

CHILD PROTECTION

unicef 
for every child

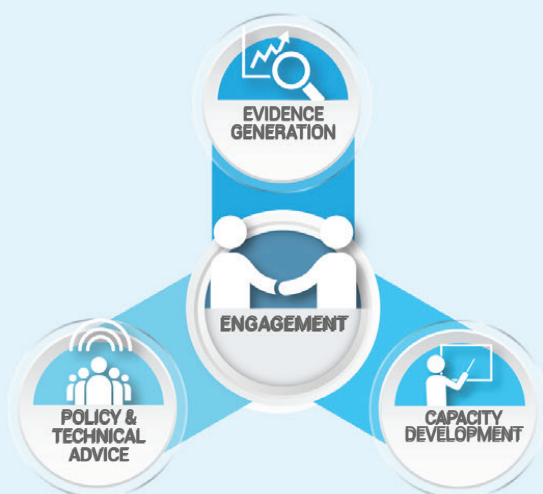


School girls in Mamuju, West Sulawesi.

Implementing child protection and welfare in Indonesia – For every child

About child protection

The Government of Indonesia's child protection agenda has led to significant improvements in children's well-being in recent years. A key factor in strengthening child protection is the development and improvement of policies, which require continuous attention to achieve positive child protection outcomes over the long run. Ensuring birth registration for all children presents an ongoing challenge in Indonesia, as does decreasing the prevalence of violence against children. Recently, the need has arisen to develop policies and programmes to meet the needs of children living without parental care and protect children during disasters. Child protection adds a new dimension to the overall need for disaster risk reduction, preparedness and response.



**UNICEF Indonesia's
Upstream Approach**

UNICEF in Indonesia

UNICEF works with a wide array of stakeholders to support child protection efforts across Indonesia, with the aim of developing a comprehensive system that promotes and ensures the protection of girls and boys in all contexts. For example, this work includes generating evidence to inform child-related policies and governance, strengthening the capacity of key stakeholders involved in ensuring children's welfare and providing innovative technical support for child-related policy reform and programming across the nation. UNICEF executes these strategies by nurturing partnerships for child rights and acting as a leading voice for all children, everywhere.

Why child rights matter

Children are individual human beings – they are neither the “possessions” of parents nor the State.

Children start life as totally dependent beings, relying on adults to guide them to independence – if adult caregivers are not available to do so, governments must then provide children with the best available form of alternative care.

Government actions impact children more than any other group – therefore all policy-making should consider the best interests of the child.

Listening to children’s views during political processes is important for their future participation in civic life.

The impact of societal crises is disproportionately felt by children, particularly during armed conflict, pandemics and natural disaster.

Children’s healthy development is crucial to society’s well-being and will have a positive impact its future.

Children’s earliest experiences often affect them throughout their lives – if we fail them, the costs are huge.



A brother helps his younger sister with her homework.

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Guiding child protection implementation in Indonesia

