CHILD & FAMILY WELFARE SERVICES IN INDONESIA

An Assessment of the System for Prevention and Response to Abuse, Violence and Exploitation against Children
Child Frontiers is a consulting company providing innovative solutions, technical assistance and training services to agencies and governments to improve the care and protection of children.

Through our pool of consultants with particular child protection expertise and partnerships with academic institutions, Child Frontiers offers a comprehensive package of contemporary thinking and approaches that are adaptable to government agencies, multilateral and bilateral agencies, UN agencies, international and local NGOs and charitable foundations.

Established in 2008, Child Frontiers works within a committed mission to encourage comprehensive national systems that will protect children from abuse and neglect, sexual and labour exploitation, juvenile detention, institutionalization and other violations of children's human rights.

Child Frontiers looks at child protection beyond single issues. Our consultants are united in promoting statutory child and family welfare systems and effective justice systems, specifically by strengthening the legal framework and family welfare services as well as encouraging social change.

Published by Kementerian Sosial RI and UNICEF © 2010

Terms and terminologies: This report was finalized in 2009. Names and designations of several offices and departments have changed since then.

© UNICEF Indonesia / 2006 / Estey
CHILD & FAMILY WELFARE SERVICES IN INDONESIA
An Assessment of the System for Prevention and Response to Abuse, Violence and Exploitation against Children
ACKNOWLEDGEMENTS

This assessment of the child and family welfare system in Indonesia was commissioned through a joint collaboration of the Ministry of Social Affairs and UNICEF Indonesia. The field work was conducted by a range of people, including international and Indonesian consultants, supported by staff members of Ministry of Social Affairs and academic institutions.

The report was written by [Child] Frontiers, an international consulting company focusing on child protection issues.

The research teams included:

• **Jakarta**
  Shelley Casey (Child Frontiers)
  Naning Pudji Julianingsih (Child Frontiers)
  Fentiny Nugroho (Department of Social Welfare, University of Indonesia)
  Rt.E. Sulistyaningsih A.KS, MSi (Directorate for Social Services for Children, Depsos)

• **Nusa Tenggara Timur**
  Guy Thompstone (Child Frontiers)
  M. Akbar Halim (Child Frontiers)
  Kiki Riadi, MSi (Directorate for Social Services for Children, Depsos)

• **Aceh**
  Shelley Casey (Child Frontiers)
  Naning Pudji Julianingsih (Child Frontiers)
  Dra.Susilawati MSi (STKS, Depsos)

• **East Java**
  Guy Thompstone (Child Frontiers)
  M. Akbar Halim (Child Frontiers)
  Dwi Yuliani, MSi (STKS)

*For further information on [Child] Frontiers, please see:*  
[www.childfrontiers.com](http://www.childfrontiers.com)
Change of paradigm implemented by the Directorate of Social Services and Rehabilitation, which is implemented through the Child Social Welfare Programme, highlights coordinated, integrated, comprehensive, preventive, family-focused service; and creates independent system. The movements toward the shift of paradigm require knowledge and practical frameworks which will lead to the perfection of the programmes and social welfare services for children in the future.

We are delighted by the research on Child and Family Welfare Services in Indonesia, which is a collaboration between the Ministry of Social Affairs and UNICEF Indonesia. The research aims to provide an overview of the level understanding and adherence to child protection principles defined in international and national policy and law, the functioning of government agencies at all levels, including the decentralization of child protection structures and the impact of coordination, the operationalisation of the policy framework in the three selected provinces, and the relevance of the current system established in the context of Indonesia. The assessment provides a macro-level baseline understanding of the role of the central government in ensuring that, at the local level structures or agencies of protection and welfare are in place and have the authority, mandate, and duty to operate as defined by law and policy, joint planning for children is prioritized and inter-sectoral coordination mechanisms are established, financial and human resources (including human capacity building) are adequate to support central level policy and programmes, services and programmes are in place to prevent children and families becoming at risk, and to protect children who have experienced violence, abuse, and exploitation.

By launching the report of the Assessment of Child and Family Welfare Services in Indonesia, a result of a collaboration between the Ministry of Social Affairs and UNICEF Indonesia, it is expected that there will be an improved Social Welfare Programme for Children, both on the policy and implementation.

