.”

It is considered that the issue of privacy of the child requires special study. In the coming period, it is felt necessary to consider undertaking analysis of the situation concerning this issue.

G. Access to appropriate information (art. 17)

Act No. 39 of 1999 concerning Human Rights contains two clauses relevant to article 17 of the CRC.

First, general provisions are set forth in article 14, as follows:

Clause 1: “Everyone has the right to communicate and obtain the information they need to develop themselves as individuals and to develop their social environment.”

Clause 2: “Everyone has the right to seek, obtain, own, store, process, and impart information using all available facilities.”

Second, specific provisions on the rights of the child are set forth in article 60 clause 2, as follows: “Every child has the right to seek, receive, and impart information as befits his intellectual capacity and age in the interests of his own development, insofar as this is in accordance with moral and ethical values.”

However, specifically with regard to this right, aside from the legislative measures set forth in these two provisions, there is little to report during this period. A comparative study of the situation in other countries is thought to be necessary for a comprehensive review of the situation and measures and strategies that need to be taken with regard to this issue.

H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))

The situation, measures, progress, factors and difficulties, and future programme with regard to this right, will be presented in Cluster V (J) on abuse and neglect including physical and psychological recovery and social reintegration; and in Cluster VIII (B) on children involved with the administration of the juvenile justice system.

It can be reported here that general measures taken with regard to the right not to be subjected to torture or other cruel or inhuman or degrading treatment or punishment, Act No. 30 of 1999 on Human Rights provides specific guarantees for the child, as set forth in article 66, which in full reads as follows:

- (1) Every child has the right not to be the object of oppression, torture, or inhuman legal punishment.
- (2) Sentence of death or life imprisonment shall not be handed down juvenile offenders.
- (3) Every child has the right not to have his freedom unlawfully taken from him.
- (4) Children may be arrested, detained, or jailed only in accordance with prevailing legislation and only as a measure of last resort.
- (5) Every child whose freedom is taken from him has the right to humane treatment, as befits the personal development needs of his age, and shall not be separated from his parents unless this is in his own interest.
- (6) Every child whose freedom is taken from him has the right to access effective legal or other aid at every stage of ongoing legal proceedings.
- (7) Every child whose freedom is taken from him has the right to defend himself and to access to a private hearing before an objective and impartial juvenile court.

However, the provisions set forth in article 66 of the Human Rights Act remain less than effective. With regard to cases of children in conflict with the law, the prevailing law is the Juvenile Court Act of 1997 (see Cluster VIII-B), and therefore a review on the compatibility of the Juvenile Court Act with the Human Rights Act is necessary. Also, with regard to the issue of child abuse (Cluster V-J), penal provisions for violation of this right are still inadequate.

It should be noted that no specific measures have been adopted to prevent the impunity of perpetrators.

Therefore, a comprehensive analysis of the situation concerning this right, and with regard to article 19, article 39, article 37 (b)-(d), and article 40, is considered necessary in order to identify the strategy for future planning.

Cluster V

FAMILY ENVIRONMENT AND ALTERNATIVE CARE

(arts. 5; 18, paras. 1-2; 9-11; 19-21; 25; 27, para. 4; and 39)

Family environment and alternative care

A. Parental guidance (art. 5)

Situation

The degree of parental guidance varies among communities in Indonesia applying an extended family system, in which members of the family, in particular the grandparents, are involved in child rearing. However, in general, it can be said that a civil relationship (for instance inheritance) is in effect only between the child and his or her parents. Yet, the civil relationship is also sometimes influenced by the prevailing family system. For instance, the Batak and the Balinese apply a patrilineal system, while the Minang apply a matrilineal system, which means male children have no right of inheritance from their parents. In large cities in particular, there is a shift from the tradition of the extended family towards a nuclear family and the family system is undergoing a process of trans-culturization.

According to national law in Indonesia, the definition of the family tends more towards the nuclear family, which, as the smallest unit in society, comprises husband-wife, or husband-wife and children, or father and children, or mother and children.

From the findings of a family survey conducted by the National Family Planning Coordinating Board, figures for the number of families and the number of children in the family can be obtained, as follows:

Family Data 1997-1999

Year	Number of Families	Number of People	Average Number of Family Members	Number of children aged 0-18 years
1997	43,004,653	175,863,323	4.09	66,820,091
1998	44,657,050	180,636,563	4.04	69,672,907
1999	45,732,913	185,225,136	4.05	70,362,982

Source: Annual Family Enumeration, BKKBN.

Meanwhile, according to data from the Department of Religious Affairs, in 1990 Muslims accounted for 87.21% of the total population, Protestants 6.04%, Catholics 3.58%, Hindus 1.83%, Buddhists 1.03%, and other religions 0.32%.

At the start of this reporting period, there was some indication that many parents lacked information about the physical, mental, and psychosocial development of children, which meant that parents often encountered difficulties with regard to child rearing.

Measures adopted (1993 - June 2000)

During this reporting period, national policy has been implemented establishing the Continuity of the Life, Development and Protection of the Mother and Child (KHPPIA) programme as the main programme coordinated by the National Development Planning Agency, and the implementation of which is coordinated by the Office of the Coordinating Minister for Public Welfare and Poverty Alleviation.

This programme is implemented by several departments working in cooperation with international agencies and NGOs. Some of the departments routinely implementing this programme are the Department of Home Affairs, the

Department of Health, the Department of Religious Affairs, the Department of National Education, the National Development Planning Agency, the Office of the Minister for the Empowerment of Women, and the Office of the Minister of Public Works, along with the Family Welfare Movement, Nahdlatul Ulama, Muhammadiyah, Perdhaki, (these are names of mass-based religious organizations) etc. This programme is funded each year by government routine funds and development funds, and also by international aid (from organisations such as UNICEF, UNDP, the World Bank, and WHO), as well as public funds.

To build the child-rearing capacity of parents, the KHPPIA programme involves several separate courses and counselling activities for young people over the age of consent, prospective marriage partners, young families, and established families.

Activities offered as a part of KHPPIA include:

- *Guidance for young people over the age of consent*; offered by the Agency for Marriage Counselling, Guidance, and Maintenance (BP-4) in cooperation with youth organisations such as mosque, church, Hindu and Buddhist youth, Karang Taruna, etc. One of the aims of this activity is to provide information to young people about the meaning and purpose of the family, the rights, responsibilities, and obligations of the husband-wife, and about healthy reproduction and child rearing. Since 1999, 6,700 marriage advisory counsellors have been trained. But because this activity lacks adequate funding, its scope is very limited. In 1997, only 5% of the target 10,703,116 young people over the age of consent (16-18 year olds) were in fact reached.
- *Courses for prospective marriage partners*; offered during the waiting period (10 days for Muslims and between 10 days and 3 months for followers of other religions) before the marriage takes place. The purpose of these courses is to provide prospective marriage partners information about and skills in household management, including child rearing. Figures for the number of marriages, percentage participating in these courses, and divorces between

1992/1993 and 1998/1999, are shown in the following table from the Department of Religious Affairs.

No	Year	Marriages	Percentage participating in courses	Divorces
01	1992/1993	1,423,774	0	129,957
02	1993/1994	1,481,096	4.02	122,902
03	1994/1995	1,586,343	11.41	129,939
04	1995/1996	1,585,670	11.37	112,152
05	1996/1997	1,616,294	11.67	125,216
05	1997/1998	1,823,940	14.95	149,427
06	1998/1999	1,919,671	34.82	157,059

Source (Pre-marriage counselling): Annual National Coordination Meeting Documents, Department of Religious Affairs.

Regarding this activity, it should be noted that the actual number of prospective marriage partners participating in courses is greater than the figure shown in the table since many community organisation such as Aisyiyah, Muslimat, Fatayat Nahdlatul Ulama, Indonesian Christian Women, Association of Hindu Women, and Indonesian Catholic Women also offer this activity, although comprehensive data have yet to be gathered and reported.

- *Guidance for Parents of Under-5s (BKB)*; is meant to help parents of children under the age of five to rear their children properly so that they may be healthy, skilled, bright, and honourable. It is also meant to prepare children for elementary education. For this activity, BKB groups have been set up and 65,000 cadres trained in hamlets/villages throughout Indonesia.
- *Guidance for Parents of Children and Teenagers*; is meant to help parents of children and teenagers to care for and rear their children so that they can carry out their duties, rights, and responsibilities as children and young people.

- *Guidance for Young Families*; is meant to build the household management and child-rearing skills of young families (married for less than five years).
- *Guidance for Established Families*; employs a system of family counselling in the hope of maintaining family harmony. Organisations involved in this counselling include, among others, the Marriage Advisory, Guidance and Maintenance Agency (BP-4). To 1999, BP-4 had 76,271 advisors, at hamlet/village level, sub-district level, Regency/Municipal level, and provincial level.
- *Programme for the Child Survival*; which aims to build the child-rearing capacity of parents, is implemented by religious organisations through religious activities and employing a system of religious communication. This activity, implemented since 1986, involves 28 religious organisations (Muslim, Protestant, Catholic, Hindu, and Buddhist). By 1998, 43,000 religious leaders had been trained as motivators for their respective religious groups. This programme is quite effective and reaches more than 25 million adherents of each religion.
- *Family Welfare Guidance (PKK)*; is implemented by mothers at hamlet/village level. Around 65,000 hamlets/villages are involved in this activity, developing the Integrated Services Post (Posyandu) and the *dasawisma* programme that integrates health care and education for mothers/parents. Each Posyandu programme involves 60 families, and each *dasawisma* programme, 10 families. The aim of this programme is to help mothers to raise family welfare by building their skills in and knowledge of several aspects of household management and child rearing. There are a total of 240,000 Posyandu units, but as a result of the impact of the prolonged crisis, only 120,000 active units remain.
- *Family Guidance through Religious Activities*; implemented by religious adherents at their respective houses of worship. In 1998, the number of

houses of worship used for this activity amounted to: (1) 619,055 mosques; (2) 41,983 Protestant churches; (3) 13,166 Catholic churches, (4) 68,579 Hindu temples; and (5) 7,446 Buddhist temples. Spiritual leaders providing guidance to Muslims amounted to 354,166; to Protestants, 219,846; Catholics, 8,980; Hindus, 20,129; and to Buddhists, 3,124. In addition, it can be reported that the respective religions also offer family guidance in the community through religion extension workers. The number of religion extension workers whose job is to motivate the community, amounted to 37,742 Muslims; 3,246 Protestants; 1,418 Catholics; 1,086 Hindus ; and 465 Buddhists.

- *Family Campaign*; to build awareness of the importance of the family. In 1993, the President of Indonesia declared June 29 National Family Day, which is celebrated throughout Indonesia. As part of this ceremony, Model Family competitions are held at hamlet/village level, through sub-district, regency/municipal, and provincial levels, culminating in a national award. This competition assesses parents' child-rearing skills.

In addition, to dispel local cultural variances, standards for the happy family have been drawn up, taken from the positive values existing in society. Government Regulation No. 21 of 1994 (Article 4), develops standards for achieving a "happy and prosperous family" based on the functions of the family, which include (1) religious function, (2) social-cultural function, (3) caring function, (4) protection function, (5) healthy reproduction function, (6) socialisation and education function, (7) economic function, and (8) conservation of the environment function.

Progress made

Based on the criteria for a "happy and prosperous family", families are categorised from low to high, as follows:

- *Pre-prosperous family*, is a family that is not yet able to meet its minimum basic needs, such as religious instruction, food, clothing, housing, and health needs.
- *Level I Prosperous Family*, is a family that can meet its minimum basic needs but cannot yet meet all its social-psychological needs, such as education, Planned Parenthood, interaction within the family, interaction with the environment, housing, and transportation.
- *Level II Prosperous Family*, is a family that, in addition to being able to meet its basic needs, can also meet all its social-psychological needs, but is not yet able to meet all its development needs such as the need to save and obtain additional information.
- *Level III Prosperous Family*, is a family that is able to meet all its basic needs, social-psychological needs, and development needs, but is not yet able to provide an optimal contribution to the community, such as contributions for social activities, acting as leaders in social organisations or in social religious activities, sports and so on.
- *Level III Plus Prosperous Family*, is a family that is able to meet all its needs, both social-psychological and development needs, and is able to provide a real and continued contribution to the community.

Based on the above criteria, data for family groups can be obtained for 1994 through 1999, as follows:

No	Level	1994	1995	1996	1997	1998	1999
01	Pre-Prosperous	31.42	27.53	23.38	19.41	16.38	23.25
02	Level I Prosperous	28.36	26.26	27.71	22.57	21.68	25.64
03	Level II Prosperous	23.55	23.41	27.33	29.57	30.13	26.38
04	Level III Prosperous	12.34	16.63	19.82	22.74	25.72	20.04
05	Level III Plus Prosperous	03.33	04.17	04.70	05.71	06.09	04.69

Source: The National Development Planning Agency, 1999.

Other progress made concerns handbooks published by several departments and/or community organisations. These handbooks include:

- Handbook for Parents of Under-5s
- Guidelines for Ways to Improve Family Nutrition
- Child Rearing
- Guidelines for Stimulating Child Development
- Guidelines for Dealing With Accidents and Injuries to Under-5s in the Home

Factors and difficulties

Difficulties encountered include:

- Information on the rights of the child has yet to be made widely known at national administrative level (executive, legislative, and judicative), or at community and family levels.
- Limitations of human resources dealing with this issue since there is not yet any professional support, and lack of priority and political will on the part of the state administration.
- A culture that tolerates parents who neglect their responsibilities and obligations to the child, and authoritarian behaviour on the part of parents, neglect and exploitation of children due to economic difficulties, etc.
- Lack of government regulations governing custody, child adoption, placement of street children, and revocation of custody.
- Lack of facilities and infrastructure for gathering relevant data.

Priorities for the next 5 years

- Further develop the KHPPIA programme to focus more on the implementation of the CRC, in this context particularly by providing information to the public and families on the importance of their parental responsibility to the child.

- To draw up stricter regulations and/or legislation, particularly concerning revocation of custody and adoption of children.
- To draw up Government Regulations to implement the provisions set forth in the Child Welfare Act (Act No. 4 of 1979).

B. Parental responsibilities (art. 18, paras. 1-2)

Situation

Before the start of this reporting period, a number of regulations and laws were in effect, among the most relevant as follows:

- Civil Code (*Burgerlijk Weboek*), particularly article 319 a (2) and articles 380-382, which govern revocation of custody of parents and guardians.
- Marriage Act (Act No.1 of 1974), in particular articles 43, 45, 47, 49 and 69.
- Child Welfare Act (Act No. 4 of 1979), in particular articles 9 and 10.
- Act No. 10 of 1992 concerning Development of the Populace and Development of the Prosperous Family.
- Government Regulation No. 9 of 1975 concerning Implementation of Act No. 1 of 1974.
- Presidential Instruction No. 1 of 1991 concerning Revocation of Custody of an Individual/Legal Entity (article 109).

The Marriage Act states (article 47) that a child under the age of 18 years or who has never been married is under the authority of his parents as long as their authority as his guardians has not been revoked by a court. A parent or guardian represents the child in all legal actions both in and outside the courts.

Presidential Instruction No. 1 of 1991 states (article 77) that a husband-wife or a guardian is responsible for rearing and caring for their children, with regard to their mental, spiritual growth, education and skills, and their future.

Meanwhile, according to prevailing civil law, a court may revoke the right to custody of the child in the event that the parent or guardian concerned neglects his/her duties or acts improperly, with unfavourable consequences for the child under his/her care. In this case, the court will appoint a new guardian. The guardian appointed by the court will, as far as possible, have a family relationship with the child, or at least the person shall be an adult of healthy mind, fair, just and well-behaved. The guardian is also required to respect the religion and beliefs of the child, and to maintain the child's property to the best possible extent. Parents whose right to custody of the child has been legally revoked remain responsible for all the day-to-day expenses and education costs of their child until he or she becomes an adult or marries.

According to Islamic law, which applies to Muslims in Indonesia, in the event of a divorce, the child, if he or she is under the age of 12 (not yet *mumayiz*) will be brought up by the mother (*hadhanah*), while the father remains responsible for providing for day-to-day expenses and the cost of the child's education. But if the child is 12 or over (*mumayiz*), the child is free to choose whether he or she wishes to be brought up by the mother or the father.

According to both Islamic law and civil law, in the case of a child born out of wedlock, legally he or she is the child of the mother. However, the child may legally obtain a father if his two biological parents are married legally and thus become legitimized, which may be conducted by a Religious Court,

Measures adopted (1993 – June 2000)

At policy level, in addition to the regulations and legislation referred to above, Presidential Instruction No. 3 of 1997 concerning Improving the Quality of Children's Welfare has also been issued.

In addition, judicial measures and administrative measures have been adopted regarding the enforcement of the several existing laws and regulations. For instance, judicial measures adopted in 1998, were as follows:

- Legal revocation of custody of the child: 6 cases
- Appointment of guardian: 53 cases
- Child rearing issues concerning divorce (resolved by religious courts): 47 cases
- Child adoption: 148 cases
- Nuptial legitimisation (in regard to children born out of wedlock), conducted by religious courts: 3,999 cases (it should be noted that in this case the real number of legitimisation in 1998 throughout Indonesia may have amounted to more than 30,000)

To provide a more comprehensive picture, the table below shows Marriage and Child Data obtained from Religious Courts:

Description	1993	1994	1995	1996	1997	1998
Polygamy	1,148	870	727	701	704	802
<i>Talak</i> divorce	68,935	88,580	47,386	65,619	92,112	63,390
Divorce suits	1,531	46,359	56,081	56,833	98,104	76,371
Child adoption	70	34	67	35	48	47
Child legitimisation	10	14	21	6	73	148
Revocation of parental custody	0	103	0	7	0	0
Revocation of guardian custody	160	57	11	13	733	148
Appointment of guardian	229	256	123	45	57	53
Origin of child	9	5	12	10	7	33
Rejection of mixed religion marriages.	173	86	7	14	4	23
Nuptial Legitimation	2,728	2,705	1,924	1,826	1,426	3,999

Source: Annual National Coordination Meeting Documents, Department of Religious Affairs.

In addition, it can be reported that other measures were adopted during this reporting period, developed by several departments. The Department of Religious Affairs for example developed the Sakinah or Happy and Harmonious Family Movement, which is a programme aimed at educating parents to be able to bring up their children properly and act as role models for their children. This programme is implemented on a national scale and participants come from all religions.

Finally, to campaign the importance of the child-rearing responsibilities of parents, programmes related to the designation of the 1st Decade of the Indonesian Child (1986-1996), which began prior to this period, also continue to be implemented, and the 2nd Decade of the Indonesian Child is now in effect. It was also decided that July 23 would be commemorated as National Children's Day.

Progress made

Several advances made that can be summarised in brief here include those related to enforcement of the laws referred to above, and those related to the development of Happy and Prosperous and Sakinah Family Movement. With these efforts, parents will be more capable of executing their responsibilities towards their children, although as yet no indicators have been developed to monitor this progress.

Factors and difficulties

Several constraints can be mentioned, including macro policy adopted by the Indonesian government on building the quality of human resources. This interventionist policy focuses more on education building, which involves the child, rather than prioritising intervention to build parental capacity.

Also, prevailing public opinion poses difficulties for the effectiveness of intervention programmes. For example, the view that child-rearing is the mother's job and income-earning is the father's job; the view that responsibility for child-rearing is the right of the parents and that interference from a third party or state intervention is not necessary. In respect to this problem, another factor that should be noted is the low level of education of parents/guardians.

Priorities for the next 5 years

- Upgrade macro policy for Indonesian human resource development so that it also focuses on measures to intervene in the child-rearing role and capacity of parents
- Draw up Government Regulations concerning the implementation of the child-rearing responsibility of the parents.

- Increase policy and budget support for building parents' child-rearing capacity.

C. Separation from parents (art. 9)

Situation

According to tradition and law in Indonesia, a child may not be separated from his parents. There are several situations in which a child may be separated from one or both of his or her biological parents including, *inter alia*, in the event of the death of one or both of the parents, if the child is a child of a single parent (from choice or for other reasons, such as rape), in the event of accidental exchange at a hospital or maternity clinic, or in the event of deliberate abandonment of a child at birth (by his/her parents), and the divorce of parents.

National data on households headed and single parents is available. According to Indonesian law (both national and traditional law), in such cases, a civil relationship exists only between the child and his or her mother.

In the case of the accidental exchange of a newborn (in a hospital or maternity clinic), prevailing law states that parents may submit a complaint to the hospital or maternity clinic involved.

In the case of a child abandoned at birth whereby the identity of his or her parents is unknown, the situation does not allow for the guarantee of the child's right not to be separated from his or her parents. Point G (Children deprived of their family environment) will discuss this situation in more detail.

With regard to cases where separation occurs as a result of parental divorce, the divorce situation between 1993-1998 is shown below, based on data from the Religious Courts:

	1993	1994	1995	1996	1997	1998	1993-98
<u>Talak</u>	68,935	46,359	47,386	65,619	92,112	63,390	383,801
<u>Cerai</u>	1,531	46,359	5,881	56,833	98,104	75,571	284,279
Total	70,466	92,718	53,267	122,452	190,216	139,961	678,080

Source: Annual National Coordination Meeting Documents, Department of Religious Affairs.

Note: *Talak* is divorce filed for by the husband; *cerai* is divorce filed for by the wife.

In other cases, separation may occur as a result of action initiated by the state, for example when a child or one or both of his or her parents is detained, imprisoned, deported, etc. On cases such as these, unfortunately, no pertinent data could be obtained.

In addition are “civil wards of state” , or children who have been handed over by the parents to the state for the purposes of education. This situation is discussed in more detail in Cluster VIII B (Children involved with the system of administration of juvenile justice).

Measures adopted (1993 – June 2000)

Few measures have been adopted with regard to this issue during this reporting period. However, it can be noted that prevailing law guarantees that a child shall not be separated from his or her family. A pertinent example concerns cases of new-borns being accidentally exchanged at hospitals or maternity clinics. In several cases, the parents have complained to the hospital or maternity clinic involved, and in these cases, the courts will generally take appropriate judicial measures. Unfortunately, at the time of reporting, there are no cases available for presentation.

On children of single parents, as referred to in the point above (Parental responsibilities), legal validity/recognition (which has implications for the civil relationship) of the existence of the two biological parents of these children can be

established by the legal marriage of the parents (nuptial legitimization). In 1998, the religious courts carried out 3,999 legitimization.

In cases of divorce, if the divorce involves an Islamic family, Islamic law prevails; that is, if the child is under the age of 12, he or she will be brought up by the mother, and if the child is aged 12 or over, he or she is given the freedom to choose whether to be brought up by the mother or the father. In this regard, in line with customary practice, a child has a fair chance of maintaining links and having direct contact with both his parents. However, it should be noted that no new measures have been adopted during this reporting period to guarantee that a child can maintain links and have direct contact with both parents.

Progress made

Progress has been made with regard to the risk a child has of losing intensive contact with both his parents as a result of their divorce. Perhaps due to the educational measures adopted, as referred to in point A (Parental guidance), there has been a drop in the number of divorces. However, data from the Religious Courts for 1993-1998 on under-age marriages (women under 16 years old and men under 19 years old), also indicate a decrease in under-age marriages, which run a high risk of divorce:

1993	1994	1995	1996	1997	1998
976	1,126	1,071	865	174	229

Source: Annual National Coordination Meeting Documents, Department of Religious Affairs.

Factors and difficulties

With regard to article 9 of the CRC, in general there are a few difficulties regarding single parenting, divorce and death, or accidental exchange of new-borns, since

incidence of cases such as these is very low (no data, however, is available) and there is judicial guarantee for resolving such cases.

The main difficulty is perhaps due to the fact that analysis has yet to be made of the situation concerning this Cluster in general or article 9 in particular, so that strategic measures related to this issue cannot be identified.

Priorities for the next 5 years

Maintain the positive programmes now in place. Special priority will be given to efforts to reduce the divorce rate and the rate of under-age marriages, by developing the already well-established Prosperous Family programme and the Sakinah Family Movement.

In addition, comprehensive analysis of the situation concerning Cluster V will also be undertaken.

D. Family reunification (art. 10)

Situation

Cases in which one or both parents live overseas while the child remains in Indonesia, or vice-versa, are exist but rare. Such cases may occur under several circumstances, for instance, perhaps in the case of mixed-nationality marriages that end in divorce. Another possibility is if one or both of the parents of Indonesian nationality request asylum and reside in another country; or vice-versa, parents from another country request asylum and reside in Indonesia.

Two Acts are considered relevant to such cases, namely the Immigration Act (Act No. 9 of 1992) and the Nationality Act (Act No. 62 of 1958).

The Immigration Act states that Indonesians and foreigners are permitted to enter/leave Indonesia, unless they are otherwise prohibited from leaving Indonesia or forbidden from entering Indonesia. Likewise, a child of a foreign nationality wishing to join his parents in Indonesia, or a child of Indonesian nationality wishing to join his parents overseas, is essentially free to do so unless he or she is otherwise prohibited from doing so.

Provisions concerning prohibition on leaving and entering Indonesia are set forth in the Immigration Act (Art. 11-23), which states that a person may be prohibited from leaving or entering Indonesia if she or he has a criminal record, is an enemy of the state, may disturb public safety and order, including religious ethics and others, but not for discriminatory reasons nor because of the civil status of the person involved.

Nevertheless, it must be noted that no specific provisions exist concerning special procedures for dealing with a child wishing to join his or her family following prior separation by the state due to the divorce of the parents, or because his or her parents have sought asylum, or for other reasons.

This matter will be dealt with on a case by case basis.

Measures adopted (1993 – 2000)

In light of the lack of cases indicating that this is a serious issue, no measures were adopted during this period. Likewise, no progress or difficulties need to be presented in this report.

On reunification of the family, measures adopted regarding the case of post-referendum refugees in East Timor will be discussed in Cluster VIII-A (Children in the situation of emergency).

Priorities for the next 5 years

Review of existing legislation related to this issue and analysis of its compatibility with the CRC, and, where necessary, taking relevant anticipatory measures, both by improving existing legislation and/or drawing up new legislation.

Promote bilateral or multilateral cooperation with other countries regarding reunification of the family.

E. Illicit transfer and non-return (art. 11)

Situation

Indonesia possesses no data relevant to the illicit transfer and non-return of children abroad. From several reports from local authorities, NGOs, and mass media it is known that there are cases involving the sale, trafficking and abduction of children for work overseas, but the numbers involved are few (sale, trafficking and abduction of children is discussed in Cluster VIII-C).

