

# Championing child rights and child protection in Indonesia



*This report is one in a series of case studies on building national child protection frameworks. The study was commissioned by Global Affairs Canada.*

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*This case study<sup>1</sup> is part of a UNICEF global initiative, undertaken in collaboration with Global Affairs Canada, to document national child protection frameworks in five core programming countries: Ghana, Indonesia, Kenya, Senegal and the United Republic of Tanzania. The studies are intended to generate a better understanding of the country context, government response, engagement by other actors and additional factors that are contributing to success in protecting children from violence, exploitation and abuse.*

*Information for this case study was collected over the period April 2014 to June 2015. A desk review of literature was undertaken, supplemented, where appropriate, by stakeholder consultations and meetings. During the development of the case study, the UNICEF country office in Indonesia conducted the first-ever independent evaluation of the child protection system in that country, engaging government, international and national non-governmental and academic partners in several provinces across the country. The findings of the evaluation informed the recommendations of this case study.*

*As the case study was being finalized, a new methodology was piloted by UNICEF Indonesia to assess the costs of strengthening the country's child protection system. The effort is another facet of the Canadian-funded global initiative. Phase II of the pilot will develop a tool to assess the status of Indonesia's child protection budgeting against a global 'norm' and, ultimately, to track incremental improvements – and gaps – in allocations and expenditures at national and subnational levels.*

## Introduction

Indonesia is poised to play a leading role in championing a post-2015 agenda for children in the region and globally. The amended Child Protection Law (2014) and the new medium-term development strategy (2016-2019) for the country articulate an ambitious agenda for child protection. Since 2009, Indonesia has adopted a systems-building approach to child protection, investing in structures, services and partnerships dedicated to safeguarding children from violence, exploitation and abuse. As a result, more children in conflict with the law are being diverted from places of detention, and a national campaign to end violence against children is reaching more than 2 million children, parents and community leaders. In 2015, the country will launch a

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<sup>1</sup>Suggested bibliographic reference: Ministry of Planning (Bappenas) Indonesia, UNICEF and Global Affairs Canada (2015). Championing child rights and child protection in Indonesia.

comprehensive agenda for child rights and a dedicated strategy for preventing violence in childhood.

Despite these efforts, significant legislative and policy gaps still exist that require support. Laws are sometimes contradictory and the implementation of certain policies tends to reinforce gender inequalities and discrimination against girls, in particular. Complex public administration procedures and the lack of a clearly mandated authority for child protection impede coordination and the effective delivery of services for marginalized children. Budgets are fragmented and laws protecting children are seldom enforced. Social work practice is still limited to ad hoc remedial interventions rather than comprehensive approaches. Consequently, more than 500,000 children are living in institutional care and responses to child victims are unreliable. Children continue to be witnesses, victims and perpetrators of violence at home, at school and in their communities.

As recommended by the country's first independent evaluation of the national child protection system, increased investments are needed by the government and other actors, especially in the area of social norms change, to ensure that the pace of progress accelerates. Involvement by children and young people themselves, along with development partners and the private sector, are critical to ensuring long-lasting transformation.

UNICEF's new country programme for 2016-2020 will aim for change at three levels: 1) increasing institutional governance by implementing a comprehensive framework for measuring accountability to children, 2) modelling tertiary and secondary approaches that strengthen the integration of social protection with social welfare service delivery that can be replicated across the country, and 3) modelling primary prevention partnerships at the family and community levels to foster changes in social norms that perpetuate violence against children, particularly girls.

## Country context

**Table 1. Indonesia: Demographic and core child protection indicators<sup>2</sup>**

Total population*	255,709,000
Population 0-4 years*	22,804,000
Population 5-9 years*	24,936,000
Population 10-19 years*	46,494,000
Children under 5 with a birth certificate (%)**	57
Birth registration before age 5 (total/urban areas/rural areas) (%)**	67/76/58
Female genital mutilation/cutting (girls aged 5-11) (%)***	51

<sup>2</sup> *Source:* UNICEF global databases, except where notes. Based on 2014 Multiple Indicator Cluster Surveys (MICS) and Demographic and Health Surveys (DHS).

\* United Nations Population Fund, 2015 projections.

\*\* Indonesia Demographic and Health Survey, 2012.

\*\*\* Government of Indonesia National Health Survey, 2013.

Child marriage (girls before age 18) (%)	17
Justifies wife-beating under certain circumstances (males) (%)	18
Justifies wife-beating under certain circumstances (females) (%)	35
Child labour (total/boys/girls) (%)	7/8/6
National prevalence data on sexual, physical and emotional violence is limited.	

Indonesia is the largest growth economy in Southeast Asia, with a gross domestic product that has expanded at a rate of 6 per cent a year over the past eight years. Although 25 of the 35 Millennium Development Goal indicators related to women and children in Indonesia are considered on track to meet the 2015 global targets, national indicators mask major inequalities. Despite overall progress in reducing poverty, some 29 million people live below the poverty line and another 70 million are highly vulnerable to falling into poverty in any given year. Indonesia is the world's fourth most populous country, with an estimated 256 million inhabitants, over one third of whom (37 per cent) are under the age of 19.

Only 18 per cent of children are free from any of the six dimensions of deprivation identified as key poverty indicators in Indonesia: education, child labour, health, shelter, sanitation and water. The risk of child poverty is heightened in rural areas and is highly associated with gender, the educational background of the household head and household size.<sup>3</sup> Approximately 50 million children are living in poverty and at risk of child labour, trafficking and early marriage,<sup>4</sup> and about 190,000 children die every year before their fifth birthday.<sup>5</sup> Indonesia has the fifth highest proportion of stunted children in the world, affecting over one third (36 per cent) of all children under the age of 5.<sup>6</sup> Although almost 98 per cent of children aged 7 to 12 years attend primary school, children living in the poorest households are four times more likely to be out of school than children from the wealthiest households. Data from 2011 estimate that 2.3 million children aged 7 to 15 are out of school.<sup>7</sup>

**Child labour:** Approximately 3.2 million children in Indonesia, girls and boys between the ages of 10 and 17 years, are working, with some involved in the worst forms of child labour. In 2010, 2 million children were working in rural areas and 386,000 children were working in urban and peri-urban areas. Substantial regional differences are also found, with 1 per cent of children between the ages of 10 and 14 working in Jakarta compared to 8 per cent of children in the same age group in Sulawesi (Central Indonesia) and 9 per cent in Eastern Indonesia. Children are also much more

<sup>3</sup> SMERU Research Institute and UNICEF, 'Policy Brief: The urgency of addressing multi-dimensional child poverty in Indonesia', no. 2, 2013.

<sup>4</sup> United Nations Children's Fund, 'Situational Analysis: Indonesia', UNICEF, 2015.

<sup>5</sup> Indonesia Demographic and Health Survey, 2012

<sup>6</sup> United Nations Children's Fund, *State of the World's Children 2014*, UNICEF, New York, p. 38.

<sup>7</sup> National Socioeconomic Survey (SUSENAS) 2011, *Inequalities in Education*, May 2015.

likely to work as they grow older. For example, 5.2 per cent of 10-year-olds work compared with 13.5 per cent of 14-year-olds.<sup>8</sup>

**Child trafficking:** Indonesia is considered a major source country for traffickers, and to a much lesser extent it is a destination country for women, children and men who are subjected to sex trafficking and forced labour. The most significant source areas are the provinces of West Java, Central Java, East Java, West Nusa Tenggara, East Nusa Tenggara and Banten.