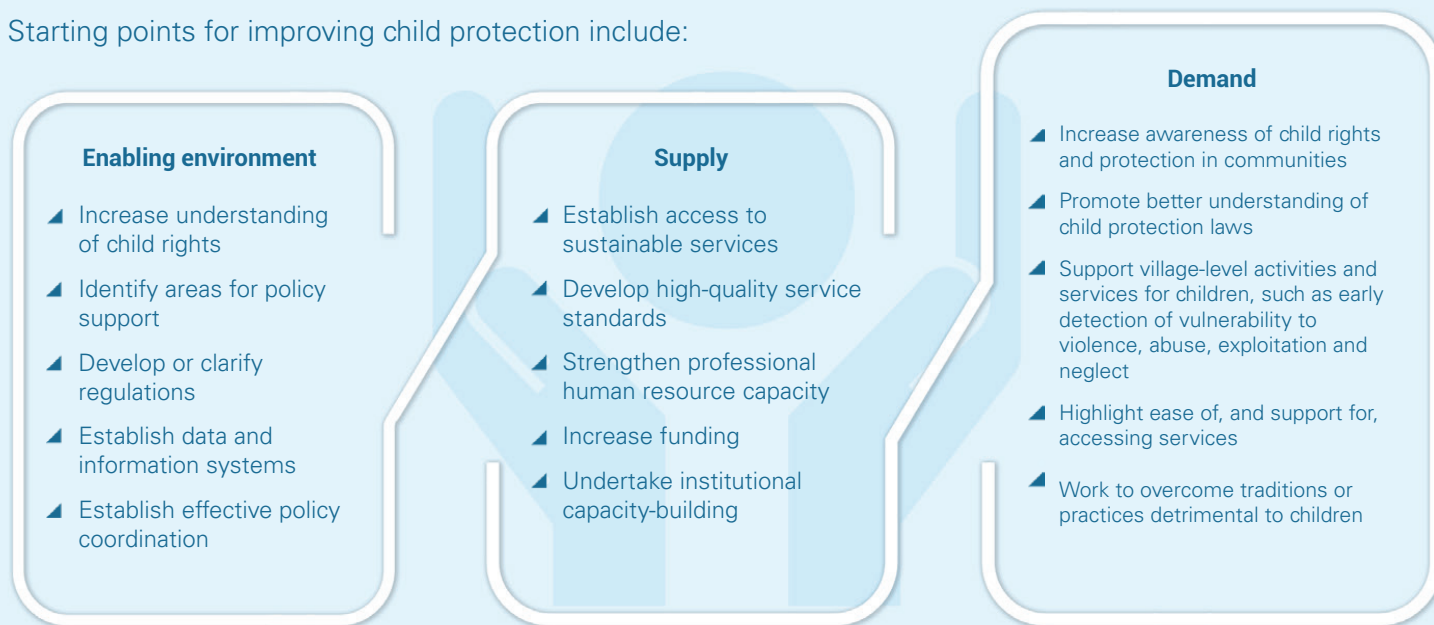
- ▲ Convention on the Rights of the Child (UNCRC)
- ▲ Sustainable Development Goals (SDGs)
- ▲ Indonesian Constitution 1945: Article 28B (2) and Article 34 (1)
Undang-Undang Dasar 1945: Pasal 28B (2) and Pasal 34 (1)
- ▲ Presidential Regulation No. 18/2020 on the National Medium-Term Development Plan 2020-2024
Perpres No. 18/2020 tentang Rencana Pembangunan Jangka Menengah Nasional (RPJMN) Tahun 2020-2024
- ▲ National Medium-Term Development Plan 2020-2024
Rencana Pembangunan Jangka Menengah Nasional (RPJMN) Tahun 2020-2024
- ▲ Law No. 35/2014 on the change to Law No. 23/2002 on Child Protection
Undang-Undang No. 35/2014 tentang Perubahan Atas Undang-Undang No. 23/2002 tentang Perlindungan Anak
- ▲ Government Regulation No. 6/2006 on Child Protection Implementation
Peraturan Pemerintah No. 6/2006 tentang Penyelenggaraan Perlindungan Anak
- ▲ Government Regulation No. 59/2019 on Child Protection Coordination
Peraturan Pemerintah No. 59/2019 tentang Koordinasi Perlindungan Anak