We extend our grateful to UNICEF and Child Frontiers, which have collaborated with the Directorate of Social and Welfare Services, as well as staff of the Universities, for reviewing the policies and programmes. We acknowledge there are gaps in our effort, and we are aware that many challenges that we have to face together. We are calling all stakeholders to support programmes directed for the best interest of the child.

Thank you.

Director General for Social Services and Rehabilitation

Makmur Sunusi, Ph.D
NIP: 195401011981031007
FOREWORD
UNICEF Representative in Indonesia

Over the last decade, the Government of Indonesia has exerted significant efforts to incorporate the UN Convention on the Rights of the Child into national law and to build child protection systems that safeguard children from abuse, violence, exploitation and neglect.

As well as ratifying the Convention in 1990 and signing its two Optional Protocols in 2001, which UNICEF urges should be ratified as soon as possible, Indonesia has introduced a number of laws addressing child protection issues, most notably Law 23/2002 on Child Protection. At the same time, significant progress has been made in strengthening services to support children who have experienced some of the most serious forms of violence, abuse and exploitation.

The Government of Indonesia has also recognized the vital importance of monitoring and evaluating both the systems and environment through which the protection of children is delivered. This assessment of social welfare systems, produced by the Indonesian Ministry of Social Affairs with the support of UNICEF, is a product of these monitoring and oversight efforts. It has been carried out to identify gaps in existing policy, services and capacity which must be addressed to better prevent and respond to violence against children.

One of the key findings of this assessment is the need for the clear designation of mandates and authority within the existing legal and policy framework to support decisions related to protective services. While protective services for children are available, they are often uneven and fragmented, hindering access for children in need. Furthermore, the findings attest to the lack of a robust and effective structure for coordination, and far greater emphasis placed on responding to child abuse rather than on preventive measures.

These findings point to the importance of reforming the existing legal and policy framework, including a review of child protection laws, to help guide the delivery of services for prevention and response to violence, abuse and exploitation. There is also a need for a long-term strategy which outlines how child protection services can effectively be managed and delivered at provincial, district, sub-district and village level in Indonesia.

As such, this assessment represents an important step forward in support of evidence-based policy and service reform, and in fostering and promoting an holistic approach to child protection in Indonesia, that necessarily engages the full range of actors involved in protecting children’s rights.

It is UNICEF’s hope that all those with an interest in the welfare of Indonesia’s children will take heed of the recommendations set out in this report, and ensure their implementation.

Angela M. Kearney
UNICEF Representative Indonesia
# Table of Contents

ACKNOWLEDGEMENTS ................................................................. ii
FOREWORD ........................................................................ iii
ABBREVIATIONS AND ACRONYMS ................................ ...... vi
DEFINITIONS ........................................................................ viii
EXECUTIVE SUMMARY ........................................................... x
01. INTRODUCTION .................................................................. 03
02. LEGAL AND POLICY FRAMEWORK ................................... 07
    2.1 Overview of the Legal Framework ............................... 08
    2.2 Institutional Arrangements ...................................... 10
    2.3 Approach to Child Protection .................................. 13
03. STRUCTURES ....................................................................... 25
    3.1 Designated Child Protection Authority ...................... 26
    3.2 Other Structures .................................................. 35
04. CAPACITIES ....................................................................... 40
    4.1 Status of Social Work ........................................... 42
    4.2 Staffing and Resources ........................................... 43
    4.3 Professional Training .......................................... 44
05. SERVICES ........................................................................... 50
    5.1 Primary Prevention ................................................ 53
    5.2 Secondary Prevention – Early Intervention Services ...... 55
    5.3 Tertiary Interventions ........................................... 58
        5.3.1 Tertiary - Out of Home Care ......................... 65
06. ANALYSIS ........................................................................... 71
07. RECOMMENDATIONS ......................................................... 75
ANNEX 1: CHILD AND FAMILY WELFARE SYSTEM CHECKLIST .... 79
REFERENCES ........................................................................... 90
ABBREVIATIONS AND ACRONYMS

BAPPEDA ~ Badan Perencanaan Pembangunan Daerah (the Provincial Level Development Planning Agency)