**Child marriage:** Child marriage fosters gender inequality. It also perpetuates the cycle of poverty, illiteracy and poor health into future generations, depriving communities and the larger society of productive, healthy citizens, both immediately and in the long term. Ending child marriage is a development priority in Indonesia, where 17 per cent of women aged 20 to 24 years were married before their 18th birthday.<sup>9</sup> While child marriage appears to be declining in rural areas, it is increasing in urban areas, for reasons unknown.<sup>10</sup>

**Female genital mutilation/cutting:** In February 2015, Indonesia joined the global database on female genital mutilation/cutting (FGM/C), for the first time sharing national prevalence data from the 2013 national health survey. The survey found that more than half (51 per cent) of girls under 12 years of age have undergone the procedure. In 2014, the Ministry of Health repealed a decree that allowed for FGM/C to be performed by health professionals. The Committee on the Rights of the Child has urged the government to take urgent action to ensure that the practice is prohibited by law and enforced.

**Violence against children:** Data on all forms of violence in Indonesia are limited.<sup>11</sup> Most data are sourced from a range of geographic and/or issue-specific studies commissioned in recent years. An estimated 80 per cent of children between the ages of 2 and 14 years in six districts in Papua and West Papua province have experienced at least one form of psychological or physical punishment by a family member[s].<sup>12</sup> In terms of school-based violence, bullying among students (boys and girls) is estimated to be as high as 50 per cent.<sup>13</sup> Overall, data on violence against children are lacking and usually limited to localized studies. UNICEF is currently working with the government to support an in-depth literature review of 'grey' and published data to better understand the

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<sup>8</sup> Government of Indonesia, Labour Force Survey (Sakernas), 2010.

<sup>9</sup> Indonesia Demographic and Health Survey, 2012.

<sup>10</sup> Ibid.

<sup>11</sup> Indonesia, in partnership with UNICEF and the US Centers for Disease Control and Prevention, undertook a Violence against Children (VAC) Survey in 2011/2012 that aimed to provide the most up-to-date data on this topic in Indonesia. After a 2014 review of the survey data, results could not be statistically verified due to low reporting rates, weak survey collection protocols, etc. As an alternative strategy, the Government of Indonesia, with support from UNICEF, is planning in 2015 a rapid meta-analysis of key child protection indicators to provide baseline data for future child protection policy and programme planning, which will feed into the development of a forthcoming VAC Response Plan, due at the end of 2015.

<sup>12</sup> PEMDA Papua Barat, Pemda Papua, BPS, UNICEF, Multiple Indicator Cluster Survey in Selected Districts in Papua and Papua Barat: Preliminary key findings, 2011.

<sup>13</sup> Reported in: United Nations Children's Fund, *Hidden in Plain Sight: A statistical analysis of violence against children*, UNICEF, New York, 2014, from the Indonesia Adolescent School-Based Health Survey 2007.

magnitude and nature of violence against children in Indonesia. Administrative data on cases of child violence are not systematically collected or analysed.

**Institutionalization of children:** The social welfare workforce, though relatively well funded, is lacking in regulation and quality oversight. Indonesia has one of the highest per capita rates of institutionalization in the world. In 2007, an estimated 500,000 children were living in 8,000 residential care facilities (called *Panti Sosial*); 90 per cent of these children had one living parent and 56 per cent had both parents.<sup>14</sup>

**Birth registration:** Nationally, approximately 67 per cent of children under the age of 5 have had their births registered. Though there are no marked disparities between the sexes, significant disparities are found in registration rates among provinces: the highest rate in one province was 91 per cent compared to 28 per cent in another.<sup>15</sup>

**Juvenile justice:** Up until recently, the juvenile justice system allowed children as young as 8 years old to be held together with adults in prisons or to be tried in regular courts. According to government data, since implementation of the new Juvenile Criminal System Law came into force in 2014, increasing numbers of children are being diverted from the formal justice system to community-based mediation. In July 2012, 7 per cent of all juvenile justice cases were diverted; by October 2014, the share had grown to 58 per cent.<sup>16</sup>

## Government response

As a middle-income country with a decentralized system of governance, Indonesia has sufficient government resources to provide sustained and systematic support for child protection, both nationally and subnationally. Historically, government agencies have tended to respond to child protection issues at the individual level, rather than systematically assessing potential violations of child rights. In recent years the government has made a more concerted effort to establish a systems-strengthening approach.

## Commitment to international standards

Indonesia is a signatory to various international human rights instruments, which bind it morally and legally to policies of equity and non-discrimination in the development process. Since its ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1984, and the Convention on the Rights of the Child in September 1990, Indonesia has ratified many other international instruments relating to child protection. This includes, most recently in 2012, the Optional Protocol on the involvement of children in armed conflict; the Optional Protocol on the sale of children, child prostitution and child pornography; and the

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<sup>14</sup> Government of Indonesia (DEPSOS), Save the Children, UNICEF, *Someone that Matters: The quality of care in childcare institutions in Indonesia*, Jakarta, 2007.

<sup>15</sup> Indonesia Demographic and Health Survey, 2012.

<sup>16</sup> UNICEF Indonesia, 2015.

International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. Though a signatory, Indonesia has yet to ratify the Convention for the Protection of All Persons from Enforced Disappearance. Indonesia was the first country in the Asia and Pacific region to ratify all eight core International Labour Organization (ILO) conventions covering the fundamental principles and rights at work.

## Child protection and the national development agenda

During the last decade, Indonesia has made remarkable progress in adapting the provisions of the Convention on the Rights of the Child and its Optional Protocols and other standards to the national legislative framework.<sup>17</sup> In addition to constitutional amendments that significantly strengthened the legal basis for protecting human rights, the government reflected its new vision of a protective environment for Indonesian children in a Child Protection Law (2002, amended in 2014), which serves as the overarching legal instrument for child protection in the country. A range of other legislation has ensued, including, most notably, the Law on the Elimination of Domestic Violence (2004); the Law on Anti-Trafficking (2007); the Juvenile Criminal Justice System Law No. 11 (2012); and the Revision of the Law on Population Administration (2013).

A monumental breakthrough and the clearest indication of the country's national vision and its commitment to strengthening the child protection system is the inclusion of child protection indicators in the country's long- and medium-term development planning documents – the National Long-Term Development Plan (2005-2025) and the National Medium-Term Development Plan (known as RPJMN 2010-2014 and 2015-2019).

The total budget allocated in the current medium-term plan for the next five years (for child protection and, more broadly, women's protection activities) amounts to \$265 million. This is a huge step forward since it binds ministries to commit to these budgets.<sup>18</sup>

Indonesia's national vision is also broadly aligned with the United Nations Partnership for Development Framework (UNPDF) 2016-2020, where child protection indicators are integrated into several outcome areas:

- 1) Social services, with a focus on violence prevention and the elimination of harmful practices such as child marriage
- 2) Sustainable livelihoods and poverty reduction, with a focus on reforming the child-sensitive social protection system
- 3) Governance, with a focus on access to justice for all, including child victims, witnesses and offenders.

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<sup>17</sup> As noted in the replies of Indonesia to the list of comments issued in response to the government's combined third and fourth periodic reports to the Convention on the Rights of the Child, March 2014.

<sup>18</sup> It should be noted that, as yet, there is no specific mechanism for allocating or tracking child protection budgets in Indonesia's vast decentralized financial budgeting system.

The new UNPDF is aligned with the new Sustainable Development Goals (SDGs) at the outcome level, including on child protection (for example, the overall monitoring and evaluation framework references Goals 5 and 16, especially Target 16.2 on child protection).

