



## Convention on the Rights of the Child

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### COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-fifth session

### SUMMARY RECORD OF THE 920th MEETING

Held at the Palais Wilson, Geneva,  
on Tuesday, 13 January 2004, at 10 a.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 10 a.m.

## CONSIDERATION OF REPORTS OF STATES PARTIES

### Second periodic report of Indonesia (CRC/C/65/Add.23; CRC/C/Q/IDN/2)

1. At the invitation of the Chairperson, Mr. Aladin, Mr. Azwar, Ms. Djaya, Mr. Hariyadhi, Mr. Hastuti, Ms. Mboi, Mr. Puja, Mr. Rasyid, Ms. Sardjunani, Mr. Sentika, Mr. Sidi, Ms. Soekisno, Ms. Sumaryoto and Ms. Yohandarwati took places at the Committee table.
2. Ms. SUMMARYOTO (Indonesia) said that many important changes had taken place during the period covered by the second periodic report. Following the 1990 World Summit for Children, Indonesia had undertaken policy adjustments and implemented development plans and programmes with a view to achieving the goals set by the Summit. Those measures had resulted in marked progress towards reaching the targets set for the year 2000, particularly in the field of child health. Democratic reforms had led to the increased participation of children and civil society in political decision-making at all levels. One of the most significant developments had been the promulgation in 2002 of the Child Protection Act, which incorporated all the principles contained in the Convention. Moreover, Indonesia had ratified International Labour Organization (ILO) Convention No. 182 on the Worst Forms of Child Labour and had launched national plans of action to eliminate the worst forms of child labour, trafficking of women and children, and the commercial sexual exploitation of children.
3. Another important development had been the implementation of legislation on regional autonomy, by which most of the powers of the central Government had been delegated to the provincial and district governments. Regional governments now shared part of the State's responsibility for implementing aspects of the Convention on the Rights of the Child, and efforts were under way to strengthen the capacity of provincial and district governments to promote and protect children's rights. Once the system of regional autonomy was fully implemented, there would be greater popular participation at all levels in the implementation of the Convention.
4. The CHAIRPERSON invited the Committee to put questions to the delegation concerning general measures of implementation, the definition of the child and general principles.
5. Mr. FILALI said that, although Indonesia had made real progress in the area of children's rights since the beginning of the democratization process in 1999, a number of challenges remained. While he welcomed Indonesia's ratification of a number of international instruments he noted that the Child Protection Act did not appear to be based on the Convention. Moreover, Indonesia had not ratified the International Covenant on Civil and Political Rights, which was directly related to the Convention. Moreover, the Government of Indonesia should consider withdrawing its declaration concerning the primacy of the Constitution over the provisions of the Convention.

6. He wished to know whether the child protection legislation that Indonesia had adopted since 1999 was being fully implemented and what budgetary and human resources had been allocated for that purpose. He wondered what resources had been allocated to decentralization and what impact decentralization would have on the implementation of the Convention in Indonesia.

7. Mr. CITARELLA enquired whether the presence of a large number of ethnic groups in Indonesia had given rise to any inter-ethnic conflicts, and whether there had been any reports of discrimination against children belonging to specific groups. It was not clear why the Government had made a reservation to articles 1 and 19 of the Convention. He was concerned that the presidential decree by which Indonesia had ratified the Convention might not carry sufficient weight to ensure the implementation of the Convention by the country's judicial authorities. In that connection, he wished to know the relative value of legislation enacted by presidential decree as compared with legislation enacted by Parliament.

8. Ms. CHUTIKUL requested information on the composition, secretariat and mandate of the National Commission on the Protection of the Child, as well as the issues that the Commission had dealt with and its relations with authorities at the provincial and district levels. She also wished to know the function of the Child Protection Agency and whether it coordinated its activities with the National Commission for Child Protection.

9. She asked whether the national plan of action to meet the goals contained in "A World Fit for Children", the outcome document of the special session of the General Assembly on children, was limited to those goals or included all children's rights. She wished to know to what extent the national plan of action involved the participation of the provincial and district governments. She requested information on the indicators for children that had been established for the national plan of action and enquired whether such indicators had been based on the Convention. She requested a breakdown of budget expenditure on education.

