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AMBASSADOR / PERMANENT REPRESENTATIVE
OF THE REPUBLIC OF INDONESIA TO THE UNITED NATIONS
AND OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA

24 January 2005

Dear Mr. Pinheiro,

I have a pleasure in submitting to you my Governments' response on the United Nations Secretary General's Study on Violence Against Children.

The Government of Indonesia attaches great importance to the study you have conducted as the Independent expert Secretary-General's Study on the Question of Violence against Children. The study indeed is timely in addressing the question of violence against children.

Protecting the rights of the child has always been a priority in the Government's agenda in Indonesia's national development programme. Legislative and administrative measures have been taken and various elements of society have been involved in the implementation of relevant national action plans by the Government in order to create a healthy and conducive environment for the development of children in Indonesia.

One major step in the promotion and protection of the rights of the child in Indonesia is the enactment of Law No. 23 of 2002 on the Child Protection. The law addresses all forms of physical or mental violence, injury and abuse, neglect as well sexual abuse, which are fully in line with the definition of forms of violence against children as stipulated in the study.


It is too early to judge the effectiveness of the aforesaid law in preventing and addressing the issue of violence against children, however a recent court decision has referred to the Law in holding a foreign tourist responsible for pedophile practices in Bali. This case has shown that legal protection for the children is indeed operational. In addition, nine members of the Indonesian Committee on the Protection of Children (Komite Perlindungan Anak Indonesia) have recently been appointed and are now able to receive complaints on the violence of the rights of the child. Furthermore, various reforms are now ongoing, including reviewing the penal code and the juvenile justice system.

For the purpose of responding to the questionnaire, a working group has been established under the coordination of the Ministry of Women Empowerment. The work of this working group was then presented in a one-day national workshop. Among participants to the workshop were representatives of various Ministries, National and Regional Police officers, the National Commission on Human Rights, academia, local and international NGOs, as well as Child Protection Institutions from several provinces. The objective of this mechanism is to have a broader consultation of various elements of Indonesian society, that could participate in elaborating a response to the questionnaire. Their involvement has been resourceful and was able to maintain objectivity in the answers to the questionnaire.

Throughout the process of formulating the Indonesian response, UNICEF Jakarta has played an active and constructive role. In this regard, the Government of Indonesia conveys its appreciation to the UNICEF Jakarta.

Finally, a lot of work remains to be done in order to address the issue of violence against children. Cooperation at the international level is essential and the Government of Indonesia actively supports the effective international strategy through the United Nations to combat violence against children.

Thank you,

Yours sincerely,

DR. Makarim Wibisono

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I. LEGAL FRAMEWORK

International Human Rights Instruments

1. Indonesia has ratified a number of international instruments on human rights. The most relevant instruments for this study that have been ratified are as follows:

- Convention on the Rights of the Child (ratified by a Presidential Decree No. 36 of 1990);
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ratified by Law No. 5 of 1998);
- Convention No. 182 of the ILO concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ratified by Law No. 1 of 2000).

In addition to ratifying the above mentioned instruments, Indonesia has also signed some other instruments relevant to this study, as follows:

- Two Optional Protocols to the Convention on the Rights of the Child (Both signed in 2001);
- Palermo Protocol (signed in 2000);
- Stockholm Declaration and Agenda for Action against Commercial Sexual Exploitation of Children (signed in 1996);
- Yokohama Global Commitment (signed in 2001);
- Commitment and Action Plan of the East Asia and Pacific Region against Commercial Sexual Exploitation of Children (signed in 2001).

For the past 5 years, there have been a lot of significant changes in Indonesian legislation. These changes give broader protection to human rights in general, and children's rights in particular, including the protection from violence. The second amendment of the 1945 Constitution of the Republic of Indonesia in the year 2000, contains provisions on human rights in general. Article 28B (2) of the 1945 Constitution provides that "Each child has the right to live, grow up, and develop as well as the right to protection from violence or discrimination."

Twelve years after the ratification of the Convention on the Rights of the Child, the Law No. 23 of 2002 on Child Protection was enacted in October 2002. Law No. 23 of 2002, in a way, is the incorporation of all the principles contained in the Convention on the Rights of the Child into the Indonesian national legislation so that can be applied in the court room. Furthermore, it regulates, inter alia, the rights of the child to be protected against violence, and the responsibility of the government or an authorized state institution to provide special protection to children who are the victims of both physical and/or mental violence, are neglected or abandoned.

The Child Protection Law is an example of a situation where international human rights law to which Indonesia is a party to are "transformed", or incorporated into, the national legislation. It is the provisions established in this regulation/legislation that shall be referred to by Indonesian trial courts.