In terms of gender equality at the national level, Indonesia shows mixed results. The Indonesian government ratified CEDAW in 1984, and a Presidential Decree in 2000 mandated government agencies to mainstream gender programmes, policies and budgets to eliminate gender discrimination.<sup>19</sup> The country has also seen a large increase in girls' access to education in the last three decades, resulting in significant social and cultural shifts, such as a decline in the rate of child marriage.<sup>20</sup> However, child marriage remains high at 17 per cent. In a country as large as Indonesia, that means that roughly 360,000 girls are married each year. Services to support child and adult victims of sexual violence remain limited in coverage and quality, and women and girls continue to face discrimination in accessing a number of social services. Birth registration, for example, is especially difficult for single mothers.

### National child protection framework

Though the current medium-term plan (RPJMN 2015-2019) reflects Indonesia's broad child protection vision, it has not yet been successfully translated into an overarching national plan for child rights or child protection. Rather, Indonesia's vision is translated into a number of action plans that guide the implementation of sustainable national systems in key programming areas to support the country's most vulnerable children and those most at risk.

Of crucial importance is the National Action Plan on the Prevention and Eradication of Violence against Children 2010-2014 (NAP VAC). Led by the Ministry of Women Empowerment and Child Protection, the NAP VAC focuses on five priority programming areas:

- 1) **Prevention of violence and promotion of children's participation in prevention efforts.** These programmes focus on communication, information and education, formulation of prevention policies, improvement of child participation, and training.
- 2) **Health rehabilitation**, led by the Ministry of Health. These programmes encompass training of health workers, providing guidelines for the eradication of violence, and documenting and reporting on victims of violence who have received health treatment.
- 3) **Social rehabilitation, reunification and reintegration**, led by the Ministry of Social Affairs. The programmes promote the role of the community and family in the process of recovery and reintegration and provide integrated services for victims of violence.
- 4) **Norm-setting and law enforcement**, led by the Ministry of Law and Human Rights. This includes the formulation of policies on law enforcement and policies for law enforcement officers dealing with child victims of violence.

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<sup>19</sup> UN Women, 'Indonesia Fact Sheet', 2011.

<sup>20</sup> Evenhuis, Mark, and Jennifer Burn, *Just Married, Just a Child: Marriage in the Indo-Pacific region*, Plan International Australia, 2014, p. 17.



- 5) **Coordination and participation of relevant ministries and institutions**, with the Ministry of Women Empowerment and Child Protection as the lead institution. This includes the formulation of coordination mechanisms for the prevention and elimination of violence against children.

Other programmes carried out by various ministries and institutions are linked to and support the plan. For example, the Ministry of Health provides health care and treatment to victims of violence; and the National Police and the Ministry of Women Empowerment and Child Protection focus on gender mainstreaming and improving services for women and children victims of violence. The NAP VAC also provides guidelines to help provincial governments formulate their own regional action plans.

With help from UNICEF, an evaluation of NAP VAC’s efficacy is under way. Based on the findings, which will include feedback from children and adolescents, UNICEF will support the government in developing an updated Violence against Children Response Plan, with projected costings up to the year 2020. The plan will extend work commenced as part of the 2010-2014 NAP VAC and will include specific milestones for all child protection-related ministries. This will provide a strong planning framework for Indonesia as it moves forward, and will be complemented by a Presidential Decree on sexual violence against children. For the first time, a plan to address violence against children will be based on evidence regarding the current situation and programmatic responses.

In addition, Indonesia’s child protection strategy has been translated into numerous action plans in certain thematic areas. A key challenge for Indonesia is to translate these plans into a working framework, through robust coordination mechanisms. Too few action plans are matched by sufficient resources and authoritative leadership, resulting in ongoing weaknesses in implementation. Future efforts to strengthen the child protection system will need to focus on provincial- and district-level implementation, carried out in a holistic manner and in a way that takes into account legal and policy commitments – including those within the action plans.

<b>National action plans in key child protection programming areas</b>	
<b>Child labour</b>	<p><b>National Action Plan on the Worst Forms of Child Labour 2002-2022</b></p> <p>The plan is divided into three stages. The current and final Stage III (2013-2022) focuses on institutionalization and the mainstreaming of models, programmes and policies. Overall, the plan is focused on the prevention and elimination of four major issues: 1) forced labour, 2) child involvement in prostitution and pornography, 3) child involvement in illicit activities, including drug trafficking, and 4) child involvement in hazardous activities such as mining, diving or sale of explosives. In 2013, 4 provincial committees and 12 district and municipal action committees finalized action plans on the elimination of the worst forms of child labour.</p>
<b>Trafficking and sexual exploitation</b>	<p><b>National Plan of Action on the Eradication of the Criminal Act of Trafficking in Persons and Child Sexual Exploitation 2009-2014</b></p> <p>The action plan integrated two earlier plans of action at the national level: on Trafficking of Women and Children and on Child Commercial Sexual Exploitation 2002-2007. The overall focus is to establish early warning mechanisms (including monitoring and evaluation systems) to address these two issues. The plan calls for stronger involvement of diverse stakeholders in these early awareness programmes, emphasizing the need to extend community-based activities to vulnerable population groups. Implementation has focused largely on establishing an anti-trafficking forum that would provide</p>

Juvenile justice	greater and more cohesive oversight and would improve cross-sectoral coordination at the local level; strengthening advocacy among officials; and increasing children’s participation through community empowerment programmes. Coordination remains a key objective, involving 19 ministries and the formation of six sub-task forces, including a sub-task force on the prevention of the trafficking of children, including commercial sexual exploitation of children.
	<b>Road map for the 2012 Juvenile Justice Law 2014-2019</b>
	The government, through the Ministry of National Development Planning (Bappenas), has led the development of a costed (\$700 million) plan to roll out juvenile justice over six years. Since late 2014, when the new Juvenile Justice Law entered into force, the share of children in conflict with the law who have been diverted from the justice system has risen from 7 per cent in 2012 to more than 70 per cent in 2015. Though a good example of designing and costing a major child protection intervention, the plan has, arguably, an overly ambitious budget. Most costs are for training of professional staff – 21,000 officers in the police, prosecution, courts and social welfare sectors. Costs could be offset with more efficient learning and skills development measures such as e-learning modules or on-the-job mentoring and training. Indeed, the national development plan (RPJMN) only allocates \$50 million for training purposes over a five-year period (2015-2019). UNICEF is urging the government to prioritize social welfare and police officers for training, since they are the frontline workers for children in conflict with the law. Other costs that could be reduced are those for the construction of child-friendly interview rooms in 500 districts across the country, with a greater focus on monitoring children returned to their communities after diversion.

Cross-cutting action plans <sup>21</sup>	
Human rights	<b>National Action Plan on Human Rights 2011-2014</b>
	This is the third action plan on Human Rights for Indonesia. It committed the country to continuing human rights advocacy and education in order to transform the values and attitudes of civil servants towards stronger appreciation of a human rights agenda, approach and tools. It specified 12 international commitments that the government resolved to endorse from 2011-2014, most of which are strongly related to protecting children from abuse, violence and exploitation. Out of this list, four critical treaties were ratified during 2011-2012 (the two Optional Protocols to the Convention of the Rights of the Child, the Convention on the Protection of the Rights of Migrant Workers and Members of their Families and the Convention on the Rights of Persons with Disabilities). Two other important treaties are planned for endorsement: the Convention Relating to the Status of Refugees and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, still await ratification.
Women and health	<b>National Action Plan on Reproductive Health 2005-2015</b>
	This action plan relates to child protection through two pillars: adolescent reproductive health and women’s empowerment. In regards to child protection, cross-cutting issues that are linked to the national action plan include: preventing early marriage; improving literacy among girls and women; increasing economic opportunities; developing information systems on gender; enacting gender sensitive laws; and achieving a zero tolerance policy on violence against women.

