

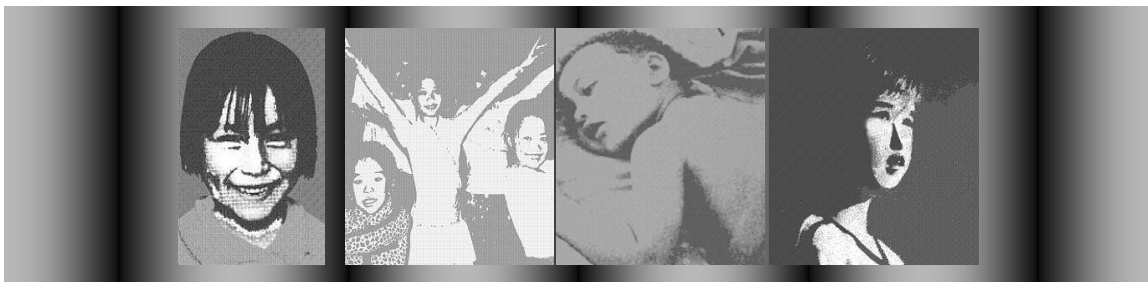


Post-Yokohama Mid-Term Review of the East Asia and the Pacific Regional Commitment and Action Plan Against Commercial Sexual Exploitation of Children (CSEC)

8–10 November 2004
Bangkok

INDONESIA

Country Progress Report



**INDONESIA PROGRESS REPORT
ON THE STATUS OF IMPLEMENTATION OF THE EAST ASIA AND THE
PACIFIC REGIONAL COMMITMENT AND ACTION PLAN AGAINST
COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN**

I. BACKGROUND

Commercial sexual exploitation of Children (CSEC) is among the most hazardous forms of child labor and constitutes nothing less than crime against humanity and a gross violation of human rights, and therefore must be stamped out at all levels. An estimated 30 per cent of all sex workers in Indonesia (or around 70,000) are under eighteen year age. Children as young as ten have been forced into prostitution, reflecting a worldwide trend of decreasing age. These children are trafficked, often from rural areas, in a process involving force, deceit or coercion. The impact is devastating: victims often suffer physical and emotional abuse, rape, theft of identification papers, and sometimes death. Numbers of children are not known, but some 100,000 women and children are trafficked within and outside of Indonesia annually. Trafficked networks are becoming more diverse and complex, involving many parties, from family members to taxi drivers and local government officials.

In 1996, at the first World Congress against CSEC was held in Stockholm, Indonesia has adopted the Stockholm Declaration and the Agenda for Action. In preparation to Yokohama Second World Congress against CSEC, that would be reviewed the progress made since Stockholm Congress and discuss the future steps needed to eliminate CSEC, Indonesia and other EAP-Countries has attended the EAP Regional Consultation in Bangkok and adopted the EAP Regional Commitment and Action Plan against CSEC.

Following the EAP Regional Consultation and the Yokohama World Congress, Indonesia has drafted and developed a National Plan of Action (NPA) for the Eradication of CSEC based on the Stockholm Agenda for Action and taking into account the recommendations adopted during the Yokohama World Congress against Commercial Sexual Exploitation of Children held in December 2001 and the EAP Regional Consultation in October 2001. The Government of Indonesia through a Presidential Decree No 87 of 2002 adopted the NPA against CSEC. In addition, the Government of Indonesia adopted a National Plan of Action for the Elimination of Trafficking in Women and Children through a Presidential Decree No.88/2002.

According to information gathered from national and local media reports, there have been at least 2,184 cases of child sexual abuse in 2003. The victims were 2,007 girls and 177 boys. Most of the child abuse cases are under-reported and often not prosecuted.