Triple-track approach to implementation

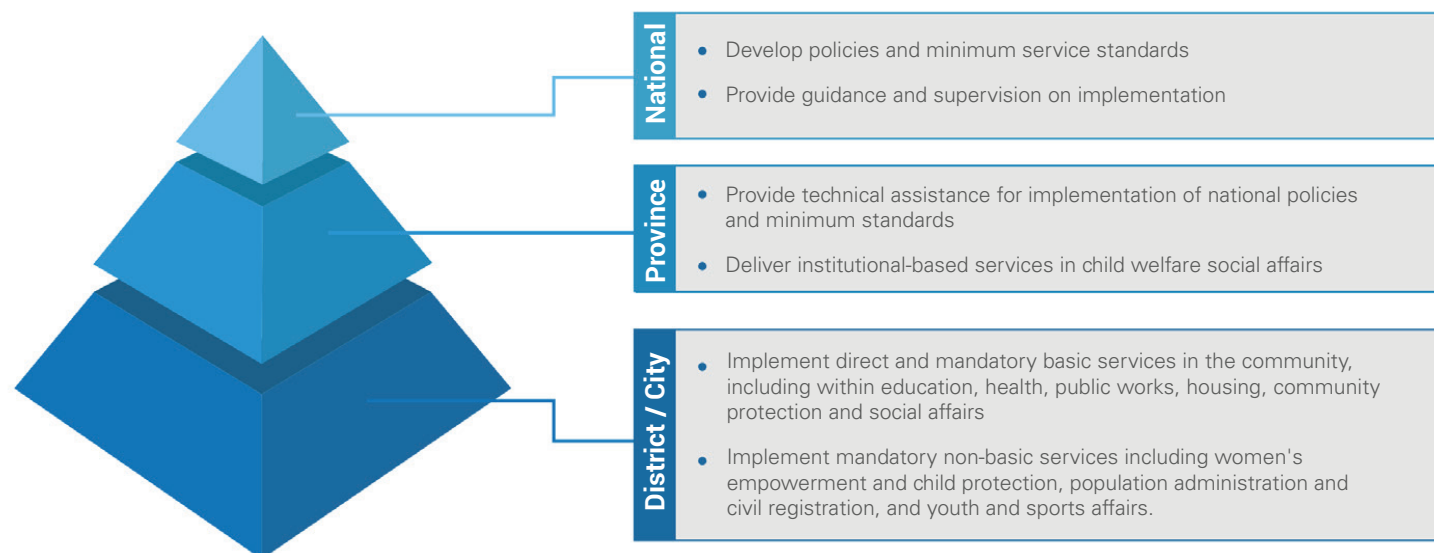
Three main approaches to ensuring child protection are required in Indonesia. First, an *enabling environment* that includes strong child protection services must be developed – an environment that facilitates increases and improvements in the ‘supply’ of child protection services, while also stimulating ‘demand’ for such services. Strengthening the enabling environment calls for: increased understanding of child rights, laws and policies that reflect pro-child principles, building data and evidence and strong funding to support implementation. Within this environment, governments and other child protection stakeholders must then ensure that child protection services and mechanisms are developed, accessible and promoted within communities. Concurrently, increased utilization and demand for such services must be established through improved community awareness about child protection, and efforts made to overcome social, cultural and economic factors that stand in the way of child protection.

Overcoming obstacles to child protection implementation

Starting points for improving child protection include:



Role of government in child protection





A young girl at a camp for residents displaced by the Central Sulawesi tsunami and earthquake disaster.

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Birth registration

Despite increases in the number of births registered, significant effort are still required to ensure that all Indonesian children are registered at birth – as a first step toward securing the future of the nation’s youngest generations. Along with increasing community awareness of this all-important outcome, programmes need to ensure that services are within reach of families with new-borns. Finally, children’s right to a legal identity must not be violated because of issues related to their parents (e.g., marital status).

RPJMN points

- ✓ ALL children between 0-17 years old must have a birth certificate by 2024.
- ✓ Civil administration must provide birth registrations for ALL new births by 2024.

Supporting legislation

- ✓ **Law No. 24/2013 on the change to Law No. 23/2006 on Population Administration**
Undang-Undang 24/2013 tentang Perubahan Atas Undang-Undang 23/2006 tentang Administrasi Kependudukan
- ✓ **Government Regulation No. 28/2017 on Regional Innovation**
Peraturan Pemerintah No. 38/2017 tentang Inovasi Daerah
- ✓ **Presidential Regulation No. 62/2019 on National Population Administration Acceleration Strategy for the Development of Vital Statistics**
Peraturan Presiden No. 62/2019 tentang Strategi Nasional Percepatan Administrasi Kependudukan untuk Pengembangan Statistik Hayati
- ✓ **Presidential Regulation No. 96/2018 on Requirements and Procedures for Population Registration and Civil Recording**
Peraturan Presiden No. 96/2018 tentang Persyaratan dan Tata Cara Pendaftaran Penduduk dan Pencatatan Sipil



Violence and exploitation

Efforts must be made to stop all forms of violence and exploitation of children, allowing Indonesia's children to develop and grow to their full potential. Physical, emotional and sexual abuse must be eliminated and greater attention paid to ending bullying and online exploitation. Child marriage must be halted under all circumstances, as must child labour and other situations that cause children to forfeit their right to education and other services.

RPJMN points

- ✓ Decrease in child violence, labour and marriage by 2024 through pro-active, child prioritised implementation of child protection.
- ✓ Creation of child-friendly spaces (offline and online) and institutions with approaches that prioritise the direct protection of children from violence and exploitation.