## Stock-taking and mapping

The Government of Indonesia has undertaken a number of activities (outlined below) to chart the components of a national child protection system and to identify strengths and gaps in the current environment. Particular emphasis is paid to Indonesia’s regionally diverse and decentralized context.

<sup>21</sup> This list is not exhaustive, but merely reflects the key action plans that are moving the child protection agenda forward. At the time of writing, child protection was also integrated as a cross-cutting issue into other national and subnational sector plans, such as education, particularly in relation to violence against children.

This effort has been led by the Ministry of Social Affairs, Ministry of Women's Empowerment and Child Protection, Ministry of Home Affairs, Ministry of Law and Human Rights, and the National Police, in partnership with UNICEF and an array of civil society partners (including non-governmental organizations [NGOs], academic institutions and the private sector).

### **2011 Child protection mapping in six provinces**

This exercise identified the strengths and barriers to systems development and provided evidence-based recommendations to inform and formulate provincial child protection action plans. It provided – for the first time in Indonesia – an analysis of available child and family welfare services at the national and subnational levels. A primary constraint noted was not lack of awareness about the need for a more coordinated child protection system, but rather difficulty in translating this need into an actionable framework.

One issue that emerged was the need to better link, through institutional arrangements, national policies and regulations with local service provision, and to create more family-centred approaches to child protection issues. In terms of residential care for children, professional capacity and in-service training was found to be limited. Similarly, with different departments responsible for different aspects of social welfare programming, the delivery of services across provinces is fragmented. Efforts are now under way, with UNICEF support, to move towards a community-based system of care, emphasizing family support, and to enforce existing residential care standards.

### **2014 Evaluation of the national child protection system**

The findings reflect the outcome of the earlier mapping.<sup>22</sup> Despite progress in identifying system development needs and implementing various strands of a systems-building approach, significant challenges and gaps persist. In part this is due to Indonesia's complex, decentralized operating environment and the diversity of needs given its unique socio-cultural heritage and geographic spread. The recent evaluation also found a blurring of distinctions among government stakeholders about child protection, child rights and a child protection system, and on the building blocks necessary to develop a child protection system. Moreover, it was found that a range of institutional factors were impeding progress, including a disconnect between national system planning (such as the development of laws and policies) and their implementation across 34 provinces. Moreover, laws do not mandate budget allocations for violence prevention and response programming, nor do they specify free and unimpeded access to services for victims of neglect, exploitation, violence and abuse. What's more, prevention has been largely excluded from budgeting processes and legislative frameworks. However, with the launch of the new RPJMN 2015-2019, the situation has improved – through the inclusion of some prevention programming (such as campaigns).

The evaluation's recommendations recognized the need for:

- An overall vision and strategy for system strengthening that focuses on better protecting children against violence, exploitation, abuse and neglect

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<sup>22</sup> UNICEF Indonesia, *Formative Evaluation of UNICEF's Child Protection System-Building Approach in Indonesia*, Draft final evaluation report, UNICEF Indonesia, 2015.

- Better management of a complex decentralized governance structure
- A more systematic approach to identifying and measuring both institutional capacity (such as how many social workers are functioning at a required level, how many laws were developed and implemented) and child outcome indicators that focus more holistically on the well-being of the child
- Devising a capacity-development strategy for key sectors (for example, the social welfare workforce, police force, justice/corrections officers).

Overall, the evaluation commends the government, UNICEF and other partners on their efforts to champion the development of a child protection system for Indonesia over the past decade, but notes that future efforts need to focus on change at the community as well as institutional levels. Of utmost importance is the need for an overarching theory of change or strategy for future system strengthening. This strategy should be accompanied by clear indicators for change, both for UNICEF and the government, and include specific actions to promote gender equality and girls' empowerment.<sup>23</sup>

#### **2014 Child protection Governance Indicator Framework (GIF)**

Given the difficulties in monitoring and evaluating child protection systems, UNICEF's East Asia and Pacific Regional Office invested in the development of core indicators to take stock of national child protection systems at the regional level. The assessment focused on the governance of the child protection system in key programming countries (including Indonesia) and covered core components such as policy processes, public financial management, human resources, information management, quality assurance and communication flows. Indonesia has tested the GIF indicators in several provinces to provide a baseline assessment of the national child protection system from a governance perspective.

The findings of the Indonesia GIF assessment recognize the highly turbulent context within which the country's child protection system is developing. Though institutional structures and delivery systems are evolving in the newly decentralized setting, existing structures do not yet function effectively. Most notably, Indonesia has focused on formulating certain laws, policies and standards for child protection, but lacks a clear vision. The weaknesses lie in the complexity of public administration systems, which has made it challenging to establish effective coordination mechanisms, and cost-effective and reliable service delivery. Open collaboration with civil society, and systematic monitoring of child protection institutions, require improvement. And a robust social norms change agenda is yet to be defined.

### **Recent actions to scale up systems strengthening**

As reported in 2014 in Indonesia's 3rd and 4th State Party reports to the Committee on the Rights of the Child, significant progress has been made in adapting the provisions of the Convention on the Rights of the Child and its Optional Protocols to Indonesia's legislative framework. Political

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<sup>23</sup> Ibid.

commitment to the protection of human rights in general has been at the heart of the post-1998 democratic reformation agenda. As of 2014, Indonesia had joined 62 per cent of the treaties that protect children against torture, cruel treatment, trafficking and exploitation. Treaties also cover obligations to reduce protection risks related to key vulnerabilities such as racial discrimination, disability or migration.<sup>24</sup>

### **Prioritizing child protection in the national development agenda**

In addition to the Constitutional amendments that significantly strengthen the legal basis for protecting human rights, the government's new vision of a protective environment for Indonesian children is reflected in the Child Protection Law and a range of specific laws for relevant sectors. Further, the country's long- and medium-term development planning documents – the National Long-Term Development Plan (2005-2025), the National Medium-Term Development Plan (RPJMN 2010-2014 and RPJMN 2015-2019), and the National Action Plan for Violence against Children 2010-2014 are major signals of national commitment to scaling up efforts to strengthen the child protection system.

### **Strengthening the juvenile justice sector**

Efforts to advance a national strategy on access to justice (in place since 2009) have emphasized strengthened coordination and commitment among all justice partners. Ongoing reforms are enhancing re-integration into society of children in conflict with the law. Following the signing of the revised 2012 Law on Juvenile Justice and its entry into force in 2014, the government has been adapting related regulations. This includes developing diversion options for children in conflict with the law; standard operating procedures are under development for handling such cases. The law uses principles of restorative justice for cases involving juveniles, including rehabilitation, and increases the minimum age of trial from 8 to 12 years of age. Efforts are now focused on harmonizing other legislation related to juvenile justice, such as the Correction Law, the Penal Code Law and the Criminal Procedures Code.

### **Improving quality standards for services**

There are several frameworks that attempt to establish quality standards for services – some directly related to child protection. Two sets of standards cover any public service provided in the country. The first, the Minimum Service Standards, aim to guarantee a basic minimum level across Indonesia's diverse localities. A separate set of Minimum Service Standards were developed for child protection. The other broad system – Public Service Delivery Standards – defines rules for engaging the public in quality management. However, on top of these broad standards, Indonesia also introduced National Standards of Alternative Care for Children, which includes important child protection considerations.