In addition, three Presidential Decrees concerning the national Plans of Action on Combating (1) the Worst Forms of Child Labour, (2) the Commercial Sexual Exploitation of Children, and (3) the Trafficking of Women and Children were enacted in the year of 2002. In the year of 2003, the Indonesian Commission for Child Protection (Komisi Perlindungan Anak Indonesia) was established by Presidential Decree to promote the implementation of the Child

Protection Law. The Commission has also a mandate to receive community complaints. In line with effort to achieve Millenium Development Goals, the Government of Indonesia has produced a document called "National Programme for Indonesian Children through the year 2015, which also consists the programme that adresses protection on children.

Legal Provisions on Violence against Children

2. In general, the developments of legal protection for children against any act of violence in Indonesia are in compliance with the acceptance of a number of international human rights instruments by the country. The following illustration may serve best example. Before such development, the KUHP (Indonesia's Penal Code) as the only national legislation providing protection for everyone against any act of horizontal human rights violations covered only little issue on protection for children against violent acts. Details once contained in the penal code are as follows:

- In general the penal code did not define acts of violence against children.
- Penal code could only be referred to for rape case (on women in general including under-age female children) and for sexual harassment (particularly on children).
- Acts of mental violence and negligence on children were not defined.
- Physical assault on children was not defined, however when such violence resulted in fatal impact on victim, it might be considered an act of crime according to the penal code with regard to acts of oppression or acts causing or sufficient to cause death.

Following the introduction of international human rights instruments in the reform era in 1998, Indonesia has undergone some constitutional amendment and adopted a number of new legislations that explicitly provide protection guarantee on children against any act of violence. Some of the newly introduced legislations give only legal recognition on acts of violence on children, while some others provide effective protection by considering acts of violence on children as acts of crime.

The following are details on children protection against acts of violence as contained in the National Constitution and Legislations:

First. The 1945 Constitution of Republic of Indonesia. The second amendment in 2000, the constitution guarantees children on their right to have protection against any acts of violence, stated in article 28B paragraph 2 "Each child has the right to live, grow up, and develop as well as the right to protection from violence or discrimination."

Second. Law No. 3 of 1997 on Juvenile Court. This law is a special penal procedure on children that was passed in 1997 and put into effect in 1998:

- This law introduces special penal procedures for children as well as improves some protection standards as set in KUHP (criminal procedural law).
- Improvement of these protection standards in this law may be reflected, for example, in the time reduction of pre-trial detention, which avoids further and prolonged potential violence during detention.

- However, this law does not make into a criminal case any acts of violence performed by investigators or other prisoners during the investigation or pre-trial detention.
- In addition, this law is now proposed to be amended as to improve its protection standards.

Third. Law No. 39 of 1999 on Human Rights. This law recognizes normative values of human rights in general and of children rights in particular.

- Recognition on children rights is regulated in Chapter Ten covering articles 52 – 66.
- Protection on children (against acts of violence) is regulated in articles 52, 58 and 66.
- Article 52 paragraph 1 regulates children protection in general, "Every child has the right over protection by his or her parents, family, society and state."
 - (1) Every child has the right for legal protection against any acts of violence— both physical and mental, negligence, ill treatment, sexual harassment under the guardianship of his or her parents or guardians, or any party that can be held responsible for the guardianship of the child.
 - (2) Parents, guardians or whoever takes care of the child may be subjected to penal sentence provided that they conducted acts of physical and or mental violence, negligence, ill treatment, and sexual harassment including rape and or murder of child who is supposed to be protected.
- Article 66 paragraphs 1 – 2 explicitly state protection against any acts of violence during the legal process, as follows:
 - (1) Every child has the right not to be subjected to acts of oppression, ill treatment or inhuman penalty.
 - (2) Death penalty or imprisonment for life cannot be sentenced on children.
- However, Law No. 39 of 1999 on Human Rights does not contain any criminal offence, making it impossible to be referred to for legal proceeding for any acts of violence against children.

Fourth. Law No. 22 of 2002 on Child Protection.

Compared with the aforesaid legislation, this law is the only legislation stipulating any criminal offence regarding acts of violence against children. Therefore, this law provides effective protection for children, other than the Penal Code. The following are extracts of this law concerning penalties for acts of violence against children.

- Article 77 paragraph b: "(Every person who deliberately conducts act of) negligence on children that causes or sufficiently causes illness or sufferance, either physical, mental or social (shall be subjected to imprisonment of maximum five years and/or fine of maximum one hundred million rupiah)."
- Article 78: "Every person who has knowledge of and deliberately let children...victims of such violence as mentioned in article 59, whereas evidently the children need rescue and must be helped, can be subjected to imprisonment of maximum five years and/or fine maximum one hundred million rupiah." (Article 59 states: "Government and other state agencies are obliged and can be held responsible for providing special protection for children...victims of violence, either physical and/or mental, disabled children, ill-treated children and neglected children.").
- Article 80 paragraph (1): "Every person who conducts acts of cruelty, violence or threats of violence, or ill treatment on children, can be subjected to imprisonment of maximum three years and six months and/or fine of maximum seventy two million rupiah."