II. PROGRESS ON THE EAST ASIA AND THE PACIFIC REGIONAL COMMITMENT AND ACTION PLAN AGAINST COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN SINCE 2001

II.i. ACHIEVEMENTS:

a. The following commitments towards international and regional instruments have been made:

- Ratification and accession to relevant international instruments such as the Convention of the Rights of the Child and ILO Covention Number 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- Adoption of relevant international and regional agreements such as the Stockholm Declaration and Agenda for Action in 1996, Regional Commitment and Plan of Action of East Asia and Pacific Region against Commercial Sexual Exploitation of Children in 2001; and the Yokohama Global Commitment in 2001; with regard to the Yokohama Global Commitment, the Government had developed cooperation with relevant NGO's coalitions in order to implement the commitments.
- Signature of the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography and of the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict in September 2001; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing to the UN Convention against Transnational Organized Crime in December 2002; the Convention on the Suppression of Trafficking in Women and the Exploitation of the Prostitution of Others in September 2003.
- Adoption of Declaration on the Elimination of Violence against Women in the ASEAN Region on June 2004.

b. At national level, the following legal and policy changes have been made:

- Integration of the main international human rights instruments into the national legislation such as under Law Number 39 of 1999 on Human Rights.
- Adoption of Law No.1/2000 on the adoption of ILO Convention No.182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- Adoption of Law Number 23 of 2002 on Child Protection.
- Adoption of a National Plan of Action for the Elimination of the Worst Forms of Child Labour through Presidential Decree NO.59/2002.

- Adoption and launching of a National Plan of Action for the Eradication of Commercial Sexual Exploitation of Children through Presidential Decree No.87/2002. The NPA against CSEC is based on the Stockholm Agenda for Action and the Yokohama Global Commitment 2001; The plan of actions consists of five components: 1) Coordination and cooperation, 2) Prevention, 3) Protection, 4) Recovery and Reintegration, and 5) Child Participation.
- Adoption and launching of a National Plan of Action for the Elimination of Trafficking in Women and Children through Presidential Decree No.88/2002.
- Adoption of several provincial plans of action against child labour and commercial sexual exploitation of children.
- Draft of a National Plan of Action for Children for the period 2004-2009, which incorporates the issue of abuse, exploitation and trafficking of children.
- Adoption of a National Plan of Action on Human Rights through Presidential Decree No. 40/2004 for the period 2004 – 2009 which includes a section on child protection, including child trafficking and sexual exploitation of children.
- Adoption of Law on domestic violence.
- Adoption of Law on the Protection of Migrant Workers.
- Draft Bill on Trafficking in Human Beings, and especially on Women and Children.
- Strengthening cooperation with Government of receiving countries and among sending countries of migrant workers.

c. A number of measures have been taken by the Indonesian Government to better protect children from sexual exploitation and trafficking. These measures include the followings:

- Integration of the main international human rights instruments into the national legislation such as under Law Number 39 of 1999 on Human Rights, and Law Number 23 of 2002 on Child Protection.
- Establishment of a Task Force on CSEC and Trafficking which serve as one of the focal points for the implementation of the two National Plan of Actions.
- Establishment of the Indonesian National Commission on Child Protection (KPAI) in August 2004.
- Indonesia hosted the 6th East Asia and the Pacific Ministerial Consultation on Children in Bali on May 2003. The participants of the Ministerial Consultation adopted the “Bali Consensus on Children” as a collective

commitment of East Asian and Pacific countries to improve welfare and protection of children especially in 4 key areas, namely HIV/AIDS; trafficking in children and sexual exploitation of children, maternal mortality and neonatal rate; and malnutrition.

- Indonesia hosted the World Tourism Organization (WTO) Regional Consultation on the Protection of Children from Sexual Exploitation in Tourism in Bali in June 2003. In addition, the WTO Regional Consultation adopted “Bali Proposal for Action”, which underlines the responsibility of tourism industries to prevent sexual exploitation of children in tourism areas.
- The Indonesian National Police has issued a policy for the establishment of special units (called RPK) in police stations for women and children who become victims of abuse and violence (physical, sexual and/or mental). These units also deal with child offenders.
- The Ministry of Women`s Empowerment, in collaboration with Ministry of Health, Ministry of Social Affairs, and the Indonesian National Police has developed guideline on services for children and women victim of violence.
- The Ministry of Health and Indonesian National Police initiated the establishment of hospital-based Crisis Center (PKT) for women and children who are victims of violence and abuse.
- Establishment of Child Social Protection Home/Shelter by the Ministry of Social Affairs at national and selected provincial level.