### **Strengthening family-based support**

Provincial- and district-level service providers, along with government departments at all levels, are beginning to talk about family-based support, including parenting programmes, child care and

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<sup>24</sup> UNICEF East Asia and Pacific Regional Office, *Child Protection System Governance Indicators Framework (GIF): Indonesia*, 2015.

welfare support. As part of a broader poverty alleviation agenda, the government has initiated a Social Welfare Programme for Children (known as PKSA) – a conditional cash transfer programme that is designed to decrease a family’s vulnerability to various shocks. The programme combines cash transfers to families with intensive guidance and care through social workers and child-care institutions, which facilitate access to social services and promote family-based care. A 2014 assessment of the programme provides valuable insights into strengthening child welfare services. The study found that, in terms of effectiveness, the PKSA’s basic approach is sound. However, it only reached around 3 per cent of its target group of 4.3 million disadvantaged children in 2011. Institutional factors have also limited the programme’s effectiveness. These include difficulties in providing systematic geographic coverage due to the centralized governance structure of the programme, which, to-date, has failed to integrate local government structures, human resources and data into the targeting process. The findings of the assessment provide valuable guidance on how the social welfare system component of the child protection system can be strengthened to better deliver quality services for children who need them most. It highlights the importance of an expanded, and well-trained, social welfare workforce that ensures that any services for vulnerable children, such as cash grants, are accompanied by quality care and support, such as counselling, home visits and follow-up parenting programmes. As vertical programmes, these efforts will be unsuccessful in reducing poverty and vulnerability without social welfare support.<sup>25</sup>

### **Enhancing social welfare services**

Indonesia’s social welfare system is under review to enhance delivery of child protection services. Recent progress has focused on the integration of child protection issues in pre- and in-service training of social workers; the strengthening of referral services; increasing access to victim support via help desks at police stations and the Child Helpline; and improving the provision of integrated services for victims through the establishment of over 187 multi-purpose shelters and trauma centres – the Pusat Pelayanan Terpadu – in provinces and districts. Emergency protection and medical services to victims are also provided at more than 300 women and child service units, located in police stations around the country.

### **Strengthening the child protection workforce**

The government has begun to implement professional standards, personnel accounting systems and performance evaluations to build up expertise in child protection. Indonesia has installed a strong system of academic training for social work and child protection professionals, and many universities offer degree-level education and research opportunities in those fields. Work is currently under way to further improve and modernize curricula.

### **Improving the quality of residential care**

Indonesia has embarked on a process of widespread reform to improve the quality of care in residential care facilities, and to shift policies and resources towards supporting alternative care options. Institutions are guided by National Standards of Care for Child Welfare Institutions (2011),

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<sup>25</sup> Government of Indonesia’s Ministry of Social Affairs and UNICEF, *Rapid Assessment of the Indonesian Conditional Child Welfare Programme (PKSA)*, August 2015.

which regulate the provision of alternative care for children and call for the establishment of a regulatory authority and licensing system. However, national criteria are not yet fully reflected at the subnational level.

The quality of care services, especially for victims of crime, is also being addressed through initiatives such as the establishment of Special Units for Women and Children. In addition, the Ministry of Women Empowerment and Child Protection has carried out research on traditional mechanisms for resolving conflicts in Indonesia. And a number of community-based pilot interventions have explored non-formal juvenile justice options in Nusa Tenggara Barat, Central Java and Aceh provinces and in Jakarta. These actions support the ministry's strategy to identify non-formal options as an alternative to entering the formal justice system.

Within core programming areas, some significant milestones have also been achieved in terms of expanding action and reversing negative trends around key child protection indicators, as described below.

### **Scaling up birth registration**

In 2007, a national strategy on universal birth registration (2007-2011) was launched, aimed at raising public awareness of its importance. The strategy focused on strengthening provincial- and district-level regulations and improving systems to make registration more accessible. By 2013, registration rates for children under the age of 5 had increased by about 27 percentage points since 2007. A key milestone in further increasing birth registration will be the adoption of the Law on Revision of Population Administration (2013), which addresses certain bottlenecks that previously restricted parents from registering their child. By 2013, approximately 300 of the country's 500 districts/municipalities had regulations on free birth registration. Guidelines to expedite birth certificate ownership and registration were introduced in 2012 by the Ministry of Women Empowerment and Child Protection to improve the regulation of services, including, among others, the establishment of national and subnational birth registration forums.

### **Combating child labour and trafficking**

The government continues to strengthen its provincial, district and municipal-level efforts to combat child labour and human trafficking by adopting and implementing local-level regulations, coordination mechanisms, policies and action plans. The government also expanded access to protection programmes through the development of a social protection card system. However, children in Indonesia continue to engage in child labour in agriculture and in domestic services, and enforcement of child labour laws remains a challenge. Law enforcement officials lack training on child labour and trafficking, and the government lacks comprehensive and publicly available data on child labour and trafficking investigations, violations and convictions.<sup>26</sup>

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<sup>26</sup> United States Department of Labor website, 2013 Findings on the worst forms of child labor.

## Coordination among stakeholders

Creating productive multi-stakeholder platforms for the coordination of child protection is an ongoing challenge for Indonesia. There is no parliamentary or other oversight body on child protection that has a clearly defined mandate, authority and resources to implement its work. Nor are there any inter-ministerial mechanisms to coordinate child protection activities.

The Government of Indonesia recognizes the need to ensure cooperation across the various authorities that do exist, as well as between national and subnational counterparts in child protection. This task is recognized not only in sector-specific legislation, but at a higher level within national development planning documents. Improved partnership and coordination among stakeholders is one of the core activities in achieving child protection targets specified in the country's 2015-2019 RPJMN. It has also been noted as an area for improvement by the Committee on the Rights of the Child (2012).

### **The Ministry of Women Empowerment and Child Protection**

This ministry has a core duty to assist the President in formulating policies and promoting coordination in women's empowerment and child welfare and protection. As part of this mandate, it is responsible for coordinating the implementation of the Convention on the Rights of the Child. The ministry participates in joint programming with other ministries for coordinated delivery of services for children. It is also instrumental in issuing policy guidelines for child protection to subnational counterparts. However, it lacks sufficient resources and institutional standing to perform the function of general coordination across all government authorities when implementing cross-cutting child protection programmes.

### **Indonesian Commission for Child Protection (KPAI)**

Child protection is overseen by the high-level Indonesian Commission for Child Protection (known as KPAI). The commission's secretariat and budget are under the Ministry of Women Empowerment and Child Protection; as a result, the integrity of the Commission's 'independence' has been brought into question. Working-level coordination on child protection issues across ministries is orchestrated by the Ministry of Women Empowerment and Child Protection, the National Task Force on Child Protection, led by the Ministry of National Development Planning (Bappenas), and a range of issue-focused inter-agency committees (such as, for example, the National Action Committee for the Elimination of the Worst Forms of Child Labour). There are also at least four channels through which NGOs can participate in the policy process (including formal participation in the KPAI).

The KPAI has a wide-ranging remit, including supervision of child protection policy implementation and promotion and independent monitoring. KPAI is also responsible for monitoring and evaluating progress on implementing the Child Protection Law. It provides generic recommendations to the President, but has no mandated authority on issues related to policy budgeting or technical aspects of policy implementation. The KPAI is also one of three human rights bodies. Other important bodies are the National Commission for Human Rights (established by Law 3/1999) and the National Commission on Violence against Women.



### **The National Commission for the Elimination of Worst Forms of Child Labour**

The National Commission for the Elimination of the Worst Forms of Child Labour, also known as KNPBTA, was established following the ratification of the ILO Convention on the Elimination of the Worst Forms of Child Labour. The commission is led by the Ministry of Manpower and its mandate is specific and limited.

