

# Issue Briefs

## Child protection

### A systems-based approach

**A**n effective child protection system safeguards children against all forms of abuse, neglect, violence and exploitation. The causes of phenomena such as child abuse, child exploitation and neglect are inter-related at a deeper level. Recognizing these causes and identifying the range of actions involved in protection will require a systems-based approach, rather than a narrow issue-based approach that focuses on categories of children.

**Effective child protection systems require several interlocking components.** These include a social welfare system for children and families, a justice system that is in line with international standards, and mechanisms to foster appropriate behaviour amongst communities. A supportive legal and policy environment is also required, along with data and information systems. At community level, the various components should converge in a continuum of child protection services that promote children's wellbeing and protection and enhance the capacity of families to fulfil their responsibilities.

**The continuum of child protection services at community level extends from primary and secondary prevention services to tertiary response services.** Primary prevention services aim to strengthen the overall capacity of society in caring for children and keeping them safe. These include activities that change attitudes and behaviour, strengthen parenting skills, and sensitize communities on the negative impact of violence on children. Secondary prevention or early intervention services focus on families and

children at risk, in order to change circumstances before abusive behaviours result in actual harm to a child; for example, family counselling and mediation, and economic empowerment. Tertiary interventions respond to situations where the child is already in crisis and is abused, exploited, neglected, or harmed. Interventions may then seek to remove the child from harm or, as appropriate, provide structured supervision and support services. Preventive mechanisms are clearly preferable to tertiary or reactive interventions.

### Indonesia's child protection systems

**T**he legal and policy environment in Indonesia requires strengthening to prevent and respond to violence, abuse, neglect, exploitation, and abandonment of children. The current legal and policy framework is conducive to promoting children's rights, but still has some significant gaps. The legal framework should designate a government agency with the clear mandate, authority, and accountability for the management and delivery of child protection services. Indonesia also faces the daunting challenge of ensuring coherence in local legislation (Perda) and policies on child protection in its nearly 500 districts, each with the authority to set its own laws. The recent move by the national government to develop guidelines for Perda, based on the system-based approach to child protection, is therefore a positive step.

**Indonesia's new Law no. 11 of 2012 on the criminal juvenile justice system, adopted in July 2012, is a significant step forward.** The new law will enter into force in two years' time. It uses principles of restorative justice to guide cases involving juveniles,

including rehabilitation, and introduces mechanisms to make diversion, or out-of-court solutions, more effective. Parts of the law, however, still do not conform to international standards. For example, the best interest of the child is not always a primary consideration in procedures and the minimum age of criminal responsibility is 12 years. Diversion is conditional, in most cases, on the consent of the victim. Sending the child to an institution is included as a diversion option, amongst other options, which may lead to administrative or de facto detention without full guarantees.

***At district level, regulations and policies on child protection tend to be issue-based, emphasize the rehabilitation of victims and often overlook the preventive aspects.*** The lack of a clear designation of authority for child protection services at provincial and district levels makes actions fragmented and poorly coordinated. Local governments do not allocate sufficient budgets for child protection, and the capacities for implementation are generally weak.

***Social and family welfare services in many provinces have well-developed tertiary responses for children in crises, but remain inadequate in terms of prevention.*** Specialized police units (PPA) and hospital-based integrated service centres (PPTs and PKTs<sup>1</sup>) provide medical care, psychosocial support, legal advice and child-sensitive investigative procedures for child victims of the most serious forms of violence and of trafficking. However, these service units generally address only the most serious cases. They do not have the mandate or capacity to assess the family environment, or to ensure that children receive appropriate care and protection after they leave the centre. Tertiary responses have also focused on the development of social protection homes or shelters (RPSA<sup>2</sup>), where child victims can take refuge.

***Without early identification mechanisms, systems and services tend to respond only when the child is already in crisis.*** The existing network of social workers and paraprofessionals are not equipped with the skills to engage with communities and families and provide primary and secondary services that protect children. Social workers do not have the authority to intervene on behalf of the state.

***An innovative social assistance programme provides help for the most vulnerable groups of children.***

The Indonesian government recognizes that economic deprivation can lead to increased child vulnerability and that children in extreme poverty face higher risks of neglect, violence, exploitation, abuse and discrimination. The Child Social Welfare Programme (PKSA<sup>3</sup>) provides cash directly to five groups of children defined as “neglected children, street children, children in contact with the law, children with disabilities and children in need of special protection.” Government or NGO-based social workers monitor the cash disbursement and use. The cash helps the child meet some basic needs, such as food, schooling and health services, and encourages the shift from institutional to family-based care.