II.ii. CHALLENGES:

- One of the pushing factors of sexual exploitation and trafficking of children is poverty. In this regards the Government currently still faces difficulties and constraints to enhance its capacity in poverty alleviation in particular following the economic crisis that hit the country since 1997.
- There is a public perception that matters relating to sexuality including sexual abuse and prostitution are sensitive and are difficult to be openly discussed in public. This leads to sexual abuse and exploitation cases insufficiently reported and not properly prosecuted.
- High domestic and regional/international demand for sexual exploitation of children.
- Insufficient law enforcement for the perpetrators of sexual abuse and exploitation of children.
- Law enforcers are yet to be sensitized on the Child Protection Law and the National Plan of Action for the Eradication of Commercial Sexual Exploitation of Children.

- Lack of monitoring system on sexual exploitation and trafficking of children making it difficult to develop effective policies at national and regional level.
- Decentralization is also a challenge for implementation of national strategy against CSEC.
- Lack of regional cooperations on the fight against commercial sexual exploitation on children.

II.iii. NEXT STEPS:

- Ratification of the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography and of the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing to the UN Convention against Transnational Organized Crime; the Convention on the Suppression of Trafficking in Women and the Exploitation of the Prostitution of Others.
- Widely disseminate and enforce the Child Protection Law at national and local level.
- Adoption of the Law on Trafficking in Women and Children.
- Fully implement the National Plan of Action on the Eradication of Commercial Sexual Exploitation of Children.
- Increase awareness of government officials, parliamentarians, law enforcers, NGOs and public, including children on the risks of sexual exploitation and trafficking.
- Enhance the capacity of relevant agencies and partners on child protection.
- Strengthen the capacity of the Indonesian National Commission on Child Protection to advocate and monitor the issues of abuse, exploitation and trafficking.
- Promote areas free from commercial sexual exploitation of children in all tourist and non-tourist destinations, including promoting the code of conduct on CSEC. As a pilot project, the islands of Bali and Batam were declared to be free from commercial sexual exploitation of children in 2003.
- Establishment of a national monitoring system on commercial sexual exploitation of children. A National Workshop on monitoring CSEC will be held in Jakarta on 13-15 October.

- Strengthen coordination and cooperation at provincial, national, regional and international levels on the elimination of commercial sexual exploitation of children.
- Strengthen and expand recovery and reintegration services for child victims of abuse and exploitation.
- Promote child participation on planning and implementation of activities against CSEC.

A. Child/Young People's Participation

i. Achievements:

- The Law on Child Protection calls for the promotion of child participation in planning and implementation of programs related to children.
- Involvement of children in the development of the National Plan of Action against CSEC.
- Annual national children forum on planning for child welfare and protection programmes since 1999.
- Children forum established in selected provinces.
- Participation of children in events on child protection issues.
- General guidelines on child participation for decision makers and children.
- Participation of children in research on CSEC.
- Identification and reward to Young Leaders during the national child right campaign and implementation of child rights campaigns at provincial level in collaboration with Provincial Child Protection Bodies and related NGO's.
- Reproductive health education activities in and outside schools.
- Development of a booklet by children on child rights.
- Peer education activities by NGOs for children at risk.

ii. Challenges:

- Lack of priority and allocation of resources for the establishment of Child/Young People's independent consultative committee.
- The concept of child participation is not well understood yet by the adult and the children.
- Lack of regional cooperation among existing national children forums.

iii. Lessons learned:

- Involvement of children in planning and implementation of projects against CSEC is beneficial to the success of the projects.
- Sharing experience with other countries on child participation is necessary to learn more on these issues.
- Peer-to-peer education is efficient to reach out children at risk.

iv. Next steps:

- Expand and strengthen children forum at provincial level, to initiate the establishment of Child/Young People`s independent and consultative committee at national level.
- Empower children to fully participate in planning, implementing and monitoring of activities against CSEC and trafficking.
- Link the Child/Young People`s committee with the activities undertaken by the Indonesian National Commission on Child Protection.
- Strengthen the regional cooperation among children forum.

B. Coordination and Cooperation

1. Adoption of the Stockholm Declaration and Agenda for Action, especially by Pasific Island Countries.

i. Achievements:

- Indonesia adopted the Stockholm Agenda for Action in 1996, the Regional Commitment and Action Plan of the East Asia and Pacific Region against CSEC and the Yokohama Global Commitment in 2001.