CAPS ~ Child Abuse Prevention in School

CRC ~ Convention on the Rights of the Child

CSEC ~ Commercial Sexual Exploitation of Children

DEPSOS ~ Departemen Sosial (Department/Ministry of Social Affairs)

DINSOS ~ Dinas Sosial (Office of Social Affairs), both at the province and district level

GAM ~ Gerakan Aceh Merdeka (Free Aceh Movement)

ICMC ~ International Catholic Migration Commission

IEC materials ~ Information, education, and communication materials

IPSPI ~ Ikatan Pekerja Sosial Profesional Indonesia (The Association of Indonesian Professional Social Workers)

LK3 ~ Lembaga Konsultasi Kesejahteraan Keluarga (Counselling Services for Family Welfare)

LPA ~ Lembaga Perlindungan Anak (Child Protection Body, a non-government body at the provincial level)

KOMNAS ANAK ~ Komisi Nasional Perlindungan Anak (National Commission for Child Protection)

KPAI ~ Komisi Perlindungan Anak Indonesia (The Indonesian Commission for Child Protection)

KPAID ~ Komisi Perlindungan Anak Indonesia Daerah (The Local Commission for Child Protection), at the province or district level

KUBE ~ Kelompok Usaha Bersama (collective economic productive group)

MOU ~ Memorandum of Understanding

NAD ~ Nangroe Aceh Darussalaam (the Province of Aceh)

NGO ~ Non-Govermental Organization

NTT ~ Nusa Tenggara Timur (the Province of Nusa Tenggara Timur)

P2TP2A ~ Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak (Integrated Service Centre for Empowerment of Woman and Children)

PERDA ~ Peraturan Daerah (Local law, at the provincial or district level)

PKH ~ Program Keluarga Harapan (Family Hope Programme)

PKK ~ Pembinaan Kesejahteraan Keluarga (Family Welfare Organization)

PKT ~ Pusat Krisis Terpadu (Hospital-based Integrated Crisis Centre)

PNBAI ~ Program Nasional Bagi Anak Indonesia (National Programmes for Children of Indonesia)

POS PILAR ~ Pos Pelayanan Sosial Anak Terlantar (social service centre for neglected children)

POSYANDU ~ Pos Pelayanan Terpadu (community-based integrated services for babies and children under five years of age)
PPT ~ Pusat Pelayanan Terpadu (Hospital-based Integrated Service Centre)

PSAA ~ Panti Sosial Asuhan Anak (Childcare institutions for neglected children)

PSBR ~ Panti Sosial Bina Remaja (childcare and vocational training institution for children who have dropped-out of school)

PSPA ~ Panti Sosial Petirahan Anak (Childcare institution for children with behaviour or social adaptation difficulties)

PSM ~ Pekerja Sosial Masyarakat (Community Social Worker)

Puspelkesos ~ Pusat Pelayanan Kesejahteraan Sosial (Social Welfare Service Centre)

Qanun ~ Formal Local Law applied in Aceh, based on Islamic Law

RI ~ Republik Indonesia (Republic of Indonesia)

RPJM ~ Rencana Pembangunan Jangka Menengah (The National Medium-Term Development Plan)

RPSA ~ Rumah Perlindungan Sosial Anak (Shelter Home for Children in Need of Special Protection)

RP ~ Rumah Perempuan (Woman’s Home, an NGO in NTT)

RT ~ Rukun Tetangga (cluster of neighbourhoods)

RW ~ Rukun Warga (group of RTs)

STKS ~ Sekolah Tinggi Kesejahteraan

Sosial (College of Social Welfare)

TESA 129 ~ Telepon Sahabat Anak – 129 (the telephone hotline for children)

TKSK ~ Tenaga Kesejahteraan Sosial Kecamatan (Paraprofessional community social worker at the sub-district level)

TKSM ~ Tenaga Kesejahteraan Sosial Masyarakat (Paraprofessional Community social worker)

TRC ~ Tim Reaksi Cepat (Depos’ Rapid Reaction Team)

UEP ~ Usaha Ekonomi Produktif (Productive Economic Works)

UNICEF ~ United Nations Children’s Fund

Unit PPA ~ Unit Pelayanan untuk Perempuan dan Anak (Special Unit at police station to serve woman and children)

UUPA ~ Undang-undang Perlindungan Anak (National Law on Child Protection)

WHO ~ World Health Organization
Throughout this report, a number of terms are used to identify the harm that children suffer at the hands of others. Over recent years many different definitions have been ascribed to violence, abuse, neglect, and exploitation. These definitions have typically been proposed by UN agencies and NGOs and share many common features. For the purposes of this report, the comprehensive (yet comprehensible) definitions found in WHO’s World Report on Violence and Health (2002), have been used as the guiding principles.