10. In many Asian cultures, children were not given a voice in decisions that concerned them. She wondered whether the principle of respecting children's views was applied in homes and schools in Indonesia and whether it had met with resistance from parents.

11. Ms. AL-THANI said that, although the many languages and dialects spoken in Indonesia complicated the dissemination of the Convention, it was nevertheless possible to use the media to increase children's awareness of their rights. She expressed concern that many professionals who regularly came into contact with children apparently lacked training in children's rights.

12. The law concerning the legal age of marriage was discriminatory in that the minimum age for girls to marry was 16, while for boys it was 19. Moreover, 16 was much too young an age for girls to marry. She enquired whether the Government had taken any educational or legislative measures to halt the practice of child marriages. She asked whether there were any plans to include the general principle of non-discrimination in either the Constitution or the national legislation.

13. She requested additional information on Indonesia's efforts to address the problems of teenage suicide, HIV/AIDS and drug abuse. The Government should keep statistics on teenage suicide and HIV/AIDS, particularly in view of the increasing problem of drug abuse.

14. Mr. LIWSKI wished to know whether the consultative workshop held in Jakarta on 9 and 10 May 2000 to gather feedback from non-governmental organizations (NGOs) had been established solely to provide a forum for discussion of the report, or whether the workshop would continue to exist as a forum for consultations.

15. He requested further information on measures to promote the principle of respect for the views of the child. He was particularly interested in any initiatives that the Government had taken to promote that principle with regard to refugee children, who were especially vulnerable.

16. Ms. LEE said that the definition of the child was a source of difficulty in most countries, particularly in Asia. In her opinion, the low age of sexual consent in Indonesia - 12 - opened the door for sexual abuse. The age of criminal responsibility was 8, which was very young for a child to be held accountable.

17. She requested information on the current status of the Child Protection Act, particularly with regard to the provision on non-discrimination. She wished to know more about how the Convention was being incorporated into domestic legislation. The Committee did not have enough information on the situation of indigenous children and measures to prevent discrimination against them.

18. Mr. KOTRANE welcomed the progress that Indonesia had made in adopting new legislation and addressing some of the concerns that the Committee had raised. He noted with concern that Indonesia had not yet ratified the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights, which were fundamental to the protection of the rights of the child. Since all international legal instruments that related to the family or to religion affected the rights of the child, he hoped that the State party would reconsider its position. Indonesia should also consider withdrawing its reservations to the Convention, particularly its reservations to articles 21 and 29.

19. He wished to know what coordination existed between the Indonesian Human Rights Commission, the National Commission for Child Protection and the National Commission on the Elimination of Child Labour. He wondered how autonomous those bodies were from the Government, and whether they could publish reports or receive complaints about violations of the rights of the child.

20. Mr. KRAPPMAN enquired whether the Government of Indonesia had a procedure for assessing whether available resources were being used to the maximum extent. He emphasized the need for a statistics service capable of providing information on children as they made their way through life. Since only 40 per cent of newborns were registered, the Government should take measures to ensure the registration of all births.

21. While he commended the Government's initiatives to make the Convention known to professionals who worked with children, he pointed out that the Convention should also be made known to children. Perhaps the Convention could be distributed to all children in schools, thus providing a basis for discussion and for the application of the Convention in all areas of daily life.

22. Ms. SMITH underscored the importance of the right of children, even very young children, to be heard in specific matters concerning themselves in schools, courts and hospitals. Although the age of majority was 18, girls were allowed to marry at a significantly younger age; in that connection, she wished to know whether married children were considered as adults with full legal competence in all matters.
23. Ms. ALUOCH expressed concern that the principle of the best interests of the child, which was at the core of the Convention, appeared to be eroding, and she requested additional information on that problem.
24. Ms. VUCKOVIC-SAHOVIC said that she was concerned at the number of deaths caused by accidents among children and young people and wished to know more about the kind of accidents that were involved. She welcomed the extent of Indonesia's international cooperation, particularly with the United Nations Children's Fund (UNICEF). A broader international campaign would be needed to improve the situation of Indonesian children. Additional human and financial resources were necessary, particularly in the areas of statistics and education.
25. The CHAIRPERSON asked what role the central Government in Jakarta played in ensuring the implementation of children's rights at the provincial and district levels, and what was being done to ensure that provinces and districts had the necessary human and financial resources to implement the Child Protection Act. He wished to know what was being done to prevent the negative impact of decentralization on children in other areas, such as health care and education.
26. Clarification was needed on the question of budget allocations. Paragraph 36 of the second periodic report (CRC/C/65/Add.23) indicated that an average of 6 per cent of the total development budget had been allocated to education and 3.9 per cent to health. Since the development budget was not the same as the national budget, he was concerned that those figures represented only a very low percentage of the total budget. He requested additional information on budget allocation at the provincial and district levels.