Supporting legislation

- ✓ **Indonesian Constitution 1945: Articles 28B (2) & 34 (1-3)**
Undang-Undang Dasar 1945: Pasal 28B (2) & 34 (1-3)
- ✓ **Law No. 35/2014 on the change to Law No. 23/2002 on Child Protection**
Undang-Undang No. 35/2014 tentang Perubahan Atas Undang-Undang No. 23/2002 tentang Perlindungan Anak
- ✓ **Law No. 11/2012 on Child Criminal Justice System**
Undang-Undang Nomor 11/2012 tentang Sistem Peradilan Pidana Anak
- ✓ **Law No. 23/2004 on the Eradication of Family Violence**
Undang-Undang No. 23/2004 tentang Penghapusan Kekerasan Dalam Rumah Tangga
- ✓ **Government Regulation No. 9/2008 on integrated service processes and mechanisms for witnesses and/or victims of human trafficking crime**
Peraturan Pemerintah No. 9/2008 tentang tata cara dan mekanisme pelayanan terpadu bagi saksi dan/atau korban tindak pidana perdagangan orang
- ✓ **Government Regulation No. 4/2006 on Implementation and Coordination of Family Violence Victim Recovery**
Peraturan Pemerintah No. 4/2006 tentang penyelenggaraan dan kerjasama pemulihan korban kekerasan dalam rumah tangga
- ✓ **Government Regulation No. 59/2019 on Implementation of Child Protection Coordination**
Peraturan Pemerintah 59/2019 tentang Penyelenggaraan Koordinasi Perlindungan Anak



Child protection during emergencies

Including child protection measures within all disaster-related activities is critical, as children's vulnerability to many forms of harm increases when disaster strikes. Efforts must be made to ensure that vital services such as health and education become available as quickly as possible, while psycho-social support and preventing family separation are also imperative at times of great upheaval. The incorporation of measures to protect children should be an integral part of all disaster preparedness efforts, including those aimed at strengthening community resilience.

RPJMN points

- ✓ Focus on development and improvement of disaster preparedness activities for communities – including child protection elements within all efforts.
- ✓ Increase capacity for child protection workers in disaster response institutions, and support the development of disaster response psychosocial support for children.

Supporting legislation

- ✓ **Government Regulation No. 21/2008 on Disaster Prevention Implementation**
Peraturan Pemerintah No. 21/2008 tentang Penyelenggaraan Penanggulangan Bencana
- ✓ **Government Regulation No. 22/2008 on Disaster Assistance Funding and Management**
Peraturan Pemerintah No. 22/2008 tentang Pendanaan dan Pengelolaan Bantuan Bencana



Children without parental care

Of the approximately 2.15 million Indonesian children not living with a biological parent, 500,000 live in care institutions outside the family environment.¹ More attention must be paid to caring for children living outside the home – regardless of their living arrangement or previous history. Support for extended families that take on the responsibility of a relative's child is imperative, and institutions and child welfare workers require significantly greater capacity and professional training. The development of an integrated social welfare system for Indonesia's children is a responsibility that must be assumed by all levels of government and all others active in the field of child protection.

RPJMN points

- ✓ Develop integrated social welfare systems that are certified to meet needs of vulnerable children including children without parents.
- ✓ Increase capacity of social workers, as well as economic support for families – in particular those taking on extra responsibility of child care.

Supporting legislation

- ✓ **Indonesian Constitution 1945: Article 34 (1-2)**
Undang-Undang Dasar 1945: Pasal 34 (1-2)
- ✓ **Law No. 11/2009 on Social Welfare**
Undang-Undang No. 11/2009 tentang Kesejahteraan Sosial
- ✓ **Law No. 14/2019 on Social Workers**
Undang-Undang No. 14/2019 tentang Pekerja Sosial
- ✓ **Government Regulation No. 44/2017 on Implementation of Parenting**
Peraturan Pemerintah No. 44/2017 tentang Pelaksanaan Pengasuhan Anak
- ✓ **Government Regulation No. 54/2007 on Child Adoption Implementation**
Peraturan Pemerintah No.54/2007 tentang Pelaksanaan Pengangkatan Anak
- ✓ **Government Regulation No. 9/2012 on Social Welfare Implementation**
Peraturan Pemerintah No. 9/2012 tentang Penyelenggaraan Kesejahteraan Sosial
- ✓ **Government Regulation No. 2/2018 on the Minimum Service Standards**
Peraturan Pemerintah No. 2/2018 tentang Standar Pelayanan Minimal



Justice for children

The plight of children who come into conflict with the law cannot be ignored, as many child rights are disregarded when children are subjected to the adult justice system. Policies and regulations already developed on this topic must be implemented at lower levels of government, and stakeholders in the legal system need to increase their engagement and understanding of justice for children. The focus should shift to alternative community diversion models, which require proper planning and funding to effectively support better outcomes for children.