Cooperation across the various commissions is a subject of concern, especially the role and relationship of KPAI and the KNPBPTA, which need to engage in cases of child abuse and exploitation. However, clear guidelines for case management are not yet in place. This was highlighted as an area of special concern in the concluding remarks of the 2012 Report of the Committee on the Rights of the Child.

In terms of working-level coordination across ministries, the government applies a range of approaches among agencies involved in child protection. Many of these approaches to coordination are based on the issue at hand, but it is still proving difficult to ensure a strong executive lead at a systems level. In 2010, overall child protection programmes were dispersed across at least 14 ministries and agencies, the most active of which were the Ministry of Social Affairs, Ministry of Women Empowerment and Child Protection, and the Ministry of Manpower and Transmigration. Examples of key ministries/agencies and their roles include the following:

**Elimination of the worst forms of child labour:** The National Action Plan on the Worst Forms of Child Labour is implemented under the leadership of a specifically established National Action Committee for this purpose. The committee is tasked with monitoring and coordinating related policies. It is led by the Ministry of Manpower and Transmigration and includes a wide range of stakeholders, among which are other relevant ministries and civil society representatives as well as trade unions. While the committee is responsible for national-level coordination of issues relating to the worst forms of child labour, it also leads initiatives that operate in some of the districts and orchestrates the formation of subnational action plans and action committee on this topic.

**Anti-trafficking:** To implement approved policies in the area of anti-trafficking, the government established a task force, involving 14 ministries. The task force is under the leadership of the Ministry of Social Affairs and the deputy leadership of the Ministry of Women Empowerment and Child Protection. In contrast to coordination mechanisms set up for other issues, the government has established duty clusters at the subnational level to coordinate local agencies and service providers to follow up on the requirements of the Suppression of Human Trafficking Act (2007). Some local governments followed up by establishing respective working groups, accepting local regulations and setting up integrated services for victims, such as special service rooms. However, this is not yet a widespread practice and, where cooperation protocols already exist, they need to be expanded and operationalized to cover all involved authorities and provide a sufficiently wide continuum of services, including prevention, reintegration and recovery.

## Engagement with other actors

As a resource-rich, middle-income country, the significance of donor support for Indonesia has substantially diminished in recent decades, with combined official development assistance (ODA) flows to Indonesia in 2011 representing 0.1 per cent of the country's gross national income. However, support through bilateral programmes is still relevant, necessary and significant. In 2011, the overall net amount of ODA received by Indonesia was \$415 million (84 per cent provided through bilateral programmes, and about 5 per cent through the UN system). In 2010, Indonesia was ranked the 19th largest net ODA recipient globally.<sup>27</sup>

Consistent, long-term funding for the strengthening of a comprehensive child protection system is not available in Indonesia at present. However, recent examples of external support include the following:

- Several donors support thematic child protection activities, including United States-funded anti-child trafficking initiatives with government and civil society partners.
- The Government of Australia's Department of Foreign Affairs and Trade has supported social protection efforts, including initial start-up support for social welfare strengthening with UNICEF and Griffiths University in 2013.
- UNICEF has mobilized its own funding to support research on violence against children and prevention efforts in Indonesia, including a national campaign to end violence against children, which will be launched in 2016.
- In 2014 and 2015, UNICEF is partnering with the Norwegian Embassy to support the implementation of the new Juvenile Criminal System Law in selected provinces to promote restorative justice for children in conflict with the law.

In Indonesia, funding tends to be catalytic – aimed at 'pilot models', research and the promotion of innovative strategies to tackle particular child protection violations in a particular geographic location. There is also a host of cross-institutional engagement and coordination in the form of joint programmes, including with UNICEF, the UN Development Programme (UNDP) and the UN Population Fund (UNFPA). One example is a joint UN initiative to combat violence against women and girls in the province of Papua, a partnership involving UNFPA, UN Women, the Bureau of Women's Empowerment and the Provincial Office of Education.

Indonesia's civil society is diverse, ranging from small, issue-specific and community-based groups to large nationwide structures and academic institutions (including Centres for Human Rights Studies in many Indonesian universities). Non-governmental organizations are critical in mobilizing public support for reforms, but also in shaping Indonesia's current legislative framework. Many such organizations work specifically on child protection issues by influencing legislation, raising awareness and participating in frontline service provision. Some NGOs unite around particular child protection concerns, such as, for example, the network of Indonesian Child Labour NGOs (JARAK), the National

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<sup>27</sup> OECD website, <[www.oecd.org](http://www.oecd.org)>.

Coalition against Trafficking of People, and the National Coalition against Sexual Exploitation of Children. For the first time in Indonesia's history, nine children's groups united in 2010 to produce the country's first alternative report on compliance with the Convention on the Rights of the Child.

The religious community also plays a vital role in preventing and responding to violence and addressing harmful practices. For example, given the crucial role of religion in Indonesian society in guiding people's attitudes and behaviours, the Government of Indonesia, UNICEF and the Lembaga Studi Agama dan Filsafat (LSAF, the Institute for the Study of Religion and Philosophy), supported the introduction of violence prevention programmes in *pesantrens* (Islamic boarding schools) in West Java.

## Challenges

In recent years Indonesia has worked towards strengthening the pillars that strengthen a systems-based approach to child protection. However, that approach has been neither comprehensive nor holistic. Part of the reason for this lies in the underlying assumptions of what constitutes the core components of a child protection framework, along with the difficulties posed by Indonesia's decentralized and complex operating environment. The disconnect between national policy and institutional systems for subnational governance is significant. These challenges go well beyond the child protection sector.

In general, Indonesia suffers from rigid bureaucratic structures and processes that create excessive complexity and constrain constructive collaboration among partners.<sup>28</sup> This is reflected primarily in a lack of strong policy leadership at the national level for child protection. As a result, stakeholders from various child-focused sectors are unable to agree on key issues, including standard definitions, data templates and behaviour change objectives.

### Legislative framework

Indonesia is one of the regional champions in ratifying international commitments on child protection. However, political and social consensus is lacking on some key protection issues, which obstructs further progress and actual implementation of a number of international standards. Significant progress has been made in adopting the global human rights agenda. That said, a number of agreements are yet to be accepted by Indonesia, include those relating to child marriage; statelessness, refugees and displaced persons; and risks of abuse in international adoption and guardianship. Similarly, Indonesia has developed a range of national action plans over the years, yet too often they fail to be comprehensively implemented, lack coordination and cohesion. As a result, targets are not always met. For example, the National Action Plan on Human Rights is in its third cycle of planning, however, many activities have yet to be completed.

While the laws and policies of Indonesia are generally aligned with the Convention on the Rights of the Child and its Optional Protocols, some gaps remain, particularly concerning discrimination

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<sup>28</sup> UNICEF East Asia and Pacific Regional Office, *Child Protection System Governance Indicators Framework (GIF): Indonesia*, Draft, 2014.

against women and girls. Special efforts are needed to address these inequities. For example, despite the high prevalence of child marriage in the country, the laws on child marriage are contradictory. The Child Protection Law prohibits child marriage for both boys and girls below 18 years of age, yet the 1974 Marriage Law allows marriage for girls at age 16. Moreover, sexual violence within marriage is not criminalized, and women and girls still struggle to obtain inheritance rights. The prevalence of FGM/C is 51 per cent; yet until recently, the practice was legal by a Ministry of Health Decree.

Defining policies, laws and standards that respond to the diverse child protection issues facing the country's provinces needs to be further streamlined, in accordance with international standards. Indonesia has multiple laws to protect children from labour abuse, sexual exploitation and trafficking. However, challenges remain when it comes to effectively enforcing these laws at all levels. Furthermore, there is a need to continue to harmonize legislation with international standards, and to translate current and future national legislation into subnational action, as well as ensuring adequate enforcement.