- Article 81:
 - (1) Every person who deliberately conducts acts of violence or threats of violence by which the person coerces a child to have sexual intercourse with the person or other person, can be subjected to imprisonment of maximum fifteen years and minimum three years and fine of maximum three hundred million rupiah and minimum sixty million rupiah.
 - (2) The criminal offence as mentioned in paragraph (1) also applies for any person who deliberately deceives, lies to, or persuades any child to have a sexual intercourse with the person or with other person.
- Article 82: "Every person who deliberately conducts acts of violence or threats of violence, coerces, deceives, lies to or persuades any child to be or let be sexually harassed, can be subjected to imprisonment of maximum fifteen years and minimum three years and fine of maximum three hundred million rupiah and minimum sixty million rupiah."

3. The following are details with regard to provisions of special national legislation concerning prevention, protection, redress, reintegration, and rehabilitation of children as victims of violence, as well as penalties of perpetrators of violence against children:

Provision on prevention of violence:

- There is no specific stipulation on prevention of any or all physical, sexual and mental violence, injury or abuse, negligence as well as sexual abuse in this national legislation.
- However, the criminal offence defined in this Law on Children Protection is expected to provide lesson for potential perpetrators that in turn will reduce acts of violence against children.
- For additional information, prevention measures are not usually defined in legislative stipulation; however, they are usually found in government policies and programs.

Provision on protection:

- In general, protection is provided in the form of filing in violent acts against children as criminal offences. Penal stipulations in Law on Children Protection – including physical and mental acts of violence, abuse, negligence, injury and sexual violence – are the embodiment of such protection.

Provision on redress

- According to Law on Children Protection (article 71 paragraph 1), children who become victims of abuse and negligence have the right for care and rehabilitation.
- However, there is no provision regarding redress for children as victims of acts of violence.

Provision on penalty for perpetrator of violence

- (see answer on point (2) above).

Provision on reintegration and rehabilitation of the victims:

- Article 71 paragraph 1 (similar to the provision on redress mentioned above).

4. To date, there are several national legislation that addresses any or all forms of acts of violence taking place in sites as detailed in the questionnaire. With regard to sexual violence and exploitation, the Penal Code has specified some provisions upon the relationship between the victim and the perpetrator. Article 294 paragraph (1), and article 295 paragraph (1) – 1 specify this issue.

- Article 294 paragraph (1): "Every person who commits indecent assault against the person's child, step-child, child who is under-age and under the person's supervision; or with adolescent whose care, education or guardianship is provided by the person; or with another single person who is not sufficiently considered matured, may be subjected to imprisonment of maximum seven years."

- Article 295 paragraph (1) – 1: "(It may be subjected) to imprisonment of maximum five years any person who deliberately causes or lets any indecent assault committed by the person's child, step-child, adopted child, or child who is under-age and under the person's guardianship; or by an adolescent whose care, education or guardianship is held responsible by the person; or by a single person who is under-age, with another person."

The only provision in the Penal Code that specifies the relation between the victim and the perpetrator as well as the scene of such sexual assault is defined in article 294 paragraph (2)-2: "(It may be subjected to imprisonment of maximum seven years) any staff member, doctor, teacher, employee, supervisor in jail, state's building, education institution, orphanage, hospital, asylum or social institution, who commits indecent assault against any person entering respective institution."

Meanwhile, Law on Children Protection, article 54, particularly specifies normative protection for children against any acts of violence in school area: "Children attending school must be protected against violence and abuse from teachers, school managers, and school mates both in the school and other educational institutions".

In addition, Law on Children Protection specifies additional penalty for any acts of "cruelty, violence or threats of violence or injury against a child" provided that the acts of violence are committed by the child's parent (Article 80).

Furthermore, in order to eliminate the act of domestic violence and protect the victim of domestic violence, the Law no. 23 of 2004 on the Elimination of Domestic Violence has been adopted in 22 September 2004. The Law specifically addresses all forms of violence which take place in the family/home.

5. To date, there has not been any explicit provision prohibiting corporate punishment against children in Indonesia's legislation. However, there is an implicit provision regarding this issue, which recognizes children rights of "not being subject to maltreatment, torture or inhuman punishment", as contained in Law on Human Rights (article 66 paragraph 1) and in Law on Children Protection (article 16 paragraph 1). Nevertheless, such provision does not specify punishment of such violence, making it ineffective to enforce.

6. Although physical/corporal punishment is not explicitly forbidden, however, it is not recognized in Indonesia's penal law. In addition, death penalty for children under 18 is not applicable in Indonesia (Law on Trial for Children article 26 paragraphs 2-4).

7. Bullying/hazing is not specified in legislation. Moreover, the term "sexual harassment" is not incorporated in Indonesia's legislation. Only the terms "rape" and "indecent assault" (in Penal Code), or sexual violence and sexual exploitation (in Law on Children Protection) are recognized.

8. Practices of traditional violence, e.g. female genital mutilation, are not specified in the national legislation. Female genital mutilation is not a serious concern in Indonesia despite the fact that there is extensive traditional physical practice in the country.