2. National plans/agendas of action and identification of national focal point in each country

i. Achievements:

- Based on Article 28 B (2) of the 1945 Indonesian Constitution, on Law Number 23 of 2002 on Child Protection, on the Presidential Decree Number 36 of 1990 on the Ratification of the Convention on the Rights of the Child, and various other international commitments adopted by the Indonesian government against commercial sexual exploitation of children, the Government of Indonesia adopted in December 2002 a National Plan of Action for the Eradication of Commercial Sexual Exploitation of Children (2003-2007), in addition to the National Plan of Action for the Elimination of

Trafficking in Women and Children and the National Plan of Action for the Elimination of the Worst Forms of Child Labour.

- Establishment of a National Task Force against CSEC and Trafficking.
- Adoption of local Plan of Action on child protection in selected provinces/district.
- Advocacy to provincial governments for the establishment of Task Forces against CSEC and Trafficking at provincial level.

ii. Challenges:

- With decentralization, not every province and district has adopted yet of provincial or district plan of action on CSEC and Trafficking.
- The capacity of local counterparts is not yet sufficient on policy development and implementation.

iii. Lessons Learned:

- The National Plan of Action against CSEC was developed in a participatory manner with involvement of all sectors of the society. That was beneficial for the quality and ownership of the document.

iv. Next steps:

- Establish a task force on child protection, including CSEC and trafficking at provincial and district levels.
- Support the implementation and monitoring of the National Plan of Action against CSEC (see point 4 below).
- Develop and adopt action plans against CSEC at local level.

3. Memorandum(s) of Understanding or agreement(s) to combat cross-border trafficking of children

i. Achievements:

Indonesia has made progress on MOUs and agreements at regional and International level, such as:

- MOU between Indonesia and Malaysia on the Recruitment of Indonesian Workers.
- MOU between Indonesia and Australia on Smuggling of Human Beings.
- MOU between Indonesia and Australia Police on Transnational Crime Coordination Centre (TNCCC).

ii. Challenges:

- Perception and approach to trafficking are different between countries.. There is a need to have a common understanding between countries or between local provinces.

iii. Lessons Learned:

- Regional and international meetings provide good opportunity for initiating discussion on agreements between countries.
- Lessons learned from other countries in the region can be replicated in Indonesia.

iv. Next steps:

- Adoption of a MOU on trafficking and sexual exploitation with neighbouring countries.
- Adoption of a MOU on the protection of migrant workers with neighbouring countries.
- Initiate discussions with other receiving countries for development of agreements / MOUs.
- Expand agreements between provinces at country level.

4. National monitoring meetings to review and evaluate progress

i. Achievements:

- In accordance with the EAP Regional Commitment and Action Plan against CSEC, the governments of Indonesia develop monitoring indicators against CSEC.
- Conducting the National Workshop on CSEC monitoring at national level with UNICEF`s support.
- The Indonesian National Police is currently developing a monitoring system on trafficking cases.
- Reporting and recording mechanism has been developing such as: police records, court decisions, mass media, and academic research.
- Mapping of sending, transit and receiving areas of trafficking has been developed based on available data.
- Participatory research on CSEC conducted in 2 districts in West and Central Java (with UNICEF`s support).

- Rapid assessments on child prostitution conducted in several districts (with ILO-IPEC`s support).

ii. Challenges:

- Lack of comprehensive reporting and monitoring system on child protection in general, and on CSEC and trafficking in particular.
- Lack of accurate and complete data.
- Monitoring efforts to combat and stamp out commercial sexual exploitation of children need to be comprehensive and integrated, and cover all aspects, including supply and demand.

iii. Lessons learned:

- Need to coordinate the efforts and identify areas of responsibilities in collection and monitoring of data.
- Need to build capacity of relevant agencies and partners on reporting and monitoring.

iv. Next steps:

- National Workshop on Monitoring of CSEC and trafficking to be held in Jakarta.
- Agreement on selected indicators on CSEC and trafficking.
- Implementation of a monitoring system at national level with coordination with local levels.