Legal reform is an ongoing process, with efforts geared towards passing stronger legislation, such as a new bill for domestic workers that is under discussion. Strengthening existing loopholes is also required. One such loophole is the exclusion of self-employed children and those children with a regular wage (such as children working in agriculture or domestic service) in the Manpower Act (2003), which bans the worst forms of child labour. Priority areas for further legislative reforms include the prohibition of corporal punishment in schools and better protection from sexual violence.

UNICEF is playing an ongoing advocacy role to align legislative frameworks with Indonesia's international commitments to the Convention on the Rights of the Child and CEDAW. Efforts are also under way to work with local government authorities to ensure that national laws and policies are reflected in local regulations and budgeting mechanisms, for example, through the issuance of local regulations on juvenile justice and social welfare system strengthening. Coordination mechanisms, which include the active participation of civil society, are being established in selected sites, to promote the regular exchange of information and advocacy messages on child protection.

### **Support to marginalized groups**

The situation of refugee and migrant children in Indonesia remains largely unaddressed. From 2013 to 2014, the number of asylum seekers and refugee children more than doubled.<sup>29</sup> At last count, 30 per cent of these children were unaccompanied minors held in immigration detention centres. Efforts to address the situation of refugee, asylum-seeking and migrant children are nascent and require further attention by the government.

### **Coordination**

A remaining challenge in developing a more effective child protection system is stronger and more proactive leadership. The goal is to ensure that policies are harmonized throughout the entire

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<sup>29</sup> 2,769 children in 2013 to 6,671 in 2014. Source: UN High Commissioner for Refugees (UNHCR), Indonesia, 2014.

government, that roles and responsibilities are clearly defined and duplication of efforts is minimized, and that budget flows are better managed. The remit of the high-level Commission for Child Protection (KPAI) is currently too wide and generic, and its formal functions are not always matched with practical implementation tools. For example, while the KPAI is mandated to receive complaints, it has no authority to conduct investigations and to follow up with action where violations are suspected. The KPAI also has limited access to data on child violence and abuse. Lines of accountability are also an issue, which erodes transparency and inclusiveness. Division of responsibilities across government tiers is not clear, which leads to inconsistencies in child protection priorities and regulations, proliferation of conflicting decisions and obstructions in consistent policy delivery (including, for example, data collection and exchange).

Working-level coordination across ministries and agencies (including through the Ministry of Women Empowerment and Child Protection) often remains issue-based and focused mostly on individual sector programmes and priorities. Moreover, effective horizontal coordination for child protection is required to match policy decisions with sufficient legislative and executive mandates to enforce them in practice. Generally, official coordination structures prove to be less effective for Indonesia than informal contacts and agreements in neutral settings, which help to avoid institutional turf battles.<sup>30</sup>

### **Strengthening the child protection information management system**

Strengthening such systems is one of the objectives of the new medium-term development plan (RPJMN). Some work has taken place, with data management systems developed or enhanced in key areas. For example, a national database has been developed and is gaining traction in better tracking and monitoring children in alternative care. Muhammadiyah – Indonesia’s second-largest Muslim organization, which has the highest number of childcare facilities – has put 80 per cent of its facilities on this database. Further, the Attorney General’s Task Force on Terrorism and Transnational Crime created a national database to improve tracking and monitoring of trafficking-related convictions. However, establishing systems for routine and reliable data collection on child violations still requires review. Also needed is a comprehensive, integrated case management database that generates reliable data on violations and related services provided (such as children receiving cash grants or children already benefiting from social welfare case management). Very little information is available on the number of social workers in Indonesia (para-professional and professional), due to complex systems for certification. UNICEF is working with the Ministry of Social Affairs to map available social welfare workers, child protection services and sources of administrative data for child protection in two provinces to inform the development of a social welfare reform initiative in these locations over the period 2016 to 2020.

### **Adequate budgetary allocations**

Despite progress in recent years, budgeting remains one of the weakest links in organizing child protection in Indonesia.<sup>31</sup> On the one hand, the government has implemented massive reforms to increase budget transparency and accountability. These reforms, however, have complicated the

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<sup>30</sup> UNICEF East Asia and Pacific Regional Office, *Child Protection System Governance Indicators Framework (GIF): Indonesia*, Draft, 2014.

<sup>31</sup> Ibid.

budgeting process dramatically, making it extremely rigid and inefficient. This leads to high levels of underspending in expenditure cycles and creates cash shortages, even when funds are available. There is little flexibility to reallocate resources across budget lines to deliver services more cost-effectively, to react to unusual circumstances, or to adjust to programme performance.

## **Funding system reform**

As noted above, the government has undertaken significant reforms to increase budget transparency and accountability.

### **Public financial management**

Indonesia's Public Financial Management (PFM) system classifies budget expenditures by function. This helps to track spending related to child rights (although not yet child protection) by its purpose, rather than just economic categories. However, challenges remain. Reforms to the system are ongoing, and budgeting remains one of the weakest links in organizing child protection in Indonesia. Reforms that aim to ensure stricter expenditure controls have also complicated the budgeting process significantly, creating rigidity and inefficiency. Complicated and inelastic budgeting procedures can make the spending process cumbersome, resulting in high levels of underspending by ministries and agencies. This distorts expenditure cycles towards the end of the year and results in cash flow constraints, despite the availability of funds.

At a practical level, this intrinsic lack of flexibility is especially problematic when budgetary needs become urgent. For example, until the 2004 tsunami, the Indonesian central budget had only a small reserve fund that could be used for contingencies. A further gap in the current Public Financial Management system is difficulty in consolidating financial data produced by service delivery units and across budget tiers. Budget operations at the central and subnational levels are captured by two different accounting and reporting units, which are weakly coordinated and not consolidated at any level. In addition, many subnational frontline service providers have direct access to additional off-budget sources of funding, which are not recorded by authorities at any level and frequently remain outside of fiscal reports. For example, the current accounting system does not provide any accurate estimate of the total amount of funds spent in primary schools or primary health centres.

In terms of child protection, one of the most harmful spending rigidities in the system is Indonesia's earmarked subsidy system. For example, the Government Subsidy Programme for Additional Food Costs for Social Care Institutions (BBM) is calculated on a per client basis, is allocated in a highly opaque way and mostly to care facilities that manage to recruit the required minimum number of children. This financial incentive is one of the key factors behind the proliferation of residential care facilities in Indonesia in past years and is a contributing factor impeding efforts towards de-institutionalization.<sup>32</sup>

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<sup>32</sup> Ibid.

### **Costing policy priorities and strategies**

In general, the costing of policy priorities and strategies is a new approach for Indonesia and needs additional work, especially in the area of child protection. No accurate planning and costing models are available for child protection system strengthening, and there has been only limited assessment of the costs and benefits of current or planned child protection policies. An initial analysis of recent years' budget data in 2014 revealed that of the ministries with dedicated child protection budgets (defined by proxy indicators by UNICEF since there is no nationally consistent measure for what constitutes a 'child protection budget'), most money is allocated to staffing and recurrent operational costs. Only 10 per cent to 15 per cent is available to each ministry for actual programming, including direct assistance to children.

In an attempt to increase the efficiency and effectiveness of Indonesia's child protection budgeting, Indonesia has become the first pilot in a pioneering global initiative by UNICEF to track country progress against a global 'norm'.<sup>33</sup> The initiative aims to establish baseline markers for countries on what percentage of their budget governments can be expected to spend on children. The ultimate goal is to track incremental improvements (and identify gaps) in allocations and expenditures at national and subnational levels. Moving forward, this will provide valuable data to support and better inform budget planning and prioritization.