The meeting was suspended at 11.05 a.m. and resumed at 11.25 a.m.

27. Mr. SENTIKA (Indonesia) said that, when the Government of Indonesia had ratified the Convention in 1990, there had been no provisions on how it should be incorporated into national legislation, and it had subsequently been decided that the instrument of ratification should be a presidential decree. However, Act No. 23 of 2002 on Child Protection covered the provisions of the Convention. When ratifying the Convention, the Government had made declarations that the Committee had interpreted as reservations; with the enactment of Act No. 23 of 2002 on Child Protection, those declarations had lost their force of law, although the declarations had not yet been officially withdrawn.
28. The work of the various national child protection and welfare bodies was coordinated by presidential decree. Until 2000, the Minister for the Empowerment of Women had been called the Minister for Welfare Coordination. Presidential Decree No. 77 of 2003 had established the National Commission for Child Protection with the aim of increasing the effectiveness of child protection; its membership was to comprise representatives of civil society.

29. His delegation could show the Committee samples of publications containing information on the implementation of the Convention at the provincial and district levels. The Convention had also been translated into language that children could understand and into local languages. Promotion and implementation of the Child Protection Act would be staggered across the country so that training could be provided to all stakeholders at the regional level.

30. He drew the Committee's attention to Act No. 1 of 2000 concerning ratification of International Labour Organization (ILO) Convention No. 182 on the Elimination of the Worst Forms of Child Labour and Act No. 3 of 1997 on juvenile courts. Reform of the laws on marriage had met with obstacles owing to cultural, religious and social traditions. In Indonesia, 34.2 per cent of women and 11.9 per cent of men married before the age of 15.

31. Ms. AL-THANI said that she would be interested in seeing the new statistics on child marriages, which she believed were higher than those given in the report. Deep-rooted traditions were no excuse for failure to act, and there was no reason that culture or religion should prevent the setting of an appropriate age for marriage. Once people were made aware of the drawbacks of early marriage, cultural and religious issues would recede into the background.

32. Mr. SENTIKA said that article 2 of the Child Protection Act incorporated all the basic principles of the Convention, including respect for the views of the child. Moreover, as part of its efforts to promote respect for children's right to participate and express their opinions, the Government had introduced a national children's day and had held an annual national children's forum.

33. Ms. SMITH wished to know whether there were still existing contradictions between the Child Protection Act and other legislation. She enquired whether information on the Convention disseminated at the provincial level included clear definitions and standards for the provincial authorities to follow. She wished to know if children who married at an early age were protected by the Convention, or whether they were considered to be adults after marriage.

34. Mr. FILALI wished to know what measures were being taken to ensure the effective implementation of the Child Protection Act. He enquired whether old legislation that covered the same issues as the Child Protection Act had been repealed, and whether all the contradictions between old and new legislation had been eliminated. He asked whether any measures had been taken to incorporate the presidential decree ratifying the Convention into Indonesian legislation.

35. Ms. CHUTIKUL enquired whether the Ministry for the Empowerment of Women coordinated all measures to implement the Convention, including monitoring and implementation of the relevant national plan of action. She wished to know whether the National Commission for Child Protection was an independent body authorized to receive complaints.

36. Ms. ALUOCH wished to know whether the book on the harmonization of legislation on children's rights had been replaced by Act No. 23 of 2002 on Child Protection, or whether the Act had incorporated the content of the book. While she commended the fact that the book had been translated into several local languages, she wondered what the literacy rate was among speakers of those languages.