Under national law, perpetrators involved in the illicit transfer of children are categorised as criminals and may be subjected to fairly heavy penalties (Criminal Code article 330).

Measures adopted (1993 – June 2000)

Indonesia has limited experience in handling cases of that transferred children. Whenever such cases arise, they are handled on a case-by-case basis and through existing laws as well as diplomatic channels.

Priorities for the next 5 years

1. Further monitoring and collection of data on cases of illicit transfer and non-return of children abroad will be prioritised in the future. The focus will be on, i.e:
 - Border areas, including the border with East Timor
 - The domestic network for the sale, trafficking and abduction of children, in anticipation of the domestic network developing into an international network.
2. A National Plan to address this issues will be developed. This issue will also be included the immediate return to eliminate the worst forms of child labour, as the implementation of ILO Convention No. 182.

F. Recovery of maintenance for the child (art. 27, para. 4)

Situation

According to law and tradition in Indonesia, child maintenance is the responsibility of the child's parents even if the parents are divorced. Traditionally, the father or husband is responsible for maintenance of the child, but if the father is unable to fulfil this responsibility, the mother or wife will take over the responsibility. In the tradition of the extended family, the grandfather/grandmother or the family of the parents often contribute towards the maintenance of the child.

Article 45 of the Marriage Act (1974) states that both parents are required to maintain and educate their children to the maximum extent possible up to the age of 18 years. Article 80 of Presidential Instruction No. 1 of 1991 states that the husband is responsible for the maintainance, education, and health care and

treatment costs of the child; for providing a proper home; and for providing for the needs of the household.

In the event of divorce, including divorce between an Indonesian and non-Indonesian couple, the divorce itself does not undermine the responsibility of the father to provide for the maintenance of the child until the child marries, becomes self-sufficient, or reaches the age of 18.

Divorce data presented in the point above (Separation from parents) indicate that between 1993-1998 there were 678,080 cases of divorce in Indonesia.

In the case of divorce, although the divorce does not relieve the father of the responsibility of providing for the maintenance of the child, court injunctions do not necessarily mention the responsibility of the husband to provide for the cost of maintenance and education of the child. This depends greatly on the content of the divorce suit submitted by the wife. If the wife files for maintenance but the father claims incompetence, the court will examine whether the father is in fact incapable of providing maintenance. Should the court rule that the father is truly unable to provide maintenance, then the mother will (contribute towards) provide for maintenance of the child.

Even if the court rules that the husband must provide for the maintenance of the child, in reality the court faces difficulties enforcing its ruling. Thus, if the father neglects his responsibility to pay maintenance for the child, it is the child and its mother that will suffer.

Measures adopted (1993 – June 2000)

With regard to securing maintenance for the child from the parents in cases of the separation or divorce of the parents, no new legislative measures were adopted during this period. On judicial measures, as discussed above, the ruling of the court will generally depend on the content of the divorce suit filed by the wife.

Furthermore, on measures to ensure the maintenance of the child, in view of the weak position of the wife and the threat to the continuity of the life and development of the child should the father neglect his responsibility to provide for the maintenance of the child, in several recent divorce cases, the father has been requested to immediately pay maintenance before the judge. This has happened in several cases of foreign nationals, who have paid both child maintenance and alimony when divorced in Indonesia. This is perhaps the only significant progress that can be reported at this time.

Factors and difficulties

The lack of adequate legal instruments and the high rate of unemployment and poverty are factors contributing to the difficulty in taking judicial measures and administrative measures to, in cases of divorce, enforce the ruling that a father provide maintenance for his children.

Priorities for the next 5 years

Works towards ensuring the maintenance for the child is guaranteed and taking steps to ensure that maintenance for the child is provided in cases of divorce.

Social and educational measures will be taken to raise public awareness, particularly among mothers, to be more assertive about filing for maintenance from the husband in cases of divorce.

Review and improve implementation of existing legislation in this context.

G. Children deprived of their family environment (art. 20)

Situation

Children deprived of their family environment, temporarily or permanently, may include: orphans, abandoned children, street children, children in conflict with the law, and refugee children or asylum seekers.

Street children are discussed in Cluster VIII-C; children in conflict with the law in Cluster VIII-B; and refugee children in Cluster VIII-A.

On orphaned children and abandoned children, the tradition of the extended family and kinship is extremely beneficial in providing a response to this issue. At the same time, public initiatives in this regard are developing quite well, with the provision of orphanages, the majority of which are managed by religious organisations. Included in this public initiative are non-orphanage placements such as foster parenting and placement in Islamic boarding schools (*pesantren*).

Conversely, the 1945 Constitution mandates that abandoned children be cared for by the state (Article 34). The Child Welfare Act (Article 4 clause 1) clarifies in more detail that an orphaned child has the right to care from the state or an individual or an entity. Also of note is Government Regulation No. 2 of 1988 concerning the welfare of children in conflict with the law.

Measures adopted (1993 – June 2000)

As far as the state is concerned, aside from allowing and encouraging private initiatives for dealing with orphaned children and abandoned children, the government has also set up orphanages managed by the Department of Social Affairs, in addition to orphanages provided by regional government. In 1998/1999

the number of government-run orphanages totalled 71 units, 48 of which are managed by the Department of Social Affairs (Tresna Werda Social Institutions) and 23 by regional government.

Progress made

Several initiatives by civil society, by the government in cooperation with NGOs, and by the government with regard to street children, in particular during this time of economic crisis, particularly in providing alternative care/alternative placement, are shown in the following table:

Year	Number of Orphanages, & Orphaned Children	
	Orphanages	Orphaned Children
1990/1991	983	55,627
1993/1994	1,089	71,257
1996/1997	1,285	68,919
1997/1998	1,647	91,051

Source: Annual National Coordination Meeting Documents, Department of Religious Affairs.

The table indicates fairly rapid growth in the number of alternative care/alternative placement facilities, which almost doubled between 1990/1991 and 1997/1998.

However, it should be noted that many measures still need to be adopted with regard to guaranteeing special protection and assistance for children temporarily or permanently deprived of their family environment.

Factors and difficulties

- Capacity and quality of orphanage and other forms of alternative cares largely still do not conform with minimum standards set by the government.

- Provisions concerning guardianship set forth in the existing Criminal Code (*Burgerlijk Wetboek*) are in effect only for Foreign Orientals (Indonesian nationals of Chinese extraction).

Priorities for the next 5 years

- Works towards developing a system of monitoring/periodic review of alternative placement for children deprived of their family environment.
- Publicise and organise training on the CRC for relevant parties and for NGOs dealing with children deprived of their family environment.

H. Adoption (art. 21)

Situation

Based on observations by the Indonesian Supreme Court, there has been a change/shift in the practice of adoption in Indonesia. In the past, adoption of children was carried out in a traditional way, in order to obtain a child or for other reasons.

According to Islam, if a child is adopted, the links between the child and his biological parents must not be broken. However, it is not uncommon that when a child is adopted, his adoptive parents keep the identity of the parents a secret from the child in order that the child will believe that his adoptive parents are his biological parents. But, in general, this is counter-productive reasoning, particularly once the child becomes an adult and learns about his real situation.

As a consequence of Government Regulation No. 7 of 1997 concerning Civil Servant Salaries, which provides for benefits for civil servants adopting children

through a court ruling, the practice of adoption with a court ruling has become more common.

Meanwhile, for people of Chinese extraction, the prevailing regulation on adoption is Staatsblad 1917 No. 129, which allows for the adoption of male children only. However, based on jurisprudence set in 1963, the Supreme Court considers legal the adoption of female children. Adoption under the provisions set forth in Staatsblad 1917 No. 129 requires only a certificate from a notary public.

Adoption of children by citizens of Chinese extraction is also governed by provisions set forth in the Civil Code (articles 302 and 324).

In a further development, The European Convention on the Adoption of Children inspired Indonesia to take action in anticipation of the possibility of intercountry adoption. In this regard, the Supreme Court through circular letters No. 6/1983 and No. 4/1989 confirmed that intercountry adoption must be *ultimum remedium* or the option of last resort, if adoptive parents from Indonesia cannot be found, and that intercountry adoption must be legalised through a court ruling.

Adoption under the provisions set forth in these circular letters of the Supreme Court includes:

- Adoption of an Indonesian child by Indonesian adoptive parents (domestic adoption)
- Adoption of an Indonesian child by non-Indonesian adoptive parents (intercountry adoption)
- Adoption of a non-Indonesian child by Indonesian adoptive parents (intercountry adoption)

Meanwhile, according to regulations of the Department of Social Affairs, adoption of a child involves a three-stage process, as follows:

- The prospective adoptive parents submit an application to the local Regional Office of the Department of Social Affairs (with copies to the Minister of Social

Affairs and the private institution where the prospective adoptive child is located),

- The Regional Office of the Department of Social Affairs makes an assessment of the prospective adoptive parents, and within 3 months must approve or reject the application,
- If the application is approved, it will be legalised/endorsed by a court.

In addition to the above provisions, other provisions concerning adoption in force in Indonesia prior to this period can be mentioned, *inter alia*, the Marriage Act of 198\79 (article 12 (3)) and Decree of the Minister of Social Affairs No. 44/1986.

The most comprehensive data available on domestic and inter-country adoption between 1993 and 1999 were recorded by the Department of Social Affairs, as follows:

	1993	1994	1995	1996	1997	1998	1999
Domestic adoption	82	53	54	47	33	21	33
Inter-country adoption (Indonesian children by foreign citizens)	8	11	12	15	17	26	10
Total	90	64	66	62	50	47	43

The table above shows a constant downward trend in domestic adoption between 1993 and 1998, and an upward trend in inter-country adoption.

Measures adopted (1993 – June 2000)

During this reporting period, one new administrative measure adopted was Decree of the Minister of Social Affairs No. 13/HUK/93 (of 1993) concerning Guidelines for the Adoption of Children. A further new measure was Circular Letter KMA/III/II/1994 (of 1994) issued by the Supreme Court concerning the adoption of children.

Aside from these, no other new measures were adopted during this reporting period, and provisions previously in force continue to apply to the adoption procedure. In this regard, it can be noted that as a result of Government Regulation No. 7 of 1997, the practice of adopting children through a court, particularly by civil servants, has become more commonplace.

On intercountry adoption, no other specific measures were adopted during this reporting period, including bilateral and multilateral agreements with other countries.

Thus, no progress or difficulties can be reported.

Priorities for the next 5 years

There will be a comprehensive review of existing adoption legislation and regulations, and procedure, to obtain a more comprehensive picture on the extent of compliancy with the CRC principles and provisions.

Administrative measures will also be taken with regard to existing provisions, to improve the guarantee of protection for adopted children who are adopted, and developments in the adoption situation will continue to be monitored.

I. Periodic review of placement (art. 25)

Situation

The situation relevant to article 25 is as follows:

Regarding abandoned children, although cases do occur, data are not consolidated at a national level. Abandoned infants are normally placed temporarily with private agencies authorised by the Department of Social Affairs

prior to being adopted. Those who are not adopted will continue to be cared for by these private agencies.

Older abandoned children will generally become street children and NGOs deal with their placement by providing drop-in centres or shelters. The situation and measures adopted with regard to this issue will be discussed in Cluster VIII-C on street children.

Placement for handicapped children in general is provided by private agencies and placement is on the initiative of the parents.

Asylum seeking and refugee children, including unaccompanied ones, will be discussed in detail in Cluster VIII-A.

Children in conflict with the law will be discussed in Cluster VIII-B.

On children who have been handed over by their parents or guardians to be cared for by the state and placed in correctional institutions, in line with prevailing practice, the situation, measures adopted, progress made, factors and difficulties, and targets set for the future of these children (known as 'civil wards of state') will also be discussed in Cluster VIII-B.

In the meantime, a broad outline of the procedure for placement of children in correctional institutions can be presented, as follows:

- Parents or guardians wishing to hand over their child to be cared for by the state because the parents or guardians concerned can no longer deal with the child's misbehaviour, submit an application to the local court.
- The court will assess the application and ask the Bureau of Social and Juvenile Guidance (BISPA) (now the Bureau of Corrections or BAPAS), an agency under the auspices of the Department of Justice, to make an assessment as to whether the application of the parents/guardians should be approved or not.

- With input from BAPAS, the court will decide whether or not to approve the application from the parents/guardian.
- If the application is approved, the child will be placed in a correctional institution. A child can be placed in a correctional institution up to the age of 18 years.
- A periodic review is conducted by BAPAS to monitor the progress of the child until the child is deemed fit to be returned to his or her parents.

Measures adopted (1993 – June 2000)

Measures adopted concerning children handed over by their parents or guardians to the state to be educated and placed in correctional facilities during this reporting period, including progress made and difficulties faced, will be discussed in Cluster VIII-B.

Priorities for the next 5 years

- Over the next 5 years comprehensive analysis will be made of the situation concerning children who have been placed, including abandoned children, children with disabilities, and refugee children including unaccompanied ones, in particular with regard to the right to periodic review of placement.
- Works towards creating a database on children who are placed and improving coordination among all competent authorities.

J. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)

Situation

A report compiled by Yayasan Kesejahteraan Anak Indonesia, an NGO, indicates that the number of cases of child abuse are increasing, from 172 cases in 1994, to 421 in 1995, and 476 in 1996.

A study on three forms of abuse (physical, mental, and sexual) conducted by a research team from Gadjah Mada University in cooperation with UNICEF (1999), in 6 provincial capitals in Indonesia, found that physical abuse was the form most commonly experienced by children, followed by mental and then sexual abuse.

Comprehensive data are as follows:

City	Type of abuse		
	Physical	Mental	Sexual
Medan	6	12	4
Palembang	16	12	4
Semarang	35	15	7
Surabaya	31	13	6
Makassar	29	10	2
Kupang	24	10	4
Total (6 cities)	141	82	27

The study focused on three locations where abuse occurred: at home, in schools, and in public places. Physical and mental abuse in the home was most commonly perpetrated by the mother. Physical and mental abuse suffered by children in schools was reportedly most commonly perpetrated by peers, with the exception of Semarang, where teachers were the main perpetrators. Sexual abuse most commonly occurred in public places, perpetrated by third parties.

With regard to abuse in the home, a strong traditional view persists that child-related problems are internal family affairs, and whether the parents or another person is the perpetrator of abuse, intervention is felt to be unnecessary.

Among the factors contributing to abuse are social conditions and local culture. Abuse in the home, in general, is influenced by the gender stereotyping that male children must be able to stand a test, and by the view that parents have absolute authority over their children and that children must obey their parents. The social-cultural factor contributing to abuse in schools is the idea that children must obey the school rules.

Other factors identified as contributing to incidents of abuse in the home include gambling, drunkenness, lack of money, and husbands having extra-marital relationships. In addition, it was found that the occurrence of abuse in public places is also reinforced by the lack of law enforcement and the stereotyping that street children are 'juvenile delinquents'.

Under the criminal code in Indonesia, most forms of violence, including deliberate humiliation, injury and abuse, are prohibited. But these prohibitions are not explicitly meant to protect the child. Also, the scope of protection is restricted to public places, while, with the exception of sexual abuse, the domestic environment or an extension of the domestic environment (school for instance) and penal institutions are outside the effective reach of the protection provided by criminal law. Also, particularly concerning parental abuse in the home, no satisfactory complaints procedure has been developed.

Further legal protection is provided by the Child Welfare Act (1979) and the Marriage Act (1974). However, much criticism has been aimed at these two laws with regard to this matter because neither contains penal clauses and neither is effective.

The Child Welfare Act, for instance, merely states that parents proven to have neglected their responsibilities may have their custody rights rescinded. Likewise, the Marriage Act (article 49) contains similar provisions.

Measures adopted (1993 – June 2000)

The issue of child abuse has, until recently, received little attention in Indonesia. It is hoped the study conducted by the research team from the University of Gadjah Mada in cooperation with UNICEF (1999) will help prompt the state administration to take relevant strategic steps as per the obligations set forth in articles 19 and 39 of the CRC.

As well as cooperating in this study, UNICEF in cooperation with the Child Protection Agency (an independent agency set up on the joint initiative of the government and civil society) also facilitated a study tour to Malaysia by an interdisciplinary team to learn about its system for dealing with child abuse (1999/2000). Subsequently, a small team of medical professionals coordinated by the Indonesian Medical Association and appointed by UNICEF are drafting technical guidelines/protocol for doctors to identify and report suspected cases of child abuse. These will be followed up with policy, instruction and training for doctors at national and sub-national levels through professional associations for doctors, paediatricians, nurses etc, as well law enforcement officials, child protection agencies and legal aid institutions.

Meanwhile, educational measures and extensive media coverage continue to be adopted by publicising the content of the CRC to the general public, in the hope that abuse of children by parents and by adults in general, will decline.

Progress made

The few initiatives by NGOs, universities, medical professional associations and UNICEF, are beginning to form an initial picture of the problem of child abuse in

Indonesia. Also, the exposure to Malaysia has provided inspiration and new knowledge on dealing with child abuse, as indicated above.

Factors and difficulties

- No comprehensive data on child abuse are available, so only a minimum of information on issues related to child abuse exists.
- Inadequate, if not virtually non-existent, government concern for child abuse; and the consequences of the public perception that family problems are domestic issues in which the public authorities may not intervene.
- Social-cultural factors, in which gender bias considers men as productive players in the public sphere and women as reproductive players in the domestic sphere, which among others, gives rise to stereotypes and to gender bias expectations and behaviour (male children must be able to stand being beaten and abused, female children are placed in a position that makes them vulnerable to sexual abuse). Also, the feudal and authoritarian culture places children on the bottom rung of the existing social hierarchy.
- Models and methods of reporting in the mass media are not child sensitive and reinforce gender bias, with all its implications for the social expectations of the child.

Priorities for the next 5 years

- Follow up recently started new initiatives and continue to probe into the issue of child abuse. Special focus will be given to the guarantee of intervention/public protection in cases of domestic abuse by integrating the issue of child abuse into the Child Protection Act currently being drawn up, and by developing a system of monitoring, intervention and services, including counselling for victims of child abuse.
- Undertake campaigns and public education as means of transforming the existing gender bias, and feudalistic and authoritarian culture.

- Maximise the role of civil society by forging cooperations with the Child Protection Agency, NGOs and other sectors of civil society (such as hospitals and professional medical associations), and by encouraging the mass media to play a positive role in this issue.

Cluster VI

BASIC HEALTH AND WELFARE

(arts. 6; 18, para. 3; 23; 24; 16; 27, paras. 1-3)

Introduction

Cluster VI of this report will be divided into two sections. The first is specifically concerned with disabled children (article 23), and the second with three other topics-- namely "health and health services (art. 24)"; "social security and child care services and facilities (arts. 28 and 18, para. 3); and "standard of living (art. 27, paras. 1-3)".

A. Disabled children (art. 23)

Situation

Around 3.11% of the population of Indonesia, or approximately 6.2 million people, are classified as disabled. This includes physical disability, blindness, deafness, mental disability, and multiple disabilities. Half of the disabled in Indonesia are mentally disabled. Of 67,018,426 children aged between 0-14 years in Indonesia, the rate of disabled children per 10,000 of population is 57.7026. The incidence of disabled children aged 0-14 years is highest in West Java, followed by four other provinces as shown in **Table 1** below. At national level, the incidence by province ranges from 0.4252 (Bengkulu) to 11.0276 (West Java).

Table 1: Number of Disabled Children Aged 0-14 Years (1993)

No.	Province	Number of children (0-14 years)	Incidence of disabled children (0-14 years) per 10,000 population
1	West Java	12,807,177	11.0276
2	East Java	10,563,172	9.0949
3	Central Java	10,006,643	8.6157
4	North Sumatra	4,511,174	3.8841
5	Greater Jakarta	3,244,177	2.7932

Source: Social Welfare Disability Survey, 1998

In 4.89% of cases, disability resulted from accidents, while illness accounted for 25.33%. Crime victims accounted for 0.14%, and 4.4% were disabled from birth. According to the 1995 Family Health Survey, disability (loss or abnormality of the

anatomical, psychological or physiological function or structure) in children aged 0-14 years encompassed impairment, disability, and interference with daily activity, including:

Table 2: Incidence of Impairment per 1000 Family Members in Indonesia, 1995

Impairment	Male		Female	
	0-4 yrs	5-14 yrs	0-4 yrs	5-14 yrs
Intellectual	4	4	0	7
Other psychological	4	11	0	6
Speech	4	3	4	7
Hearing	43	41	20	40
Sight	10	19	8	23
Visceral	77	115	58	123
Skeletal	8	12	4	18
Appearance	22	21	18	26
Generalised	68	80	45	67

Source: 1995 Family Health Survey Morbidity and Disability Study

Table 3. Incidence of Disability per 1000 Family Members in Indonesia, 1995

Disability	Male		Female	
	0-4 yrs	5-14 yrs	0-4 yrs	5-14 yrs
Behavioural	4	5	0	8
Communication	22	46	4	45
Self care	4	5	2	7
Locomotive	6	4	2	5
Disposition	4	2	2	3
Dexterity	6	2	2	3
Situational	4	4	8	5
Specific skills	0	1	0	4
Other restrictions	0	1	0	3

Source: 1995 Family Health Survey Morbidity and Disability Study

Of the impairments and disabilities affecting day-to-day activities of children aged 5-14 years, the most common was interference with heavy household chores, with a rate of 40 and 50 per 1000 family members for male and female children respectively. Interference with the most basic day-to-day activities such as lying down and getting up, sitting up and standing, walking, urinating and defecating, bathing, getting dressed, eating, and taking part in social activities was fairly high at around 9-13 per 1000 family members, as shown in **Table 4** below:

Table 4: Interference with Day to Day Activities per 1000 Family Members in Indonesia, 1995

Activity	Males 5-14 years	Females 5-14 years
Lying down-getting up	10	9
Sitting and standing up	10	11
Walking	10	12
Urinating and defecating	11	12
Bathing	12	12
Getting dressed	11	12
Eating	11	12
Social activities	12	13
Serving self food	13	19
Light housework	14	21
Heavy housework	40	50
Shopping	17	22
Going out	21	40
Recreation	41	42

Source: 1995 Family Health Survey Morbidity and Disability Study

Measures adopted (1993 – June 2000)

Although disabled children have yet to receive maximum attention, several forms of intervention continued during this reporting period, including:

Enactment of Act No. 4/1997 concerning the Disabled, which guarantees the right of the disabled to equal opportunities in all aspects of life and living (Art. 5); the right to education, work, equal treatment, accessibility, rehabilitation, and equal

opportunity for self-development (Art. 6). This Act also provides more detailed provisions on equal opportunities (Chapter IV, Articles 9-15).

This Act also states that “The government and/or society is responsible for realising the rights of the disabled” (Art. 8).

Additionally, the following have been issued:

- Government Regulation No. 43 of 1998 concerning Raising the Social Welfare of the Disabled.
- Decree of the Minister of Public Works No. 468/1998 concerning requirements for accessibility to public buildings and environments, the goal of which is that the disabled have easier access to obtain their rights and opportunities in these buildings and environments.

Other initiatives to improve access to medical rehabilitation services have been undertaken, in the form of:

- Providing disabled children medical rehabilitation services in government hospitals and primary health care services in community health centres.
- Encouraging the private sector, professional organisations, and NGOs to also provide medical rehabilitation services.
- Providing out reach services, involving visits by professional staff to the disabled (mobile rehabilitation units), and mobile public health centres.
- Raising the quality of personnel by augmenting the number of formal medical rehabilitation schools, from academies through specialist higher education institutes.

To improve the access the disabled have to medical rehabilitation, the government encourages and motivates the setting up of community-initiated rehabilitation centres, such as Community Based Rehabilitation, to encourage cadres to assist and develop disabled children in their area and to facilitate cadres in the use of the CBR module adapted from the WHO and Foundation for Development of Disabled Children modules.

In addition, the government consistently encourages the private sector, NGOs, and the public to work towards raising the concern of families and the public with regard to fulfilling the basic needs of disabled children, such as the need to play, socialise, and take part in recreation.

The government also encourages a number of relevant parties to work in cooperation to rehabilitate and develop the physical, mental, and social capacity of children in a way that is appropriate to their interests, aptitude, and capacity, as well as to the education and experience of the children, through social rehabilitation programmes offered by inside and outside institutions. In institutions, social rehabilitation involves providing physical, mental, and social counselling and work skills within the institution itself.

Progress made

While striving to raise the quality of and access to medical rehabilitation services, the government has also raised the quality of personnel, by offering from a Level 3 Diploma in Physiotherapy and a Level 3 Diploma in Occupational Therapy through a Level 4 Diploma in Development, as well as sub-specialist and doctorate courses in medical rehabilitation. Currently, 3 (three) medical faculties offer specialist training in medical rehabilitation: the University of Indonesia in Jakarta, Padjadajaran University in Bandung (West Java), and Sam Ratulangi University in Manado (North Sulawesi).

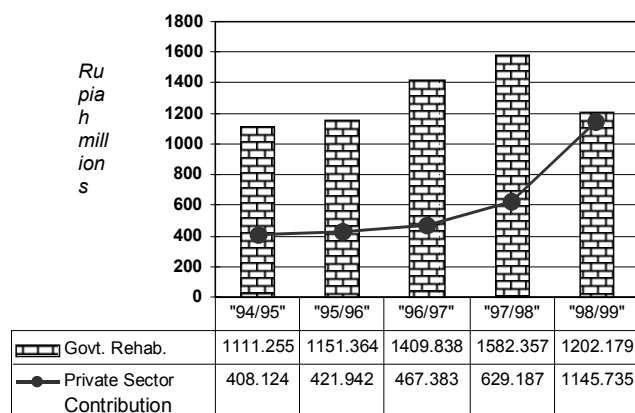
The government has also augmented the number of public hospitals by 23, from 835 units (1995) to 858 units (1997), and increased the number of community health centres by 1.94%--from 7,105 units (1995) to 7,243 units in 1997. These facilities provide medical rehabilitation services for disabled children from basic level up, and include the development of CBRs (Community Based Rehabilitation) in seven provinces and the development of centres of excellence for medical rehabilitation services, among others at Fatmawati Hospital in Jakarta, and Prof. Dr. Soeharso Hospital in Surakarta (Central Java).

To raise the concern of families, the public, NGOs and the private sector, the government organises national events involving disabled children and all parties concerned with disabled children, no less than four times a year--on National Education Day in May, National Children's Day in June, Scouts Day in August, and Social Solidarity Day in December, in addition to other local and international scale events.