With regard to early marriage, in normative way, minimum age for marriage has been stipulated in Law No. 1 of 1974 on Marriage (article 7 paragraph 1). Law on Marriage also mandates the government to prevent early marriage by means of administrative measures (article 16). In addition, provision on prevention of early marriage is also stipulated in Law on Children Protection (article 26 paragraph 1 [c]) stating that "(Parent is obliged and held responsible) to prevent underage marriages." Despite the absence of legal punishment for any violation of this provision, it must be noted that efforts to prevent early marriage is continuously carried out through educational/campaign methods.

9. There is no specific regulation regarding protection against any acts of violence for non-citizen children and alien children. However, the Law no. 23 of 2002 on Child Protection has one chapter (Chapter V) which stipulates special protection to internally displaced children, children who are the victims of social disturbances, natural disasters and children who find themselves in the midst of armed conflicts.

10. Regarding differences in defining violence and the applicable law, it must be acknowledged that:

- In terms of sexual assault, the Penal Code differentiates between rape and indecent assault, whereas on one hand, rape refers to unwanted sexual intercourse undergone by a female (child) as victim; on the other hand, indecent assault refers to sexually improper treatment suffered by male or female children. In this context, it appears that the Penal Code provide more extensive protection for girls compared to boys. In this respect, Law on Children Protection introduces greater extent of protection without regard to particular gender of victim.
- There is no difference in the definition of violence or legal framework based on the age of victim and perpetrator.
- Despite no difference in the definition of violence, there are different punishments on the basis of relation between victim and perpetrator. In terms of sexual assault, the Penal Code would give less punishment for perpetrator provided that the perpetrator is parent or person responsible for taking care of the victim. On the contrary, Law on Child Protection gives strict punishment provided that the perpetrator is the parent.
- The Law no. 23 of 2004 on the Elimination of Domestic Violence puts more emphasis on legal basis for sanction based on the relation between victim and perpetrator.

11. There has not been any effort to review in a comprehensive manner on the legal basis regulating violence against children.

12. There has not been any study or survey to measure the impact of legal proceeding regarding violence against children.

Courts tasked with addressing violence against children

13. There are 4 different courts in Indonesia, namely public court, religious court, military court, and state administrative court. Family court or juvenile court is not recognized here. Cases on violence against children are under the authority of public court.

Minimum age for sexual activity

14. Provision related to minimum age for sexual activity is stated in two laws, namely Penal Code and Law No. 1 of 1974 on Marriage, both of which specify minimum age for marriage.

- Article 287 Penal Code covers the following provision:
 - (1) Any person having sexual intercourse with a woman without marriage bond, whereas the person knows or is supposed to know that the woman is not fifteen years old yet, or her age is unknown that is not old enough to be married, may be subjected to imprisonment of maximum nine years.
 - (2) Prosecution may be performed upon complaint, unless the woman's age is not twelve yet or if one requirement complies with either article 291 or article 294. (Note: Article 291 excludes complaint if victim suffers serious wound or death; while article 294 excludes complaint if victim is the child, step-child, adopted or fostered child of the perpetrator.
- With regard to minimum age for sexual activity for male children, the Penal Code does not explicitly specify this issue, although some articles of the Penal Code imply that the minimum age is 15 (fifteen).
- Law on Marriage No. 1 of 1974 specifies the minimum age for marriage in different standards for female and male children, stipulated in article 7 (paragraph 1).

Indonesia does not recognize homosexual. Therefore, the minimum age for homosexual activity is not specified in any and all existing legislation.

15. Article 7 (paragraph 1) of Law on Marriage states that "Marriage permit is granted when the male's age is 19 (nineteen) and the female's age is 16 (sixteen)."

Sexual exploitation of children

16. A number of provisions in Penal Code and Law on Children Protection are aimed at preventing children trafficking for sexual exploitation. The most relevant provision in Penal Code is specified in article 297: "Women trafficking and non-adult boys shall be subjected to imprisonment of maximum six years."

In addition, there are other provisions in Penal Code aiming to prevent commercial sexual exploitation of children, namely article 290 paragraph 3, article 293 paragraph 1, article 295 paragraph (1)-2.

Protection (or Prohibition) on trafficking of children by parents or guardians is provided in article 295 paragraph (1)-1 and paragraph (2) of Penal Code as follows:

- Article 295 (1)-1: "(It may be subjected) to imprisonment of maximum five years, any person who deliberately causes or sufficiently causes indecent assault committed by the person's child, step-child, adopted child or foster child whose care, education or guardianship is under the person's responsibility; or by the person's single adolescent, with another person."
- Article 295 (2): "If the defendant conducted such act of crime upon habit, the penalty may be extended one third of any given sentence."

Law on Children Protection considers children trafficking as an act of crime, as stated in article 83: "Any person who traffics, sells, or abducts children for individual purpose or for trafficking, shall be subjected to imprisonment of maximum fifteen years and minimum three years and fine of maximum three hundred million rupiah and minimum sixty million rupiah."

