



Convention on the Rights of the Child

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Committee on the Rights of the Child Sixty-sixth session

Summary record of the 1890th meeting*

Held at the Palais Wilson, Geneva, on Thursday, 5 June 2014, at 10 a.m.

Chairperson: Ms. Sandberg

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Combined third and fourth periodic reports of Indonesia on the implementation of the Convention on the Rights of the Child

* No summary records were issued for the 1888th and 1889th meetings.

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

Consideration of reports of States parties *(continued)*

Combined third and fourth periodic reports of Indonesia on the implementation of the Convention on the Rights of the Child (CRC/C/IDN/3-4, CRC/C/IDN/Q/3-4, CRC/C/IDN/Q/3-4/Add.1)

1. *At the invitation of the Chairperson, the delegation of Indonesia took places at the Committee table.*
2. **Ms. Gumelar** (Indonesia) said that the report and the written replies had been drafted in the context of a wide-ranging consultation process involving provincial governments and civil society organizations, which had also provided an opportunity to raise awareness of the Convention, particularly among children. Indonesia was the world's fourth most populous country, with more than 240 million inhabitants from diverse ethnic backgrounds living in thousands of islands. The transition to democracy — which had started at the end of the 1990s — had produced dramatic changes in many areas of life and had also prompted the introduction in 2004 of a process of State decentralization. In recent years, discernible progress had been made in numerous areas, especially in education, where the enrolment rate had increased from 78 per cent in 2006 to 82 per cent in 2012.
3. In 2012, Indonesia had ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Indonesia had also ratified the Convention on the Rights of Persons with Disabilities and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Indonesian Government was currently implementing its third National Action Plan for Human Rights (2010–2014), which included a section on children; it was being carried out with support from 432 local implementation committees covering the entire country. The Ministry of Women's Empowerment and Child Protection served as coordinator for women's and children's policies and programmes requiring intersectoral cooperation. In addition, there were plans to extend the mandate of the Indonesian Child Protection Commission to include investigations of children's rights violations and to strengthen its presence on the ground. The private sector participated in efforts to promote the rights of the child. The Association of Child-Friendly Companies was responsible for promoting and monitoring the integration into business policies and practices of the principles set forth in the Convention.
4. Several NGOs were planning to bring a case before the Constitutional Court on the subject of increasing the legal age for marriage. Various public institutions had been taking steps to reduce the number of early marriages, for example by, conducting awareness-raising campaigns and implementing measures to allow children to remain in school. Birth certificates were free of charge under the law on civil registration, which had entered into force in 2014. Draft legislation on the rights of the child establishing the principles of the best interests of the child and respect for the views of the child was currently under consideration. There were plans to amend the law on child protection to impose heavier sentences on perpetrators of violence against children. In 2013, 247 integrated services centres for women and children had been established. Those centres provided victims of violence with access to information, advice and medical care. In addition, the Indonesian police force was in the process of recruiting 7,000 female police officers to be posted at specialized women's and children's units at police stations. In early 2014, following in-depth discussions, the Ministry of Health had repealed Regulation No. 1636 of 2010 relating to female circumcision. The Indonesian Government would continue to run campaigns to raise awareness of the consequences of female genital mutilation.

5. In order to ensure that children in difficult circumstances remained with their families, in 2010, the Government had invested 251 billion Indonesian rupiahs in social services and various poverty reduction programmes. The Indonesian Government endeavoured to improve living conditions in residential care institutions; in 2011 it had established national standards of care for children. So far, 60 of the country's 450 child social welfare institutions had been accredited in accordance with those standards. Furthermore, a plan of action for people with disabilities was being drafted and in January 2014 the Indonesian Government had launched a new national health insurance programme with the aim of providing universal medical coverage to the entire Indonesian population by 2019. Outlays for education accounted for 20 per cent of the State budget, and the number of preschool institutions had increased fivefold between 2001 and 2013. The law on the juvenile justice system, which was due to enter into force in July 2014, was a major step forward. It included provisions on restorative justice, set the age of criminal responsibility at 12 years and declared that a minor — even if married — must not be treated as an adult under the law. It also stipulated that detention was a measure of last resort and established the right to legal aid.