In addition the government has set up three social rehabilitation centres: Bina Daksa Vocational Social Rehabilitation Centre (PRSVBD) in West Java, Social Rehabilitation Centre for the Mentally Disabled or 'Kartini' Bina Grahita Social Institution in Temanggung (Central Java), and 'Prof. Dr. Soeharso' Bina Daksa Social Rehabilitation Centre in Surakarta (Central Java). Besides these three centres, services are also provided at Bina Netra Social Institutions, Bina Daksa Social Institutions, Bina Grahita/Laras Social Institutions, Bina Rungu Wicara Social Institutions, and Panti Sosial Pasca Laras Kronis or Sanatoriums.

Since 1998/1999 social services and rehabilitation have been provided to 18,769 disabled people. However, it should be noted that in general, accessibility to medical, social, educational, and vocational rehabilitation remains low, at only around 3.75%.

Along with the growth in services for the disabled, disabled children included, the between 1995 and 1999 the budget allocation for Social Services and Rehabilitation of the Disabled increased, in particular government assistance for building the role of the public, NGOs and the private sector, as shown in the figure below:



Source: Planning Bureau, Dept. of Social Affairs, 1999

Priorities for the next 5 years

Services for disabled children will be further augmented, in particular referrals to hospitals, social institutions, and other organisations will be optimised.

The government will also continue to encourage the involvement of families, the public, NGOs, professionals, and the private sector in implementing article 23 of the CRC, the Disabled Person's Act (1997), and Government Regulation No. 43 of 1998 for provision of public buildings and facilities that guarantee the right of the disabled to access to public services, including public transport, communication, recreation and social facilities, and to community empowerment.

B. Health and health services (art. 24); Social security and child care services and facilities (arts. 26 and 18, para. 3); and Standard of living (art. 27, paras. 1-3)

Situation

The maternal mortality rate (MMR) in Indonesia remains the highest of all ASEAN nations. The table below shows the number of deaths per 100,000 live births.

Table 5: Maternal mortality per 100,000 live births, according to several different estimates

Location	Mortalities	Year	Approach	Source
Indonesia, 1981	370	1978-1980	12 teaching hospitals	Chi I-Cheng et al., 1981
Household Survey, 1985	450	1985	Retrospective (direct), 7 provinces	Budiarso (1986)
East Nusa Tenggara	1340	1986	Prospective, rural areas	Tjitra, et al (1991)
Central Java	340	1987	Prospective, rural areas	Agoestina (1989)
West Java	490	1977	Sisterhood (Indirect) 8 regencies	Budiarso et al. (1990)
Household Survey, 1991	404	1991	Prospective, fundus uteri of pregnant women	Kosen & Soemantri (1994)
Demography and Health Survey, 1994	390	1989-1994	Sisterhood (direct)	CBS, NCPCB, MOH, Macro (1995)
Household Survey, 1994	384	1994		
Indonesia, 1995	355	1989-1994	Statistics (indirect, SDKI 1994)	Soemantri (1996)
Indonesia, 1995	650	1990	Statistics (Indirect, UN)	Stanton C, et al, 1995
Demography and Health Survey, 1997	334	1992-1997		

Factors affecting to this condition include low level socio-economic and education background among rural peoples; socio-cultural and behavioural condition; and the limited availability of health care infrastructure and facilities, particularly access to the referral hospitals.

Other risk factors causing maternal mortalities are pregnancy/birth at a young age and illegal unsafe abortion, a problem common place among young people. Young people make up around one-fifth of the Indonesian population, 49 percent of which are girls aged 10-18 years. According to the findings of the National Socio-Economic Survey (SUSENAS), in 1998, 27 percent of women aged 16 or under were married at a young age. In urban areas, 19.5 percent of women were

married under the age of 16, and in rural areas 30.8 percent. According to a 1994 survey by International Planned Parenthood Association (IPPA), of 2,558 recorded terminations of pregnancy, 58 percent involved women aged 15-24 years, around 62 percent of whom were pregnant outside marriage. Another study indicated that around 2/3 (two-thirds) of young pregnant women undergo unsafe abortions.

The low coverage of four visits of antenatal care (55.8 percent in 1994) and deliveries assisted by health professionals (51 percent in 1995) also contributed to the high rate of neonatal mortalities, which reached 25 per 1,000 live births (Indonesia Demography and Health Survey, IDHS, 1997). This was equivalent of half the infant mortalities occurring within 28 days of birth (neonatal period).

The infant mortality rate (IMR) and Under-five Mortality Rate (U-5MR) in Indonesia has declined sharply from 68 and 97 per 1000 live births in early 1990s to 46 and 58 per 1000 live births (IDHS 1991, 1997). Some contributing factors in reducing IMR and U-5MR in Indonesia have been identified such improvement of maternal and child health care, public awareness on healthy lifestyle including child health care and the shift from traditional cultural values towards a more modern culture of healthy living. These conditions result opportunities for the public to obtain better education and information, and to obtain adequate health care information. The reduction of IMR and U-5MR in Indonesia occurred in all provinces and also in all urban and rural areas, although the rate of decline was not equal.

Table 6 below shows that female infants are more likely to celebrate their first birthdays.

Table 6: Infant Mortality Rate

Year	Male			Female			Male+ Female		
	Urban	Rural	U+R	Urban	Rural	U + R	Urban	Rural	U+R
1995	49	67	61	38	54	49	43	61	55
1996	48	66	60	37	52	47	42	59	54
1997	47	64	58	36	51	46	41	57	52
1998	45	62	56	35	49	44	40	56	50

Source: Child Welfare Indicators, 1998

According to the 1995 Household Survey, perinatal and neonatal disorders were the primary cause of infant mortality in Java and Bali (33.5 percent), followed by death from acute respiratory tract infection (26.9 percent).

Low Birth Weight (LBW) is one indicator of malnourished problem in pregnant women and newborns. There was no progress in reducing the prevalence of LBW. The prevalence of LBW in 1992 was between 2 to 17 with an average of 7 percent. Of the approximately 47.5 percent of infants weighed, 7.1 percent suffered from low birth weight. The risk of mortality in LBW babies is high due to asphyxia, hypothermia, and infection. Factors contributing to low birth weight include absence or lack of antenatal care, premature delivery, anaemic and or chronic energy protein deficiency among pregnant mothers, low level of maternal education and mother aged less than 20 years. Approximately 36 percent of reproductive age women have chronic energy protein deficiency (MOH, 1996). Additionally, 52 percent of trimester pregnant mothers were anaemic (Household Survey, 1995), and 36 percent of women experienced complications during pregnancy, delivery or in the postnatal period.

IDHS 1991 indicates that only 50 percent of infants (0-3 months) were exclusively breast-fed.

Approximately 7.4 million of children under-five (37.5 percent) in Indonesia in 1989 were malnourished. The severe cases are estimated to be around 6.3 percent. The high prevalence of malnourished children was also reflected in high number of stunted children. In 1990, data from 4 provinces in East Indonesia showed that around 44.8 percent of under-five children were stunted.

The 1992 SUSENAS and 1994 SUSENAS found respectively that 21 percent and 18.5 percent of citizens had symptoms of illness over the preceding month. The 1995 Morbidity and Disability Study indicated a much higher incidence of symptoms of illness, at 55.8 percent. Compared to the 1992 Household Survey, the 1996 Household Survey indicated a transition in epidemiological of disease in Indonesia. Among young children, infectious diseases were the main cause of mortality, both in urban and rural areas. The main diseases suffered by infants

and under-five children in 1990s were acute respiratory infection, diarrhoea, measles and anaemia. According to IDHS 1997, the prevalence of diarrhoea was 10 percent and prevalence of pertusis was 9 percent.

The percentage of infants who are completely immunized (BCG, DPT, Polio and Measles) is reported only 50 percent (IDHS 1997) and only 35 percent of pregnant women have received tetanus toxoid immunization.

The prevalence of several communicable diseases such as malaria, tuberculosis, dengue hemorrhagic fever and HIV/AIDS has shown the tendency to increase, and the transmission includes pregnant women, infants and children.

Meanwhile, among old people there was a shift in the main cause of mortality from infectious diseases to chronic degenerative diseases. Thus, Indonesia is faced with a multiple burden. This situation will also greatly affect budget distribution and allocation for measures concerning the child survival and development.

Although the family planning program has succeeded in containing the growth in population, the sheer size of the total population (201.4 million in 1997) remains a serious problem in need of sustainable management and uneven accessibility to contraceptives in Indonesia. According to calculations made by the Central Bureau of Statistics based on the 1990 Census and the 1994 IDHS, the total fertility rate reached on average 2.9 in 1990-1995 and 2.6 in 1995-2000. The prevalence of contraceptive usage during the 1991 to 1997 period increased. The 1991 IDHS estimated the prevalence of contraceptive use was 50 percent and increased to 57 percent in 1997.

Table 7: Contraception used by new acceptors, 1996/1997 - 1997/1998

Year	IUD	Pill	Condom	Sterilisation	Injection	Implant	Vasectomy
96/97	13.9	26.5	1.3	2.2	46.4	21.5	0.1
97/98	13.4	32.3	1.2	0.0	42.4	10.1	1.0

The Government of Indonesia has also focused on providing health protection to the communities by improving health environment. Access to safe drinking water and sanitary means of excreta disposals are used as indicators for the health environment. The provision of safe drinking water and basic sanitation in the early 1990s was still limited. Only 60 percent of households have access to clean water, and about 30 percent have access to basic sanitation.

Measures adopted (1993 – June 2000)

In the health sector, policies focused on: improvement health services and nutrition; enhancement in law, management and health environment. Based on these focuses, various programs for women and children were launched such as health education, community health services, prevention and eradication of communicable diseases and nutrition improvement. These programs were supported by water sanitation improvements.

Addressing to the high infant and maternal mortalities, the government was implementing midwives placement programme in 54,129 villages between 1992 and 1997, to ensure the equal distribution of midwives and to improve the coverage and quality of mother and child health (MCH) services. To support this initiative, all midwives at primary level of care apply basic standards of midwifery services. To monitor the quality of MCH care including antenatal dan neonatal health services, all pregnant women are issued a home-based MCH Handbook or “Road to Health” card.

Another initiative to reduce mortality among pregnant women is clean and safe delivery services provided by professional staff using a partograph. The skill of midwives in rural areas will be improved through a training in life saving skills to deal with and take pre-admission action in cases of obstetric and neonatal emergencies. All health centres are equipped to handle essential obstetric and neonatal emergencies care, while referral hospitals are equipped to handle a

comprehensive obstetric and neonatal emergencies care. Starting 1999/2000, blood banks will have been set up in several regencies.

With financial support from overseas, measures currently being developed by the government to deal with the issue of the health care of young people include integrating reproductive health into the national education curriculum, pioneering the setting up of counselling centres, providing reproductive health services for young people at Health Centres and in hospitals, and developing guidelines for young people.

In addition, in 1999 the Commission on Reproductive Health was set up, comprising four work teams: Maternal and Neonatal Health, Family Planning, Adolescent Health, and HIV/AIDS Prevention. The existence of these commissions, once again, demonstrates the commitment of the MOH to implementing the CRC and the CEDAW.

To improve the awareness and participation of family, community and husbands in particular, in 1997 the national campaign “Mother Friendly Movement” was launched. This activity involves, among others, upgrading “Baby Friendly Hospitals” to “Mother Friendly Hospitals”, and setting up “Mother Friendly” regencies and villages. Family and community initiatives include addressing the issue of the “3 delays” (delay in making a decision, delay in being referred, and delay in dealing with the problem) which are frequent non-technical causes of maternal and infant mortality.

To accelerate the reduction of neonatal mortality rate, the MOH has determined essential neonatal care, which include promotion of spontaneous breathing, prevention of hypothermia, prevention of infection, initiate early and exclusive breast-feeding, and management of sick neonates outside the hospital, which involves neonatal visits by professional staff on at least two times to provide health care during the first week and between weeks 2 and 4. Each service

provided also was recorded in the MCH handbook held by the mother from pregnancy until the child reaches its fifth birthday.

Table 8: Incidence of Neonatal Visits (NV) 1994-1997

Year	NV
1994	46.20
1995	57.30
1996	71.10
1997	69.82

Source: 1998 Indonesia Health Profile

The success of the immunisation program has proved that immunisation is one of the most cost-effective methods of reducing the infant mortality rate and improving the quality of child health, by providing immunity to diseases preventable by immunisation.

Such is the importance of the immunisation programme, besides implementing a national programme, the government also declared a National Immunisation Week for three consecutive years (1995, 1996 and 1997), which was followed up by the Immunisation of School Children Month, introduced in November 1998.

Table 9: Scope of Immunisation Program, based on 1998 National Social Economy Survey

Immunisation	Urban Areas	Rural Areas	Indonesia
BCG	91.7 %	82.1 %	85.4 %
DPT	89.2 %	79.7 %	83.0 %
Polio	92.1 %	88.4 %	89.7 %
Measles	76.9 %	68.6 %	71.5 %

Aside from promotional and preventative measures focusing on aspects of public health, the MOH also adopted measures to manage the most common diseases causing infant mortality and disability using a strategy called integrated management of childhood illness in which was introduced to Indonesia by WHO/UNICEF in 1995. These measures aim to improve the quality of case

management and referral system using a set clinical essential package, early diagnosis and case observation, to improve better family practices on child health care and seeking care and the rational use of drugs, in particular the use of generic medicines.

Table 10: Causes of Neonatal and Infant Deaths, 1995

Causes of neonatal death	%	Causes of infant death	%
Acute Respiratory Tract Infection	29.5	Acute Respiratory Tract Infection	30.8
Perinatal Disorders	29.3	Perinatal Disorders	21.6
Diarrhoea	13.9	Diarrhoea	15.3
Neurological Disorder	5.5	Other Parasitic Infection	6.3
Neonatorum Tetanus	3.7	Neurological Disorder	5.5
Other Parasitic Infection	33.5	Neonatorum Tetanus	3.6

Addressing the issue of energy and protein deficiency, the program for improving nutrition in Indonesia aims to reduce malnutrition and over-nutrition and the diseases they cause. Therefore, the government prioritises dealing with energy and protein deficiency, vitamin A deficiency, iron deficiency anaemia, and disorders arising from iodine deficiency.

The economic crisis which was began in the mid-1997 has had an adverse impact on the poor households. The consequences of this was an increased of risk that families unable to afford basic health services and increased incidence of malnourished children. Medical services deteriorated as a result of extraordinary high medicine and equipment prices.

To address the impact of the economic crisis, in 1998 the government launched the social safety net programme (SSN) on health sector, which provides food supplement for targeted infants aged 6-24 months using the idea of revitalization of integrated health posts in the community level; free of charge basic health services including treatment and family planning services for poor families;

subsidies on essential medicines, and contributions towards pre-paid premiums for health insurance for poor families.

In order to overcome HIV/AIDS distribution, GOI has established an AIDS National Committee. A number of prevention activities have formulated such as a mass campaign through media and NGOs activities.

Progress made

Providing adequate health care facilities to improve the scope and quality of maternal and child health care services is a priority receiving the fullest attention from the government. Access to health care facilities is improving. Yet in poverty pockets and remote areas, health care facilities are in need of further improvement.

In addition, the majority of villages with a large population of poor people have yet to benefit from community-initiated health care facilities such as Posyandu, maternity huts, and village drug dispensaries; or from government provided facilities such as health centres, sub health centres, and mobile health centres.

The MMR has declined over the past six years by around 5 percent, from 404 per 100.000 live births in 1991 to 384 per 100.000 live births in 1997. It is indeed remain an issue deserving more attention.

Table 11: Scope of Antenatal Services: One Antenatal Check Up and Four Antenatal Check Ups, 1994-1997

Year	One Antenatal Check-ups	Four Antenatal Check-ups
1994	74.2	55.8
1995	84.9	64.8
1996	84.1	65.7
1997	87.1	69

Source: Indonesian Health Profile, 1998

Beside poor nutrition status among pregnant mothers is thought contribute to the high MMR, other contributing factors are poor health behaviour and cultural factors in which pregnant mothers prefer to avail the service of traditional birth attendants. For although 87.1 percent of pregnant women had antenatal care with health professionals, the coverage of delivery care by health professionals was still low.

In 1998, the coverage of delivery assisted by health professionals was 72.58% in urban areas. In rural areas, the figure was not so commendable, as almost two thirds (58.62%) of deliveries were assisted by traditional birth attendants (TBAs), family members and others.

Table 12: Percentage of births by type of delivery assistance, 1998

Type of delivery assistance	Urban Areas	Rural Areas	Indonesia
Doctor	15.82	4.28	8.27
Midwife	56.74	34.49	42.18
Other medical worker	1.12	1.48	1.36
Traditional midwife	19.32	52.75	41.20
Family	6.44	5.87	6.06
Others	0.56	1.14	0.94

Source: 1998 National Social Economy Survey

IMR is closely linked to the MMR, the level of family education, the value system and customs, cleanliness and environmental health, and to available health care services, including delivery assistance, child health care, breastfeeding and nutritious food, and prevention of diseases through immunisation, and leading a clean and healthy lifestyle.

Likewise, the infant mortality rate has declined over the past six years by around one third, from 68 per 1000 live births in 1991 to 46 per 1000 live births in 1997.

The correct and immediate management of ARI cases helped in reducing the incidence of death among under-fives. The practice of taking sick children

suffered from ARI increased to almost 70 percent (IDHS, 1997). The child caretakers who knows of the symptoms of certain illnesses and immediately seek help is 78 percent (MCH Survey, 2000).

As part of the 1998/1999 program to manage Vitamin A deficiency, high doses of Vitamin A were handed out to 71.98 percent of the target number of children (February 1998). As part of the program to manage the effects of iodine deficiency, iodine capsules were given to 60.76 percent of pregnant women and 45.26 percent of postpartum (within the 40 days after delivery) women. 58.26 percent of pregnant women were given iron tablets to prevent iron deficiency anaemia.

The nutritional condition of under-five children is monitored at Posyandu. In 1998/1999 there were 242,981 Posyandu, 94.3 percent of which actively reported. The number of children weighed amounted to 14,335,313 infants, 77.57 percent of whom had "Road to Health" cards. 55 percent of infants were weighed at Posyandu, and of these 70.9 percent recorded an increase in body weight.

Table 13: Prevalence of Nutritional Problems

Nutritional Problem	1992	1995	1998	1999	Note
Malnutrition	35.6	31.6	29.5	26.4	National Social Economy Survey National survey
Gross malnutrition	7.2	11.6	10.1	8.1	
Anaemia/ iron deficiency					
• Pregnant women	63.5	50.9	-	-	HHS
• Infants under 5	55.5	40.5	-	-	HHS

Source: 1998/1999 Annual Report of the Nutrition Development Program

As per a global agreement at the 1990 World Summit for Children, exclusive breast feeding has proven to be strategic to Indonesian human resource development.

At a Mother's Day commemoration in 1992, the President of Indonesia proclaimed the National Breastfeeding Movement, which was marked by a national campaign recommending that mothers breastfeed their babies exclusively up to the age of 4 months, and the establishment of "Baby Friendly Hospitals".

Table 14: Indicators of Exclusive Breastfeeding

Indicator	1991	1992	1993	1994	1997
Exclusive breastfeeding to 4 months	52%			47%	52%
Supplementary foods in addition to breastmilk, 4-6 months	8%			8.5%	8.1%
Breastfeeding to 2 years	61%			63%	66%
"Baby Friendly Hospitals"		3%	11%	14%	

According to the 1997 Demographic Survey of Indonesian Health, 8 percent of newborn infants were breastfed within 1 hour of birth, and 53% began breastfeeding on the first day. In 1998, mothers in urban areas breastfed their babies exclusively on average until the child was 4.25 months old. Mothers in rural areas breastfed their babies exclusively for 3.83 months (Source: 1998 Child Welfare Indicators).

The 1997 IDHS suggested that the contraceptive use prevalence was not increase significantly during the 1997-1999 (57.5 percent – 60 percent in urban areas and 57 percent in rural areas). This condition was partly caused by the self-reliant policy in the family planning program in mid-1997, when the public's purchasing power was declining due to the economic crisis.

Another problem threatening the continuity of life and development of the child is AIDS/HIV+. Since the first reported case in 1987, new cases of AIDS and HIV+ have been growing annually. As well as AID/HIV+ prevention programs, the Department of Health has also developed innovative measures to target a very specific group, by integrating AIDS/HIV+ prevention into antenatal and planned parenthood services.

By sex, 63.7 percent of sufferers are men and 33.3 percent women, while the sex of the remaining 3 percent is unknown. Productive age groups account for the largest proportion sufferers, with 20-29 year olds comprising 46.6 percent of the total, 30-39 year olds 28.4 percent, and 40-49 year olds making up 10 percent.

Among younger people, children under 1 year account for 0.4 percent children aged 1-4 years for 0.3 percent of AIDS/HIV+ cases. Of 207 AIDS cases, 103 (49.8 percent) have died.

Table 15: Number of AIDS/HIV+ cases

Year	Number of New Cases		Cumulative Total	
	AIDS	HIV+	AIDS	HIV+
1992	10	18	34	41
1993	17	96	51	137
1994	16	71	67	208
1995	20	69	87	277
1996	32	105	119	382
1997	33	65	152	447
1998	71	54	207	537

Source: Directorate General of Prevention of Communicable Disease & Environmental Health, MOH, 2000

As a consequence of the recent economic crisis in Indonesia, the public nutritional and health status, particularly of vulnerable groups (women and children from impoverished families), has declined. One very serious threat is the emergence of cases of kwashiorkor and marasmic due to undernutrition, as well as the increased incidence of illness, further exacerbated as the economic condition of this vulnerable group deteriorates.

Table 16: Health Care Facilities in Indonesia

Type of Facility	1992	1993	1994	1995	1996	1997
Public health centre		6,954	6,984	7,103	7,177	7,243
Public health treatment centre		1,459	1,681	1,645	1,676	1,997
Ancillary public health centre		19,977	20,466	20,672	21,071	21,115
Mobile public health centre		6,024	6,382	6,514	6,849	6,605
Integrated service post	245,255	251,459	244,591	243,845	244,032	
Village Drug Dispensary		9,452	6,999	11,628	11,474	
Rural Birthing Clinic		6,701	5,951	13,301	12,377	

Source: 1998 Health Profile

The government also augmented the number of hospitals from 835 in 1995 to 858 in 1997. Along with this growth in health care facilities, the government has also raised the number of health care workers. In 1996, the doctor and health centre ratio was 1:1, and doctors were available in 88.7 percent of health centres. The dentist : public health centre ratio was just 0.4 percent. The percentage of health centres with dentists remained low, at just 45.1 percent.

To improve the scope and quality of maternal and child health care services, the government has been placing midwives in rural areas since 1992/1993. In 1997/1998, midwives had been placed in 98.4 percent of villages in Indonesia.

Table 17: Number of health care workers per 100,000 population, 1996

Type of worker	Number per 100,000 population
Doctor	10.7
Pharmacist	3.5
Nurse	39
Midwife	29.6

Source: 1998 Health Profile

Despite several government initiatives to ensure that every child has access to appropriate basic health care services, lobbying is still needed to ensure that development of the health service sector shifts to the mainstream in national development. This need is evident from the fact that less than 5 percent of the

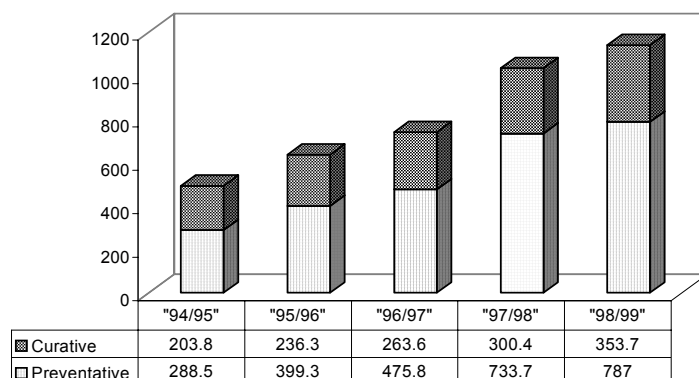
total national development budget is allocated to development of the health care sector. The total development budget and routine budget allocated the MOH in 1998/1999 rose by 31.48 percent over the previous year, from Rp 2,899.8 billion to Rp 3,812.7 billion (Source: Planning Bureau of the MOH, 1999).

Table 18: MOH Routine Budget and Development Budget Allocation 1994/1995 – 1997/1998 (in rupiah billions)

No.	Budget	1994/95	1995/96	1996/97	1997/98
1	Routine national	43,350.9	47,240.0	56,113.7	62,158.8
2	Routine health	516.1	659.4	739.4	1,034.1
3	Routine health : routine national	1.2 %	1.3 %	1.3 %	1.7 %
4	Development National	27,395.3	30,783.5	34,502.7	38,927.9
5	Development health	1,001.0	1,106.7	1,400.8	1,820.7
6	Development health : development national	3.6 %	3.6 %	4.1 %	4.7 %
7	Per capita health budget	8,178.3	9,188.1	10,809.1	14,403.3

The MOH continued to focus on preventative measures. The budget for preventative measures increased 2.7 times, from Rp 288.5 billion in 1994/1995 to Rp 787 billion in 1998/1999. The proportion of the total budget allocated to preventative measures also increased, from 58.6% to 69%.

Figure 1: Upward trend in preventative and curative budgets, 1994/1995 - 1998/1999



The MOH has publicised Act No. 23 of 1992 concerning Health through government, private sector and professional organisation networks. At central and regional level, the 1992 Health Act was publicised on several occasions early in the year this law came into effect. With regard to implementation of Act No. 23 of 1992 concerning Health, the provisions relevant to the Convention on the Rights of the Child are set forth in Chapter V Section Two, including among others, Articles 12, 13, 14, 15, 16, 17 and 18. Conversely, the Convention on the Rights of the Child has yet to be publicised intensively and comprehensively by the health authorities.

One difficulty faced in implementing the 1992 Health Act with regard to the Convention on the Rights of the Child concerns the absence of legislation concerning the provisions set forth in Article 15 clause (3) on specific medical intervention to save the life of the pregnant woman and her child. Likewise concerning the provisions set forth in Article 16 clause (3) on artificial insemination. With regard to the in vitro fertilisation program, an Instruction of the Minister of Health accompanied by Decree of the Minister of Health have been issued concerning the executive committee for assessing applications for in vitro fertilisation in hospitals. The Minister of Health also issued a Decree concerning the licensing of hospitals providing an in vitro fertilisation service.

Priorities for the next 5 years

In the areas of maternal and child health, nutrition, family planning and environmental health, the already existing programmes will be accelerated and improved. Budget allocation for these activities should, whenever possible, be increased gradually.