## Vulnerabilities

***In 2010, 55 per cent of children under the age of five in Indonesia were registered, an improvement of 15 percentage points from 2001.***

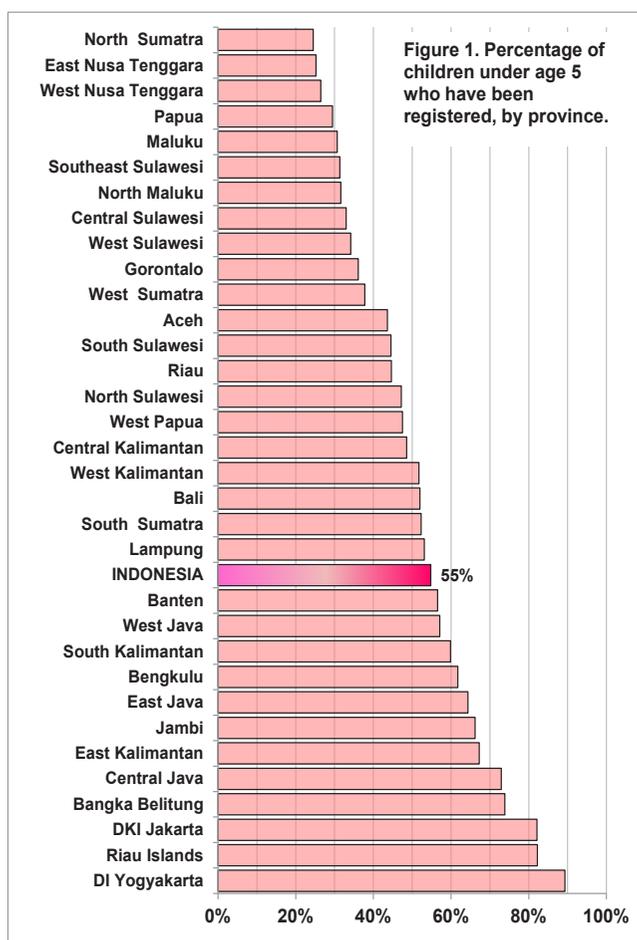
Children who are not registered are at greater risk of being trafficked and sexually exploited, forced into marriage as a child and exploited as child labour. Calculations using census data show that over 10 million children are not registered across the country. The rates vary greatly between provinces (Figure 1). Cost is the most commonly cited reason for failing to register birth regardless of place of residence and economic status. The government, recognizing the importance of the issue, has made birth registration free. However, this has not entirely solved the problem, since transport and indirect costs (such as time off work) are still involved, and some districts continue to charge a fee. The second most cited reason for not registering the birth of a child is the lack of information: not knowing why and where they should register.

***Violence against children at home, on the street and in schools requires urgent attention.*** In a 2009 four-province survey, high proportions of adolescent respondents in Aceh, Papua, Central Java, and East Nusa Tenggara reported experience of violence, including sexual abuse (Figure 2). Violence happens at home or in the family environment. It is perpetrated by those who are supposed to be responsible to protect children. Violence is also

1 PPA: *Unit Pelayanan untuk Perempuan dan Anak*; PPT: *Pusat Pelayanan Terpadu*; PKT: *Pusat Krisis Terpadu*

2 RPSA: *Rumah Perlindungan Sosial Anak*

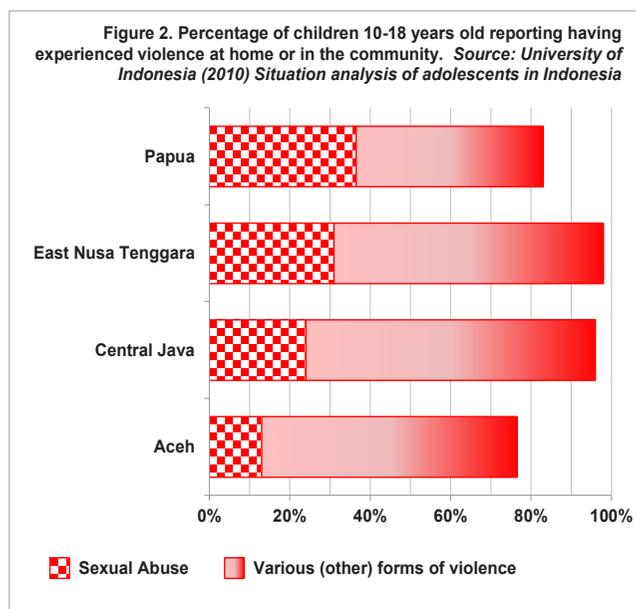
3 PKSA: *Program Kesejahteraan Sosial Anak*



University of Indonesia showed that 96 per cent of child cases that came to court resulted in custodial sentences; 60 per cent of these sentences exceeded one year; and there was little or no legal aid. Indonesia's Directorate General for Corrections estimates that some 5,000 children are incarcerated at any one time, either awaiting trial or serving their sentences. Many are incarcerated for petty crimes and minor offences, such as theft, vagrancy, truancy or drug misuse.