37. Mr. ASWAR (Indonesia) said that, in drafting the Child Protection Act, the Government had taken into account the provisions of the Convention and existing national legislation. Discussions had been held with NGOs, and the new act had been adopted by Parliament. All previous legislation had been replaced by the Child Protection Act.

38. Since the beginning of the government decentralization process in 2002, all programmes had been implemented at the provincial and district levels in order to accelerate Indonesia's development. The central Government had established a series of standards, known as "obligatory functions", to be implemented at the district and provincial levels. One standard concerned child protection and several were related to aspects of maternal and child health. Minimum standards had been established for the implementation of the obligatory functions, and targets had been set for 2010 and 2015, in accordance with the United Nations Millennium Development Goals.

39. Mr. KOTRANE said that implementation of the Convention was primarily the responsibility of the central Government. Although the adoption of the Child Protection Act of 2002 had been a positive step, Indonesia's reservations to the Convention remained a matter for concern. He requested further information on those reservations, particularly the reservation concerning article 29.

40. The CHAIRPERSON pointed out that, in its supplementary report, Indonesia had indicated that it would withdraw its reservations.

41. Ms. SARDJUNANI (Indonesia) said that Indonesia had a central government budget, and a local government budget. The central government budget was used to finance human resources development and to ensure the equitable development of the provinces. Education and health were the two major human resources development sectors. Children were covered by the budgetary allocations for education, health, social development and other sectors. The Government would provide the Committee with statistics on budget allocations for children's programmes at a later date since, owing to decentralization, statistics would have to be collected from provincial governments. The statistics would cover the years 2000, 2001 and 2002.

42. Mr. SIDI (Indonesia) said that Indonesia's education system had adopted a student-centred, competency-based curriculum, a pilot project for which had been in operation for two years. The curriculum would be widely implemented in 2004. Listening to children's views was encouraged as part of the programme, and schools were considered to be the central element in Indonesia's transition to a more democratic way of life.

43. Amendments to the Indonesian Constitution stipulated that 20 per cent of the budget should be allocated to education. Owing to financial constraints, Indonesia had not yet implemented the amendments.

44. Indonesia received international assistance in the form of grants and loans to improve the quality of education. Such assistance came from countries such as Australia, Japan, Norway and the United States of America. Indonesia was also part of a multilateral basic education project, supported by the World Bank and the Asian Development Bank.

45. While there were no specific workshops or symposia devoted to the dissemination of the Convention, the provisions of the Convention were being taken into account in the reform of school curricula and in training programmes for teachers, the police and the judiciary. Information on the Convention was also disseminated in the mass media.

46. Decentralization had led to several local government initiatives regarding children's rights. Certain local governments were allocating 30 per cent of their local budget to education and providing free compulsory education.

47. Ms. SOEKISNO said that national statistics had been used in the preparation of the Five-Year Development Plan and the national plans of action, including the National Plan of Action for Children. Those statistics were used to provide such indicators as the infant and maternal mortality rates, and were collected by the Central Bureau of Statistics. Indonesia's official statistics were collected by the relevant Government agency; for example, school enrolment statistics were gathered by the Ministry of Education.

48. Mr. SENTIKA (Indonesia) said that the National Commission for Child Protection was fully independent; it comprised nine members, only one of whom represented the Government. Its functions were to monitor implementation of child protection laws, report violations to the police and put forward policy proposals to central Government. The Commission worked closely with NGOs.

49. Mr. FILALI asked whether the National Commission for Child Protection had the authority to investigate alleged violations.

50. Mr. SENTIKA (Indonesia) said that, while only the police and public prosecution services had the power to carry out investigations, the Commission could help provide legal counsel to child victims.

51. The CHAIRPERSON invited the Committee members to put questions to the delegation concerning civil rights and freedoms, family environment and alternative care, basic health and welfare, and education, leisure and cultural activities.

52. Mr. FILALI asked how the Government intended to overcome the problems relating to birth registration, such as cultural factors and administrative procedures inherited from the colonial period. He wished to know whether any special rules applied to the registration of children born out of wedlock or to refugee parents. He enquired whether the Government had considered establishing a fund to compensate single mothers if a child's father refused to pay maintenance. The delegation should also provide more details concerning adoption procedures.