6. **Mr. Madi** (Country Task Force) commended the State party for its ratification of several international instruments in recent years. He encouraged the State party to continue down that path and to become a party to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. Along with decentralization came the adoption of numerous regional regulations that conflicted with human rights principles and national implementing legislation. How did the authorities ensure coherent public policy throughout Indonesia? Were there plans to have a public body verify the content of local legislation? What authority did the Ministry of Women's Empowerment and Child Protection have over other ministries and decentralized administrations in respect of the implementation of the Convention?

7. It was encouraging to read in the State party's report that the Indonesian Government was concerned about the issue of early marriage. Under the Convention, any marriage entered into before the age of 18 was considered to be an early marriage, but girls could marry from the age of 16 in the State party. Moreover, they were considered as adults as soon as they married, which deprived them of the protection that they were entitled to by virtue of their age. What was being done to strengthen the authority of the Indonesian Child Protection Commission across the country and to allow it to work in partnership with the National Commission for Human Rights and the National Commission for the Elimination of Worst Forms of Child Labour? Were there any plans to create a centralized data collection system to provide comparable disaggregated data for the entire country on all the areas covered by the Convention? It was regrettable that not all parts of the country had procedures in place to disseminate the Convention and that the Convention had not been translated into all local languages. Lastly, the Committee would welcome information about the steps taken to guarantee the right to housing for people who lived in areas earmarked for development and who were sometimes evicted without any arrangements being made in advance to provide them with alternative accommodation.

8. **Mr. Cardona Llorens** (Country Task Force) recognized that numerous improvements had been achieved since the consideration of the previous report in 2004. However, it seemed that the general principles enshrined in the Convention had yet to be incorporated in the legislation. Although the Constitution stated that discrimination was illegal, not all the legislation enshrined that principle, and discriminatory laws still existed. On the issue of inheritance, for example, girls and boys were not treated equally in regions where sharia applied, and children born out of wedlock inherited only a third of the entitlement given to children born to married parents. Ethnic, religious and indigenous minorities and people with disabilities were still subjected to discriminatory practices. The Committee would welcome information on whether the State party had adopted any

preventive, protective or prohibitive measures — or even affirmative action — to improve the situation. The principle of the best interests of the child was apparently not enforced, given that the only criteria for deciding on child custody were reportedly age and religious affiliation. The delegation should explain whether the right of the child to have his or her best interests taken into account was an enforceable right; i.e., whether it was possible to contest a decision on the grounds that the principle had not been respected. On that point, he referred the State party to general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration. Lastly, he said that he would welcome information about the methods used to ensure that children participated in the activities of various children's bodies, such as the Youth Parliament; whether such children were representative of the diversity of Indonesian society; and what action was taken on their proposals.

9. **The Chairperson** (Coordinator, Country Task Force) drew attention to the fact that in 2012, 28 per cent of children in the State party had not been officially registered. Noting that under the recently adopted law on civil registration there were no administrative fees for issuing birth certificates, she asked whether that law applied in all districts in the country. Did the birth certificate of a child born out of wedlock contain the names of both parents? The Committee would also like to know whether the State party intended to evaluate the effectiveness of the 2006 law relating to nationality and to identify people who remained stateless. Noting that children were required to be schooled in one of the six official religions of Indonesia and that non-Muslim schoolchildren in certain regions had to conform to Muslim dress codes, she asked whether the delegation considered those requirements to be consistent with the principles of religious freedom. She would also welcome further information about the bill on interreligious harmony and the potential impact on the bill might have on children.

10. **Ms. Aldoseri** (Country Task Force) asked what measures the State party had taken since 2004 to tackle violence against children in all settings and whether it had any statistics, disaggregated by age and sex, on sexual violence and sexual exploitation, which were widespread in Indonesia. She also wished to know whether Law No. 23 of 2002 on child protection prohibited all forms of physical violence and whether the child victims of sexual exploitation were treated as victims and not as offenders. She noted that more than 85 per cent of girls had reportedly suffered some form of genital mutilation. Under Regulation No. 1636 of 2010, female genital mutilation — a practice widely supported by families — was legal; the Regulation assigned responsibility for carrying out the procedure to doctors. Female genital mutilation constituted a serious violation of the rights of girls and women. She said that she wished to know whether any physical or psychological rehabilitation services had been set up for the victims, whether a complaints mechanism had been established and whether any steps had been taken to put an end to the practice. She also wished to know whether the State party had banned corporal punishment in all settings, particularly in schools and in the home, and in holding centres for asylum seekers and refugees.