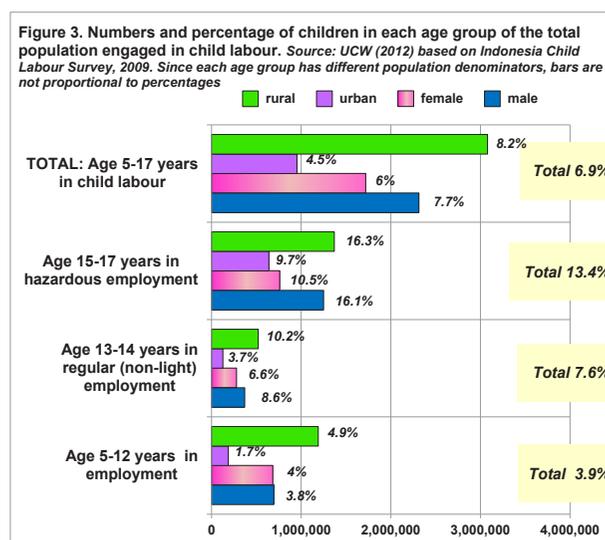
**Indonesia has some four million children engaged in child labour, including two million working under hazardous conditions** (Figure 3).

Children engaged in labour accounted for some seven per cent of the 5-17 years age group in 2009. The majority work as unpaid family workers on plantations and farms. Those exposed to hazardous conditions or the worst forms of child labour include children who work in mines, construction sites, quarries and children employed in the commercial sex industry. Almost two-thirds of out-of-school children engage in some productive activity. One quarter of out-of-school children in the 10-14 years' age group have less than four years of education, which means they will grow up to be functionally illiterate adults. These figures underscore the importance of accelerating efforts in second chance education and in providing other services that enhance children's life options. Comparison of 2009 and 2004 surveys show that child labour has not decreased.



perpetrated by teachers in both public schools and Islamic boarding schools. Indonesia's 2010–2014 Medium Term Development Plan highlights the problem of the need for data on, and the analysis of, violence against children, the risks and causal factors.

**Children in conflict with the law need protection from abuses and violations.** A 2006 study by the



**Child labour prevalence in rural areas is about three times that in urban areas.** Amongst older children, it involves more boys than girls (Figure 3). The factors influencing household decisions on whether to involve their children in work or send them to school

include the age and sex of the child, the education of the household head, household income, and the place of residence. The probability of a child working increases with age, either because of the rising opportunity cost of schooling as a child grows older, or the lack of access to schooling at the post-primary level. Other factors being the same, boys are more likely than are girls to work exclusively, and boys are less likely to attend school exclusively. Better-educated parents are less likely to have a child in full-time employment. Children from poorer households are more likely to participate in employment than are those from wealthier households. Children from urban areas are less likely to work and more likely to go to school than are those from rural areas.

***Ninety per cent of children who are institutionalized usually have at least one parent alive.*** In 2007, more than 56 per cent of children in childcare institutions had both parents alive. Less than 6 per cent of the children in care had lost both parents. The reasons for institutionalization appear to be poverty and the desire for parents to see their children educated. This means that children tend to stay the entire length of the education cycle in these institutions. Some of these institutions are religious, and most are in the private sector. Estimates of childcare institutions in Indonesia vary from 5,250 to 8,610.

***The standards of care in childcare institutions are still poor, despite the 2011 Ministerial Decree specifying institutional care standards.*** Most institutions do not keep to the norms set by central government. Children are subject to violence and are often belittled by the staff. Most institutions surveyed in 2007 had staffing shortages and children were carrying out the work instead of the staff. Many institutions are not supportive of regular meetings between the child and his or her family, and most discourage or prohibit such regular contacts. Some children in these institutions had not seen their families for several years. The childcare institutions benefit from governmental assistance schemes awarded on a per child basis, creating an incentive for the institutions to recruit large numbers of children.

## Barriers

***Certain traditions, attitudes and practices are harmful to children and violate their rights.*** Many communities, for example, see corporal punishment

and violence against children as the norm. Advocacy campaigns have largely been ineffective in changing such behaviours. The campaigns have focused on distributing posters and other communication materials, and have had limited coverage.