53. Mr. CITARELLA asked whether the difficulties anticipated in paragraph 113 of the report (CRC/C/65/Add.23), concerning the rights of indigenous groups and non-believers, had been resolved. He expressed concern that a number of restrictions on the right to freedom of expression had been introduced in recent years. The delegation should explain the meaning of the phrase "under the direction of his/her parents in a manner consistent with his/her evolving capacities", which qualified the child's right to freedom of worship, thought and expression under article 6 of the Child Protection Act.



54. Ms. CHUTIKUL enquired whether children with an Indonesian mother and a foreign father were entitled to Indonesian citizenship, and whether non-citizens had equal access to schools. She wished to know whether media regulations protected the victim's right to privacy in child abuse cases. Lastly, she asked for details on any legislation banning corporal punishment in schools.
55. Ms. AL-THANI said that she had been surprised to learn that most child abuse cases occurred outside the home. Linking child abuse to cultural factors was no excuse for failing to intervene in a firm and decisive manner. She asked whether there were procedures that made it easier for child victims of abuse to contact the authorities. She would appreciate details on any measures that had been taken to protect and rehabilitate the victims of abuse.
56. The disability rate of 3.11 per cent was extremely low in comparison with the global average of between 10 and 15 per cent. She assumed that most cases remained undetected and that most Indonesian children with disabilities failed to benefit from special services. She wondered how the authorities planned to empower disabled persons to become active members of society. In view of the low immunization rate, she asked what steps were being taken to reduce the level of infant mortality from infectious diseases. Little progress had been made in improving the breastfeeding rate. In particular, she wished to know what measures were being taken to encourage working mothers to breastfeed their children.
57. Mr. KRAPPMANN said that in Indonesia the right to free primary education was not observed, since parents were required to pay for their children's enrolment, uniforms and other expenses. He requested information regarding programmes to increase enrolment and reduce the dropout rate among children from poor backgrounds. The delegation should explain whether there was a problem of youth unemployment, and what the Government was doing to create jobs for school leavers. He wished to know how teachers were recruited, and how many were fully qualified.
58. Ms. VUCKOVIC-SAHOVIC, referring to paragraph 128 of the report (CRC/C/65/Add.23), said that the definition of the family was too limited since children belonging to non-nuclear families might be prevented from receiving child protection services. Given the problems encountered in registering births, it was unclear how the authorities could monitor the number of children who failed to enrol in school. Lastly, she wished to know what measures the Government was taking to alleviate the shortage of day-care centres.
59. Mr. KOTRANE said that the explanation concerning guardianship of children in divorce cases, given in paragraph 146 of the report, referred only to Islamic law. He asked whether the regulations had changed as a result of recent legal reforms, and whether the right to choose one's guardian applied to both boys and girls.
60. Ms. ORTIZ said that she would be interested in learning whether the Government planned to introduce a monitoring system for the three national plans of action concerning the worst forms of child labour, the commercial sexual exploitation of children, and the trafficking of women and children. She would like to know whether the Government planned to ratify the Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption.

61. Mr. LIWSKI asked for further details regarding the illegal deprivation of some or all elements of a child's identity, mentioned in paragraph 99 of the report. He wished to know how the Government promoted the child's right to freedom of association and peaceful assembly. Since no specific measures had been adopted to prevent impunity among the perpetrators of torture or other degrading treatment, he asked how the child's right not to be subjected to torture was protected.

62. Ms. TAYLOR said that she understood that children could be sent to correctional institutions at the request of their parents. In that connection, she asked whether the courts had the power to refuse such requests.

63. Ms. ALUOCH said that mobile birth registration units with trained staff could significantly increase registration rates, particularly in rural areas. She asked whether the name of any person who found an abandoned child appeared automatically on that child's birth certificate.

64. The CHAIRPERSON asked whether sufficient resources were available to implement the national strategy on combating HIV/AIDS, as well as the three national plans of action. He requested additional information on the Government's immediate priorities in the areas of health and education, and on the availability of resources to achieve those objectives.

The meeting rose at 1 p.m.