The financial benchmarking exercise was conducted in selected districts in Indonesia in 2015, by UNICEF and local government partners. Phase I identified the core indicators (what should and should not be considered child protection expenditures) and a methodology for information collection. Phase II tested the methodology in practice.

The results indicate that the overall level of spending on child protection in Indonesia is very low. The benchmarks were calculated on the basis of expenditures for the years 2013 and 2014 (collected between April and September 2015). On average, the national child protection benchmark for Indonesia during 2013 and 2014 was 0.072 per cent. This means that for every 1,000 Indonesia rupees spent per person at the national level, 72 US cents were spent per child on child protection. As a percentage of the budget, this is equal to 0.027 per cent (or 27 US cents for every 1,000 Indonesian rupees spent). In Jawa Tengah (East Java, one province in Indonesia), this estimated expenditure grows to just over 3 Indonesian rupees per child for every 1,000 Indonesian rupees per person, or approximately 0.1 per cent of the budget. These amounts are spent on a complex web of services across sectors, institutions and levels of government. While the research did not assess the quality of expenditures or services, the fragmentation of financing alone is likely to detract from efficient, coherent and effective service delivery. Most expenditures on child protection services are concentrated in the social protection sector, indicating a need for investment in dedicated child protection service delivery (such as case management and victim support).

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<sup>33</sup> See: United Nations Children's Fund, *A Financial Benchmark for Child Protection, Indonesia Pilot Study, Benchmark Report*, UNICEF Indonesia, 13 October 2015.

In specific sectors there is evidence of good practices that could provide useful working models and be applied more broadly to other priority programming areas. For example, as part of the juvenile justice reform strategy, a costing toolkit has been developed to support ongoing efforts and lessons learned about cutting costs in capacity development and learning among government staff. In terms of gender analysis, the Ministry of Women's Empowerment and Child Protection has successfully advocated for a 'gender marker' in all line ministry submissions to the Ministry of Finance to track gender budget allocations. Similarly, a child marriage costing analysis has recently been completed – using a methodology piloted by UNICEF Nepal and the Government of Nepal. This work is expected to be launched in 2015 and will support the mapping of action needed to reach target goals outlined in the current medium-term development plan (RPJMN 2015-2019).

The 2015-2019 plan shows promising progress for investments in child protection. Budgets are earmarked for each of the cross-cutting programming priorities (and activities) laid out for child protection. This is extremely important for Indonesia, since it obliges each ministry to commit budgets to these activities and to be held accountable. The total budget earmarked in the RPJMN for child rights and, more broadly, women's rights over the next five years is approximately \$265 million.

As Indonesia embarks on full implementation of its ambitious development agenda for child rights and child protection, with a focus on system strengthening, it will be important to assist line ministries at national and local levels to formulate corresponding budgets. The benchmarking pilot will go some way in this regard to provide a 'blueprint' for common areas of prioritization and will support a systematic process of allocation and expenditure tracking. UNICEF will also need to work closely with the government and civil society partners to develop a costing system for the newly established Sustainable Development Goals in the post-2015 development agenda. Indonesia is poised to be a role model for government-led national child protection systems-building in an emerging middle-income context, with self-sustaining funding and clear benchmarks for success. Greater efforts are needed, however, to ensure active civil society participation, a reliable monitoring and evaluation system, and overall coordination among sectors.

## Next steps

A number of immediate steps need to be taken to build on new commitments laid out in the RPJMN 2015-2019. Areas highlighted for programming attention over the next five years include the following:

### **Harmonize laws relevant to child protection**

UNICEF support to the government over the next five years will prioritize advocacy for the reform of the Marriage Law and other laws to prohibit violence against children in all settings as well as for stronger enforcement of existing child protection laws and frameworks, notably the amended 2014 Child Protection Law.



### **Advance multi-stakeholder coordination, integration, synchronization and synergy**

The RPJMN's ambitious targets for child protection require strong leadership across ministries and mandates (including coordination between national and local governments, building national and local forums, and civil society engagement). UNICEF will work closely with the Ministry of National Development Planning as well as the ministries for social welfare, women's empowerment, law and human rights, and home affairs to strengthen active coordination mechanisms such as the 'Child Protection Pokja', chaired by the planning ministry and its equivalent at local levels. Forums like the Pokja are able to bring together partners from a range of sectors with clearly established work plans and budgets for coordination.

### **Develop the capacity of service providers on child protection**

Further to the recommendation of the 2015 child protection evaluation, UNICEF will work together with the government to design a capacity development agenda, led by the government, with key targets across a range of sectors. This agenda will engage government-funded training institutes, such as the Social Welfare Training Institute of the Ministry of Social Affairs and the Learning Centre of the Ministry of Law and Human Rights, in helping to ensure that child protection efforts are sustainable over the long term.

### **Increase monitoring, evaluation and reporting on policy implementation**

Increasingly, the government is reaching out to independent research institutes and civil society to assist in monitoring, evaluating and reporting on government programmes. For example, in 2014, the government commissioned the University of Indonesia to analyse the situation of children living in institutions and provide key policy recommendations for legislative and policy reform. UNICEF will continue to support such efforts, including, for example, by undertaking an independent evaluation of the implementation of the new Juvenile Justice Law in 2016. Innovative mechanisms like the UNICEF U-Report for Indonesia also provide a platform for children and young people to report directly on the implementation of government policies pertaining to their protection. Their feedback is already being collected to inform the revisions to the new National Action Plan/Strategy on Violence against Children, for example.

### **Improve systematic data gathering and strategic information**

Incidence data on child protection need to be addressed – on an urgent basis. Currently no coordinated mechanism exists for recording and tracking such data. UNICEF will support the government in analysing existing incidence data and is helping carry out a meta-analysis on violence against children to be completed in 2015. This includes collaboration with related sector ministries to strengthen reporting mechanisms.

UNICEF will also work with other UN agencies (such as the UN High Commissioner for Refugees, the World Health Organization and UNDP) to support Indonesia's efforts to realize the new Sustainable Development Goal target on birth registration for all. Already, the RPJMN aims to achieve birth registration for 85 per cent of the country's children by the end of 2019. This is the first time a quantitative target has been set for birth registration at this strategic level. Efforts are also under

way to establish a firm platform for civil registration and vital statistics in line with the 2014 Regional Action Framework, to which governments of the East Asia and Pacific Community have committed.

**Address harmful social norms**

Shifting social norms that perpetuate violence against children, in particular, girls, is a key priority of UNICEF's new Country Programme Document 2016-2020. Together with the government, UNICEF will invest in innovative social norms models in selected urban and district sites to inform good practice. To date, there is no confirmed evidence of successful social norms programmes (for example in schools, communities or religious settings) on violence against children, despite a series of ad hoc investments over the last decade. Positive parenting approaches will be included in these models, developed in collaboration with the education sector.

## Acronyms

BBM	Government Subsidy Programme for Additional Food Costs for Social Care Institutions
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
GIF	Governance Indicator Framework
JARAK	Network of Indonesian Child Labour NGOs
KPAI	Indonesian Commission for Child Protection
KNPBTA	National Commission for the Elimination of the Worst Forms of Child Labour
LSAF	Institute for the Study of Religion and Philosophy
NAP VAC	National Action Plan on the Prevention and Eradication of Violence against Children
PKSA	Social Welfare Programme for Children
RPJMN	National Medium-Term Development Plan
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNPDF	United Nations Partnership for Development Framework