

Item 13:
Rights of the child

The government of Indonesia has ratified the Convention on the Rights of Child, however the children's human rights situation remain below standard of the Convention. In the year 2004 the CRC committee published its concluding observation to response the Indonesian country report. On its concluding observation the CRC committee is very concern at budget allocation in relation with child rights protection and promotion, and the issue of child rights mainstreaming within the public policy. The State's budget of 2004 shows that budget allocation for defense spending is 8, 4%, education is 7,8%, and health is 2,4%. While in the year 2005 shows that budget for defense is 8, 2%, education is 8, 2% and health is 2, 8%. These data show that the government of Indonesia did not take appropriate steps to response the Committee concerns.

Basic education (9 years education) is not free, and education is not affordable to all families in particular those living in poverty. The government of Indonesia has issued policy to subsidy the primary school operations. It will cover 26, 9 million students in primary school, and 698,500 students in secondary schools. Further, the government is also allocating funds to support general education. The policy is aimed to anticipate the worst impact of the fuel price increment only.

Violence against children including state violence and violence perpetrated by non-state actors remain an issue. Children in conflict with the law undergo investigation without the present of public defender or council so that they are vulnerable to experience violence and abuse. Children in state institution in particular those who engage with crimes are not separated from adults. Some provinces have own Juvenile Prison, however the condition is remain worst. For example, juvenile prison in Tangerang has capacity to hold 200 inmates, but in fact 322 male child inmates were hold there. The rights to education is limited, health services is below standard. Corporal punishment exist as means of disciplines in all of juvenile prisons, no regulation to prohibit such wrong conducts and also redress mechanism is not provided.

Corporal punishment is a common phenomenon at home, in school and in work place. Evidence from Children consultation conducted in eighteen provinces between February and April 2005 proves that children experiencing corporal punishment. Children working in domestic sector are vulnerable to violence and exploitation, while girls are vulnerable to sexual abuse and exploitation as well. Children living in the refugee camps in Aceh are vulnerable to physical and psychological abuse. They also suffer from varies of disease because of poor sanitation. Aceh Local Regulation (Qanun) has no provision to protect children from corporal punishment. The application of syariah law implements lashing punishment in front of public attendance, including children. In this case, children are not excluded from the respective punishment. In some area in Indonesia especially in rural area, custom based violence against children are commonly practiced, such as: early marriage, arrange marriage, selling children for debt payment, female genital

circumcision (in Madura), and cutting children's knucklebone when their parent past away (in Papua), and that the government does not take appropriate steps to prevent as well as intervene to eliminate all forms of custom based violence against children.

The government of Indonesia has enacted Law Number 23 of 2002 concerning the Protection of the Child as well as Law Number 23 of 2004 concerning the Elimination of Domestic Violence, however enforcement effort of the respective laws remain in question. Its attributed to the lack of knowledge and sensitivity in relation to child rights and protection. The Commission on Child Protection has established on 2003 as one of the national mechanism to protect and promote children's human rights, an yet this commission is not accessible for children because it does not facilitate individual communication where a child enable to voice out his or her experience. Further, the commission has no mandate to investigate any cases concerning the violation of child rights

Birth registration is one of the basic civil rights of children. The Law concerning the Protection of the Child states that the state provides free birth registration for children without any discrimination. However, implementation of the respective law is not yet done. Birth registration is not free and not accessible for all families. Today only four out of every ten children have been registered. It proves that only 40 % of Indonesian Children posses birth certificate. This situation result in the practice of falsification of child identification for the purpose of exploitation such as trafficking in children or commercial exploitation of children. The absent of birth certificate is also affected to the re-unification processes when children apart from the parental care cause of natural disaster or armed conflict situation. With regard to the issue of birth registration, the CRC committee has recommended the government of Indonesia to amend all the laws and local regulation in relation to birth registration as well as develop strategy to achieve 100% child birth registration by the year 2015. However, maximum step has not been taken to make that recommendation in action. The specific law regulates birth registration not yet enacted. The law concerning citizenship not yet amended, which will affect the status of child born with non-Indonesian father. Since this particular law states that citizenship only follow the father's line, so this will deny the children's rights to possess Indonesian citizenship if their father is non Indonesian citizen.

Approximately 500.000 Indonesian children, who are born in Malaysia without legal document, remain stateless. The government of Indonesia has promised to undertake specific measure in order to protect these children's right. However there is no legal or political action has taken until today. This situation denies them equal opportunity to attain education and access to health services.

Understanding the worse situation of children's human rights in Indonesia, We recommend that the 62nd UNCHR urges the government of Indonesia to:

1. Raise budget allocation for the purpose of protecting child rights in particular the right to education and the right to access appropriate health services

2. Enact regulation to mainstream child rights and participation within the decision making processes so that all the public policy will accommodate children's needs and interests.
3. Enforce law and provide sanction for anyone perpetrated violence against children, and provide healing services for children victims of violence.
4. Take specific measure to provide special protection for children who needs special protection in particular, children living in armed conflict situation, children in conflict with the law, children in state's institution, and child labor. This specific protection covers prevention from all forms of violence and rehabilitation services to avoid trauma.
5. Provide free basic education and accessibility of free birth registration
6. Amend and revise any law and regulation, in order to meet with the International standard and customary in relation to the protection and promotion of children's human rights.
7. Enact regulation to prohibit customary attitudes that attack children's human rights.
8. Take affirmative action to protect and fulfill human rights of Indonesian children living without legal document in particular those who live in Malaysia.

Written by Children's Human Rights First and HRWG