WHO defines child abuse as “all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment, or commercial or other exploitation resulting in actual or potential harm to the child’s health, survival, development, or dignity.” Within this broad definition of child abuse, five subtypes are distinguished: physical abuse; sexual abuse; neglect and negligent treatment; emotional abuse; and exploitation.

* It should be noted that, throughout this report, the term neglect is used solely within the boundaries of this definition. During the study, it became apparent that the term ‘child neglect’ in the Indonesian context (both within the laws and policies and within common parlance, is used synonymously with ‘child poverty’. While this terminology is not unique to Indonesia, it is not aligned to broader international definitions. ‘Neglect’ denotes a deliberate inattention or omission: on the basis of this interpretation, the vast majority of poor families do not ‘neglect’ their children. For the purpose of child protection strategic planning...
and service provision, it is essential to differentiate between the two concepts.

Emotional abuse
Emotional abuse includes the failure to provide a developmentally appropriate, supportive environment, including the availability of a primary attachment figure, so that the child can develop a stable and full range of emotional and social competencies commensurate with her or his personal potential, and in the context of the society in which the child dwells. Acts include restriction of movement, patterns of belittling, denigrating, scape-goating, threatening, scaring, discriminating, ridiculing, or other non-physical forms of hostile treatment or rejection.

Commercial exploitation
Of a child refers to use of the child in work or other activities for the benefit of others. This includes, but is not limited to, harmful child labour, child prostitution, and the exploitation of children through pornography. These activities are to the detriment of the child’s physical or mental health, education, and moral or social-emotional wellbeing.

Various forms of commercial sexual exploitation of children are further defined under the Optional Protocol of the CRC:

• **Child prostitution**
Means the use of a child in sexual activities for remuneration or any other form of consideration.

• **Child pornography**
Means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities, or any representation of the sexual parts of a child for primarily sexual purposes.

• **Sale of children**
Means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration.
EXECUTIVE SUMMARY

Introduction

UNICEF and Depsos have undertaken this assessment to gain a better understanding of the existing child and family welfare system in Indonesia. In order to achieve a balanced picture across Indonesia, three very distinct provinces were studied, namely Aceh, East Java, and Nusa Tenggara Timur. Due to the decentralised nature of policy development and service delivery, it cannot be claimed that an analysis of these three provinces provides a complete sample; however, the combined findings do produce significant evidence upon which to base the national level analysis and recommendations.

A child and family welfare system is defined as a system that prevents and responds to all forms of violence, abuse, neglect, and exploitation of children, and includes norms (laws, policies, guidelines, standards, and regulations); processes (protocols, referral, and coordination), and structures (institutional arrangements, continuum services, and capacities).

The principal objective of the assessment is to evaluate:

1. the level of understanding and adherence to child protection principles defined in international and national law and policy;
2. the functioning of government agencies at all levels, including the decentralization of child protection structures and the impact on coordination;
3. the operationalisation of the policy framework in the three selected provinces, focusing upon feasibility of implementation in more remote areas; and
4. the relevance of the current system established in the Indonesian context.

The assessment provides a macro-level baseline understanding of the role of the central government in ensuring that, at the local level:

1. Structures or agencies of protection and welfare are in place and have the authority, mandate, and duty to operate as defined by law and policy;
2. Joint planning for children is prioritized and inter-sectoral coordination mechanisms are established;
3. Financial and human resources (including human capacity building) are adequate to support central level policy and programmes;
4. Services and programmes are in place to prevent children and families becoming at risk, and to protect children who have experienced violence, abuse, and exploitation.