GOI will continue to promote and protect the best interests of all children by focusing on critical stages in the life of a children the interventions will have the greatest and most lasting affect such as making pregnancy safer, optimal early

childhood care and development, and the opportunity to develop fully their individual capacities on adolescent health. The poverty reduction strategy over the next five years will focus on short-term transient poverty and structural poverty. The target is to reduce the incidence of poverty and improve the social indicators on health, nutrition, education and access to clean water, among others.

Cluster VII

EDUCATION, LEISURE AND CULTURAL ACTIVITIES

(arts. 28, 29, 31)

A. Education, including vocational training and guidance (art. 28)

Situation

First, it should be noted that the concept of compulsory elementary education currently in effect in Indonesia is not identical to compulsory education as implemented by developed countries. The compulsory elementary education program in Indonesia is more closely equated with universal education, that is opening up learning opportunities by encouraging parents to send their children to school once they reach school age.

In this sense, the concept of universal education in Indonesia was introduced prior to 1994, and is effective for the six years of elementary education. Education, however, is not free.

Since the beginning of this reporting period, general secondary education, vocational secondary education and special secondary education have been available in Indonesia. In addition, general secondary education and religious secondary education are also available. While general secondary schools are to be found at least at regency level, vocational secondary schools are not necessarily so.

Up to the beginning of this reporting period, not all children were able to attend secondary schools. This is because, among others, school fees are relatively expensive, the location of schools is not accessible to prospective students, and the selection system is based on catchment area.

In Year III, general secondary schools offer specialised course programs known as 'specialisations'. Specialisations offered by general secondary schools include a Language Program, and Science Studies Program, and a

Social Studies Program. Students elect to take a particular program appropriate to their ability and interests. Although in some cases, teachers have the decisions to this selected. However, there is some flexibility in that Year III students are given the chance to switch programmes if they wish to do so, up until the end of the first semester of Year III.

Vocational secondary schools offer a range of education programs based on employment sector. Thus, the education programs at vocational secondary schools are categorised into six groups: (1) farming and fisheries, (2) technology and industry, (3) business and management, (4) public welfare, (5) tourism, and (6) arts and crafts.

In reality, since the design of these programs is based on a centralised curriculum, ultimately they cannot accommodate local potential.

Towards the start of this reporting period, higher education institutions could not accommodate all general secondary school graduates. The cost of education, tuition fees in particular, at private higher education establishments, is not affordable for many families or parents.

From the beginning of this reporting period, information about education/vocational training and guidance has been quite widely available and can be found in various mass media publications.

Concerning school discipline, at the start of this period there were non provisions or regulations issued by the government or related institutions to govern this. Discipline in schools tends to be militaristic, as reflected among others in the wearing of uniforms; lining up; the class insignia worn on the student's shirt sleeve that are similar in appearance to symbols of rank used in the military; and in the various forms of punishment meted out to students who break the rules (for example having to do push-ups).

Measures adopted (1993 – June 200)

On measures to make elementary education compulsory and free of charge for all children, the following can be reported :

Since 1994, via Presidential Instruction No. 1 of 1994, universal education has been extended from 6 years of elementary education to 9 years, including elementary school and junior secondary school. The minimum age of entry to elementary school is 6 years.

A number of measures have been adopted to put into effect 9 years of universal education, including raising the absorption capacity and quality of education, publicising the 9 years of universal education program, and raising awareness among parents and children of school age of the importance of education. Of these measures, increasing absorption capacity is given top priority and takes up considerable funds and effort.

In general, between 1993/1994 and 1997/1998, the development budget allocated to the Department of Education and Culture (now the Department of National Education) both in rupiah and foreign aid/loans increased, although the amount remains lower than that allocated to education in other countries, including neighbouring countries such as Thailand and Singapore.

To raise the quality of elementary education and ensure 9 years of universal education, aid has been granted by donor nations, the major portion coming from the World Bank. It should also be noted that measures adopted with regard to 9 years of universal education continue to prioritise services for non-disabled rather than disabled children.

The target set for the 2003/2004 fiscal year to provide 9 years of elementary education for 37 million children aged 7-15 years will be met.

A range of universal education systems has been designed, incorporating the education options available both in schools and outside schools. At elementary school and junior secondary school level, the alternatives are made available through either Regular Schools, a Special Schools, Out-or Schools at and religious schools.

Regular elementary schools include Standard Elementary Schools, Small Elementary Schools and Pamong (these are “open” school which educate local administrators) elementary schools. Special elementary schools include Special Elementary Schools and Integrated Elementary Schools. Out or schools offer a Package A Learning Programme and an elementary school equivalent programme. Religious schools include Madrasah Ibtidaiyah and Islamic boarding schools. Junior secondary schools include Standard Junior Secondary Schools, Small Junior Secondary Schools and Open Junior Secondary Schools; and special junior secondary schools include Special Junior Secondary Schools, Special Schools, and Integrated Junior Secondary Schools. Special Junior Secondary Schools offer Package B and junior secondary school equivalent programmes. Religious schools include Madrasah Tsanawiyah (MTs) and Islamic boarding schools.

The system of universal education is categorised basing on three criteria: remote location, densely populated location, and standard location. In remote areas, Small Elementary Schools are provided. In standard locations, universal education is provided through educational establishments appropriate to the characteristics of the relevant community and area. These educational establishments comprise seven types: Traditional (conventional) Elementary Schools, Madrasah Ibtidaiyah (MI), Pamong Elementary Schools, Study Group Programmes, Special Schools, Special Elementary Schools, and Integrated Elementary Schools. For remote areas that are difficult to access, the government has set up a visiting teacher programme.

Towards implementing universal education, elementary school subsidies are provided, which essentially are meant to cover some of the mandatory fees of students at state elementary schools. It should be noted that the provision of this subsidy does not undermine the responsibility of Regional Government to establish and manage elementary schools.

To facilitate the learning-teaching process, the government provides learning facilities for various courses and types of education. These, however, remain inadequate in number.

Elementary school learning facilities are financed primarily by funds for the development of Presidential Instruction Elementary Schools, from the development and maintenance subsidy for state elementary schools, from the budget allocation for operating and maintenance costs, and from funds raised by the school and the public. Provision for elementary schools is planned at central level and their distribution is planned on a nationwide scale.

Besides providing learning facilities, the government also provides curriculum for teachers textbooks; and library books. Provision of elementary school textbooks is implemented through the Presidential Instruction Elementary School program.

Teachers have been appointed to raise their teaching capacity and various upgrading centres and programmes have been implemented. Especially for teachers of Sciences Studies, Mathematics and English, a Teacher Upgrading program is in place.

Following the onset of the economic crisis, the government began providing education assistance through the Social Safety Network. One example of this assistance is providing scholarships for students from impoverished families to cover their schooling needs.

On measures to stimulate the development of a range of types of secondary education, it can be reported that, in general, policy on general and vocational secondary education has been set through Government Regulation No. 29 of 1990 (Article 3 clause 2). Policy on specialisations at general secondary schools are set in the National Education Act (article 11 clause 2) and in Government Regulation No. 29 of 1990 (Art. 1 (2); Art 3 clause (I); and Art. 4 clause (1)).

Authority to determine the specialist programs offered at a general secondary school is to be the school itself. Likewise, vocational secondary schools have the authority to offer the education programs that, in general, are appropriate to the potential of the region concerned. The government has also provided the private sector the opportunity to establish these schools. These schools are also allowed flexibility in implementing the current curriculum.

To improve the efficiency of secondary education, comprehensive and continuous quality control system in this may include a system of indicators of education quality based on standard (not ad-hoc) assessment of various educational quality indicators; and a national examination system that can assess the quality of education, in particular the learning output of students.

With regard to vocational secondary schools, the government has made some fairly fundamental changes that will result in these schools becoming more 'demand-driven' than 'supply-driven'. This change, which was implemented in 1995, is known as dual system education, which strives to match the skills provided at vocational secondary schools with the needs of the job market. Through the provision of students practices in the real job market.

To develop vocational schools, the government has obtained assistance from the Asia Development Bank as well as from other donor nations.

On universal higher education, the following can be reported:

The function of higher education in the national education system is governed by Act No. 2 of 1989, the implementation of which is governed by Government Regulation No. 30 of 1990.

To guarantee quality control, a system of accreditation for higher education establishments is in effect that employs specific indicators drawn up by an agency known as the National Accreditation Agency. Or BAN (Badan Akreditasi Nasional).

The sole system for selecting new students at State Higher Education Institutions, is the New Student Selection, which comprises two components: (1) Assessment of Interest and Ability which culls around 20-25 percent of new students who are selected without testing, their selection is based on their performance at year I and II or general secondary school, an particular subject-matters and (2) Written Test known as Higher Education Entry Test, of which only one format is used for all higher education establishments.

On measures to increase the absorption capacity of higher education institutions, the government continues to maintain the Distance Learning System pioneered in 1975, which forms the basis for the Open University Education offered by the Department of Education and Culture since 1985. The main purpose of this innovation is to raise the absorption capacity of higher education establishments in order to meet demand for higher education graduates needed for national and state development.

To better accommodate the range of student ability, higher educational establishments implement a Semester Credit Unit System.

Also, to augment the range of higher education services, the government has approved a change in the status of institutions producing secondary educators, from Teacher Training College to University.

On measures to ensure that information on education is available and accessible to all children, education agencies are basically given the scope and authority to provide and post information in all available media. Also, higher education establishments or agencies offering courses or guidance are vested the authority to make direct contact with pupils through schools.

Regarding development of school discipline, unfortunately, almost no measures have been adopted.

Progress made

On elementary education, the following progress has been made :

In the 1994/1995 academic year, the net participation rate for children of elementary school age was 94.71%, while the figure for junior secondary schools was 43.13%. These data indicate that the majority of children of school age in Indonesia are enrolled in school.

However, the various initiatives and successes with regard to universal education aside, with 'just' 73% of children enrolled in elementary education still in school at the end of the 1995/1996 academic year, suggests that many children experience difficulties in completing their elementary education. It is not surprising that only 71.29% of elementary school students go on to junior high school (1995/1996) and that the drop out rate at elementary school is 3.12% (1994/1995). At elementary school level, the drop out rate increases from 2% in Grades 1 and 2 to 3% in Grade 3 and above.

It should also be noted that these initiative have yet to reach all children of school age, in particular street children and child workers. The support from ILO/IPEC and others have helped these children to have elementary education through equivalent education A (Package which is equivalent to elementary school), and B (Package which is equivalent to junior secondary school).

As a consequence of the economic crisis there has been a decline in the net participation rate in elementary schools. However, it should be noted that, unlike the net participation rate in junior high schools, this decline is not very significant. It is likely that this was due government intervention via the Social Safety Net (SSN) program in the education sector. The SSN seems to have been sufficient to ensure that children remain at school.

Thus it can be concluded that the economic crisis has not had a negative impact on the program of universal education from the point of view of the gross participation rate, net participation rate, drop out rate, and the repetition rate at elementary school level.

Conversely, at junior secondary school level there has been a rise in the drop out rate as a result of the crisis. The drop out rate at the onset of the crisis (1997/1998) rose to 9.5% and then to 14.7% the following year (1998/1999). Over the subsequent two years, the drop out rate then fell, perhaps due to the scholarship assistance provided through the SSN.

However, the SSN undoubtedly has its limitations, and several cases indicate that a large percentage of children did not receive this assistance through the SSN.

In 1998/1999 around 3.5 million elementary school children received scholarships allowing them to remain in school. The non-government sector, including the National Foster Parents Movement (GNOTA), provided assistance for around one million children. This means that in the region of 2.5 million children from impoverished families have yet to receive scholarships.

Growth in the number of state and private schools for kindergarten, special schools, elementary schools, and junior secondary schools, between 1994/1995 and 1998/1999 showed an upward trend. Meanwhile, growth in the number of teachers fell in the case of state elementary teachers and increased in the case of

state junior secondary teachers. The ratio of pupil to teacher ratio remained unchanged for both elementary schools and junior secondary schools.

Additionally, the number of elementary schools in rural areas exceeds the number of elementary schools in urban areas more than threefold. Likewise, the number of junior secondary schools in rural areas is more than double the number in urban areas.

From a gender perspective, male and female participation in elementary school education, including MTs, showed no significant difference, even though data from 1994/1995 through 1998/1999 indicate a larger number of male students than female students. At junior secondary school level, including MTs, in 1994/1995 the number of male students exceeded the number of female students, but in subsequent years there were more female than male students.

The repetition rate at elementary school level indicates that more male students than female students repeated; likewise at junior secondary school level.

The illiteracy rate for the period 1994-1998 for all age groups declined. Thus it can be concluded that the ability to read and write improved over the same period.

Supplies of textbooks have yet to reach all children, even though textbooks have been published by the government and are meant to be distributed free of charge. They have failed to reach all children for several reasons, including among others, the distribution to remote schools is costly, the number of textbooks provided does not meet the number of students.

The ability of teaching staff (teachers) has not shown better improvement even though teachers have participated in upgrading. It may have resulted from the fact that their education background is largely inappropriate (they do not hold teaching diplomas), or they are not authorised to teach (do not have a teaching

certificate), or they lack the necessary competence (the subject taught differs from the teacher's educational background).

On secondary education, the following can be reported:

As a result of the crisis there has been a downward trend in the number of new enrolments at general secondary schools and vocational secondary schools.

Between 1993/1994 and 1998/1999 the number of teachers at state general secondary schools and state vocational secondary schools increased, while the number of teachers in private general secondary schools dropped over the same period.

Between 1993/1994 and 1998/1999, growth in the number of public general secondary schools and state vocational secondary schools showed an upward trend, while there was a downturn in the number of private general secondary schools.

With regard to measures to link and harmonise education and market demand through vocational secondary schools and the PSG (Pendidikan Sistem Ganda or dual system education which combine theory and practical work) program, in fact only 14% of vocational secondary students have access to adequate education facilities at good vocational secondaries.

On higher education, it can be reported that between 1995/1996 and 1998/1999, the number of state tertiary education establishments remained unchanged at 77 units; while the number of private tertiary education establishments increased. A greater number of higher education institutions or higher education agencies are to be found in urban areas than in rural areas.

The number of students has tended to increase from year to year, and data from 1994/1995 through 1998/1999 indicates that the number of male students exceeds the number of female students.

Especially for teaching staff and other staff working in small towns and rural areas, Open University is available. This is beneficial both to those involved and the government, because they can improve their level of education without leaving their posts. Open University also improves the quality of the learning-teaching process in higher education institutions as instructional material developed by the Open University is generally used as a guideline. In other words, the Open University has become the best forum for communication and development of instructional material.

On education information, it can be reported that information on various education programs is relatively widely available. In particular information about higher education programs or courses and guidance offered by the private sector, can be found in advertisements in the media. It should be noted, however, little information is available on vocational secondary schools.

On school discipline, in light of the fact that no measures have been adopted, there is no progress to report. On the contrary, there have been several cases in which teachers have inflicted corporal punishment or inhuman punishment on their students.

Factors and difficulties

With regard to elementary education, there are few difficulties to report. The only serious challenge in meeting the targets for universal education comes from the economic crisis that began in 1997. The economic crisis, as well as creating supply-side challenges, has also impacted on demand. Not only are poor parents and families affected by the crisis unable to afford to pay school fees (in particular indirect costs), children of elementary school age are forced to take an active part in contributing to the family income.

On secondary education, the main difficulty is faced by vocational secondary schools, in particular with regard to provision of facilities, practical work equipment, and laboratories. As a consequence, a fairly large percentage of

students (in particular those who have had no opportunity to do PSG/as *earlier explained*) have had no practical experience in line with their field of education.

On higher education, currently Indonesia lacks the capacity to apply a system of universal education at this level. Thus, almost no progress has been made during this period. However, it should be noted that, according to several observers, at the time the crisis hit there was a rise in the number of enrolments. This is thought to have been due to students who had previously had the economic capacity and potential to pursue higher education overseas, transferring to higher education institutes in Indonesia.

On education information, in light of the expense involved in providing information, no special information service is available as yet on state-run higher education programs.

On factors and difficulties regarding school discipline, it can be reported that the main difficulty lies in the militaristic culture of enforcing discipline.

Priorities for the next 5 years

Over the next 5 years, the government will continue prioritise the full realisation of universal education at elementary school level, although it has been forced to reschedule this achievement as a result of several problems that have emerged.

Note the following quote:

Rescheduling of the Realisation of Nine Years of Universal Elementary Education (elementary school-junior secondary school)

Realisation of universal education set for 2004 has been postponed to 2009. According to the Coordinating Minister of Public Welfare and Poverty Alleviation, this rescheduling was due to the economic crisis in 1998, has resulted in an increase in the number of poor people. An

additional contributing factor is a lack of government funds.

(Source: *Kompas*, March 3 2000)

Regarding secondary education the government is currently reviewing the relevance of specialisations. For example, wherever necessary, it will be reviewed whether the specialisation be offered in Year III or earlier. In addition, the government also plans to review whether on not vocational education still needs to be offered at secondary level.

On higher education, with the coming into force of Act No. 22 of 2000 on Regional Government, the withdrawal of subsidies for state tertiary education establishments will come into effect.

B. Aims of education (art. 29)

Situation

On aims of education, in brief it can be reported that prior to the start of this reporting period allowed there was relatively little focus on “the development of respect for human rights and fundamental freedoms and for the principles enshrined in the Charter of the UN” (art. 29, para 1.b) compared to the aims of education set forth in the other points in paragraph 1.

Nonetheless, this does not mean that good progress had been made at the start of this reporting period.

Measures adopted (1993-June 2000)

Broadly speaking, it can be reported that, with regard to development of respect for human rights and fundamental freedoms, no measures whatsoever have been adopted by the government during this reporting period. However, the National Commission on Human Rights, which is a statutory independent agency, is

currently organising several workshops aimed at certain target groups including those involved in elementary through tertiary education.

With assistance from UNESCO, the National Commission on Human Rights in cooperation with the Curriculum Centre the National Institute For Research and Development, the Ministry of National Education organised training for educators in Cianjur (West Java) and Kupang (East Nusa Tenggara). The basic purpose of this training is to publicise human rights and to gauge to what extent the concept of rights is integrated into the curriculum, in particular in relevant subjects. In the 1999/2000 fiscal year, the National Institute For Research and Development, the Ministry of National Education also conducted a study on the possibility of integrating human rights education into the school curriculum start from elementary to secondary education.

Meanwhile, with regard to establishing attitudes based on moral values, Pancasila and Citizenship Education remained on the curriculum in this reporting period. On integrating what can be interpreted as local culture, a local content was introduced into the curriculum at elementary school level.

With regard to preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin, religious education continues to be a compulsory subject at school from elementary through tertiary levels. However, it should be noted that the concepts of equality of the sexes is not integrated into school subjects, particularly at elementary level (elementary school and junior secondary school). On development of respect for the natural environment, measures to integrate education on the natural environment into the curriculum have been adopted, in particular through Science Studies at elementary school and through Biology and Chemistry.

Also, with assistance from Swiss Contact, learning materials for environmental studies have been developed for several vocational secondary schools in pilot project areas. These learning materials are being developed in cooperation with the Vocational Education Development Centre (VEDC) in Malang, through a project that began in 1997/1998 and will end in 2000.

In addition, with regard to development of respect for the natural environment, the Faculty of Forestry at Bogor Agricultural University in cooperation with the local Government has developed integration of the natural environment in the form of conservation of forest resources into the subjects at elementary school.

Progress made

On development of respect for human rights and fundamental freedoms, not much can be reported since relevant measures have just recently been adopted following the shift in the national political situation. However, it can be reported that study conducted by the National Institute For Research and Development (Ministry of National Education) has produced several learning-teaching models. Integrating the concept of human rights into subjects such as Pancasila and Citizenship, Bahasa Indonesia (Indonesia Language) and Religion.

On development of respect for the natural environment, it can be reported that with regard to the cooperative project with Swiss Contact, a number of vocational secondary schools now use waste products found in the natural environment to make compost.

Factors and difficulties

To date, there appears to be no indication of any special focus on integrating the concept of human rights into the curriculum, perhaps due to a lack of competence in this field.

Priorities for the next 5 years

On personal and aptitude development, bearing in mind that a centralised and homogenous curriculum gives very little opportunity for developing respect for differences in aptitude and interests of children, the government currently considers to develop a differentiated curriculum.

Meanwhile, on development of respect for human rights and fundamental freedoms, plans and priorities for the future cannot be reported on because there has yet to be an evaluation for the initiatives currently being carried out.

On development of respect for parents, etc, the government currently considers to make moral education a subject from elementary school up. The focus here would be on developing the morals of the child. It is expected that moral education would not overlap with religious education, which would continue to focus on theological aspects.

To prepare the child to be responsible life in a free society, the government, in this regard represented by the Department of Religious Affairs, is currently proposing a review of religious education as taught in schools, because, as explained by the Minister of Religious Affairs, current religious education tend to focus on the extrinsic and theological aspects only.

C. Leisure, recreation and cultural activities (art. 31)

Situation

Since the start of this reporting period, recreational facilities accessible to children could be said to be non-existent. Likewise, there are no specific regulations covering the opportunity for children to play and take part in

recreational activities. For elementary education level (elementary school and junior secondary school), there is no special policy concerning the opportunity to play and take part in recreational activities, although somewhat ironically, school grounds do tend to be used for just this purpose.

Recreation centres, particularly in large cities, are developed by the private sector and are commercialised. This means that only children from the privileged social economic class have access to such recreation centres.

As a consequence, children play 'naturally' using the public space available, which in fact is not meant for this purpose.

Measures adopted (1993-June 2000)

To date, there is no indication of any relevant measures having been adopted.

Progress made

No progress whatsoever has been made during this reporting period.

Factors and difficulties

The concept of 'child perspective', in particular with regard to city planning, appears to be unknown to planners.

Cluster VIII

SPECIAL PROTECTION MEASURES

(arts. 22; 38; 39; 40; 37 (b)-(d); 32-36)

A. Children in situations of emergency

1. Refugee children (art. 22)

Situation

It is a sad fact that during this reporting period Indonesia has experienced a problem with refugee children following the referendum in East Timor in August 1999, as well as a problem with internally displaced children (IDC) as a consequence of non-international armed conflict in Aceh over recent years and ethnic conflict, social tension or unrest in several regions such as West Kalimantan, Central Sulawesi, and Maluku following the fall of the New Order government.

Children that can be classified as refugee children at present within the territory of the Republic of Indonesia, come from East Timor. They entered Indonesian territory along with adult refugees fleeing from the unrest that arose following the referendum in East Timor.

Data from the Coordinating Minister of Public Welfare and Poverty Alleviation indicate that since December 1999 a total of 256,098 East Timorese are recorded as having taken refuge in East Nusa Tenggara, the province of Indonesia that borders directly on East Timor. Unfortunately, the Office of the Coordinating Minister of Public Welfare and Poverty Alleviation has no breakdown of refugee figures based on age and sex. Thus, it can only be estimated that around 40% of the total number of refugees are children under the age of 18. This means that around 102,440 East Timorese children are refugees in Indonesia.

Based on information gathered by local authorities and UNHCR, it is estimated that as many as 1,236 children are separated from their parents or their families.

These children are currently scattered across refugee camps in Belu, North Central Timor, South Central Timor, and Kupang regencies. There are also indications that between September and November 1999 several children left the territory of East Nusa Tenggara: at the end of September, around 135 children left Kupang headed for Semarang (provincial capital of Central Java); at the end of October 1999 around 250 children left headed for Nagrek in the district of Subang, West Java province; and in November 1999 around 68 children were taken from the border (East Timor) and brought to Kupang for commercial adoption.

Meanwhile, on-site observations by the National Commission on the Protection of the Child at refugee camps in Atambua, Kafemanu, Naen, Tuapukan, Naiborat and Kupang (October 1999), indicate that the condition and situation of children in the refugee camps are cause for concern. Children in refugee camps suffer from a lack of food and nutrition and are vulnerable to various diseases. The continuity of their education is threatened, and even the continuity of their lives. It is estimated that to date around 286 children aged between 2 and 5 years have died from malnutrition or disease.

On IDC, data gathered by the Office of the Coordinating Minister of Public Welfare and Poverty Alleviation (June 2000) indicates that the number of internally displaced people (IDP) resulting from non-international armed conflict in Aceh and conflict in other areas amounts to over 700,000 people.

It is again unfortunate that these data disaggregated by age and sex is not available. The principal difficulty in gathering data lies in the lack of trained workers experienced in dealing with this kind of problem. However, it is estimated that 38%-43% of this total number of IDP comprise children under the age of 18. Based on this estimate, there are between 190,000 and 250,000 children who can be categorised as IDC currently in refugee camps throughout Indonesia.

The condition of IDC in both government refugee camps and refugee camps provided on a community initiative is fairly disturbing. As well as a lack of food

and medicine, the children are vulnerable to diseases such as upper-respiratory tract infection, diarrhoea, and typhus.

Measures adopted (1993 – June 2000)

In light of all the constraints encountered during a situation of economic crisis that absorbs much energy and thought, and during a period of transition towards a more democratic way of life, Indonesia has strived to the maximum extent to adopt measures in accordance with Article 22 paragraph 1, both with regard to refugee children and IDC. Broadly, these measures include providing humanitarian aid and repatriating refugee children to East Timor or relocating IDC and their families.

With regard to provision of humanitarian aid, the Indonesian government through the Department of Social Affairs and the Office of the Coordinating Minister of Public Welfare and Poverty Alleviation in cooperation with international organisations such as UNHCR, ICRC, UNICEF and UNDP, and also in cooperation with international NGOs, has channelled humanitarian aid in the form of food, refugee camps, clothing, education, health services, supplementary food for infants, sanitation, and other forms of aid.

For the purposes of this report, one example of humanitarian aid extended to refugee children is a measure initiated in cooperation with UNICEF, which among others involves providing clean water, sanitation facilities, health and education services, and psycho-social help for children. The education aid provided under this initiative can be detailed as follows:

Teacher Training: training has been provided 131 teachers, 111 of whom teach in emergency schools (tent or barracks schools set up in refugee camps) and the remaining 20 of whom are local school teachers. In addition, training has been given to 63 teachers whose job is to provide lessons to around 7,500 students in 32 emergency schools in 9 sub-districts in Belu Regency.

Monitoring and Supervision: To upgrade the quality of teachers' performance in class, a monitoring team makes routine inspections and supervises the learning-teaching process in the emergency schools.

School Facilities: To support the implementation of learning-teaching activities, tents or barracks as study units have been established with assistance from UNICEF. To date, 16 tents and 18 barracks have been utilised. Also, several local schools have made space available for use in the afternoons. These very simple study units comprise a tent or barracks with tarpaulin and mats for seating. Each unit is also equipped with a blackboard, chalk and blackboard eraser. Indonesian language and Mathematics textbooks are also provided, and each student is given a notebook, pen, pencil and eraser.