### ***The national legal and policy frameworks need to address the loopholes that weaken child protection.***

Policies are not yet fully in line with international standards. The legal framework still includes contradictory provisions, for example, the definition of children and the minimum age of criminal responsibility.

### ***Barriers in juvenile justice include the paucity of specialized staff, the lack of clear procedures for law enforcers and the insufficiency of resources, especially the limited budget allocation for probation officers.***

The limited number of juvenile detention facilities means that children may still be placed in detention with adult criminals. At community level, where traditional and informal justice practices may still prevail, there are no clear procedures regarding children and no agreement with the police on such mechanisms.

### ***Normative and institutional barriers at district level prevent child welfare and child protection services from being fully effective:***

- District legislation is generally not harmonized with national law.
- Coordination is generally lacking. For example, the justice sector seldom links up with those responsible for social welfare services.
- Roles and responsibilities are often unclear, due to the lack of a clear authority for the management and delivery of child protection services at provincial and district levels.
- Inadequacies in the numbers, capacities and mandate of social workers impede the provision of preventive services to protect children. In other words, the current tertiary care services are not yet part of a continuum of care that reaches into the community and family environment.
- Targeting is still an issue for the PKSA programme. The programme also needs to improve its monitoring.

### ***The lack of alternative care models is the main barrier in moving away from institutionalized care.***

Children without parental care and children from the poorest families need options other than institutionalization to grow up in a protective en-

vironment and to continue their education. Family-based care options need to be developed within an alternative care system supported and regulated by the government.

**Social assistance programmes for education need to reach the poorest children.** *Bantuan Siswa Miskin* (BSM) which provides cash transfers for poor students, and *Bantuan Operasional Sekolah* (BOS) for school operational grants, are both school-based and are not yet effectively reaching the poorest children who are out of school.

**Child protection data need to be better used in planning and policymaking.** Data on phenomena such as violence and trafficking are understandably limited, whilst other data, such as on child labour and early marriage, are collected through regular surveys.

## Opportunities for action

**The new juvenile justice law provides several opportunities.** It makes diversion mandatory, obliges law enforcement to assign specially certified staff, and strengthens the role of probation officers and social workers. Implementing the new law will require ensuring adequate capacities and resources for these strengthened roles and procedures.

**The child welfare and protection system needs to move away from a reactive and institution-based approach.** A more comprehensive approach to child and family welfare services delivery is required, linking up tertiary services with primary and secondary services in a continuum of protection for children. This will involve actions on several fronts:

- **Legal and regulatory frameworks need to be improved.** A comprehensive, binding legal framework is needed at the national level. Province and district legal and regulatory frameworks should be in line with the national framework.

- **The strengthening and delivery of child welfare and protection services will require a clear delineation of institutional roles, accountabilities and processes at each level.** The processes and criteria for reporting, assessment, intervention planning and case management need to be mapped out, standardized and socialized at all levels.

- **The capacities of provincial, district, and community social workers need to be strengthened.**

The newly defined roles and accountabilities should determine the capacity building needed at each level. District-level and community social workers will require practical tools, skills training, mentoring and supervision.

- **Districts will need to take responsibility for the training and accreditation of social workers.** Social workers are now the responsibility of the Ministry of Social Affairs, but as the network expands, districts will need to take over so that social workers become accredited district staff. Staff working in orphanages and childcare institutions should be retrained and reassigned as community social workers.

- **Outreach services to identify children at risk will require linking up social workers with the community-based health system network.**

The health system network, comprising health centres, health posts and Posyandu<sup>4</sup>, has the greatest reach. Social workers should be based at subdistrict (Kecamatan) level to link up with the health networks.

- **Monitoring capacities and data systems need to be improved.** The government will need to develop a set of agreed indicators, related standards and measurement approaches. In many cases, when the phenomenon is taboo or illegal, output data on processes and institutions can form useful proxies for gauging the situation. Useful output data, however, first requires the establishment by the government of agreed norms for processes and institutions. To the extent possible, regular surveys such as Susenas and Sakernas should be built upon. Indonesia may also wish to consider strengthening the independent monitoring function of the Indonesian Commission on Child Protection (KPAI).

- **At district and province levels, child protection bodies playing a monitoring role need to conform to nationally agreed indicators and methodologies within the national child welfare and protection framework.** Unless such coordination takes place, child protection data will not be comparable across provinces and districts and will not be useful for policy and planning.

<sup>4</sup> Posyandu: integrated services post, usually at community / village level

## Resources

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