The analytical framework for the assessment was guided by the Child Protection Toolkit developed by the UNICEF Regional Office for East Asia and the Pacific, as well as the technical guidelines relating to the social welfare system. A checklist of the core components of an effective child and family welfare system against which the Indonesian system was assessed is included in Annex 1. This Executive Summary highlights some of the key findings and recommendations connected to particular components of the system, followed by a set of broader strategic recommendations.
Legal and Policy

Indonesia has developed a fairly progressive legal framework for the promotion of children’s rights. However, the legal framework for prevention and response to violence, abuse, neglect, exploitation, and abandonment of children remains less developed. An effective legal framework for child protection is one that: designates a government agency with clear mandate, authority, and accountability for the management and delivery of child protection services; stipulates a continuum of prevention, early intervention, and response services to prevent and respond to all forms of child maltreatment; stipulates the standards, criteria, authority, and procedures for making decisions about which interventions are appropriate in individual cases, including the standard for when compulsory protective services may be used; requires that all decisions regarding compulsory protective services, the separation of a child from his/her family, and out-of-home care are made by a designated government authority, subject to judicial review; and includes a binding regulatory framework for compulsory registration, accreditation, monitoring, and inspection of all government and non-government service providers.

While the Law on Child Protection guarantees children’s right to be protected from all forms of violence, abuse, neglect, and exploitation, it currently lacks several essential provisions of a comprehensive legislative framework for the delivery of prevention and response services. Significant progress has been made in developing detailed guidance and regulations with respect to integrated medico-legal services for victims of violence and exploitation, which provide a solid legal framework for inter-agency collaboration. However, the provision of broader child and family welfare services is governed primarily by non-binding guidance documents issued by Depsos, which are not widely known, even amongst service providers.

Overall, the laws, guidelines, and regulations present an approach to child protection that is primarily community-driven and charitable, responsive and forensic (medico-legal), primarily victim-centred (rather than family focused), and largely centred upon institution-based services. There is no clear designation of authority to make decisions regarding protective services and guidelines and criteria for making decisions about what interventions are necessary to protect a child are limited. Instead, authority for reporting, risk assessment, intervention planning, decision-making, and case management has been delegated broadly to any individual, community organisation, NGO, or childcare institution engaged in providing child welfare services. Interventions and services have not been conceptualised as a continuum of options, with priority given

---

1 Throughout this report the term ‘compulsory protective services’ refers to the stage at which the State assumes the primary responsibility for the child to ensure their protection. This point usually comes as a result of an agreed decision that the parent / caregiver is no longer able to protect the child. The engagement of the parent and child with State protective services at this stage is no longer a voluntary one, but is compulsory.
to family preservation, and there are broad grounds for removing a child from parental care. While there are relatively clear procedures for the selection and appointment of legal guardians and adoptive parents, there are no similar standards or approval procedures for foster care or placement of a child in a childcare institution.

In order to address these issues, the report makes the following recommendations:

1. Law Reform: the Law on Child Protection requires comprehensive reform to provide a more thorough legal framework to guide child and family welfare services for the prevention and response to violence, abuse, neglect, and exploitation of children. If law reform is not feasible in the short term, then binding, comprehensive government regulations could be issued under the existing Law on Child Protection. These regulations would provide more detailed guidance with respect to prevention and response services. While regulations under the new Law on Social Welfare will address the delivery of general social welfare services, more detailed provisions will be required to address the unique characteristics of welfare services for children and families.

2. Standards of Service: in addition, binding ministerial regulations should be developed providing measurable standards for quality of care in relation to child and family welfare services, particularly family support services, kinship care, foster care, and institutional care.

3. Inter-Agency Protocol: develop an inter-agency protocol for coordination between child welfare authorities, police, health care officials, and other service providers, relating specifically to the handling of all cases of violence, abuse, and exploitation of children. These protocols should define roles and responsibilities, information sharing, and process and procedures for referral, including a central role for the child welfare authority in making decisions regarding protective interventions (as distinct from legal/criminal procedures against the perpetrator). While the concept of the Integrated Service Centre should be included in the Protocol, inter-agency coordination should not be centred around, or dependent upon, a physical location.

4. “Model” provincial law: develop a “model” provincial child protection law to provide guidance to regional governments in drafting comprehensive child protection legislation, and promote more legislative development at the sub-national level.

