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**RIGHTS OF THE CHILD**

**Written statement\* submitted by the Netherlands Organization for International  
Development Cooperation (NOVIB), a non-governmental organization  
in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 February 2004]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

**Children in armed conflict in Aceh and Papua**  
**Written by: Yayasan KELOPAK and the Human Rights Working Group**

The condition of children in Indonesia today remains an issue of concern, especially as armed conflicts escalated in provinces like Aceh and Papua, where violations against the economic, social and cultural rights are recurrent.

Such situation owes to the Indonesian government's ill-will in addressing child-related issues. Ironically, Indonesia had, in fact, ratified the convention on the rights of child (CRC) in 1990 and adopted it in presidential decree (*Keppres*) no 36/1990, which is reinforced by law no No. 23/2002 on protection to children; produced various legal products such as Law No. 4/1979 on child's welfare, Law No.3 on juvenile court. It had also ratified ILO conventions No.138 on the minimum age restriction to work, and 182 on the eradication of all forms of rough employment for children.

The imposition of the martial law on Aceh since May 2003 has worsened children's condition in the province. At least 4 children were extra-judicially killed along with the escalating massacre. In addition, around 1500 school-aged children had to quit school as most of school building and shelters were smashed in fire. According to Deputy Director, Provincial Agency for Education (*Diknas*), Anas M Adam P.Pd, 251 school buildings spread in, Pidie Regency (102), Bireun Bireuen (102), Aceh Besar (28), East Aceh (9), Aceh Jaya (2), Banda Aceh (1), and Aceh Tamiang (1). This apprehensive state would continue following the sustained martial law in the province. Not only child killings, rapes, maltreatments, and arbitrary arrests also faced by local children. A 16-year old girl of Lawang island, Peuda district of Bireun, for instance, was raped by member of TNI of Infantry Batalyon (Yonif) 144, Strategic Command of Peuda District, Bireun on 31 May 2003. Member of the Police Brigade Unit (Brimob) of North Sumatra raped another 16-year old girl at Jeumpa post in Bireun on 18 June 2003. A 12-year old girl was tortured by TNI members during an operation in Leuer Barat, Jeunib district of Bireun on 20 March 2003.

Children of Papua are not luckier than their peer in Aceh. Social-political condition in the province is more or less the same. Rapes and shootings are recurrent last the year.

Political motives are unquestioningly behind most of the incidents. Anyone could be accused of link to OPM (Papua movement for independence). On 2 June 2003, local civilians of Sarmi, Tor Atas Samanente district, was shot by TNI/Yonif 122/Tombak Sakti. One of the casualties was a boy of 12 years old who died of serious injuries on the stomach and knee. He died on the evacuation. Another teen, 18 year old who got shot on the leg survived but paralyzed. Another survivor is a 32-year-old man who got shot on his right arm.

Those victims were alleged to be members of TPN/OPM. Until recently, there is no clear legal process to bring in justice for the two survivors. On 2 January 2003, a student of SMK III Sorong was shot, and the perpetrator has not yet been identified. Ammunition and other evidences lead to TNI involvement.

It was reported that a police member with initial SS (23 year old), member of local police of Sentani raped a 16-year-old girl in Waibron village of Sentani Barat district.

The above incidents reflect the huge power and arbitrariness of TNI and Police have in the province. Uncertainty and insecurity haunt children in particular and public at large in general.

In addition to those two provinces, conflicts also escalate in Poso, Maluku, and Bulukumba. As the result, violations against the rights of child occur. During the ambush that involves 2 villages (Pinedapa and Pantangolemba) on 12 December 2003, a 6-year-old kid was shot on the head.

Such violence and violations are conditional. Indonesian children depend significantly to their parents. Poverty leads them to enter work at earliest age with lowest wage and worst work condition. A survey conducted by a media in Jakarta revealed that in 2003, 500 children were working in hazard, informal sector. This figure will grow to 2.5 million with the inclusion of some 700 domestic, under-age workers who are paid Rp. 75.000 – 200.000/month, far below the minimum standard.

Evictions in DKI Jakarta in the last couples of month (up to January 2004) also put children in a most unfavorable situation. According to Kompas (national daily) 1,536 children of 5 evicted areas in DKI Jakarta are facing school drop-out. They mostly are children of Cengkareng Timur, Tanjung Priok, Tegal Alur, Tanjung Duren, and Kali Adem – basis of eviction unfold by city government.

On top of those, yet a homework to the city government, are the cases that involved child victims of the May 1998 tragedy.

One of the underlying issues of violations against the rights of child in Indonesia is the state's lack of enthusiasm in acceding the CRC convention, and revoke the reservations to articles 1, 14,16,17,21,22,24 of the convention.

Acceding the ratification status not only secures the enforcement of the rights of child, but also put larger political pressure on the government to execute its responsibilities: to protect and promote the rights of child. Revoking the reservations would reflects state's total responsibility in exercising CRC. These, actually, have to do with government's claim that Law No. 23/ 2000 on the protection of children has included CRC materials and substances. As a matter of fact, Law No. 23 has not secured the rights of child in it. In some cases it is even worse than the previous law.

Departing from the above, UN Commission on Human Rights on its 60<sup>th</sup> session is suggested to take the following actions toward the Government of Indonesia:

- Pressure the government of Indonesia to revoke its reservations to CRC articles 1, 14,16,17,21,22,24
- Urge the government of Indonesia to seriously execute the Convention on the Rights of Child and rise the ratification status from decree to law
- Urge the government of Indonesia to end martial law imposition in Aceh immediately that has caused lost of life and rights.

- Urge the government of Indonesia to investigate thoroughly all crimes against humanity and the rights of child that involved TNI and Police.
- Urge the government of Indonesia to stop evictions and other violations of ecosoc rights that bring children to most unfavorable condition.
- Urge the government of Indonesia to enforce law on its apparatus upon violations against the rights of child.
- Urge the government of Indonesia to allocate funding for the development of the facilities for the fulfillment, promotion, and protection of the rights of child.
- Urge the government of Indonesia to immediately develop a program on recovery of the rights of child that have been neglected and deprived due to prolonged conflicts in Aceh, papua and other areas in this archipelago.

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