Unfortunately, there is no national legislation that guarantees that children as victims of sexual exploitation not to be considered as perpetrators.

It must be noted that in addition to the two legislations mentioned above, Indonesia has also adopted National Plan of Action for the Elimination of Commercial Sexual Exploitation against Children (Presidential Decree No. 87/2002), National Plan of Action for the Elimination of Women and Children Trafficking (Presidential Decree No. 88/2002) and National Plan of Action for the Elimination of the Worst Forms of Child Labor (Presidential Decree No.59/2002). Meanwhile, bill on eradication of human trafficking is now being drafted.

Pornography and harmful information

17. In Indonesia there is not yet any legislation including Penal Code and Law on Children Protection that specifically bans production, ownership and distribution of pornography to underage children. Provision in Law on Children Protection generally bans sexual exploitation against children. In Penal Code, there is a ban on demonstrating indecent materials in public, and filing a person for criminal offence of showing pornography materials to underage children.

18. Other than Penal Code that bans the exhibition of indecent materials in public, there is no specific legislation that regulates protection for children against injurious information and materials disseminated by mass media including Internet, video, and electronic games.

Reporting obligations relating to violence against children

19. To date, there has not been any legislation, regulation or administrative guide that obliges reporting on any or all forms of acts of violence and injury against children in any situation to related institutions.

Complaints procedures

20. In the absence of such legislation on reporting on acts of violence against children, complaints filed for such violence or injury must follow the procedures for filing in criminal offences, including sexual assaults and (in some cases) physical assault. The complaint is filed to the police, wherever such violence took place. There is no special procedure of complaint for domestic violence, school violence, etc.

To address this issue, it must be noted that the police has already established an Integrated Service Center – a special unit that takes complaints from victims of violence against women and children. However, this unit is only available in big cities. In addition to this, the Commission for the Protection of Indonesian Children could also receive community complaints in respect of the protection of children's rights.

21. According to the existing procedures, children accompanied by parents or other adults may proceed following the existing complaint procedure. There is not any legal assistance provided to file the suit. However, victim may be accompanied by an assistant including a legal assistant provided by civil society organizations.

22. Although only in certain areas, a number of NGO in cooperation with the police are taking some initiatives to improve access for filing in complaints on violence against children by establishing kid's line or hotline (in Jakarta and Surabaya, East Java). Any child or citizen may report any acts of crime to this telephone line.

23. There is no specific legal framework or procedures that can be referred to by the court regarding violence against children. Case of violence against children is proceeded upon provision of general criminal offences, including sexual and physical assaults. Victim child of either of this assault is required to undergo *visum et repertum*. In addition, victim child may be called as a witness before the court. Whereas Law on Children Protection (article 64 paragraph 3 letter b) states that any child as "victim of criminal offence" is protected from identity disclosure by mass media.

24. The lawsuit on violence against children, if proven before the court, usually results in court sentence or punishment against the perpetrator.

25. Any child who is found guilty of committing a criminal offence (in general a sexual assault) may be subjected to imprisonment.

II. INSTITUTIONAL FRAMEWORK AND RESOURCES TO ADDRESS VIOLENCE AGAINST CHILDREN

26. To date, there are Task Forces which have a mandate to address acts of specific form of violence against children. These Task Forces whose main responsibility is to execute the National Plan of Action for the Elimination of Commercial Sexual Exploitation against Children and the National Plan of Action for the Elimination of Violence against Women. The member of these task forces comes from various sectors, such as government, non-government organization, academe,

media, and police. These task forces also operate at national and regional level (city and municipality). The Minister for Women Empowerment heads the task forces as head of executive team. In addition, in order to execute the National Plan of Action for the Elimination of the Worst Forms of Child Labor, the Government established a National Action Committee for Eliminating the Worst Forms of Child Labor. In addition to this, the establishment of the Commission for the Protection of Indonesian Children is aimed to improve the effectiveness of the efforts to provide protection for children in Indonesia, including from violence.

27. The State Ministry of Women Empowerment is the Government institution that has a mandate to coordinate the policies on children including in the issue of violence against children. As part of this mandate, the Minister of Women Empowerment is also the head of executing committee of the two national action plans on children and women.

28. Fund allocation or human resources to address these acts of violence are allocated by the Government. The fund to support the work of the aforesaid task forces and the Commission on Indonesian Child Protection comes from Annual National Budget (APBN) and Annual Regional Budget (APBD).

29. Despite fund and human resources to address these acts of violence against children are allocated separately to support the work of the Task Forces and the Commission, there is fund allocated for the protection and welfare of children related to the National Program of Indonesian Children (PNBAI) 2005 – 2015, covering activities of protection of children in the field of education, healthcare, prevention of HIV/AIDS, special protection for children and prevention of violence against disabled children, street children, children in conflicting areas and in border areas, as well as children of certain ethnic group in isolated and remote areas.