Structures

In order to fulfil its obligations under the CRC to support parents in their child-rearing responsibilities, to protect children from all forms of maltreatment, and to provide care for children whose families fail in their responsibilities to protect children, the State must have an effective child and family welfare system in place. An effective child and family welfare system requires a well-resourced, logically organized, and adequately coordinated child welfare authority with a clear mandate to manage all services to prevent and respond to violence,
Throughout this report, the term ‘family preservation’ means the process by which parents / caregivers and children are supported to live together in a safe and appropriate family unit. At a very minimum, the term means that a child is enabled to live with a family member, perhaps extended family, and is not sent to stay in an institution.

This should include clear structures, processes, authority, and accountability for management and delivery of child and family welfare services from the national level down through the provincial, district, and sub-district levels. While inter-agency child rights committees (such as the LPAs), police, health care officials, NGOs, and community members have an important role to play as part of the overall service delivery paradigm, responsibility for management of the system, and for making decisions in individual cases, should rest with the government social welfare authority. To ensure the effective functioning of the system, the State also requires structures for research, data collection and analysis, as well as independent monitoring.

In Indonesia, structures for child and family welfare service delivery do not currently include provision for a single, designated agency responsible for managing all aspects of prevention and response to violence, abuse, neglect, and exploitation of children. In the absence of a clear conceptual distinction between the promotion and protection of child rights and distinct sectoral services required to prevent and respond to violence, abuse, neglect, and exploitation of children, child protection is seen largely as a matter of interagency coordination and referral, rather than as a distinct sector (like health or education) requiring a designated agency responsible for service delivery. While the national and sub-national social welfare authority has primary responsibility for child and family welfare services, they are not perceived as playing the central role in managing all services for the prevention and response to violence, abuse, and exploitation of children, or in managing individual cases from beginning to end. Depsos has begun to promote family-based, non-institutional approaches for dealing with child protection issues; however, the country requires more clearly defined, stronger structures for the delivery of community-based child and family welfare services.

In order to strengthen structures for the delivery of child and family welfare services, the report makes the following recommendations:

1) Design of a comprehensive child and family welfare delivery system: it is recommended that an overall and long-term vision of the child and family welfare service delivery paradigm be developed at the national level and then piloted in one or more provinces. Through research of international models and consultation with stakeholders, this vision should outline how child and family welfare services can be effectively managed and delivered at the provincial, district, sub-district, and village levels.

2) Restructuring of Depsos/Dinsos: currently, at both national and provincial level, the organisational structure and assignment of staff responsibilities within the directorates responsible for child welfare are organised according to various categories of children in need of protection (e.g. neglected children, disabled children, and children in conflict with the law). This is not conducive to a more holistic approach to child and family welfare services based on the delivery of a continuum of prevention and response services with flexibility to respond to the individual needs of all children in need.

---

2 Throughout this report, the term ‘family preservation’ means the process by which parents / caregivers and children are supported to live together in a safe and appropriate family unit. At a very minimum, the term means that a child is enabled to live with a family member, perhaps extended family, and is not sent to stay in an institution.
of protection. It is recommended that, as part of the process of systems reform, consideration be given to restructuring departmental divisions and staff areas of responsibility.

3) Piloting a comprehensive system for child and family welfare: it is recommended that, once developed, this new proposed child and family welfare services system then be piloted in one or more provinces. The pilot programme should focus on provinces, such as Aceh and East Java, which have already begun the process of social welfare systems reform. Lessons learned from these locations can then be used by Depsos to modify and promote the expansion of the new approach in other provinces, and to inform national-level legal and policy development.

Capacities

A child and family welfare system is a series of inter-linking processes and services, each requiring its own set of skills and competencies. As the approach to planning and implementation of services becomes increasingly systems-based, it is important that staff across government departments and non-governmental agencies have clearly defined roles and responsibilities within that system, as well as the necessary capacity to carry out their functions.

In Indonesia, there has traditionally been a reliance on NGOs and CBOs to provide many local level services, often supported by financial or material resources from government agencies. However, professional social workers, equipped with specialist skills to identify and respond to child protection concerns according to stated policy, procedures, and care standards, are an essential component of a child and family welfare system. Social workers should have both the professional mandate and requisite authority to make important decisions in a child’s life. This authority, of course, must be accompanied by a duty to protect. A social worker, therefore, requires a clearly defined role and, most importantly, the practical skills to undertake it.