The meeting was suspended at 11.05 a.m. and resumed at 11.20 a.m.

11. **Ms. Harkrisnowo** (Indonesia) said that the Indonesian Government was looking into the possibility of ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Rome Statute of the International Criminal Court and the 1951 Convention relating to the Status of Refugees.

12. **Mr. Arif** (Indonesia) said that the decentralization process was being implemented successfully. The Indonesian Government had established review procedures to ensure that local and provincial human rights regulations were consistent with national legislation. Provincial parliaments were required to modify or repeal any text that contravened national laws and policies.

13. **Mr. Madi** asked what body was specifically tasked with reviewing such legislation. It would be preferable for the legal authorities to evaluate legislation earlier, at the drafting stage, so as to forestall the possibility of laws being adopted that contravened human rights principles in general or the Convention itself, or that resulted in violations of the rights provided for in the Convention. What position did the Convention hold in the domestic legal order? Was it disseminated at the national level, and did local legislators have a good understanding of it?

14. **Mr. Arif** (Indonesia) said that under the 2004 law on local authorities, the Ministry of Home Affairs was tasked with ensuring that local human rights legislation was reviewed within 60 days of its entry into force. All international instruments were binding and must be respected by the local authorities.

15. **Ms. Harkrisnowo** (Indonesia) said that the Ministry of Law and Human Rights had established local legal advisory centres to help local authorities to bring their legislation into line with national laws.

16. **Mr. Machasin** (Indonesia) said that children born out of wedlock had the same inheritance rights as those born in marriage as long as the biological link between the father and child was scientifically proven. Only six religions — including Islam, Catholicism, Buddhism and Hinduism — were officially recognized in Indonesia and appeared on identity papers and marriage and birth certificates. However, people of other faiths could freely practise their religion and could request that the sections corresponding to religion be left blank in official documentation. Having a person's religion on official documentation was useful in the event of marriage or death, for example, and made it possible for the relevant traditional ceremonies to be carried out.

17. **Ms. Danti** (Indonesia) said that the Ministry of Women's Empowerment and Child Protection cooperated with the local authorities and child protection commissions to develop children's policies. Working with other ministries, it took stock every year of the progress made in tackling sexual exploitation, child labour and human trafficking. It was currently developing guidelines to help local authorities to collect data on the rights of children. Alongside the Ministry of Social Affairs, the Ministry of Women's Empowerment and Child Protection had official responsibility for running awareness sessions and implementing training programmes on the rights of children.

18. **Ms. Hernawati** (Indonesia) said that the Coordinating Ministry for People's Welfare was specifically responsible for the planning and implementation of policies and programmes on the rights of the child to survival and development. Where necessary, it worked in partnership with various ministries, including the Ministry of Health, the Ministry of Tourism, the Ministry of Education and the Ministry of Social Affairs, as well as with the police. Those ministries had together drafted standards that could serve as a basis for provincial and district authorities to use in drafting their own policies on children.

19. **Ms. Avanti** (Indonesia) said that the Indonesian Child Protection Commission was an independent body established under Law No. 23 of 2002 on child protection. Its mandate was to ensure that the rights of children were protected in practice. It received complaints and lodged them with the appropriated bodies. In 2012, following a complaint made by a girl who had been expelled from school because she was pregnant, the Commission had ordered the Ministry of Education to establish mechanisms to better protect the right to education of girls. In the light of the high number of cases of children who were sexually exploited or abused, the Commission had also asked the Indonesian parliament to amend Law No. 23 of 2002 on child protection. The Commission planned to extend its activities across all sectors in an effort to make Indonesia as a whole more respectful of the rights of children. It had recently organized three conferences on the rights of children: the first on

children in conflict with the law, the second on child victims of violence in school and the third on child pornography.

20. **Mr. Arif** (Indonesia) said that the forced eviction of families owing to the implementation of development projects was a measure of last resort and that the authorities tried to limit the negative impact of such measures on children. The authorities first conducted impact assessments and offered alternative accommodation following consultation with the families and children.