30. Donors such as UNICEF and ILO-IPEC provide resources to address issues on children in need of special protection including for issues such as violence against children, child labors, or child trafficking. Besides working with government, these donors also cooperate with NGOs or other civil society organizations. UNICEF, for example, cooperates with Gadjah Mada University in Yogyakarta and allocates some funds for study on violence against children in 6 cities in Indonesia (year 2000). The involvement of donors in this area supports the activities much.

In addition, there are many international institutions that allocate resources to address children issues in Indonesia. These institutions work on the basis of P to P (People to People) or G to P (Government to People). Some of these international institutions, for example, are Plan International, Save the Children (UK & US), ACIL & ICMC. They work directly for children or in cooperation with local NGOs. They generally address children issues.

31. Although this example does not specifically respond to issues of violence against children but the Government provides assistance to other countries on humanity issues, such as aids in the forms of blankets and clothing for Afghan refugees in Pakistan (aids distributed by Indonesian Embassy in Pakistan). However, in various regional and international meeting Indonesian delegation has actively participated and provides examples for exchange of experience in efforts to respond to the problem of violence against children.

32. Indonesian National Commission on Human Rights established in June 1993. The Commission consists of three Sub-Commission and the issues related to the rights of the child is under the Sub-Commission Protection of Special Group. In addition to this and as mandated by the Law no. 23 of 2002 on Child Protection, the Commission on Child Protection is established in 2004.

According to Law No. 39/1999 on Human Rights (article 76 and 89), the National Commission for Human Rights is mandated to perform studies – including study on international human rights instruments and to produce recommendations regarding the possibility of accession or ratification and to study national legislation to produce recommendation for the stipulation, amendment or revocation of legislation on human rights; to promote training on human rights for people including through education institutions; to observe events allegedly to have violated human rights including to receive complaints from people; and to serve as a mediator. In its observation, the National Commission on Human Rights has an authorization to execute a subpoena.

In addition, according to Law No. 22/2000 on Human Rights Trial, the National Commission on Human Rights has an authorization to conduct a *pro-justicia* investigation on cases of major human rights violation.

Based on such authorization, the National Commission on Human Rights can take any or all complaints that are allegedly to have criteria of human rights violation. However, this national commission has no authority to directly process cases on human rights violation against children including violence against children. What this national commission can do with regard to the children issues, based on the complaints received, is to produce recommendations or demand for related institutions (police, for example) to execute their function based on the existing redress mechanism.

In July this year (2004), the National Commission on Human Rights had a structural transformation and adopted child rights into the commission's mandate and assigned a commissioner in-charge of children's issues. With this new structure, it is expected that the National Commission on Human Rights can give a greater contribution for the improvement and protection of child rights including issues of violence against children in Indonesia.

According to Law No. 23/2002 on Child Protection (article 76) and Presidential Decree No. 77/2002) on Commission for Children Protection (article 3), the tasks of the National Commission on Children Protection are to disseminate all legislations and regulations on children protection, to collect data and information, to receive complaints from people, to review, to observe, to evaluate, and to control the implementation of children protection; and to give reports, recommendations, inputs and considerations to the President for addressing children protection issues.

Although this commission is not authorized to execute a subpoena and has no authority to settle the case directly, this commission, upon complaints from people, can play its role in much the same way the National Commission on Human Right does. And since the mandate given specifically deals with the monitoring of children protection, that the Indonesian Commission on Child Protection can address issues on violence against children in Indonesia thoroughly.

33. There is no special structure in the parliament that addresses violence against children. However, Commission VIII on Religion, Social and Women Empowerment in the parliament covers

issues children and Commission III on Law and Legislation, Human Rights and Security also covers issues of Human Rights in general and Rights of the Child in particular. Issues on violence against children are of course can be addressed by Commissions. Similarly, at provincial level, there is such structure and mechanism.

In addition, members of the National Commission on Human Rights are appointed by the parliament and the Commission must report to the parliament. In other words, such function and authority attributed to it, the commission is sort of extension of the parliament functions.

34. Not specifically. However, it must be noted that the initiative right – namely right to pass Bill into Law – the parliament has initiated efforts to address issues on children protection in general by drafting and passing Bill on Children Protection (2002) Bill on Protection for Victims of Domestic Violence. In order to ensure the children protection, the Government has enacted Law No. 23 of 2004 on Domestic Violence which guarantee an immediate protection for the victims of domestic violence, including children. In the mean time, the Government would like to conduct a workshop which will formulate a National Plan of Action on Violence Against Children in the year 2005.

Moreover, with its control function, the parliament can call hearing with the government by which the parliament can take particular initiative.

III. ROLE OF CIVIL SOCIETY IN ADDRESSING VIOLENCE AGAINST CHILDREN

35. Although civil society particularly NGOs in many cases have been criticized as to much donor-driven in developing and implementing their programs, however, they have a significant role in addressing new issues including violence against children. The civil society falls into a number of groups including national and international NGOs, academic institutions, professional associations and faith-based groups.