C. Prevention

Promote better access to education for all children and reaffirm the importance of the family and strengthen social protection for children/young people and families.

i. Achievements:

- Poverty alleviation program through income generating activities for the poor families including girls at risk.
- Nine-year basic education for all children is compulsory under law no.2/2002. Levels of primary education are satisfactory, even though there are inequalities between provinces.
- Public awareness campaign on education through mass media and community empowerment.
- Pilot projects on child-friendly schools (CLCC) to keep children in school.

- Alternative education projects for dropouts in selected areas.
- Successful pilot initiative with the tourism sector on the provision of vocational training opportunities for young people at risk of exploitation.
- Capacity building of tourism professional on CSEC to implement the code of conduct on the protection of children from sexual exploitation in the tourism industry.
- Parenting guideline has been formulated in order to improve parents' skill on childcare.

ii. Challenges:

- Limited resources to support nine years compulsory education.
- Low access to junior and secondary high school.
- Children dropping out of school are at higher risk of exploitation and trafficking.
- Inequities among regions on access to education.
- Lack of training alternatives for children who have dropped out from school.
- Only half of the children have a birth certificate. The lack of birth certificate puts children at a higher risk of exploitation and trafficking.

iii. Lessons Learned:

- Involvement of parents and children in the management of schools is a good way to keep children in school.
- Share good practices on keeping children in school among the country.
- Involvement of religious and community leaders is essential to keep children in school.
- Private sector can provide alternative vocational training for dropout children.

iv. Next steps:

- Promote basic education (9 years) for all children among communities.
- Increase budget of education at local and national level.
- Build capacity of teachers on child-friendly learning.
- Increase scholarships for poor families who cannot afford to send children to school.

- Provide alternative vocational training for children who dropped out from school.
- Promote universal free birth registration for all children.
- Promote parents training on childcare.

D. Protection

1. Ratification of international instruments concerning child protection and implementation procedures.

i. Achievements:

- Ratification of the CRC, through presidential decree no 36/1990.
- Signature of the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography and of the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict in September 2001; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing to the UN Convention against Transnational Organized Crime in December 2002; the Convention on the Suppression of Trafficking in Women and the Exploitation of the Prostitution of Others in September 2003.
- Adoption of ILO 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- Signature of the Convention on the Protection of the Rights of All Migrant Workers and their Families during the 59th Session of UN General Assembly.
- Signature of the Protocol on Transnational Crime.
- Adoption of National Action Plan on Human Rights for the periode of 2004 – 2009 which identified various international human rights to be ratified.

ii. Challenges:

- Inadequate dissemination of international instruments at government, parliament and community level.
- Ensure compliance of international instruments with national legislation.

iii. Lessons learned:

- Integrate international human rights instrument into national legislation.

iv. Next steps:

- Wthdrawal of the declarations/reservations under the CRC.

- Ratification of the 2 optional protocols to the CRC.
- Ratification of the Protocol on Transnational Crime.
- Wide dissemination of international instruments relevant for child protection, and especially for CSEC and trafficking.
- Ensure compliance of national legislation with international instruments.

2. Legal reform and enforcement to protect child rights.

i. Achievements:

- Enactment of a Law on Child Protection No.23/2002.
- Adoption of a Law on Domestic Violence.
- Capacity building/training of law enforcement officers on child protection and child rights, and especially on sexual exploitation and trafficking with international support.
- Enhanced cooperation on counter trafficking programmes at provincial and district levels.
- Harmonization of international and national instruments into provincial and district rules and regulations (PP and Perda).
- Increased efforts on public awareness on CSEC and trafficking.
- Increased number of cases reported and prosecuted under Law Number 23 of 2002 on child protection.
- Establishment of Jakarta Centre for Law Enforcement Cooperation, July 2004
- [Tripartite Meeting among Indonesian, Malaysian and Singaporean Police Officers on Sharing Information of Human Trafficking, 2003](#)

ii. Challenges:

- Criminal Code is not in line with the Child Protection Law.
- Different perception among law enforcers on Child Protection Law.
- Insufficient enforcement of existing laws.
- Insufficient number of law enforcers compare to number of population.
- Need to reform the legal justice system to make it more transparent and accountable.

iii. Lessons Learned:

- Harmonization and dissemination of the laws.
- Strengthen law enforcement.
- Need to increase cooperation among law enforcers in the region.

iv. Next steps:

- Amendment of the Criminal Code on articles relevant for the protection of children.
- Adoption of a Law on Trafficking in Women and Children.
- Reinforce the protection of migrant workers through laws and policies.
- Expand on the capacity building of law enforcers (judges, police, lawyers, prosecutors).
- Support enforcement of relevant laws for the protection of children.
- Develop agreements among law enforcement agencies in the region to deal with children`s cases.
- Establish monitoring system on cases of CSEC and trafficking.