School Uniforms: to motivate interest in school, the Joint Committee on Refugee Affairs for Atambua Parish (PBUP-KA) with UNICEF's support, provides school uniforms and school bags, which are distributed free of charge to 3,526 students in emergency schools.

Supplementary Food for Students: This initiative was proposed not only to motivate children to attend school but more importantly to supplement their nutrition needs. Supplementary food is provided 3 (three) times a week for approximately 4,000 children currently attending school in tents or barracks.

Expanding Locations of Schools: The Department of National Education, the Regional Office of Education and Culture in Belu Regency and Tapenmasu Foundation, in cooperation with the Department of National Education in North Central Timor Regency, have begun an initiative which collectively accommodates 3,500 children in 10 new locations in Belu Regency and 500 children in 3 (three) locations in North Central Timor Regency. This extension program is meant to prepare these children, who have never attended school, to start school in the new academic year beginning July 2000.

The Indonesian government (Department of National Education) has taken initiatives to provide humanitarian aid with support of UNICEF and in cooperation with the Joint Committee on Refugee Affairs for Atambua Parish (PBUP-KA) and Tapenmasu Foundation, a local NGO in East Nusa Tenggara. They operate in Belu Regency and North Central Timor Regency.

Meanwhile, on a more limited scale, similar humanitarian aid is being given to IDC arising from the various conflicts mentioned above. In this context, particularly with regard to IDC resulting from internal armed conflict in Aceh, Indonesia demonstrated its good intentions by signing a Joint Understanding on a Humanitarian Pause for Aceh in Geneva on May 12 2000.

In addition, the Indonesian government has prioritised measures to repatriate refugees including refugee children, although these have yet to bring optimal results.

With regard to measures for the protection of refugee children, Indonesia, as Party to the International Humanitarian Law, is fully aware of its responsibilities arising from this international instrument. However, in light of all existing constraints, it is recognised that measures to provide protection for refugee children, both those supported by their parents/family and those separated from their parents/family, have so far been less than effective.

Similar difficulties are also being encountered with regard to measures to provide special protection for ICD, in particular those arising as a result of internal armed conflict. One of the difficulties faced is that the Additional Protocols to the Geneva Conventions have not yet been ratified, in particular the second Additional Protocol. The Indonesian government, however, has expressed its intention of signing this second Additional Protocol.

With the exception of International Humanitarian Law, Indonesia accedes to no other international or regional instruments. Also, no national legislation exists to govern the issue of refugees (or refugee children), or internally displaced people (IDC).

As mentioned above, to assist refugees including refugee children from East Timor who are now in Indonesian territory, a cooperation has been forged between UNCHR, American Refugee Concern (ARC), UNICEF, and Community and Family Services International (CFSI).

With regard to the mechanism for evaluating the condition of refugees, including refugee children, the Indonesian government in cooperation with UNHCR and their implementing partners has agreed to hold regular monthly meetings. These meetings are also meant for holding case conferences and building a common database.

Progress made

Since the evacuation of refugees following the referendum, with UNHCR support 400 children who were previously separated from their families, had been reunited. Steps are also currently being taken to trace the families of a further 1,236 children separated from their families,. Overall, with the support of the Indonesian government, UNHCR has succeeded in repatriating around 117,000 refugees who have chosen voluntarily to return to their hometowns. In addition, 32 children have been prevented from being taken out of East Nusa Tenggara (child trafficking).

Latest data indicate that around 125,000 East Timorese refugees still remain in Indonesian territory. In Belu Regency it is estimated there are still 11,000 refugee children of school age. Of this number, around 4,000 are enrolled in emergency schools set up with support of UNICEF; around 1,500 are enrolled in local schools; and now, the Belu Regency Office of the Department of National

Education are taking measures are being taken to provide access to education around 3,500 more children.

Humanitarian aid is also being provided by international organisation. In this regard, since December 1999, 32,147 plastic tents; 12,670 blankets; 28,178 tins of food; 20,950 mattresses; 16,427 sets of kitchen implements and 473,466 bars of soap have been distributed.

Of the people and children of Aceh who are refugees in Medan-North Sumatra and other locations, 604 have been relocated under the government transmigration programme to South Sumatra.

Factors and difficulties

In general, three factors limit the provision of protection, provision of humanitarian aid, and the tracing of families and repatriation of children, as follows: (a) Legal instruments are inadequate to provide protection for refugees, refugee children in particular, and IDC. Indonesia is a party to the Geneva Convention, but has yet to develop specific national legislation on refugees. In addition, Indonesia has also yet to ratify the Additional Protocols to the Geneva Convention; (b) The lack of information on the number and condition of refugee children and IDC; and (c) The lack of experienced professionals who have an understanding of the CRC with regard to managing the problem of refugee children and IDC.

Priorities for the next 5 years

- Ratify the two Additional Protocols to the Geneva Conventions and draw up national legislation for the protection of refugees, in particular refugee children and IDC.
- Build the capacity of professional staff in management of refugee children and IDC, including familiarising them with the various international instruments that have and will be ratified concerning this issue, including the CRC.

2. Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39)

Situation

During this reporting period, armed conflict has been ongoing in two areas, namely East Timor and Aceh. Other conflict, such as that occurring in West Kalimantan, Central Sulawesi, and Maluku it is thought to be more appropriately categorised as ethnic conflict or social tension.

Both the armed conflict and ethnic conflict or social tension occurring in several regions of Indonesia have brought about humanitarian emergencies for children. According to reports from local authorities and NGOs in Aceh around 156,000 people have been forced to flee to various refugee camps located in North Sumatra, Central Java, Jambi, and South Sumatra. Unfortunately, no quantitative data is available on the number of children who have fallen victim to or who have suffered as a result of this ethnic conflict or social tension. In West Kalimantan, it is estimated that hundreds of children have suffered, or even died, as a result of the ethnic conflict there. Meanwhile, in Ambon, hundreds of children have lost their lives as a result of social tension.

Measures adopted (1993 – June 2000)

As a State Party to the Geneva Conventions, Indonesia respects the provisions on the minimum age limit for recruitment or enlistment into the armed forces. Indonesia, in this respect, has set the minimum age for recruitment or enlistment into the armed forces at 18 years, as set forth in Act No. 2/1988. Likewise, the Geneva Conventions are taught as a subject in military education for mid-top ranking officers. However, it needs to be noted that Indonesia has yet to develop legislation to guarantee respect for this provision.

Unfortunately, Indonesia has yet to develop a mechanism to monitor situations in which children are directly involved in hostilities.

Progress made

As a result of restrictions so far, in particular with regard to providing protection for children in situations of armed conflict and the lack of a monitoring mechanism to identify violations, it is with regret that this report cannot provide a picture of the progress made with regard to implementation of articles 38 and 39.

Priorities for the next 5 years

In line with political developments towards a more democratic political system, it is hoped that several priorities, such as ratification of the Additional Protocols to the Geneva Conventions, establishment of a national mechanism to provide protection, monitoring, and physical and psychological recovery and social reintegration of children in situations of armed conflict can be achieved within the next five years.

B. Children involved with the system of administration of juvenile justice

Before outlining measures adopted, this report will first describe the situation prior to the start of this reporting period. Being of a very closely related nature, all topics in this sub-cluster are consolidated in this description of the situation. In contrast, the measures adopted will be described topic by topic in order to provide a more detailed picture. Finally, an overall analysis of the progress made will be presented, describing the situation at the end of this reporting period, factors and difficulties, and priorities for the next 5 years.

Introduction

In the Concluding Observations on the Initial Indonesia Report, the Committee on the Rights of the Child made suggestions and recommendations relevant to this sub-cluster (CRC/C/15/Add. 25, October 14 1994) as set forth in points 20 and 25, which read as follows:

20. The Committee recommends that the State party undertake a comprehensive reform of the system of juvenile justice and that the Convention and other international standards in this field, such as the "Beijing Rules", the "Riyadh Guidelines" and the United Nations Rules for the protection of Juveniles Deprived of their Liberty, be seen as a guide in this revision. Attention should also be paid to measures for rehabilitation and social reintegration, in line with article 19 of the Convention.

25. The Committee recommends that the provisions of the Convention should be widely publicized, among ... Law enforcement officials, the staff in correctional facilities, judges and members of other professions, who are concerned with the implementation of the Convention.

This report, in presenting the measures adopted during this period, will, as far as possible, be trying to respond to these suggestions and recommendations. As will be seen, legislative and administrative measures have been adopted as necessary and in line with existing capacity and resources. None the less, it is recognised that many still need to be followed up on, and technical assistance from the international community will be invaluable to these further initiatives.

Situation

(a) Authorities and institutions

Up to the end of 1992, a separate and specific system of administration of juvenile justice was unknown in Indonesia. There were no juvenile courts, and no criminal law or criminal proceedings that applied specifically to children.

Pursuant to Act No. 14 of 1970 concerning Key Provisions on Judicial Authority, only four types of courts existed in Indonesia, each having its own authority, namely: (1) Courts of General Jurisdiction, (2) Religious Courts, (3) Military Courts, and (4) Administration Courts.

However, Act No.14/1970 did allow for courts to be set up with a system of administration suitable for trying juveniles. These courts were established within the scope of authority of courts of general jurisdiction. In this regard, it should be noted that these “juvenile courts” were set up not only for criminal cases in which a juvenile is on trial, but also for civil cases in which the parents or guardian of a child hands over the child to the state to be educated.

In the case of criminal courts, the competent authorities related to children involved in the system of juvenile justice administration include the police, public prosecutor, courts, and the Corrections Bureau which is charged with carrying out a social report to ascertain the condition of the child and his environment, and the background to his violation of the law. In the case of civil courts in which the parents or guardian hand over the child to the state, however, the police and public prosecutor are not involved.

Especially with regard to criminal cases, one other relevant institution of note is the Detention Centre, or the place a child is detained prior to being sentenced by the court. With regard to this institution, it can be reported that since there are no

detention Centres especially for children in Indonesia, children who are detained while awaiting a court ruling have to be placed in adult detention Centres.

To protect children who are forced to be placed in adult detention Centres, the strategy normally adopted is to place them in rooms by themselves, separate from the adult detainees. However, given the limited available space, often there is no space available specifically for juveniles, so children have to be placed along with adult detainees. They are separated only by sex.

Both in criminal and civil cases, another relevant institution is the Correctional Institution, in particular the Juvenile Correctional Institution, which is a place where children undergo correction or serve their sentences. These correctional institutions are under the authority of the Department of Justice (now the Department of Justice and Human Rights). It should be noted that since the number of existing juvenile correctional institutions is insufficient, in the case of both criminal and civil cases, some children have to be placed in correctional institutions meant for adults. Once again, there is strict separation of the sexes.

Children placed in correctional institutions (juvenile or adult) are:

1. Children sentenced by a criminal court to a prison sentence in a correctional institution for a period not exceeding the child's 18th birthday. Children in this category are known as "juvenile criminals".
2. Children sentenced by a criminal court to be transferred to the state to be educated and placed in a correctional institution for a period not exceeding the child's 18th birthday. Children in this category are known as "criminal wards of state".
3. Children who have been sentenced by a civil court, on the request of the parents or guardian, to be educated in a correctional institution for a period not exceeding the child's 18th birthday. Children in this category are known as "civil wards of state".

Overall, children falling within these three categories are known as “juvenile offender”.

In 1992, prior to the start of this reporting period, 3,601 “juvenile offender” (3,568 boys and 33 girls) were reported to be placed in correctional institutions throughout Indonesia. This figure does not include children undergoing correction in adult correction Centres or children placed in adult detention Centres.

On the development and provision of recreation and health care facilities in detention Centres and Correctional Institutions, several regulations in force from before the start of this reporting period should be noted, which, in chronological order, are as follows:

- Letter of the Head of the Directorate of Corrections No. D.B.1.3/16/1 of 1973 concerning Guardians in Lieu of Parents and Friends for Juvenile Offenders in Institutions.
- Joint Decree of the Minister of Justice and the Minister of Health No. M.01 – UM.01.06 of 1987 concerning Development of Public Health Measures in State Prisons and Correctional Institutions.
- Circular Letter of the Directorate General of Corrections No. E1.UM.04.11-447 of 1987 concerning the Relationship between Personnel and Prisoners, Criminal/Civil Wards of State, Detainees, and Inmates of Correctional Institutions.
- Circular Letter of the Directorate General of Corrections No.E1-116-UM.06.06 of 1989 concerning Instalment of Television Sets in Correctional Institutions, State Prisons, and State Sub-Prisons.
- Decree of the Minister of Justice No. M.01-PK.02.01 of 1991 concerning Guidelines for Transferring Prisoners, Juvenile Offenders, and Detainees.
- Letter of the Director General of Corrections No.E.UM.06.06-49 of 1991 concerning the Number of Television Sets Installed in Correctional Institutions, State Prisons, and State Sub-Prisons.
- Instruction of the Minister of Justice No.M.01-PK.01.01 of 1992 concerning Visiting Procedure in Correctional Institutions/State Prisons/State Sub-Prisons.

On remission, and measures towards social regeneration, previously existing provisions include the following (in chronological order):

- Circular Letter of the head of the Directorate General of Corrections No. D.P.3.3/3/7 of 1975 concerning Assimilation of Prisoners.
- Joint Decree of the Minister of Justice, Minister of Manpower, and Minister of Social Affairs No. M.01-PK.03.01 of 1984 concerning Cooperation in Establishing Job Training Programs for Prisoners and Social Rehabilitation and Social Regeneration of Prisoners and Juvenile Offenders.
- Letter of the Director General of Corrections No.E.73-PK.04.04 of 1984 concerning Conditions for Conditional Release.
- Presidential Decree No.5 of 1987 concerning Remission.
- Decree of the Minister of Justice No. M.03-PK.04.02 of 1991 concerning Parole for Prisoners for Family Visits.
- Letter of the Director General of Corrections No.E.PK.04.01-82 of 1991 concerning Recommendations for Assimilation, Conditional Release, and Parole Prior to Release.

(b) Legal situation

With regard to criminal cases, prior to the start of this reporting period, all criminal provisions for adults set forth in the Criminal Code were fundamentally also in effect for children, although with special provisions were set forth in articles 45, 46 and 47, which read in full as follows:

Article 45:

With regard to sentencing a juvenile for a crime committed when the accused was under the age of sixteen years, the judge may rule that the accused be returned to his parents or guardian or care giver; be granted unconditional release; if the act committed constitutes a crime or is in violation of articles 489, 490, 492, 496, 497, 503, 505, 514, 517-519, 526, 531, 532, 536 or 540, and less than two years have passed since the aforementioned crime or violation is deemed to have occurred,

and this ruling is upheld, rule that the accused be handed over unconditionally to the state; or pass a sentence.

Article 46

- (1) In the event that a judge rules that the accused to be transferred to a state education institution in order to receive an education from the state or in another manner in the future; or to be transferred to a particular person or a particular legal entity, foundation, or charitable organisation for the purposes of his education, or in the future, on the request of the state, in another manner, the period involved shall not exceed the child's eighteenth birthday.
- (2) Regulations to implement clause 1 of this article shall be set forth in an Act.

Article 47

- (1) In the event that a judge passes a prison sentence, the maximum remission shall be one-third of the original prison sentence.
- (2) In the event that the action perpetrated constitutes a crime that is subject to the death sentence or a life imprisonment, the prison sentence shall not exceed fifteen years.
- (3) Supplementary penalties as referred to in article 10 subsection b, points 1 and 3 shall not apply.

Referring to the provisions set forth in article 45 of the Criminal Code, it can be concluded that the concept of statutory crime is known but its application is very restricted in the case of minor violations referred to in articles 489, 490, 492, 496, 497, 503, 505, 514, 517-519, 526, 531, 532, 536 and 540. The minimum age for which this restricted application of the concept of statutory crime applies is 16 years (article 45 of the Criminal Code). One weakness is that Criminal Code does not establish the age of criminal responsibility for more serious crimes.

Several provisions set forth in the Criminal Code do appear to be in line with CRC standards. For instance, on definition of the child, Article 46 (1) of the Criminal Code implies that a child is a person below the age of 18 years. Other standards,

prohibiting the death sentence or life imprisonment for children set forth in Article 47 clause 1 and 2, also seem to be in line with CRC standards.

(c) Procedural situation

On criminal judicial procedure for children, at the start of this reporting period, the Code of Criminal Judicial Procedure, which was in effect for adults in general, also applied to children. It should be noted that the Code of Criminal Judicial Procedure, which has been in effect since 1981, contains no special provisions on criminal judicial procedure for children. In this regard, it should be noted that the Code of Criminal Judicial Procedure guarantees rights for those suspected, accused, and found guilty of perpetrating a crime, as follows:

- Rights at the time of arrest, detention, search, confiscation and inspection of letters;
- The right to legal assistance;
- The right to compensation and rehabilitation;

In addition, and more closely related with the procedure for investigating and prosecuting children, several other policies meant to provide better protection for a child suspected, accused, or found guilty of violating criminal law should be noted. These policies include:

- 1957 Oral Agreement, between the Police, Public Prosecutor, Department of Justice and the Department of Social Affairs. This agreement stresses the need for 'special treatment' of children both prior to and during court hearings, and following the court ruling. The agreement is that investigations be conducted in a family way, and that juvenile detainees be separated from adult detainees.
- Circular Letter of the Attorney General No. 6 of 1959, which states that court hearings of cases involving children be closed to the public;
- Regulation of the Minister of Justice No. M. 06-UM.01.06 of 1983, Chapter II Articles 9-12 on Procedure for Juvenile Court Hearings, which among others, states that juvenile court hearings are meant especially to improve the welfare

of the child, and therefore these hearings need to be conducted in a family way, with a priority on public welfare; and

- Circular Letter of the Attorney General No. 6 of 1987 concerning Procedure for Juvenile Court Hearings.

The special nature of this procedure is reflected in the practices of judicial administration, as follows:

- Courts have separate registration for juvenile offenders, and set aside certain days and rooms for hearings.
- Preferably, a judge with special interest in juvenile problems shall lead the hearing.
- Juvenile hearings are conducted by a single judge, unless the case is being heard by a Judges Panel.
- Court hearings are closed and the ruling is read in open court.
- Judges, prosecutors, and legal advisors do not wear gowns.
- The parents, guardian, or foster parents must attend the court hearing.
- A social counsellor from the Bureau of Social and Juvenile Guidance (now: the Bureau of Corrections) is present to give a social report on the child.

Aside from these two key codes-- the Criminal Code and the Code of Criminal Judicial Procedure, a little should also be noted about the principles set forth in Act No. 4 of 1979 on Child Welfare, which may be relevant to the situation of children involved with the system of administration of juvenile justice.

Article 65 of Act No.4/1979 states as follows:

- (1) A child who is mistreated shall be provided services and care to help him to overcome any obstacles encountered during his growth and development phase.
- (2) Services and care, as referred to in clause 1, shall also be provided children deemed to have acted in violation of the law according to the ruling of a judge.

However, it should also be noted that Act No.4/1979 has come under a great deal of criticism, being considered ineffective because it does not include the necessary implementing guidelines.

Measures adopted (1993 – June 2000)

The two most relevant legislative measures adopted during this reporting period are the coming into force of Act No. 3 of 1997 concerning Juvenile Courts (henceforth referred to as the Juvenile Court Act) and of Act No. 12 of 1995 concerning Corrections (henceforth referred to as the Corrections Act). One other, fairly significant legislative measure that should also be noted, is the coming into force of Act No. 39 of 1999 concerning Human Rights (henceforth referred to as the Human Rights Act).

Following is a description of these three legislative measures, arranged by topic as follows:

1. The administration of juvenile justice (art. 40)

With the coming into force of the Juvenile Court Act, articles 45, 46 and 47 of the Criminal Code were deemed no longer to be in effect. However, the authority of Courts of General Jurisdiction to establish 'juvenile courts' as governed by Act No. 14 of 1970 concerning Key Provisions on Judicial Authority, was reaffirmed by the Juvenile Court Act (article 32). So, up to the end of this reporting period, a separate juvenile judicial forum has yet to be introduced in Indonesia.

But at least the Juvenile Court Act adds to the store of judicial procedure in Indonesia by introducing criminal judicial procedure that applies specifically to children.

Also of note is that with the coming into force of the Juvenile Court Act, the concept of statutory crime is in effect in a more general sense for all crimes perpetrated by children, although this Act comes under much criticism for setting the age of criminal responsibility too low at 8 years. A child under the age of 8 is free from all criminal responsibility (article 5 clauses 1-3). The definition of 'child' in this Act is a person under the age of 18 years who has never been married. However, procedure for court hearings involving children is applicable for persons up to the age of 21 (article 4 clauses 1-2).

This Act also introduces special terminology for children aged 8 years and over who have perpetrated a crime, where a child proven to have committed a "crime" or "perpetrated an act prohibited for children" is known not as a 'criminal' but as a 'juvenile delinquent' (Article 1 clause 2).

On the meaning of "crime" in this Act, in the absence of a juvenile criminal code, all provisions in the Criminal Code continue to apply to children. On the definition of "an act prohibited for children", the Juvenile Court Act provides no special reference.

Furthermore, many of the provisions set forth in the Juvenile Court Act reassert or reinforce existing policy and practice, for instance:

- During a juvenile court hearing, the judge, prosecutor and legal aides, and other personnel shall not wear gowns or service uniforms (article 6).
- The judge shall hear juvenile cases in closed session, with only the child's parents, guardian or foster parents, legal aide and social counsellor present. The ruling of a juvenile court shall be announced in open court (article 8).
- The judge in a juvenile court hearing is required to be experienced as a judge in courts of general jurisdiction and be interested in, concerned about, dedicated to, and have an understanding of juvenile problems (article 10).
- At the preliminary stage, a single judge shall hear and rule on cases involving children, except in certain cases where deemed necessary, the presiding

District Court judge may rule that the hearing be conducted with a panel of judges (article 11).

Other matters introduced through the Juvenile Court Act concern supervision and the procedure for appeal, as set forth in article 19 and 20, as follows:

Article 19: The Supreme Court has ultimate supervision over Juvenile Court Hearings.

Article 20: The parents, guardian, foster parents, or legal aide of a juvenile delinquent sentenced in accordance with the law may submit an application for appeal to the Attorney General in accordance with prevailing legislation.

On the investigating officer, the Juvenile Court Act states that the person investigating a case involving a child should have experience as an investigating officer of crimes perpetrated by adults and have a special interest in, dedication to, and understanding of juvenile problems (article 41 clause 2). Concerning the process of investigation, provisions set forth that a case involving child suspect shall be investigated in a family setting, with input or recommendations from a social counsellor, and if necessary, from education specialists, psychiatrists, religious leaders or other community figures; and that the investigation must be confidential (art. 42 clauses 1-3).

It is relevant to note here that the police are vested the authority to act with discretion in cases involving children.

Involvement of Bureau of Corrections personnel and social workers is governed in article 34, as follows:

- (1) The Social Counsellor (Bureau of Corrections personnel) is charged with:
 - a. Facilitating the work of the investigating officer, prosecutor, and judge in cases involving Juvenile Delinquents, both inside and

outside the juvenile court hearing, by compiling a report on the findings of a social assessment.

- b. Counselling, assisting, and supervising a juvenile offender, who on the basis of a court ruling is sentenced to a conditional sentence, supervision measures, or a fine, or has been handed over to the state and must participate in job training, or granted a conditional release.

- (2) A Social Worker from the Department of Social Affairs is charged with counselling, assisting and supervising a Juvenile Offender, who on the basis of a court ruling has been handed over to the Department of Social Affairs to participate in education, counselling and job training.

A further measure that can be reported is the preparation of Social Counselling personnel with a special interest in children's issues and the ability to conduct satisfactory social assessments. Before becoming a Social Counsellor, Bureau of Corrections staff must take part in a 3-month training course at the Department of Justice. This training aims to provide Social Counsellors from the Bureau of Corrections the necessary qualifications. However, aside from seminars and workshops organised by child-concerned NGOs and academics, as yet no training is provided for the law enforcement apparatus.

On civil wards of state or children transferred by their parents or guardian to the state, Bureau of Corrections internal policy determines that to the maximum extent possible these cases be studied in-depth, since it is recognised that fundamentally a child is better off remaining with his family than being placed in a Correctional Institution. Provisions concerning the recommendations to the judge in the report compiled by the Social Counsellor state that if the parents or guardian or family of the child wish to accept the child back and are capable of doing so, the recommendation be that the child be given a light 'sentence'. Should the parents or guardian not be located or be considered incapable of or are unwilling to accept the child back, the recommendation to be given is that the child, in his own best interests, be removed and cared for by the state.

2. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b)-(d))

Under the Human Rights Act, the rights of the child are governed in articles 52-66. Particularly with regard to children in conflict with the law, provisions set forth in article 66 state as follows:

- (8) Every child has the right not to be subjected to oppression, torture, or inhuman legal penalty.
- (9) Juvenile offenders shall not be sentenced to death or life imprisonment.
- (10) Every child has the right not to have his freedom unlawfully taken from him.
- (11) Children may be arrested, detained, or imprisoned only in accordance with prevailing legislation and only as a measure of last resort.
- (12) Every child whose freedom is taken from him has the right to humane treatment, as befits the personal development needs of his age, and shall be separated from adults, unless this is in his own best interest.
- (13) Every child whose freedom is taken from him has the right to access effective legal or other aid at every stage of ongoing judicial proceedings.
- (14) Every child whose freedom is taken from him has the right to defend himself and to access to a private hearing before an objective and impartial juvenile court.

Meanwhile, the Juvenile Court Act sets forth provisions concerning Juvenile Judicial Procedure in Chapter V, articles 40-59.

Article 40 of the Juvenile Court Act states that prevailing judicial procedure (namely the Code of Criminal Judicial Procedure) is also applicable to juvenile court hearings, except if otherwise stated in this act. Therefore, judicial procedure in effect for children involved with the system of juvenile justice administration in Indonesia is contained in Code of Criminal Judicial Procedure and the Juvenile Court Act.

In particular with regard to juvenile offenders, the Corrections Act sets forth more detailed provisions in Chapter III Section Two, Articles 18-38.

The Corrections Act states that in the interests of assimilation, juvenile criminals are categorised by age, sex, length of sentence, type of crime, and other criteria in line with their assimilation or developmental needs (article 20). Criminal wards of state and civil wards of state are grouped by age, sex, length of assimilation, and other criteria according to his assimilation or developmental needs (articles 27 and 34).