One of the oldest NGOs in Indonesia deals with abandoned babies. It provides temporary shelter and care and finds potential foster parents for the abandoned babies. In their development, NGOs that deal with street children begin to address violence issues, particularly sexual and physical assaults suffered by the street children. Furthermore, NGOs dealing with violence against women, based on cases they handle, are involved in the protection program for female children, particularly protection from sexual abuse, especially at family level.

The international growing concern over commercial sexual exploitation has also some effects in Indonesia. Many NGOs in this country begin to address this issue as well. In response to this issue, NGOS providing legal assistance now also take cases of violence against children, particularly sexual abuse cases. It must be noted that legal aid organizations in limited scale have also addressed (physical) violence cases suffered by children alleged of making criminal offences. In this matter, cases handled by NGOs are generally on negligence, physical abuse and sexual abuse taking place in public places (street), in family, and violence committed by police/civilian police.

The forms of interventions given in general include recovery/rehabilitation, counseling, "protection" in the form of safe shelter, legal assistance, awareness raising through public campaigns by posters or talk shows, and advocacy for amendment of legislation/policy (the NGO's

involved on the process of drafting Law such as Law on Children Protection and draft law on Protection for Victim of Domestic Violence and Bill on Elimination of Human Trafficking in which they introduced their first draft Law). Furthermore, a number of NGOs are actively facilitating on the establishment of organizations at community level to monitor cases of violence against children and women at grass-root level.

In 1998-1999, with support from UNICEF, Center for Tourism Studies of Gadjah Mada University, NGOs conducted study on violence against children in 6 cities in Indonesia: Medan, Palembang, Semarang, Surabaya, Makassar and Kupang. This study, covering physical, mental and sexual assaults, is the first biggest scale of its kind in Indonesia. Along with this study, some professional associations such as the Indonesian Doctors Association (IDI), Indonesian Pediatricians Association (IDAI) also give their attention to this issue.

36. The Government's support for civil society's efforts to address violence against children in general shows a positive development. In the beginning, the government only supports some philanthropic efforts with regard to issues of abandoned babies. Meanwhile, NGOs' efforts to deal with violence against street children do not get positive response.

Along with the on-going democratization in the country, the government increasingly accommodates and positively responds to the role of civil society including addressing issues of violence against street children. The establishment of kid's line in Surabaya, East Java for example, resulted from collaboration between NGOs and Surabaya Police by which children and people can complain and report any act of violence suffered by children including street children, shows a positive ongoing development. Forms of support by the government for civil initiatives are distribution of financial aids or in kind, involvement in anti-violence campaign, particularly anti-sexual exploitation against children, and fund allocation for research. Some other forms of support are cooperation in development of policy and drafting of legislations.

37. The role of media in addressing violence against children is in general positive. The following are four main methods usually performed by media in Indonesia to disclose violence against children, starting from the most frequent method to the rare one:

First, by reporting violent events, in general sexual assault and sometimes physical abuse or violence (newspaper/magazine and television);

Second, by airing talk show or interactive dialogue (television and radio) or printing interview report from the source (print media);

Third, by posting article or reader's letter sent by citizen (print media);

Fourth, by posting public service advertisement on violence against children.

In the first method, the media's sensitivity on the victim tends to improve. However, when reporting on street children and children victims of sexual exploitation, media seem to have ambiguous standards. On one side, the children may be depicted as victims, but on the other side, they may be depicted as criminals. The second and the fourth methods, messages conveyed are

usually in favor of the children as victims. This is because messages in both methods put more empathy over the children.

IV. CHILDREN AS ACTORS IN ADDRESSING VIOLENCE

38. Children participation has recently developed in Indonesia. This is inspired by best practices presented in regional/international meetings and as a result of the culture of promotion and protection on human rights which was growing in Indonesia since late 1990s. Similarly, government and civil society organizations start to involve children of age 14-17 in many workshops at local and national levels, regional/international meetings held in Indonesia.

Children's participation starts to develop from consultative participation in formulating declaration, and in formulation of a number of programs and policies (for example, in the formulation of the National Plan of Action for the Elimination of Commercial Sexual Exploitation of Children and the National Plan of Action for the Elimination of Trafficking against Women and Children), to some reviews of regulations/ legislations (for example, "Children consultation for reform of law on preventing commercial sexual exploitation of children").

With regard to acts of violence against children, there are a number of events in which children are involved, for example, the formulation of local regulation to prevent violence against children in East Lombok Regency (involving children of age 7 – 18), workshops on education transformation to prevent violence at school (involving children of age 7 – 12), and campaigns on anti-violence against children in conflicting areas. At the international level, the government provides support for children participation such as in the UNGASS on Children and the East Asia and Pacific Ministerial Consultation on Children in Bali – Indonesia on 2003.