E. Recovery and Reintegration

1. Strengthened family and social protection for children/young people

i. Achievements:

- Adoption of a national policy on safety net programme on poverty alleviation.
- Establishment of Child Social Protection Home/Shelter at national and selected provincial level.
- Adoption of a National Policy on free access to selected health services for the low income families.
- Training of trainers for social workers on the social rehabilitation for child trafficking victims.

ii. Challenges:

- Lack of comprehensive social policies for protection of vulnerable children/young people.

- Insufficient number and quality of volunteers and social workers for child protection home.

iii. Lessons learned:

- Need to empower families to better protect children from exploitation and trafficking.
- Parents are as the first gatekeepers for the protection of children and the community has the same responsibility.

iv. Next steps:

- Develop income-generating project for low-income families and girls at risk.
- Awareness raising for families on the risks of CSEC and trafficking through women's groups.
- Peer group education for teenagers to empower them against CSEC and trafficking.

2. Services for the child victims of commercial sexual exploitation.

i. Achievements:

- Establishment of Integrated Crisis Center at hospital level or outside the hospital in selected provinces.
- Adoption of Standard Operational Procedures on recovery, rehabilitation and reintegration of CSEC and trafficking victims by the Ministry for Women Empowerment.
- Development of guidelines and a training manual for health professional by the Ministry of Health, IDI, and Unicef on recognizing, reporting, and referring cases of abuse against children.
- Shelters established in selected provinces, run by government or by NGOs.
- Shelter established at the Indonesian Embassy in Malaysia for victims of trafficking.
- Hotlines for victims of abuse and exploitation in provincial child protection bodies.

ii. Challenges :

- Low quality of services provided to victims of exploitation and trafficking.

- Lack of comprehensive of referral system for victims of exploitation and trafficking.
- Need to build the capacity of social workers and volunteers.

iii. Lessons Learned:

- A good referral system should involve all elements of society, government, police, social workers, doctors, parents and children themselves.

iv. Next steps:

- Expand the transit centers and shelters for victims of trafficking and exploitation.
- Training of health professionals on child abuse.
- Increase the number of social workers and Improve the quality of training program of social workers.
- Build capacity of social workers, community leaders, and NGOs on dealing with victims of trafficking.
- Expand and build capacity of volunteers on case management.
- Develop ethical guidelines for shelters and crisis centers.
- Ensure the safe return of child victims to their parents or families whenever possible.
- After care service during the reintegration process in collaboration with schools and doctors.

III. MONITORING

i. Achievements:

- A set of draft monitoring indicators against CSEC for the EAP-Region, that had been developed by inter-agency Working Group was agreed at the Regional Workshop on Monitoring the East-Asia Pasific Regional Commitment and Action Plan against CSEC in Bangkok in 2003.
- Establishment of national and several provincial task forces in monitoring national action plan of CSEC and Trafficking.
- Establishment of National Commission on Child Protection, which also has a mandate to monitor the CSEC and Trafficking cases.

ii. Challenges:

- Difficulty to get regional expert to support the development of a monitoring system of CSEC and trafficking.
- Lack of priority and budget allocation on monitoring activities.
- Need to bring relevant agencies work together.
- The list of strategic indicators needs to be limited to ensure its implementation and sustainability.
- Need to build capacity of counterparts on monitoring and evaluation.
- Lack of coordination between national and local levels on reporting and monitoring of cases.

iii. Lessons Learned:

- The establishment of a monitoring system on CSEC needs to be built on existing monitoring systems as much as possible.

iv. Next Steps:

- Strengthening the capacity of monitoring task forces at national and provincial level.
- Agreement on selected indicators on CSEC and trafficking.
- Implementation of a monitoring system at national level with coordination with local levels.