RPJMN points

- ✓ Develop integrated models for alternative justice models for children at the provincial level.
- ✓ Increase awareness and understanding for law enforcement, legal stakeholders and the wider community regarding legislation, case management and protection of children in conflict with the law.

Supporting legislation

- ✓ **Law No. 11/2012 on Child Criminal Justice System**
Undang-Undang No. 11/2012 tentang Sistem Peradilan Pidana Anak
- ✓ **Government Regulation No. 43/2017 on Implementing Restitution for Children who are Victims of Crime**
Peraturan Pemerintah No. 43/2017 tentang Pelaksanaan Restitusi Bagi Anak yang Menjadi Korban Tindak Pidana
- ✓ **Government Regulation No. 65/2015 on Diversion Implementation Guidance for Case Management of Children Under 12**
Peraturan Pemerintah No. 65/2015 tentang pedoman pelaksanaan diversifikasi pada penanganan anak yang belum berumur 12 tahun



KEY ASKS



Students at MAN Model Sorong School in Papua Province take part in Life Skills Education.

UNICEF advocates for an Indonesia in which all children have legal birth certification, are free from violence and exploitation, are supported by a strong social welfare system in a protective family setting, enjoy child-specific justice interventions and are afforded specific attention in disaster- preparedness and risk-reduction efforts.

To achieve this, UNICEF calls for action by all government representatives – from villages to the national level – to support child protection implementation across Indonesia, as detailed below.



Ensure that all children have birth certificates, and that government takes responsibility for recording all new births by:

- ▲ Integrating registration within local-level frontline service delivery activities and initiatives
- ▲ Ensuring that birth registration services are available to communities everywhere, regardless of geographic location
- ▲ Focusing specific attention on social inclusion, to ensure that the needs of poor households, traditional communities and children with disabilities are considered during planning for service delivery
- ▲ Prioritizing the right of every child to a legal identity at birth, regardless of the marital or social status of the child's parents.



End all forms of violence and exploitation of children, by prioritising the rights and safety of the child in all cases and under all contexts by:

- ▲ Working with relevant parties to end child marriage, to ensure that girls and young women can complete their education and realize all other rights
- ▲ Ending all forms of physical and sexual violence and abuse against children by challenging harmful social norms, as well as by devoting increased attention to emotional abuse and its impact on children's mental health
- ▲ Protecting children from hazardous labour and ensuring that their education and health are prioritized over economic concerns
- ▲ Protecting children from online and digital threats such as sexual exploitation, violent content and social exclusion through bullying, while still allowing them freedom to take advantage of the digital world.



Develop social welfare service models that target more attention and resources toward vulnerable children and those without parental care by:

- ▲ Expanding and improving the PKSAI model and ensuring that sufficient funds are available to support efforts that incorporate improving child welfare and protection
- ▲ Developing family-based support options for children living outside of parental care
- ▲ Enforcing national standards on the quality of care of children in institutions and facilitating their integration into permanent, family-based care environments
- ▲ Strengthening social support mechanisms to better assist households caring for children not living with their parents, allowing them to continue their growth and development with as little upheaval as possible.
- ▲ Implementing pre- and in-service measures to expand the skills of social workers to meet children's complex needs, with the goal of creating a well-prepared and responsive social welfare system.



Devote significant attention, resources and actions to improving capacity and planning aimed at protecting children in emergencies across the country, including disaster preparedness efforts, by:

- ▲ Engaging with and implementing 'Child Protection Minimum Standards in Humanitarian Action' as a platform upon which to roll out child protection activities within disaster management practices
- ▲ Ensuring speedy, direct and specific support for children's health and education needs in the period following a disaster, with a focus on equity and meeting the most urgent needs
- ▲ Engaging communities – particularly children – in disaster-preparedness activities that are both general and child-specific, as well as ensuring that child protection forms part of overall disaster-preparedness measures.



Provide alternative and integrated justice mechanisms aimed at protecting children in conflict with the law, to avoid the negative impacts of the adult justice system on children's welfare and overall development by:

- ▲ Ensuring that juvenile justice laws are understood and applied at all levels of the justice system
- ▲ Designing, funding and strengthening alternative justice approaches for children and promoting engagement with the social services system
- ▲ Developing operating procedures and a case management system that support a more holistic approach to handling cases involving children.

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