The rights of juvenile criminals, criminal wards of state and civil wards of state governed respectively in articles 22, 29 and 36, are as follows:

- a) the right to worship in accordance with his religion or beliefs
- b) the right to both spiritual and physical care
- c) the right to education and learning
- d) the right to health care services and proper food
- e) the right to air grievances
- f) the right to access to reading material and permitted mass media broadcasts
- g) the right to receive visits from family, legal advisors, or certain other people
- h) the right to remission (not applicable to criminal wards of state and civil wards of state)
- i) the right to have the opportunity to assimilate, including the right to parole to visit family
- j) the right to conditional release (not applicable to civil wards of state)
- k) the right to parole prior to release (not applicable to civil wards of state)
- l) the right to other rights in accordance with prevailing regulations and legislation (that is, political rights, the right of ownership, and other civil rights).

Still with regard to rights, the Directorate General of Corrections has issued policy on the rights of juvenile offenders, which include:

1. The right to a healthy place to sleep
2. The right to food and drink and their utensils

3. The right to clothing of a designated colour and cut
4. The right to humane treatment
5. The right to security and peace
6. The right to health check-ups and treatment by a medical worker or doctor
7. The right to education, general counselling, spiritual guidance
8. The right to worship according to his religion and beliefs
9. The right to visits from family, friends, legal advisors, in so far as this does not interfere with orderliness and is on the permission of the competent officer.
10. The right to receive and send letters, money and goods, in accordance with prevailing regulations
11. The right to spend a reasonable amount of money received or saved for his own needs, in accordance with prevailing regulations
12. To right to report in confidence any problems, of a physical or mental nature.

As well as furnishing rights, the Corrections Act also sets forth provisions concerning the responsibilities of juvenile criminals, criminal wards of state and civil wards of state in Articles 23(1), 30 (1) and 37 (1) respectively, which state that they are required to participate regularly in an assimilation program and certain other activities.

Pursuant to the policy of the Directorate General of Corrections, the obligations of juvenile offenders are:

1. To respect and obey the regulations in force in the Corrections Institution
2. To safeguard and preserve peace and order
3. To follow the instructions and carry out the orders of staff in line with prevailing regulations
4. To report and make known to personnel situations that may interfere with security, order and peace.
5. To surrender and entrust money and other prohibited valuables to the appointed officer
6. To safeguard and maintain plants and a clean environment

7. To safeguard and maintain equipment provided for his personal use, to ensure it is intact, clean and tidy.
8. To participate in morning exercise and morning assembly according to the designated schedule.
9. To participate in the program of education and general and special counselling provided for him.
10. To undertake work given, as ordered by competent staff or officers
11. To worship according to his religion and beliefs at a designated time and place
12. To be polite and respectful in a family way to all residents
13. When released from the correctional institution, to return all equipment and inventory provided.

With regard to the implementation of the Juvenile Court Act, the Director General of Corrections (Department of Justice) has issued a Circular Letter to all Heads of Regional Departments of Justice to heed implementation of this Act, in particular Decree of the Minister of Justice No. M.01-PW.07 of 1997 concerning Court Hearing Procedure and Courtroom Procedure, and Decree of the Minister of Justice No. M.01-PK.04.10 of 1998 concerning Tasks, Responsibilities and Conditions of Social Counsellors.

This Circular Letter requests that all relevant apparatus pay particular heed to the following:

- a. That the detention period for children is less than the detention period for adults.
- b. That social reports requested by the investigator, public prosecutor, or judge be provided by Bureau of Corrections social counsellors in a timely and accurate manner, in order to prevent delay in the judicial processing of a juvenile offender,
- c. That prison sentences may be handed down only to juvenile delinquents aged 12 and over, while those between the age of 8 and 12, may only be reprimanded or given a warning by the judge.

- d. In the case of juvenile delinquents under the age of 8 years, the investigating officer may make a check to ascertain whether the child could still be cared for by his parents/guardian; if not, the child will be handed over to the Department of Social Affairs. In this regard, the investigator must consider the report of the social assessment conducted by the Social Counsellor.
- e. In determining the sentence of a juvenile delinquent, the judge must take into account the social report from the Social Counsellor.

It should be noted that policy concerning Corrections and Assimilation was adopted during this reporting period, namely Letter of the Director General of Corrections No. E.PK.02.02-44 of 1994 concerning the Transfer of Juvenile Offenders in Adult Correctional Institutions to Juvenile Correctional Institutions.

Both the Code of Criminal Judicial Procedure and the Juvenile Court Act set forth provisions on the right of the child to obtain legal assistance and support.

In the Code of Criminal Judicial Procedure, provisions concerning legal assistance for suspects or accused (adults) are set forth in articles 69-74. In the Juvenile Court Act, this issue is governed in articles 51 and 52 (Chapter on Juvenile Criminal Procedure), as follows:

Article 51:

- (1) All juvenile delinquents, from the time of arrest or detention, have the right to legal assistance from one or more legal advisors for the entire duration and at each level of investigation in accordance with procedure set forth in this act.
- (2) The officer making an arrest or serving a detention order is required to inform the suspect and his parents, guardian or foster parents of his right to legal assistance, as referred to in clause (1).
- (3) All juvenile delinquents arrested or detained have the right to direct communication with a legal advisor under the supervision of, but not within hearing of, a competent officer.

Article 52: "With regard to providing legal assistance to a child as referred to in Article 51 clause (1), a legal advisor is required to consider the interests of the child and the public interest and to strive towards maintaining a family atmosphere and a smooth judicial process.

3. The sentencing of children, with particular reference to the prohibition of capital punishment and life imprisonment (art. 37 (a))

As mentioned above, the Code of Criminal Judicial Procedure provides that a child may not be sentenced to death or to life imprisonment. This provision is reaffirmed in the Juvenile Court Act (1997) and the Human Rights Act (1999).

In the Human Rights Act, prohibition on the death sentence or life imprisonment for juveniles is set forth in Article 66 clause (2), which states that: "A sentence of death or life imprisonment shall not be handed down to a juvenile offender."

Prohibition on the death sentence and life imprisonment for children under the age of 18 is reaffirmed in article 26 of the Juvenile Court Act, which reads:

- (1) A prison sentence handed down to a juvenile delinquent shall not exceed half the maximum prison sentence for an adult.
- (2) In the event that a juvenile delinquent commits a crime that is subject to the death sentence or life imprisonment, the prison sentence handed down to this child shall not exceed 10 years.
- (3) If a juvenile delinquent under the age of 12 years commits a crime that is subject to the death sentence or life imprisonment, the child shall be sentenced according to the provisions set forth in article 24 clause 1.
- (4) If a juvenile delinquent under the age of 12 years commits a crime that is not subject to death sentence or life imprisonment, the child shall be sentenced according to the provision set forth in article 24.

To provide a picture on children brought before the criminal courts and the sentences handed down to them, the following table shows data for 1995 and

1996. Based on the available data, “children” are divided by age into under-16s and 16-20 year olds.

Table 1: Number of Juvenile Accused in Criminal Cases Referred to the Courts, by Sentence

Sentence	1995		1996	
	< 16 years	16-20 years	< 16 years	16-20 years
Death/life imprisonment	0	0	0	3
Imprisonment	1,425	13,750	1,108	13,349
Incarceration	11	60	14	128
Conditional/experimental	177	886	148	788
Fine	9	134	6	107
Supplementary Penalty	0	0	0	1
Returned to parents	70	0	57	9
Handed over to the state	14	2	12	5
Found not guilty/freed	21	126	39	101
Other	0	0	0	0
Total	1,727	14,958	1,384	14,491

Source: Central Bureau of Statistics, *Criminal Statistics*

It can be concluded that in the case of both under-16's and 16-20 year olds, judges still prefer to hand down prison sentences when sentencing children who have committed a crime. So extensively are prison sentences applied that the second most common type of sentence, namely conditional or experimental sentence, is proportionally far smaller. (It should be noted that in 1995-1996 the Juvenile Court Act had yet to come into force).

4. Physical and psychological recovery and social reintegration (art. 39)

The Corrections Act provides a guarantee for the psychological and physical recovery of children involved in the juvenile justice system. Pursuant to this Act, this guarantee takes the form of an assimilation process; that is, a process of assimilating offenders which involves reintegrating offenders into society. For juvenile offenders in Correctional Institutions, this assimilation process usually means giving children the opportunity to play ball in a yard outside the building, after which the children go back inside.

The concept of correction based on psychological recovery and social integration is dealt with in general terms in articles 2 and 3, as quoted above.

On facilities for juvenile offenders and their real situation during this reporting period, the following can be reported:

To the end of this reporting period, the number of Juvenile Correctional Institution facilities in Indonesia remained limited. Only 14 Juvenile Correctional Institutions exist throughout Indonesia today, the details of which are shown in Table 2 below:

Table 2: Juvenile Correctional Institutions in Indonesia: Name and Province

No.	Name of Juvenile Correctional Institution	Province
1	Medan Juvenile Correctional Institution	North Sumatra
2	Tanjung Pati Juvenile Correctional Institution	West Sumatra
3	Palembang Juvenile Correctional Institution	South Sumatra
4	Pekanbaru Juvenile Correctional Institution	Riau
5	Kotabumi Juvenile Correctional Institution	Lampung
6	Tangerang Juvenile Correctional Institution for Boys	Greater Jakarta
7	Tangerang Juvenile Correctional Institution for Girls	Greater Jakarta
8	Kutoarjo Juvenile Correctional Institution	Central Java
9	Blitar Juvenile Correctional Institution	East Java
10	Sungai Raya Juvenile Correctional Institution	West Kalimantan
11	Martapura Juvenile Correctional Institution	South Kalimantan
12	Pare-Pare Juvenile Correctional Institution	South Sulawesi
13	Tomohon Juvenile Correctional Institution	North Sulawesi
14	Gianyar Amlapura Juvenile Correctional Institution	Bali

Source: Directorate General of Corrections, Department of Justice, April 2000

Data from two different sources on the number of juvenile offenders and the average number of juvenile offenders placed in Juvenile Correctional Institutions between 1993 (start of the reporting period) and 1998 (towards the end of the reporting period), are combined in Table 3 below. Data on the number of juvenile criminal offenders (to the left of the list of years) were obtained from general jurisdiction court statistics. Data on the average number of juvenile offenders placed in Juvenile Correctional Institutions (to the right of the years) were obtained from the Directorate General of Corrections, Department of Justice.

Table 3: Number of Juvenile Criminal Offenders Referred to District Courts and Average Number of Juvenile Offenders in Juvenile Correctional Institutions throughout Indonesia (1993 – 1998)

Number of Juvenile Criminal Offenders	YEAR	Number of Juvenile Offenders in Juvenile Correctional Institutions		Total
		Male	Female	
18,815	1993	3,669	24	3,693
30,204	1994	3,223	23	3,246
24,914	1995	2,448	34	2,482
31,307	1996	2,339	23	2,362
28,748	1997	3,361	15	3,376
26,297	1998	3,649	37	3,686
160,285	1993-1998	30,346	294	30,640

Notes:

1) Given the limited number of Juvenile Correctional Institutions, it should be noted that the difference between the number of juvenile criminal offenders (not including civil wards of state) and the number of children housed in Juvenile Correctional Institutions can be reconciled in light of the fact that some children found guilty and sentenced to a term of imprisonment or incarceration by the court are housed in adult detention Centres or in Adult Correctional Institutions.

2) Data on the number of juvenile offenders in Juvenile Correctional Institutions were obtained from the average number of juvenile offenders per year (aggregated from January 1 to December 31).

Available data show that, in order of frequency from highest to lowest, the types of offence committed by juvenile offenders are: theft, disturbance of the peace, injury to or killing of another person due to negligence, and abuse.

To provide a more detailed quantitative picture of juvenile prisoners, Table 4 below shows data on new juvenile prisoners by type of sentence for 1995-1997.

Table 4: New Juvenile Prisoners by Type of Prison Sentence (1995-1997)

Type of Sentence	1995		1996		1997	
	M	F	M	F	M	F
Prison Sentence:						
Life imprisonment	0	0	0	0	0	0
> 5 years	58	5	83	0	66	0
1 – 5 years	447	8	455	10	401	3
< 1 year	4,603	78	3,813	63	3549	51
Sub-total	5,108	91	4,351	73	4016	54
Incarceration in Lieu of a Fine	29	6	39	16	5	4
Total	5,137	97	4,390	89	4021	58
TOTAL (M+F)	5,234		4,479		4,079	

Source: Central Bureau of Statistics, *Crime Statistics*

Table 4 shows a constant decline in the number of new juvenile prisoners between 1995 and 1997. However, it should be noted that this decline is not a reflection of the effectiveness of the Juvenile Court Act, since this Act came into effect only in 1998, one year after its enactment.

Furthermore, these data indicate that between 1995 and 1997, the majority of new juvenile prisoners were sentenced to prison sentences: 99.3% in 1995, 98.7% in 1996, and 99.78% in 1997.

Although the majority of those sentenced to prison sentences were sentenced to less than one year (90% in 1995; 87.6% in 1996; and 88.5% in 1997), the absolute figure for the number of children sentenced to more than five years in prison is cause for concern.

Overall, from the data in Table 7, the following conclusions can be drawn:

1. No child (<18 years old) was sentenced to life imprisonment between 1995 and 1997. However, this does not mean that all judges in Indonesia are aware

of the provisions set forth in the Criminal Code, the CRC, the 1997 Juvenile Court Act, or the 1999 Human Rights Act, since in certain cases (see box below), judges have handed down life sentences to children. Such cases that do arise are immediately reversed in a higher court.

2. On a positive note, nearly all judges tend to hand down light prison sentences (less than one year).
3. Unfortunately, the majority of judges prefer to hand down prison sentences to children rather than incarceration in lieu of a fine

“Legiman’s Sentence”

(*Gatra* newsmagazine, October 24 1998)

A judge at Kabanjahe District Court, North Sumatra, handed down a sentence of life imprisonment to a child named Legiman accused of murder, who at the time of sentencing was under 18. He and his brother were found guilty of murdering a 38-year old man, who in their defence the brothers claimed had frequently harassed their sister-in-law. Local NGOs protested strongly over this sentence, which is in violation of the provisions set forth in the Juvenile Court Act. These NGOs also voiced concern that the judicial apparatus failed to pay heed to legal developments.

On facilities, conditions and realisation of the rights of juvenile prisoners, following is an analysis of the findings of a community service initiative by the Department of Criminology, Faculty of Sociology and Politics, University of Indonesia (1999):

Rooms or cells

In general, cells in juvenile correctional institutions are not properly maintained, and are damp, dark and fetid. There are no specific regulations as to the maximum number of children that can be placed in one cell. Facilities for recreation and information, such as for watching television and reading books, if they exist at all, are extremely limited.

Supervision and violence:

In many cases, children feel oppressed by the supervision and negative prejudice of staff. Also, it is not unusual for children to be subjected to abuse, both from other residents in the correctional institution—generally those senior to the victim, and from staff members. Such abuse may be physical or non-physical. Abuse inflicted by other residents also includes sexual abuse.

The right to correspond and to receive visitors

Although the right to correspond and the right to receive visitors are guaranteed under domestic law in Indonesia, in reality these rights are not enjoyed in full. The censoring procedure applied by correctional institution staff hampers both outgoing and incoming correspondence. Likewise, with regard to visitors, often parents or family who wish to visit a child meet with the bureaucratic hurdle of being misinformed about visiting hours.

The right to nutrition

The nutritional standard for juveniles does not, in general, differ from that for adult prisoners, at 2,500 calories/child/day (see Table 8 below for details). Meals are served three times a day: breakfast at 06.00-07.00, lunch at 12.00-13.00, and dinner at 16.00-17.00. The nominal cost of this 2,500 calorie diet is Rp 3,000/child/day (including the cost of rice) or Rp 2,500/child/day (excluding the cost of rice).

In terms of total calories and nutritional content, the food that children receive at Correctional Institutions is quite adequate. However, the children find the cooking and presentation of the food monotonous. There is no variation in the menu, consisting for instance of boiled tempeh and tasteless sour vegetables or vegetable soup.

Moreover, the gap between dinner at 16:00-17:00 and breakfast at 06:00-07:00 the following day is too long (around 13 hours), often leaving the children feeling hungry at night-time. Because of this, children who are visited by family usually receive snacks to eat at night, while children who have no visitors often have to (for example) give their cellmates a massage in return for snacks.

Table 5: Inventory of Rations per Juvenile Offender in Juvenile Correctional Institutions

No.	Foodstuff	Amount	Notes
1	Rice from National Logistics Bureau	0.45 kg	
2	Sweet potato / cassava	0.150 kg	Usually served at breakfast
3	Buffalo meat / beef	0.070 kg	2 days a week
4	Salted fish	0.040 kg	3 days a week
5	Duck eggs	1 piece	Twice a week. If duck eggs are unavailable, 2 free range hen eggs
6	Soya bean tempeh	0.030 kg	Every day, boiled or steamed
7	Mung beans	0.010 kg	For breakfast
8	Coconut	0.020 kg	
9	Fresh vegetables	0.250 kg	Every day
10	Fermented shrimp paste	0.005 kg	
11	Cooking salt	0.012 kg	
12	Coconut oil	0.007 kg	
13	Chilli	1 piece	Every day
14	Banana/papaya/water mel-on	1 fruit / slice	Twice a week
15	Fuel	0.45 m ³ / 1 litre	

Source: Directorate General of Corrections, Department of Justice, April 2000

Note: Menus are designed by each Juvenile Correctional Institution and are suited to the local condition and local customs.

Miscellaneous:

- No integrated data at national level. Data disaggregated by age, length of sentence, reason for imprisonment, ethnic origin, etc are available only at individual juvenile correctional institutions.

- No adequate data are available on education services for children in Correctional Institutions.
- No data available on independent agencies monitoring realisation of the rights of children in Correctional Institutions.

Progress made

- Although the coming into force of the Juvenile Court Act has yet to bring about any fundamental change in system and organisation, it has introduced specific judicial procedure for children involved in the system of the administration of juvenile justice in Indonesia.
- With the coming into force of the Juvenile Court Act, almost all juvenile cases referred to the courts are accompanied by a social report compiled by a Bureau of Corrections staff member on the condition and environment of the child and the background to his violation of the law. The presence of a the Bureau of Corrections staff member is important because the social report he or she compiles gives input that allows the judge to make a decision in the best interests of the child (at least in theory).
- The coming into force of the Human Rights Act (1999) provided further legal guarantee for several standards previously unrecognised in national legislation in Indonesia, although several CRC standards have yet to be further integrated into the national judicial system.
- The Corrections Act (1995), at the very least provides a legal basis, and also provides a positive contribution, in particular with regard to article 37 (b) –(d) and article 39 of the CRC.

- Several policies and administrative measures adopted during this period, have, to a certain extent, brought progress with regard to several practices, for instance:
 - (a) Positive discretion by the police, in particular concerning the many recent incidents of inter-school gang fighting. This positive discretion means that many of the children arrested are ultimately sent home and all charges against them are dropped, as long as they were not carrying sharp weapons, and did not injure or kill others. In terms of international instruments, such discretion is considered more or less in line with the spirit of the Beijing Rules, which state that as far as possible children should be kept out of the judicial system and the legal process.
 - (b) The handing down of shorter periods of detention for juvenile offenders than for adult offenders is now more strictly applied.
- Again on a positive note, it should be noted that in this context of children involved with the system of administration of the juvenile justice system, children perceive that the judicial system is lighter on juvenile offenders than on adult offenders, as evidenced by the frequent cases in which the age of the accused cannot be ascertained, where they are deliberately recognised as a juveniles in the belief that as children they will receive better treatment.

Factors and difficulties

Structural and organisational constraints:

- Because Indonesia has never had a separate system for the administration of juvenile justice, the absence of special juvenile courts or an alternative (such as a children's ombudsman), makes it difficult to report any radical change in this situation. It will take time to put even cosmetic changes properly into practice.
- The lack of detention centres for children in conflict with the law and the limited number of Juvenile Correctional Institutions poses a particular difficulty with

regard to making radical changes in the approach towards children in conflict with the law.

- The common placement of children detained/accused/found guilty of crimes and civil wards of state (children who, on the request of their parents or guardians, have been handed over to the state to be educated on the ruling of a civil court)

Deficiencies in practice, such as those identified in interviews with children placed in the Tangerang Juvenile Correctional Institution for Boys, conducted by a team from the Department of Criminology, Faculty of Sociology and Politics, University of Indonesia in a public service initiative carried out in 1999, include:

- Deficiencies in handling by the police, including: families are not generally informed of arrests (one difficulty the police sometimes face here is that the address of the parents/family given by the child cannot be traced, or, in certain cases, the child refuses to reveal his parents' address to prevent the parents/family knowing that the child is facing charges). Also, in many cases, the police deliberately fail to inform the suspect of his rights as a child (in violation of the arrest procedure set forth in the Code of Criminal Judicial Procedure). A further deficiency in management by the police concerns the investigation process, which still frequently employs violence and is not conducted in a family way. Also, children are often detained despite a lack of sufficient evidence (in violation of provisions set forth in the Juvenile Court Act), and even though there are no detention facilities for children.
- Also concerning handling by the police, although in certain cases positive discretion is applied, there is also frequent criticism of what is considered inhumane or humiliating police treatment of children. For example, children are ordered to strip, their hair is cut and they are forced to walk in a squatting position in public, and it is even common for them to be recorded by TV cameras.
- Deficiencies in handling by the Public Prosecutor, who in general, does not sympathise with the child, as evidenced by the tendency to disregard the child's statement in the Investigation Report drawn up by the police (even if

available, it is seldom that children suspected or accused of crimes have the support of the family, a legal advisor, or a corrections officer from the Bureau of Corrections, whereas the public prosecutor has the support of the police making the investigation).

- Deficiencies in court proceedings, including: the family is not informed (by the public prosecutor or the court) of the schedule for court sessions, which means that the child does not have the support of his family during court appearances; a lack of available defence lawyers/legal advisors; and a court process that not to give the child an opportunity to air his opinions or to give evidence that differs from the written statement in the Investigation Report or in the judge's case file.
- General deficiencies were also identified prior to and during the court hearing, in which the police, public prosecutor, and the court tend to ignore the input given by the Bureau of Corrections officer. Conversely, there is also a tendency for the Bureau of Corrections officers to side more with the law enforcement apparatus than with the child.
- A further factor specifically concerns Article 39 of the CRC: the absence of special detention centres for juveniles and the limited number of juvenile correctional institutions, means children are vulnerable to abuse and exploitation by adult detainees and prisoners.
- Finally, a deficiency in the attitude of the staff of juvenile correctional institutions and in the complaints procedure, in which cases of abusive and corrupt staff members cannot be effectively handled because the complaints procedure does not work.

Also, the Criminology Department, Faculty of Sociology and Politics, University of Indonesia, identified deficiencies in the procedure for processing civil wards of state through the courts, in which the Bureau of Corrections officer tends to side with the parents or guardian of the child.

Priorities for the next 5 years

The suggestions and recommendations of the Committee on the Rights of the Child on the initial Indonesia report in this area are felt to still be relevant to be followed up. In this regard, Indonesia will conduct a comprehensive review of the existing system of administration of juvenile justice. To this end, a comprehensive analysis of the situation, and a comparative study of systems in other countries, will perhaps facilitate consideration of a fundamental change in the system of administration of juvenile justice in Indonesia.

In the meantime, while awaiting this review and the recommendations arising from the analysis of the situation, administrative and educational measures, in particular aimed at those involved with the system of administration of juvenile justice, could be adopted over the next five years, particularly in order to realise the provisions already accommodated by domestic Indonesian legislation.

Finally, it should be noted that Indonesia is currently drawing up a Child Protection Act, in which regulations regarding children involved in the system of administration of juvenile justice, both criminal and civil, could be addressed in more detail.

C. Children in situation of exploitation, including physical and psychological recovery and social reintegration

1. Economic exploitation of children, including child labour (art. 32)

With regard to the economic exploitation of children, the Committee on the Rights of the Child, in its concluding observations on the initial Indonesia report, gave the following suggestions and recommendations, stated in paragraph 23, as follows (CRC/C/15/Add. 25; 14 October 1994):

23. *The Committee encourages the efforts currently under way to adopt adequate norms and implement regulations relating to the protection of young children and young persons at work. The mechanism established to monitor the situation of working children should be strengthened in order to assess the implementation of the Convention and to narrow the gap between the law and practice. The Committee believes that technical advice, particularly from ILO, may be appropriate with regard to these matters.*

Situation

The initial report submitted to the Committee on the Rights of the Child seven years ago, described in some detail the situation regarding child labour, along with an adequate description of the measures adopted at that time. Therefore, this report will begin by describing the measures adopted between 1993 and June 2000, before going on to present a an analysis of the progress made regarding working children during this reporting period.

In addition, this report will make a special analysis of children working on fishing platforms (*jermal*), and street children will, in this report, be categorised as in a situation of economic exploitation.

On the situation of child workers on fishing platforms, according to the findings of research conducted by the Indonesian Child Advocacy Agency (an NGO based in Medan), it is estimated that in 1998, 201 fishing platforms continued to employ 2-4 children on each platform, for a total of between 603 and 1,809 child workers. Augmenting this figure are the approximately 168 – 336 children working on an estimated 84 *tangkul* (similar to *jermal*, but smaller). This total figure is far exceeds the number of fishing platforms registered at the Provincial Office of the Department of Fisheries (162 units), and repudiates the statement made by the Governor of North Sumatra (1998) that the number of fishing platforms declined

from 344 units in 1988 to only around 144 units in 1997. It should also be noted that fishing platforms operate not only in North Sumatra, but also in the waters around Kalimantan and Sulawesi. Their total number has yet to be ascertained.

On the situation concerning street children, although the existence of street children was recognised before the start of this reporting period, unfortunately it was not until 1997 that the Department of Social Affairs in cooperation with UNICEF conducted an analysis of the situation in order to establish a comprehensive profile of street children in Indonesia.

This analysis of the situation concluded that the number of street children in Indonesia cannot be determined for certain, but quoting the Department of Social Affairs (1996), it is estimated that no less than 50,000 children (under the age of 18) live and earn a living on the streets of Indonesia's major cities.

On reasons for the existence of street children, the analysis identified several factors, including: (1) the macro social-economic situation, (2) a decline in social capital in society (3) violence in the home, (4) traumatic experience, (5) the growth of the informal economic sector in urban areas, and (6) the existence of a street sub-culture.

As well as being in situation of economic exploitation, street children were also identified as encountering other problems such as being subjected to stigmatization, becoming victims of drug abuse, and being vulnerable to sexual exploitation.