21. **Mr. Machasin** (Indonesia) said that the minimum age for marriage was 21 years for both sexes. However, the law allowed for certain exceptions to that rule, whereby the age could be lowered to 19 for males and to 16 for girls in cases of pregnancy. It was illegal for a child under 16 to be married, and any parents or guardians who arranged such marriages were systematically prosecuted.

22. **The Chairperson** asked whether the State party had considered that, once married, children no longer benefited from the protections accorded to minors.

23. **Ms. Gumelar** (Indonesia) said that the length of compulsory education had been increased to 12 years and that children generally completed secondary education at the age of 18, which helped to prevent many early marriages. In addition, sexual and reproductive health classes formed part of the school curriculum. The next amendment to the law on marriage would establish the same minimum age for marriage for everyone so as to avoid any discrimination between girls and boys.

24. **Mr. Cardona Llorens** asked whether a teenager who had fallen pregnant as a result of rape could be forced to marry.

25. **Mr. Harkrisnowo** (Indonesia) said that, while it was true that girls who had babies out of wedlock were still denigrated by society and were encouraged to marry, no marriage could take place without the consent of the bride. Consent from the parents only did not suffice.

26. **Ms. Johar** (Indonesia) said that measures to tackle discrimination against children with disabilities had been drawn up as part of a joint plan of action involving five different ministries. The coordinating body for the protection of children with disabilities had local offices in 28 provinces; such offices monitored the conditions for placing children in residential institutions or in family-like settings. In addition, two specialized centres provided vocational training to children with disabilities aged 15 and over.

27. **The Chairperson** asked whether the State party had any measures in place to help the most vulnerable families so as to avoid their children being placed in institutions and whether preference was given to placing children with foster families instead of in institutions. Were there plans to provide greater support for and monitoring of institutions, and were children entitled to receive visits from their parents at such institutions? She asked whether there were any parental training sessions for future parents and whether there was a network of qualified social workers throughout the country. Lastly, she wished to know whether the State party intended to become a party to the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, whether it was true that polygamy was still permitted in Indonesia and what impact that practice had on children.

28. **Ms. Muhamad Shariff** (Country Task Force) asked what action had been taken to incorporate the provisions of the Convention on the Rights of Persons with Disabilities into domestic law, to improve the system for collecting data about children with disabilities and to change attitudes towards those children. What factors had caused the stagnation in the neonatal mortality rate in recent years? The Committee would also welcome additional information on the budget allocated to infant health care and the measures taken to promote breastfeeding and reduce the number of children with stunted growth. She also asked

whether victims of rape had any entitlement to benefits from the National Action Plan for Teenage Reproductive Health and what steps the State party had taken to limit the spread of HIV/AIDS. The delegation should explain whether measures to prohibit early marriages had been effective and whether sharia courts took the best interests of the child into consideration. Lastly, she asked what action the Indonesian Government had taken to improve access to drinking water in rural areas and to tackle extreme poverty.

29. **Ms. Aldoseri** asked what had been done to address factors prompting children to drop out of school and to ensure that families in need received financial assistance from the State. Did child refugees and asylum seekers have the same entitlement to free education as Indonesian children? The delegation should explain whether the Indonesian Government had taken steps to improve the quality of teaching, increase the number of teachers and promote inclusive education for children with disabilities. Lastly, she asked what importance was given to recreational activities at school.

30. **Mr. Cardona Llorens** asked whether child refugees received any teaching and health-care services at holding centres and whether persons who mistreated children at such facilities were subjected to sanctions. Did the State party intend to become a party to the Convention on the Reduction of Statelessness? The delegation should provide detailed information on the measures taken by the State to combat the use of child labour in the fishing and manufacturing industries. Did Indonesia intend to become a party to the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization? The delegation should also state whether there were plans to increase the age of criminal responsibility, which currently stood at 12 years; whether youths were held separately from adults in prison; and what procedures had been developed to train prison guards, police officers and judges on the rights of children in conflict with the law. Lastly, the Committee would like know whether the State party would shortly be submitting its reports on the implementation of the two optional protocols and whether steps had already been taken to combat child sexual exploitation and the recruitment of children into armed groups.

The meeting rose at 1 p.m.