Nevertheless, the nature of involvement of these children is consultative and usually in the stage of planning/formulation of declaration, program or policy. More substantive involvement in the implementation, monitoring or program/policy is still limited.

39. There has not been any involvement of children in designing procedures or special proving before the court in relation to trial on violence against children.
40. There is no record available indicating the number and form of resources provided to support children participation in activities to address violence against children. However, the number and variety of such resources needs increasing.

V. POLICIES AND PROGRAMMES TO ADDRESS VIOLENCE AGAINST CHILDREN

41. As mandated by the Law No. 23 of 2002 on Child Protection, the government has established Indonesian Commission on Child Protection (Komisi Perlindungan Anak Indonesia) by a Presidential Decree. The Government also provides support for the work of the Commission. Furthermore, In 2004 the Government produced a document called "National Programme for Indonesian Children 2015", in which it has identified policies and strategies on child protection including violence against children. The document, in a way, contains a comprehensive policies

regarding violence against children. Moreover, various stakeholders on issues of child protection including international agencies have to support the implementations of such policies and strategies.

42. In order to support the work of the Indonesian Commission on Child Protection, the government allocates certain amount of money from the Annual National Budget (Anggaran Pendapatan dan Belanja Negara) and provides support for the work of the Secretariat. The Secretariat is running by one working unit under the State Ministry of Women Empowerment.

43. As stipulated in the Law no. 23 of 2002 on Child Protection, the Indonesian Commission on Child Protection is the specific body to monitor the implementation the efforts to provide protection for children. The Commission submits reports, advice, input and considerations to the President in respect of the protection of Children's rights.

44. Indonesian Government has actively participated in every international coordinated activity in the protection of children rights, including violence against children. In the last five years, Indonesia has hosted many international and regional meetings which also discussed the issue of violence against children. For example, as the follow up to the 27th United Nations General Assembly Special Session on Children, Indonesia hosted East Asia-Pacific Ministerial Consultation on Children in 2003. Following to this meeting, in the same year, Indonesia hosted World Tourism Organisation meeting on Regional Consultation for Asia and the Pacific on the Protection of Children from Sexual Exploitation in Tourism. In the framework of ASEAN cooperation, during the 37th ASEAN Ministerial Meeting in Jakarta, the ASEAN Foreign Ministers on 30 June 2004 signed the *Declaration on the Elimination of Violence against Women in the ASEAN Region*.

VI. DATA COLLECTION, ANALYSIS AND RESEARCH

45. No, up to now there has not been any national survey.

46. Yes, there have been various small-scale or representative interview studies with parents and children on violent victimization of children conducted by government and/or by civil society organizations. The examples are as followed:

No.	Institution	Survey/Study	Year
1.	The National Statistic Agency , supported by UNICEF	Survey on one hundred villages	1999
2.	Center for Tourism Studies, Gadjah Mada University – Yogyakarta, supported by UNICEF	Study on violence against children in 6 cities (Medan, Palembang, Semarang, Surabaya, Makassar, Kupang)	1999
4.	Child Protection Institution in West Nusa Tenggara Province (a Civil Society Organization)	- Mapping of cases on violence against children (in family, school, workplace, worship building and public facility in 7 regencies in NTB) supported by UNICEF - Study on violence against children in Islamic boarding	2002 2004

		schools in NTB	
5.	Child Protection Institution in East Java (CSO)	- Mapping of violence against children	2002
6.	Atmajaya Catholic University – Jakarta in cooperation with Rifka Anissa Foundation, supported by UNICEF	Study on violence against children in Sikka and Ende Flores	2003

47. Yes, in 1999 the National Statistic Agency conducted a small survey in 100 villages (10 regencies, 8 provinces). In this survey, a series of questions were asked to children in selected families (e.g. "have they ever been scolded, beaten/ harmed"). The survey supported by UNICEF.

VI. AWARENESS, ADVOCACY AND TRAINING

54. Yes, the government in cooperation with NGOs held a series of campaigns to promote awareness on sexual abuse, exploitation, and prevention on violence against children.
55. The campaign messages and information disseminated through various means, with the involvement of civil society organizations.

Media	Campaigns by Government	Campaigns by NGOs
Printed media (poster, brochure, leaflet, public advertisement)	X	-
Radio (talk show)	X	X
Television (talk show)	X	X
Theater/Play	-	X
School	-	X
Community Gathering	-	X

56. In the last five years, Government has provided and sponsored training programmes in the area of violence against children. Some of the programmes held in the cooperation with NGOs. The following figure shows such programmes areas.

	Prevention	Protection	Redress	Rehabilitation	Punishment
Medical professionals (including pediatricians, nurses, psychiatrists, and dentists)				X	
Public health practitioners				X	
Social workers and psychologists	X			X	
Teachers and other educators					
Court officials (including judges)					
Police		X	X	X	
Prison officers					

Juvenile offenders personnel, institution personnel, parent/guardians					
NBOs	X	X		X	