Measures adopted (1993 – June 2000)

First, it should be reiterated that the existing reporting system was drawn up pursuant to Act No. 7/1981 concerning Mandatory Company Employment Reports, which was followed by Decree of the Minister of Manpower No. 248/Men/1987 concerning Reporting Procedure and Report Form for Companies

Employing Children Forced to Take Up Employment. Article 2 (clause 3) of this Decree states that companies are required to submit a report at the end of each calendar year.

From a legislative perspective, in an effort to consolidate several existing laws aimed at protecting the child from economic exploitation and performing any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, moral or social development, the government and the House of Representatives issued Act No. 25/1997 concerning Employment, under which companies are prohibited from employing children under the age of 15 (article 95 clause 1) or are subject to a maximum penalty of two years in prison and a fine of Rp 200 million (article 178, letters a and b). Unfortunately, however, this Act contains two flaws, in article 95 clause 2 and article 96, which provide exceptions that in practice nullify this protection. Because of these deficiencies, and for other reasons regarding the issue of employment, implementation of this Act was postponed (pursuant to Act No. 11/1998). Act No. 25/1997 is currently under review in order to rectify several deficiencies. Following an agreement of the Tripartite Plus Meeting in 1998, a Bill on Employee Protection and Guidance has been submitted to the Secretary of State.

Since Act No. 25/1997 is not in effect, it is necessary to turn to Circular Letter of the Minister of Manpower No. SE-12/M/BW/1997 on Guidelines for the Management of Child Workers. The purpose of this Circular Letter is to provide guidelines for supervisors of child workers between the ages of 13 and 18. This quite detailed Circular Letter mentions 25 industries prohibited for child workers, and establishes working hours (4 hours a day: 2 working hours with a 15 minute break plus 2 working hours), and work hours (children may not work overtime between 18:00 and 06:00). This Circular Letter paves the way for ratification of ILO Convention No. 138 and ILO Convention No. 182.

A further measure of note is that the Department of Manpower in cooperation with IPEC/ILO has provided training for 130 employee supervisors. Also, 540 companies in four provinces (North Sumatra, West Java, Central Java and East Java) have been checked and monitored for compliance. The Department of Manpower has focused particularly on the footwear sector and fishing sector, which are thought to employ large numbers of children. However, the Department of Manpower has taken no legal action for failure to comply, since these conventions have yet to be widely publicised in all sectors.

In 1998, ILO/IPEC in cooperation with the Department of Home Affairs attempted to make use of government funds to motivate young people at regency level to assist poor children to prevent them dropping out of school despite being in a situation where they were forced to work. Through Instruction of the Minister of No. 3/1999 concerning Management of Child Workers, the Department of Home Affairs charged the Director General of Rural Community Development with the task of coordinating Management of Child Worker activities down to village level. Funds of Rp 500,000 per hamlet were made available for these activities, which included recording the number of child workers in each village; providing training for child labour support cadres, including support cadres on the Inpres Desa Tertinggal (IDT) programme, a special program designed for underdeveloped villages under a presidential decree); counselling for parents and community leaders on the risks working children face; making efforts to improve protection for working children by providing practical information on protection in the workplace (including tools used), and transferring children from hazardous to less hazardous work.

Another initiative of note is a cooperation between several NGOs, the Ministry of Health and Social Affairs (formerly the Department of Social Affairs), the Department of Manpower, UNICEF, and ILO/IPEC, to widely publicise information about the UN conventions that provide protection for the child. Since 1994, two national conferences on child workers have been held. The most recent was held

in July 1999, coordinated by the Human Resource Bureau of the National Development Planning Agency.

Also of note is that during this reporting period, Indonesia ratified ILO Convention No. 138 on the minimum age to entry into employment through Act No. 22 of 1999, and ILO Convention No. 182 on Prohibitions and Immediate Action To Eradicate Forms Of Employment Detrimental To The Child via Act No 1/2000.

Subsequently, in follow-up to the ratification of ILO Convention No. 138 and No. 182, the Department of Manpower in cooperation with its Tripartite components set up a National Steering Committee comprising Tripartite components, higher education establishments, and NGOs. The job of this Steering Committee is to provide direction for the implementation of these conventions. At that time, the Department of Manpower and other Tripartite members were in the process of drawing up a National Action Plan, which is expected to be completed this year. This National Action Plan includes:

- legal formulation and implementation
- social mobilisation and advocacy
- rehabilitation of children suffering physical or mental harm
- training and counselling for supervisory staff
- an evaluation and monitoring programme

Meanwhile, specifically with regard to the issue of *children working on fishing platforms*, the Department of Manpower has taken the following steps: (a) written letter No. 193/M/XI/1998 to the Governor of North Sumatra requesting that North Sumatra Provincial Government design a programme for the management of children working on fishing platforms; (b) with participation from other sectors, the Indonesian Navy, and NGOs, facilitated the North Sumatra Provincial Government in conducting an expose on the problem of fishing platforms in Jakarta on February 16 1999; and (c) investigated the problem with the cooperation of the Indonesian Navy.

On the same issue, at regional level, the Governor of North Sumatra issued Circular Letter No. 560/98 addressing the problem of child workers on fishing platforms. Unfortunately, the minimum age for employment was set too low, at 16 years or below, even though under the provisions set forth in Act No. 22/1999 the type of work done by children on fishing platforms should be done by adults (18 years and over). In addition, the North Sumatra Provincial Government has developed a vocational training programme for children relocated from fishing platforms, provided them junior secondary equivalent education, and created on-shore job opportunities for these children (Governor of North Sumatra, 1999). Currently, the North Sumatra Provincial Government in cooperation with several relevant agencies (Department of National Education, Department of Manpower, the Ministry of Health and Social Affairs) and NGOs is seeking better ways to develop rehabilitation and reintegration programmes in the community.

Regarding street children, during this reporting period the Indonesian government has adopted the following measures:

- Developed a Protection and Social Assistance Programme for Street Children supported by UNDP funds of US\$ 362,000 under project INS/94/007, to be implemented between 1997/1998 and 2001. As a part of this programme, ten drop-in centres have been set up in seven large cities (Jakarta [2], Bandung, Semarang, Yogyakarta, Surabaya [2], Medan, and Ujung Pandang [2]). This programme focuses on the importance of providing open-door social facilities for resting, studying, and obtaining socio-psychological help. Scholarships are also available for children who are attending or want to attend school, as well as financial assistance for the parents of the children. However, since Indonesia has obtained loan funds targeting this same population, this assistance will cease at the end of 2000.
- Allocated an equal amount of Additional Budget funds to bridge the needs of existing programs by implementing new programmes funded by ADB loans.

- Implemented ADB loans for two projects: US\$ 2.7 million for the Social Protection Sector Development Program (SPSDP) and US\$ 27.3 million for the Health and Nutrition Sector Development Program targeting children in poor communities in 13 cities.

Progress made

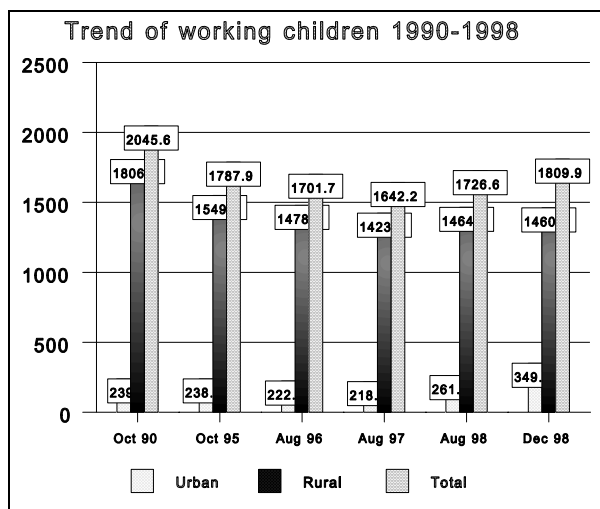
In terms of national legislation, there is not much progress to report. However, it is expected that the Bill on Employee Protection and Development currently being submitted to the Secretary of State will protect and guarantee the protection of children from economic exploitation, particularly given the increasing role of NGOs following the shift towards a more democratic political condition.

Nevertheless, the ratification of the two main ILO Conventions relevant to child labour (ILO Convention No. 138 and ILO Convention No. 182) constitutes quite significant progress with regard to efforts to protect children from economic exploitation, particularly from the most hazardous forms of child labour.

Ratification of these two ILO instruments has also prompted other initiatives, including action specifically related to children working on fishing platforms, as described in detail above.

On the number of child workers, not much progress has been achieved. However, of note are some interesting trends in Central Bureau of Statistic (CBS) statistical data on Workforce Participation rates since 1990. Between 1990 and 1997 the percentage of working children aged 10-14 years declined an average 2% p.a. (1.2% in urban areas and 3.03% in rural areas), but a sharp upward trend since August 1997 has brought the total number of working children aged 10-14 years almost back to the 1990 level.

Figure 1



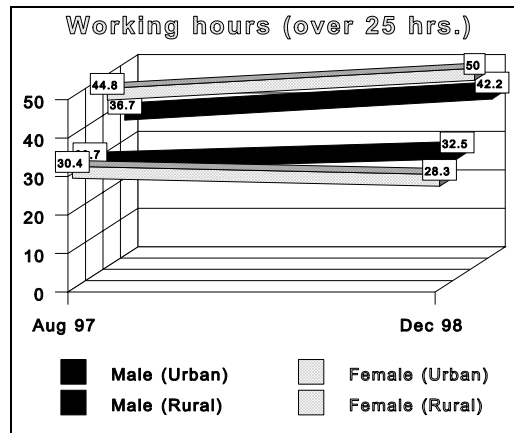
It is interesting to note that the percentage increase in the number of working children is greater in urban areas than in rural areas. The figures also reflect the impact of the recent monetary crisis in Indonesia. During the period August 1997- August 1998 the number of child workers in urban areas grew by 19.6% and in rural areas by 2.9%.

Between August 1998 and December 1998, the four-month period immediately following the onset of the crisis, the number of child workers in urban areas increased by 33.6%, but in rural areas remained constant. Overall growth in the number of child workers for the period August 1997-98 was 5.1%; and in the last four months, 15.2%.

In 1994, CBS began including Workforce Participation figures for children aged 5-9 years. Initial studies in Bandung and Medan (Deli Serdang) indicate a 0.5% - 1.1% participation. Based on the 1995 National Social Economic Survey, it is estimated that 210,521 children in this age group are working; 19,356 in urban areas and 191,165 in rural areas. Between 1995 and 1998, this number is estimated to have fallen 8% p.a. However, the statistics for February – December 1998 show a 42% growth in the number of children working in rural areas. The economic crisis is thought to be one of the major factors thought to be forcing children of this age group to work.

Workforce Participation figures for 15-18 year olds are also cause for concern. Based on data to 1996 (computed from CBS sources), the following trends can be identified:

- Overall, the workforce participation rate dropped from 47.5% in 1997 to 40.7% in 1996. However, the absolute total rose from 2 million people to 6.4 million people!
- Female workers in this age group rose both in percentage terms (34.6% to 35.3%) and in absolute terms (from 1.9 million to 2.4 million).
- In urban areas the workforce participation rate increased for both males and females. In percentage terms, the workforce participation rate rose from 6.8% to 11.%; and in absolute terms recorded a dramatic increase from 467,000 people to 1.2 million people (a rise of 150%!).
- In rural areas the percentage workforce participation rate for males dropped sharply from 52.3% to 34.9%, with little change in absolute figures. For females, the percentage workforce participation rate fell from 29.7% to 24%, although the absolute number increased sharply from 1.9 million people to 2.4 million people.



The statistics above seem to indicate that boys who have completed their basic education are more likely to go to urban areas in search of work than girls are.

One indicator of exploitation is working hours. Following are data from CBS for the period August 1997 – December

1998 on the number of child workers aged 10-14 years working over 25 hours/week

Figure 2

In the case of males, the trend is upward in both rural and urban areas. In the case of females, there has been a rather dramatic upward trend in urban areas, but a downward trend in rural areas.

Available statistics for children aged 5-9 years for February - December 1998 indicate only that around 19.8% of males work more than 5 hours a day, but that this percentage remained constant. There are no statistics on female child workers available. In rural areas, the participation rate for male child workers rose from 11.6% to 16.3%, while the participation rate for female child workers fell from 7.9% to 7.4%. These data call for critical interpretation.

A further indication of exploitation is the type of work done by children. CBS statistics at least indicate there has been no increase in the number of children working in the mining and quarrying sector, as shown in Table 1 below. Although in percentage terms, participation is low, the absolute figures are of some concern.

Table 1: Children involved in mining and quarrying

Age group	1990	1996
10-14 years	0.66% (15,950)	1.12% (21,251)
15-19 years	0.56% (40,964)	1.08% (75,384)

Source: Mboi & Irwanto (1998) - computed from CBS data

Monitoring by the Department of Manpower indicates that child workers are still to be found working in the food industry (in the production of biscuits, nuts, rice noodles, salt, bottled sauces, crackers etc). Children also work in the shoe industry, garment industry, and in the children's toy industry. Children were also found to be working on plantations (oil palm, rubber, coffee), particularly in the provinces of North Sumatra, West Java and East Java. These children work the same hours as adults. The hazards involved in this kind of work do not need to be spelled out. It should also be noted that "light" work done by children, such as putting finishing touches on ceramic products, can be hazardous since the children are provided no protection.

In addition to the quantitative data on child workers presented above, a summary of other progress made can be reported, as follows:

- Although no quantitative data are available, it can be reported that the public, mass media and the government are showing greater concern over the issue of child workers. Currently several departments, in particular the Department of Manpower, the Department of Home Affairs, the Department of National Education, and the Ministry of Health and Social Affairs, along with the Office of the State Minister for Empowerment of Women, are running programmes for children relevant to this issue.
- In a recent (1998) ILO/IPEC study, it was reported that in industrial zones in Semarang, North Sumatra, and Greater Jakarta, few children were found to be working. Interviews with bureau heads of Employee Development and Supervision in North Sumatra and Semarang indicate that Regional Offices of the Department of Manpower are taking real steps to implement Circular Letter No. SE-12/M/BW/1997.
- There is increased public interest, including from social institutions such as Islamic boarding schools, in working towards improving child welfare. The number of NGOs concerned with the welfare of street children, for instance, has risen sharply, although the majority continue to be donor-driven or project-based.

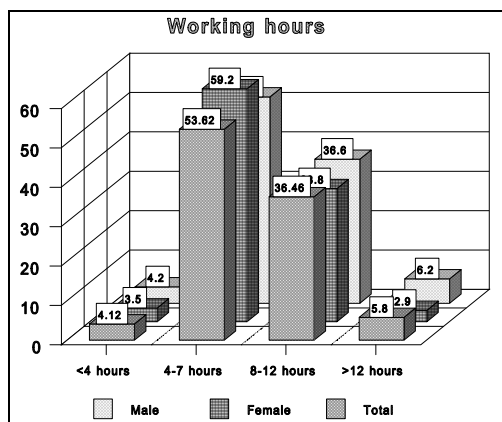
On street children, it can be reported that aside from the various measures referred to in the section on measures adopted above, a more in-depth study conducted by the Centre for Community Research and Development, Atma Jaya Jakarta University in 12 cities (1999/2000) estimates the number of street children at 40,000, working at light through hazardous jobs (see Table 2 below). If this figure is extrapolated to include other cities, it is very likely that the total number of street children amounts to no less than 75,000. The survey and social mapping

carried out by the Centre for Community Research and Development, Atama Jaya Jakarta University (n = 9.247) indicate the following trends:

- Children begin working on the streets before the age of 12. In fact a considerable number began working on the streets before the age of 7. More females than males started work on the streets before reaching the age of 7.
- Only 43% of street children surveyed said they still attended school (42.8% of males and 44.3% of females)
- These children work more than 5 hours a day and 5 days a week.

Figure 3

- Around 47% of these children have been on the streets for less than two years, and the majority (89%) have been on the streets for less than 5 years.



Poverty was the main factor causing them to take to the streets. However, around 23% of these children quoted psycho-social problems at home, in particular violence and various form of abuse by parents, peers, members of the public, and the security apparatus as their reason for taking to the streets.

Table 2: Most common activities of street children in 12 cities

City	Sex	Three most common activities (%)		
		I	II	III
Medan	M	Hawker (46.7)	Scavenger (13.1)	Market coolie (10.0)
	F	Hawker (56.1)	Scavenger (12.2)	Market coolie (11.5)
Padang	M	Hawker (30.4)	Shoeshiner (14.3)	Scavenger (8.4)
	F	Hawker (59.7)	Scavenger (11.9)	Beggar (9.0)
Palembang	M	Hawker (35.9)	Carwasher (16.4)	Scavenger (15.8)
	F	Hawker (53.8)	Beggar (9.9)	Scavenger (8.8)
Lampung	M	Hawker	Scavenger (17.6)	Carwasher (13.1)
	F	Hawker	Street singer (26.0)	Market coolie (6.0)
Jakarta	M	Hawker (39.8)	Street singer (29.6)	Scavenger (6.4)
	F	Street singer (44.7)	Hawker (15.4)	Beggar (14.1)
Bandung	M	Street singer (52.1)	Hawker (33.4)	Scavenger (3.1)
	F	Street singer (62.2)	Beggar (11.0)	Scavenger (9.8)
Semarang	M	Street singer (51.2)	Hawker (30.6)	Shoeshiner (5.8)
	F	Street singer (51.6)	Beggar (16.5)	Situational (13.2)
Yogyakarta	M	Street singer (71.9)	Hawker (20.0)	Scavenger (1.9)
	F	Street singer (62.2)	Hawker (13.5)	Beggar (10.8)
Surabaya	M	Street singer (45.1)	Hawker (38.3)	Scavenger (4.7)
	F	Street singer (35.8)	Hawker (24.2)	Beggar (24.2)
Malang	M	Hawker (55.8)	Street singer (14.4)	Shoeshiner (7.1)
	F	Beggar (30.8)	Hawker (23.1)	Street singer (15.4)
Mataram	M	Hawker (36.9)	Parking attendant (11.0)	Scavenger (10.1)
	F	Market coolie (73.8)	Hawker (11.7)	Scavenger (6.9)
Makassar	M	Hawker (45.5)	Market coolie (12.7)	Scavenger (11.7)
	F	Hawker (55.1)	Beggar (15.0)	Scavenger (14.0)

Source: Irwanto et al. (2000)

Factors and difficulties

Factors and difficulties encountered with regard to this issue are as follows:

- Implementation of employment-related legislation is severely limited by the lack of inspectors, who number only around 1,315 persons, 346 of whom are administrative personnel. This small number (969) of operating inspectors have to monitor 168,392 companies and 9 million workers. Exacerbating the problem is the lack of knowledge and skills these inspectors have with regard to monitoring the presence of child workers.
- The existing system of reporting (Act No. 7/1981 and Decree of the Minister of Manpower No. 748/Men/1987) is in need of review in order to reflect needs arising from Act. No. 22/1999 (which ratifies ILO Convention No. 138) and Act No. 1/2000 (which ratifies ILO Convention No. 182). The system of reporting must be made as simple as possible and provide protection for the person making the report.
- In terms of legislation, it is difficult to refer to the CRC because (a) the CRC is ratified only by a Presidential Decree, which in the hierarchy of national legislation rates below an Act, and (b) there are reservations on many of the articles contained in the CRC.
- Recently ratified, ILO Conventions (No. 138 and No. 182) have a better chance of being implemented. However, a fundamental difficulty is that the Department of Manpower and its Tripartite lack adequate access to the informal sector. This sector is high-risk, from both a social and health perspective.
- For no apparent reason, since 1998 the CBS has ceased publishing figures on the workforce participation rate for children aged 5-9 years and 10-14 years.

This decision is undoubtedly detrimental, although apparently the data is available for those wishing to process it.

- A further structural constraint concerns the level of per capita income and the quality of public service. While there are still citizens earning an income below the poverty line (absolute), it is difficult to prevent children becoming economically active. Likewise, if the quality of public service is such that it fails to provide proper social security for adult workers and a low level of education and health care services, the problem of working children will be difficult to deal with. Therefore, programmes to alleviate poverty and raise workers incomes must be prioritised and targeted.

Priorities for the next 5 years

Priorities for the next five years are as follows:

- Provide larger subsidies for the education sector, in particular for elementary education (elementary school and junior secondary school).
- The National Action Plan to implement Act No. 20/99 and Act No. 1/2000 will be completed (by the Department of Manpower in cooperation with ILO), and followed up by the development of a system of monitoring and evaluation on implementation of ILO Conventions No. 138 and No. 182.
- Research and compilation of data on children in a situation of economic exploitation needs to be continued since available data are inadequate for designing effective programmes.
- Rehabilitation and reintegration measures need to be developed, particularly as a part of the implementation of Act No. 1/2000 (ILO Convention No. 182).

- Design and adoption of an Act that provides comprehensive protection for the child in accordance with international standards ratified by Indonesia.

2. Drug abuse (art. 33)

Situation

The 1992 initial report did not cover the issue of drug abuse. One reason for this is that this is a hidden issue about which little is known. Even today, data on drug abuse cannot be confirmed. Therefore, estimates will be based on the only data guaranteed to be accurate, which are data from the Drug Dependency Hospital established in Jakarta in 1972.

Since initial available data do not include preceding years, description of the situation in this report will start from 1996. In that year, 2,090 patients were registered at the Drug Dependency Hospital. Based on the assumption that each patient treated at the Drug Dependency Hospital represents 200 other people, who for various reasons are not receiving medical care, then the number of narcotic abusers amounts to more than 400,000. Children under the age of 19 account for one-quarter of this number.

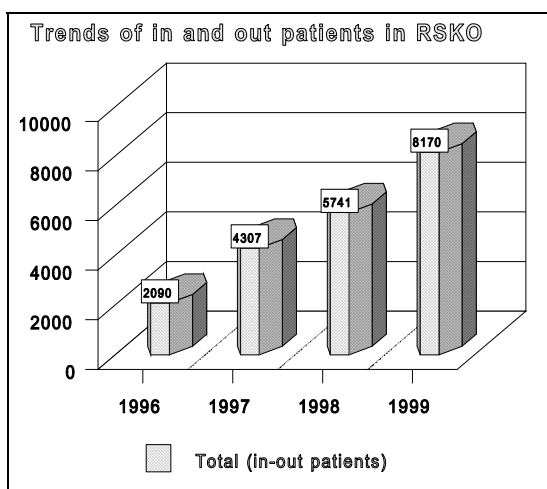
Measures adopted (1993 – June 2000)

Relevant measures and policies adopted during this reporting period are as follows:

First, on legislative measures, two key pieces of legislation were adopted during this reporting period: Act No. 5/1997 concerning Psychotropics and Act No. 22/1997 concerning Narcotics. Act No. 22/1997 provides fairly heavy sanctions

for producers and dealers of narcotics, with the death penalty as the maximum (Art. 80).

Also during this reporting period, Indonesia ratified two international instruments on narcotics and psychotropics, namely the 1971 Convention on Psychotropics (ratified by Act No. 8/1996) and the 1998 UN Convention on Eradicating the Illegal Distribution of Narcotics and Psychotropics (ratified by Act No. 7/1998).



An administrative measures of note adopted during this reporting period was the drawing up of the Indonesia Drug Control Master Plan in 1997, which covers the period 1999/2000 to 2003/2004. This plan describes programmes aimed at reducing demand and repressive action to reduce supply.

Currently, the Department of Health assisted by international organisations

including IGOs (WHO, UNAIDS, USAID, and AusAID), is undertaking a Rapid Assessment Response on Injecting Drug Use in anticipation of a spread in the use of intravenous drugs and the risk of the spread of fatal diseases such as HIV/AIDS and hepatitis C.

Figure 4:

Figure 5:

Progress made

Some progress can be reported. For instance, integration of the issue of narcotics into education for children, in which the Department of Education and Culture in cooperation with UNICEF has developed modules of Skills for a Healthy Life through a physical health improvement programme that includes information and skills for resisting pressure to use narcotics.

Also, it should be noted that the recent mushrooming of community initiatives focused on eradicating narcotics is thought to have come about as a result of intensive campaigning on narcotics and psychotropics.

However, it is most unfortunate that the measures adopted since 1997 have yet to effectively reduce the level of drug abuse among children, as indicated by the data below.

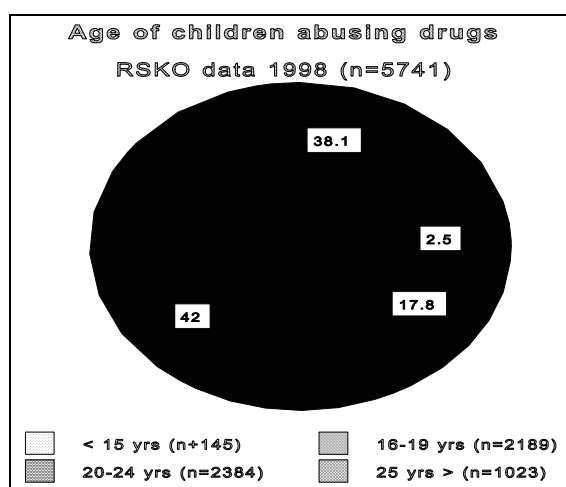


Figure 4 above, shows a sharp rise in the number of patients being treated by the Drug Dependency Hospital. In the space of just two years (1997-1999), the number of patients almost doubled, although the data for 1999 covers only up to the month of November. One likely reason for this sharp increase is that users and their families are more aware about seeking professional help; but it could also reflect the fact that narcotics abuse has spread to all levels of society.

Of greater concern is that, when categorised by age, the figures reveal a large number of child drug abusers. Based on data for 1998 (see Figure 5 above), children (under 19's) account for 40.6% of all narcotics abusers. 1999 data show no significant change, although the percentage is lower (37.2%). Data from the

Drug Dependency Hospital also indicate that 63% of outpatients and inpatients are still in school or higher education. This situation could deteriorate since juvenile drug abusers are apparently more easily influenced: as well as being users, they are also coaxed into becoming dealers. The number of child drug dealers, however, is not yet known.

Assuming that each patient undergoing treatment at the Drug Dependency Hospital represents 200 others who for various reasons are not pursuing medical care, the total number of narcotics abusers amounts to 1.6 million people, 640,000 of whom are children under the age of 19. The actual number is very probably far greater since drug abuse has already spread to rural and urban areas, among both the poor (street children, for instance) and the rich. Of great concern is the epidemiological evidence that at the Drug Dependency Hospital, 84% of patients are opium users (heroin) and 42% are injecting drug users. Although the likelihood of the spread of HIV among injecting drug users cannot be confirmed, clinical data from a small sample indicate that more than 10% are infected with HIV and 70% with hepatitis C.

Factors and difficulties

The several fairly extensive measures adopted and the successes achieved with regard to this issue notwithstanding, the rise in narcotics abuse among children may be due to the following:

- Regarding legislation, there has been much criticism that provisions fail to give adequate protection to children who have become narcotics abusers. Based on existing legislation, a child who uses and/or deals in narcotics and psychotropics, as an offender is subject to fairly heavy sanctions. Act No. 22/1997 on narcotics, for instance, states as follows (underlining by the author):

- *Article 46 (clause 1)*: The parents of an under age abuser are required to report to an official appointed by the government to obtain treatment
- *Article 86*
(clause 1): The parents of an under age abuser who fail to report will be subject to a prison sentence of 6 months and a fine of Rp 1 million.
(clause 2): In the event that an under age abuser is reported, no penal sanctions shall apply.

According to provisions set forth in article 46, the definition of “under age” is in line with Act No. 3/1997 concerning Juvenile Courts, which sets the age of criminal responsibility at 8 years. In other words, only children under the age of 8 and who are reported will not be subject to penal sanctions. There are very few, if any, narcotics abusers aged under 8. This means almost all child drug abusers will be treated as offenders and be subject to penal sanctions; and if they are involved in dealing, may even face the death penalty (article 80).

- In terms of administrative measures, there are weaknesses in coordination, a lack of equipment, and a lack of professional staff, in particular non-medical staff with expertise in child drug abuse. This means that key services such as detoxification, rehabilitation etc (including for instance, methadone maintenance) are very limited, if not non-existent. Likewise, post-detoxification services, which currently are more commonly provided by private agencies, are seldom accompanied by adequate professional supervision.
- Prevention programmes, such as drug eradication programmes or risk and harm reduction programmes like needle exchange programmes and needle cleaning programmes, and education, information and communication measures are still limited. A very few schools have education programmes on the hazards of narcotics and ways to avoid them. Information on prevention available to the public is also very limited.

- The public are not particularly trusting of services provided by the state, such as *Pamardi Siwi* (provided by the police) and even the Drug Dependency Hospital. The public tends to consider these units as means of “penalising” children.
- With regard to recovery and reintegration into the family and society, very few measures have been adopted. To date, there is only one Drug Dependency Hospital in Indonesia, located in Jakarta. Although the Department of Social Affairs (the Ministry of Health and Social Affairs) has rehabilitation units for child and young narcotics abusers, unfortunately they are severely restricted in number and capacity. Thus, the process of recovery and reintegration into the family and society is more commonly handled by NGOs.

Priorities for the next 5 years

- Repressive action to reduce supply (supply reduction action will remain at current levels and current intensity).
- Development of better coordinated, better integrated services (at administrative level), including the development of prevention programmes, in particular education programmes. In this regard, while awaiting amendments to legislation that treats the child as an offender, it is necessary to develop policy to minimise sanctions against child drug abusers.
- Improve coordination and development of rehabilitation facilities. Social and education programmes and information and communication programmes need to be developed as a preventative measure.

3. Sexual exploitation and sexual abuse (art. 34)

Situation

Little was known of the sexual exploitation, sexual abuse and commercial exploitation of children before UNICEF, in cooperation with the Department of Social Affairs, began an initiative to analyse the situation in 1997. Thus, this report will begin by describing the situation in 1997, based on this analysis of the situation.

On sexual abuse, incidents of sexual abuse are not properly recorded for several reasons, including an absence of support facilities and the “dark number” factor. It is estimated that of all cases of abuse identified, around 60% of victims were children under the age of 18. The majority of victims are girls, although male victims have also been recorded.

On the commercial exploitation of children, analysis of the situation found that all forms of commercial exploitation (child prostitution, trafficking of children for sexual purposes, and child pornography) exist in Indonesia, involving both female and male children, on a very small scale, with the exception of sexual trafficking of children.

On child prostitution, it is estimated that children account for 30% of all sex workers operating in Indonesia, which is equal to around 40,000-70,000 children. Although several cases of child sexual trafficking can be quoted, their number and extent cannot be identified. There are also indications of cases of child pornography, although the situation is less serious than that of child prostitution or sexual trafficking of children.

Legal protection for child victims of sexual abuse (in the Criminal Code) are fairly inadequate since the effective age limit for statutory rape is set too low, at 12 years, and the maximum penal sanctions for abusers are too light if compared

with the maximum penal sanctions for perpetrators of “rape” in general. Likewise, the Criminal Code currently in effect in Indonesia does not provide protection for prostituted children and victims of child pornography.

Measures adopted (1993-June 2000)

Unfortunately, to date, Indonesia has adopted no legislative or other measures.

One relevant measure of note here is that during this reporting period, Indonesia participated in the “World Congress Against Commercial Sexual Exploitation of Children” in Stockholm in August 1996 and lent support for the adoption of the Stockholm Declaration and Agenda for Action produced by the Congress. A further measure relevant to the commercial exploitation of children was the ratification of ILO Convention No. 182 via Act No. 1/2000.

Unfortunately, to the end of this reporting period (June 2000), Indonesia had yet to develop a national agenda for action as mandated by the Stockholm Congress. However, it is hoped that drawing up of the National Action Plan mandated by the ILO Convention No. 182 will pave the way towards providing protection for child victims, in particular child victims of commercial sexual exploitation.

On measures to protect child victims of sexual abuse, it is hoped that the amendments currently being made to the Criminal Code will provide more adequate protection for child victims of sexual abuse (and child victims of commercial sexual exploitation).

Progress made

Due to the absence of any effective measures to provide protection for child victims of sexual abuse and sexual exploitation, no progress can be reported thus far.

Meanwhile, the social reality is that the sexual exploitation and sexual abuse of children is seems to be on the increase, in particular as a result of the economic crisis that began in 1997. A new problem in this regard is that paedophilia, involving foreign nationals for instance, is becoming more commonplace.

PAEDOPHILIA IN BALI

Since 1996, researchers from Udayana University, Bali have been conducting a very detailed ethnographic research into the involvement of foreign tourists in the sexual exploitation of children. Up to 1999, eleven foreign nationals have been identified as having been frequently married to and divorced from children under the age of 13, in particular girls from one village in Karangasem. Among those identified are people photographing children in exotic poses, collecting children's underwear, and taking children to watch pornographic films. The eleven people identified (German, Australian, American, and French), and who have been observed closely for a long period of time, in fact often "swap" children with one another. Several paedophiles have also been identified as sending children overseas. They purchase houses in remote and isolated villages. As yet no foreign paedophiles have been arrested and jailed in Bali. The researchers themselves are afraid to make a report since these paedophiles belong to a powerful network, which could put the researchers' safety at risk.

Factors and difficulties

- Aside from the lack of commitment from legislators and the lack of awareness on the part of the bureaucracy to providing better protection for child victims of sexual abuse and (commercial) sexual exploitation, an objective difficulty exists regarding the legal system currently in force in Indonesia; a system, which with regard to both civil and public law, was inherited from the colonial legal system (certain similarities exist between the two). Therefore, comprehensive measures are needed to review and improve the legal system in Indonesia.
- Also, it should be noted that the persistently strong moral religious approach to reproduction and sexuality in general often obfuscates the practical importance of providing protection for victims.

Priorities for the next 5 years

- Complete the National Plan of Action mandated by ILO Convention No.182, and draw up a National Agenda for Action as mandated by the Stockholm World Congress Against Commercial Sexual Exploitation of Children. These two documents should be comprehensive and integrative, so that they can be used as a platform for building programmes for prevention, protection, psychosocial recovery, and social reintegration of child victims of commercial sexual exploitation.
- At a legislative level, given that the Criminal Code is a most essential compilation of penal law special attention will also be given to the drawing up of a new Criminal Code, which is currently underway, in particular to providing more adequate protection for child victims of sexual abuse and of sexual exploitation. Also, priority will be given to drawing up the Child Protection Act, also currently in process.
- At an administrative level, the surveillance system will be improved, in particular in law enforcement institutions. In this regard, cooperation will be forged at international level (both bilateral and multilateral), in particular with regard to the principle of extra-territoriality and child sexual trafficking.
- At a social and educational level, relevant social and education measures will be adopted oriented towards compliance to the principles and provisions contained in the CRC relevant to this issue, in particular by taking advantage of the opportunity provided by regional autonomy through decentralised approaches (while awaiting amendments to legislation at national level).

4. Sale, trafficking and abduction (art. 35)

Situation

To date, little is known about situation concerning the sale, trafficking and abduction of children, although several cases have been identified. Mass media reports in newspapers and magazines particularly, reported on 15 cases of child abduction from January – March 2000. In general, the children involved were aged under 10 years. Of the cases reported, perpetrators admitted having abducted the child to be used for sexual purposes, for work, or to accompany the perpetrator's wife at home. Up to April 26 2000, no children were reported missing.

Measures adopted (1993-June 2000)

With regard to this issue, no measures were adopted during this reporting period. However, it should be noted that cases of abduction and sale of children are normally handled as criminal cases under the Criminal Code.

Progress made

Therefore, no progress can be reported on this issue during this reporting period.

Factors and difficulties

The main difficulty is thought to be that no analysis has been made of this situation, so that systematic measures to protect children from sale/trafficking/abduction cannot be drawn up. In this regard, it should be noted that there is a conceptual problem with regard to differentiating between sale and trafficking, and to the difference between trafficking and trafficking for sexual purposes as a part of the commercial exploitation of children.

Priorities for the next 5 years

The most relevant priority is to conduct analysis of the situation as a platform for drawing up systematic measures that need to be adopted.

5. Other forms of exploitation (art.36)

Situation

Other forms of exploitation can perhaps be reported using several examples. Exploitation of child celebrities is one case in point. According to a report in one daily newspaper published in Jakarta in February 2000, from journalist observations and interviews with the parents of these children, it is known that several child celebrities are forced to work more than 6 hours a day recording in recording studios (for films and advertisements). If that is the case, this undoubtedly cuts into their play and recreation time. This is also in violation of ILO Convention No. 182, which has been ratified by Indonesia.

Another example of note is the frequent incidents of ethnic conflict and social tension of late. According to reports, children of school age and young people are often enticed into or allowed to be involved in such unrest, looting and plundering for the most part. As a consequence, many children have been injured or have even lost their lives. Although no definite figures are available, television reports on the unrest and looting in various regions of Indonesia do indicate that children are involved.

Measures adopted (1993-June 2000)

No measures have been adopted during this reporting period in response to other forms of exploitation of children.

Factors and difficulties

It should be noted that issues such as exploitation of child celebrities are not yet given serious attention in Indonesia. Meanwhile, in cases of unrest involving children, the political situation sometimes dampens the desire to uphold the law.

Priorities for the next 5 years

One challenge for the protection of children in this regard concerns public perception of the forms of exploitation of children.

D. Children belonging to minority or indigenous groups (art. 30)

Situation

Minority groups in Indonesia can be categorised based on religious, ethnic and geographical differences:

- Citizens whose religion differs from that embraced by the majority
- Isolated indigenous groups

One minority group then are those who profess to a religion other than Islam. According to records from the Department of Religious Affairs, religious minorities make up around 12.7% of the population (Protestant, 6.04%; Catholic, 3.58%; Hindu, 1.83%; Buddhist, 1.03%; and others, 0.32%); while the majority 87.21% is Muslim.

Legislation in force prior to the start of this reporting period that discriminates against minority religions includes:

1. *Presidential Decree No. 1 of 1965 concerning Prevention of Religious Profanity or Blasphemy*, which states (Article 1) that the Indonesian government recognises only certain religions. This decree became law

following the enactment of *Act No. 5 of 1969 concerning Declaration of Several Presidential Decrees and Presidential Regulations as Acts*.

2. *Circular Letter of the Minister of Home Affairs No. 477/4054 dated November 18 1978 concerning Guidelines for Completing the "Religion" Column in the Appendix to Circular Letter of the Minister of Home Affairs No. 221-a of 1975.*

Other restrictive provisions in effect prior to the start of this reporting period, affecting in particular Indonesian citizens of Chinese extraction by effectively restricting their organisation of religious and traditional activities are contained in the discriminatory *Presidential Instruction No. 14 of 1975 concerning Chinese Religions, Beliefs and Traditions*.

On indigenous groups, *Presidential Decree No. 111 of 1999 concerning Developing the Social Welfare of Indigenous Communities*, states that indigenous communities are "Communities that reside or range in geographically remote and isolated places, are isolated in a socio-cultural sense, and/or remain underdeveloped if compared to the Indonesian people in general. They generally live in remote highlands, remote lowlands, coastal areas or marshland, and marine estuaries."

Further, it should first be noted that in Indonesia there are around 360 ethnic groups, more than half of which are to be found in the province of Papua. Some live in remote areas far from public service facilities.

Conflict arising from the violation of the rights of indigenous people continues to rage throughout Indonesia. Between the Sugapa people of North Sumatra and PT. Inti Indorayon Utama, between the Moi people of Sorong and PT Intimpura, and between the Amungme and Kamoro peoples and PT Freeport Indonesia in Irian Jaya. In Sulawesi, the Kali people have been forced to accept the development of a hydroelectricity project on Lindu Lake, and in Toraja the development of coffee plantations is encroaching more and more on to indigenous lands. In East Kalimantan, the Bentian people, who call themselves '*Sempekat*

Jato Rempangan', are in conflict with PT Kalhold Utama. In August 1994, the Dayak people in Sandai and Sungai Laur Sub-districts in Ketapang Regency, West Kalimantan were in conflict with PT Lingga Teje, a holder of Forest Industry Concessions. The Ombo Lake case in Java involving the Kanekes people also demonstrates that land rights and indigenous rights are being increasingly encroached on by development.

In 1996, the Social Welfare Data and Information Centre, Department of Social Affairs reported that the total population of indigenous people amounted to 2 million. By 1998, this figure had fallen to 1.2 million people or around 215,789 families spread throughout 18 provinces of Indonesia. People under the age of 20 (children) account for an estimated forty-five percent of this figure.

Based on data from the Department of Social Affairs (1995), the habitats of indigenous groups can be divided into four categories:

1. Highland communities, such as the Dani, Ekari, Ngalum, and Lani in Irian Jaya (Papua), the Tolare in Central Sulawesi, the Bukit Dayak in South Kalimantan, and the Baduy in Lebak;
2. Interior communities, such as the Punan, Kenyah and Manyuke in Kalimantan, the Wana in Central Sulawesi, the Anak Dalam, Talang Mamak and Sakai in Sumatra, and the Tugutil in Halmabera;
3. Coastal and marshland communities, such as the Asmat and Muyu of Irian Jaya, and the Akit and Bonai of Sumatra;
4. Marine estuary communities, such as the Bajau and Laut of the Riau Archipelago.

These groups cannot be categorised as indigenous peoples as defined in ILO Convention No. 169 Article 1 (b), but are more correctly categorised as tribal peoples, whose social, cultural, and economic condition, and status is governed by the customs and traditions of the community or by special laws and regulations.

One problem particularly concerning children belonging to indigenous groups is that in general these children have no access to basic education services, health services and other social welfare services. These children generally live with their parents and communities in remote areas (physically isolated due to the habitat in which they live) and are prevented from communicating with the outside world (social-cultural isolation). They also have strong traditions and have difficulty accepting values from outside, leaving them more underdeveloped than the people of surrounding communities. In terms of level of welfare, these indigenous groups are categorised as very poor.

Measures adopted (1993-June 2000)

The main legislative measure adopted by Indonesia with regard to the rights of children belonging to minority or indigenous groups was the adoption of Act No. 39 of 1999 on Human Rights.

Article 22 of Act No. 39/1999 states:

- (1) Everyone has the right to freedom to choose his religion and to worship according to the teachings of his religion and beliefs.*
- (2) The state guarantees everyone the freedom to choose and practice his religion and to worship according to his religion and beliefs.*

These provisions set forth in Article 22 of Act No. 39/1999 indicate a shift in the attitude of the Indonesian government, by legally eradicating past discriminatory administrative practice which recognised the existence of only certain religions (Islam, Protestant Christianity, Catholicism, Balinese Hinduism, and Buddhism).

The coming into force of Act No. 39/1999, revoked discriminatory provisions contained in previous regulations, in particular in the Presidential Decree No. 1 of 1965 and Circular Letter of the Minister of Home Affairs No. 477/74054 dated November 18 1978 referred to above. Also, in follow up to Act No. 39/1999, came the issue of Presidential Decree No. 6/2000 concerning Revocation of Presidential Instruction No. 14 of 1967 concerning Chinese Religions, Beliefs and Traditions.

This means that Chinese religious and traditional activities may be organised without the need for a special license as in the past.

With regard to indigenous groups, during this reporting period the Indonesian government through the Department of Social Affairs (now the Ministry of Health and Social Affairs) has worked towards improving the welfare of indigenous groups in Indonesia through various policies and programmes in implementation of Decree of the Minister of Social Affairs No. 05/HUK/1994 on raising the social welfare of indigenous groups, realised through the Indigenous Peoples Social Welfare Programme. The essential goal of this programme is to improve the welfare of indigenous communities, including children belonging to indigenous groups.

Following the issue of Presidential Decree No. 111 of 1999 concerning Developing the Social Welfare of Indigenous Communities, the name of this programme changed to the Indigenous Community Social Welfare Programme (ICSWP).

Technical policy to optimise implementation of this programme is as follows:

1. Improving the quality and reach of social services (clothing, food, housing, education and health) for children and families.
2. Improving the intensity of coordination through ICSWP Work Teams, which include stakeholders from government, higher education establishments, NGOs, traditional/community leaders, and international consultants.
3. Consolidating the role of ICSWP consultation forums in regions or environments where indigenous communities live.
4. Building the role of civil society (particularly NGOs) in empowering indigenous groups.

As a consequence of Presidential Decree No. 111/1999, Decree of the Minister of Social Affairs No. 05/HUK/1994 and these technical policies, the government is making a more serious effort to improve the development of indigenous groups by establishing teams of experts and intersectoral work teams at both national and regional levels, charged with drawing up plans for and implementing and monitoring programmes appropriate to the local social cultural system.

Between 1997 and 2000, budget allocation through the Department of Social Affairs for this initiative increased on average by 75% annually. In the 1998/1999 fiscal year, Rp 35 billion was allocated, up 88% over the 1997/1998 budget of Rp 18.6 billion.

Key activities implemented involve a social-cultural approach and social-cultural motivation, setting up of social operations units, undertaking social-cultural and environmental research, providing guidance in settlements, guidance in consolidating the social condition and guidance in development of indigenous communities.

Activities carried out in 1998/1999 can be categorised into four groups, by type of service provided:

1. In-situ development, or development of communities built on lands originally belonging to the indigenous group;
2. Ex-situ development, or development of communities built on suitable new locations (involving 7,894 families);
3. Community incentive development that focuses on the community's own capacity to contribute public and social facilities. The target group in this case amounts to 1,918 families, while 4,699 families receive up-grading.
4. Relocation in Transmigration Locations: This is an integrated programme involving the Department of Social Affairs, the Department of Transmigration, the Department of Health, the Department of Religious Affairs, the Department of Agriculture, the Department of Forestry, the Department of Education and Culture, the Department of Home Affairs, and Regional Government, which

prioritises target communities living in physical and social-cultural isolation that renders them underdeveloped in several aspects of their lives.

In addition to the above activities, to improve family welfare start-up capital assistance for income generating activities has been given to 3,495 families spread across 83 groups in 57 locations. This programme is one way of improving family welfare, which it is hoped will ultimately have a positive impact on the quality of life and welfare of the children belonging to these indigenous groups.

One activity relevant to the protection of the rights of children belonging to indigenous groups, is an intersectoral programme facilitated by Regional Work Teams aimed at empowering indigenous groups to improve the access their children have to basic education and health care facilities.

Efforts to improve ICSWP by providing protection for the rights of the child have been made through a consultative forum between ICSWP Work Teams and Heads of Provincial Offices of the Department of Social Affairs and Heads of Regency Bureaux of Social Affairs, and by participation in training on Child Care Skills for Social Workers or Workers at Government or Private Social Institutions, held on July 29 1996. The expected goal is to extend the reach of social childcare services to include children belonging to indigenous groups.

Efforts towards appropriate development of indigenous communities based on local social-cultural systems are also being made by NGOs, such as Yayasan Kemajuan dan Pengembangan Asmat in Jakarta, Yayasan Bimbingan dan Santunana Masyarakat Baduy in West Java, Yayasan Bina Masyarakat Pedalaman in East Kalimantan, Yayasan Penyantunan Anak Masyarakat Terasing in South Sulawesi, Yayasan Bina Desa and Lembaga Studi Masyarakat Terasing in Irian Jaya.

One notable example of participatory development and empowerment of indigenous groups is a joint NGO initiative undertaken by the Consortium for the

Development of the Nusa Tenggara Highlands, which between 1993 and 1996 designed a model of development employing Participatory Rural Appraisal. Also, Studio Driya Media (an NGO) in cooperation with several other NGOs (including Mitra Tani, World Education, Bina Swadaya, LP3ES, Yayasan Mandiri, etc), widely publicises the PRA method for application in many provinces, particularly in underdeveloped rural areas of Kalimantan, West Java, West Nusa Tenggara, East Nusa Tenggara etc.

Including awareness of the importance of taking into consideration local tradition, language and social institutions, the PRA method provides a sensitive approach to the diversity of indigenous social-cultural systems. Many studies employing PRA identify child welfare as an issue, as well as a public need to improve education and health. The diversity of social-cultural systems must be understood and conceived of as a resource or source of social capital existing in these communities. Although in many parts of Indonesia local social-cultural systems have undergone change and have begun to disappear, if local cultural characteristics are revitalised in appropriate ways, this will, over time, make a significant contribution towards national development.

Progress made

With the enactment of Act No.39 of 1999, children and parents belonging to religious groups will no longer be subjected to discriminatory services. They shall have equal access to basic education and health care services, be allowed to enjoy their own culture, practise their own religion, and use their own language.

Likewise with regard to religious education, every school must provide appropriate lessons to all children, whatever their professed religion. Also, every child has the legal right to worship or celebrate religious festivals in accordance with his religious beliefs.

On indigenous groups, the total population of indigenous people amounts to 1,198,294, with only 49,061 families now having access to basic social services. Meanwhile, 202,695 other families have no access to social services, the majority 65% of whom live in the province of Papua. In this province, 5,936 families belonging to indigenous groups currently have access to basic social services, while 135,500 families or 735,765 people continue to have no access to basic social services.

The setting up of regional work teams has prompted sector units and regional government to develop social infrastructure and facilities by building roads, markets, schools, and health care facilities. Also, there is an initiative to develop a referral system for children belonging to indigenous groups allowing them access to services offered by their nearest Child-Concerned Social Institution.

Due to an absence of an integrated monitoring and evaluation mechanism, in particular with regard to social protection for children, data on child education and welfare development are not monitored.

Factors and difficulties

On religious minorities, provisions set forth in Act No. 39 of 1999 are not easily understood by the general public, as this is a sensitive issue in Indonesia. In implementation of these provisions government regulations are needed to confirm that everyone has the right to freedom to choose his religion and to worship according to the teachings of his religion and beliefs, and that the state guarantees everyone the freedom to choose and practice his religion and to worship according to his religion and beliefs.

On indigenous groups, several difficulties in improving the social welfare of indigenous groups have been identified at ICSWP consultative forums. Difficulties often encountered in providing protection for children belonging to indigenous groups, include:

- Because programme goals are still limited to family targets, social welfare improvement programmes targeted at indigenous communities do not prioritise child protection initiatives.
- Some social protection initiatives for children are not properly monitored due to the absence of an integrated and intersectoral information, monitoring and evaluation programme.
- Limited awareness on the part of policy makers, programs and projects on the importance of implementing the rights of the child to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language, as set forth in Article 30 of the CRC, means initiatives tend to be mainstream culture oriented rather than indigenous culture oriented.
- Since available education and health care facilities are geographically outside the reach of indigenous communities, their participation in education and access to health care facilities is poor. However, efforts to 'take' children out of these communities to attend school continue to meet with resistance from local leaders.
- The limited number of teachers in indigenous communities means that teachers teaching near isolated or remote indigenous communities generally come from outside the community itself, bringing with them cultures and traditions that differ from those of children they are teaching.
- Social workers providing social assistance encounter difficulties communicating and relating with indigenous communities, due to their geographical isolation and other geographical factors, a lack of adequate facilities and infrastructure, and a lack of communication tools.

- The limited capacity of social workers in applying participatory approaches (such as PRA) sensitive to the diversity of social cultural systems, means these systems are not optimally utilised in the process of developing indigenous communities, even though the local social cultural system constitutes a source of social capital that has grown and flourished from generation to generation and remains strongly rooted in the community.

Priorities for the next 5 years

On religious minorities, there is a need to programme efforts to harmonise regulations and national and local administrative practices to bring them into line with Act No. 39 of 1999 on Human Rights.

On indigenous groups, the aim for the next five years is to gradually raise the quality of life of children belonging to indigenous groups to that of Indonesian children in general, and provide them equal access to basic education and health care services.

The expected goal is to improve the level of welfare of children belonging to underdeveloped indigenous communities in isolated and remote locations.

Strategy to achieve the goal will include empowerment of families and communities; participation from local leaders and the community; protection of local potential and culture including protection of territorial rights and traditional rights; optimisation of local resources; partnership and cooperation with NGOs; decentralisation of project implementation; and integration of territorial mapping in order to provide children the maximum possible access to education and health care services.

Components of these activities will include:

- Ethnographic study and needs analysis on the protection the rights of children living in isolated indigenous communities;
- Integrating Article 30 and other relevant articles of the CRC into handbooks on empowering indigenous communities;
- Widely publicising ILO Convention No. 169 on Tribal Peoples and Indigenous Communities in Independent Nations, and then lobbying the Indonesian government to ratify this convention;
- Conducting studies of and/or drawing up academic papers on the rights of children belonging to indigenous communities, in particular the rights referred to in Articles 24-31 of the CRC;
- Providing social guidance and counselling on the importance of protecting the child's right to remain living in his or her own culture, professing and practising his or her own religion and using her or her own language;
- Developing integrated infrastructure and establishing social operations units, structuring and developing public facilities, and providing education and health care facilities;
- Implementing outreach programmes and developing a referral system for children who want to participate in formal education or would like access to social institutions;
- Improving the access children have to basic health care services;
- Providing health, reproductive, and nutrition services for children and women.