Indonesia has made significant efforts in recent years to establish social work as a career choice for young people, as evidenced by the relatively high number of social work education faculties around the country. There are currently thirty-two schools for student social workers, some even located in the more remote parts of Indonesia. Likewise, commitment to building the knowledge and capacity of Depsos staff is demonstrated through the well-established Sekolah Tinggi Kesejahteraan Sosial (STKS) in Bandung. This is an innovative initiative and, combined with the programmes of the Education and Training Centres, ensures ongoing skills development of Depsos staff throughout their careers.

Despite the number of schools providing social work training, social work is still not widely considered a profession – or even a career – in Indonesia. The perception remains that social work is essentially an unskilled and unpaid activity and it does not enjoy the same level of professional recognition or respect as, for example, nursing or teaching. It is, therefore, very positive that the new Law 11/2009 on Social Welfare seeks to strengthen the professional status and qualifications of social workers by drawing a distinction between professional social workers and volunteers and calling for the establishment of a social workers’
professional association and code of ethics. In its definition section, the Law defines a "professional social worker" as a person with professional skills and competence acquired through a course of education or training and/or practical experience in social welfare work. A "volunteer worker" is defined as a person who undertakes endeavours in the social welfare field external to a State social welfare organization, without expectation of reward. It states that human resources in the social welfare field should include social welfare workers, professional social workers, voluntary social workers, and social outreach workers. These workers are required, at minimum, to have education, training and skills, or experience in provision of social services.

While the law itself does not draw any distinctions in terms of the roles and responsibilities of professional social workers and volunteers, this does allow for the development of more detailed regulations and guidance regarding the specific mandate and authority of professional social workers.

The report makes the following recommendations regarding capacity building:

1) Conduct a thorough review of the status of social work: it is beyond the scope of this report to review the full situation of social work, but it is recommended that such a review would highlight the capacity (both quantitative and qualitative) of social workers to implement an operational child and family welfare system;

2) Raise the profile of social work: it is recommended that a full professional accreditation or licensing classification be established. With this accreditation, social workers would be bound by increased professional standards and code of ethics and would have prescribed statutory duties and powers;

3) Examine the social work curriculum: as the child protection framework increasingly recognises the complex obligations and authority of the State, so the training provided to social workers must reflect their new responsibilities. Graduates should be increasingly provided with opportunities to specialise in specific fields of social work, such as child protection. This new level of sophistication would focus more on skills-based social work practice. In a first phase, the STKS might develop a specialised pilot child protection module or course, based upon international best practices and standards;

4) Consider realignment of the current Dinas Sosial staff in accordance with the broader development of the child protection system. While numbers of office staff remain low, possibility for restructuring remains limited; however, in the interim period, job descriptions of staff currently with a child protection remit could be realigned to coordinate the provincial response;

5) Defining the role of the community social workers: it is likely that across Indonesia community social workers (TKSK, TKSM, PSM) will be gradually introduced. According to present information, it seems that these workers will have a generic welfare role to play. It is strongly recommended that, as a minimum requirement of their training, these community workers are provided with specialist child protection training and equipped with basic skills to identify and report cases of abuse and exploitation. Their role need not require them to intervene further, but in order to fulfil this basic yet essential function, they must be designated well-defined powers and be subject to professional standards.
Services

Under the CRC, the State has responsibility to prevent violence, neglect, and exploitation of children and also to provide appropriate care and protection to children who are without parental care, or who have experienced abuse, exploitation, and violence. Such child maltreatment is a complex issue; it is rarely a single isolated incident or occurrence and generally involves a continuum of actions, behaviours, and experiences. It is a symptom of complex human problems and relationships and as such cannot be addressed with simplistic responses. Therefore, in order to fulfil their obligations under the CRC, State parties must have in place a continuum of child protection services designed to promote children’s wellbeing and protection, while enhancing the capacity of families to fulfil their responsibilities. This should generally include:

a) Primary prevention initiatives directed at the community as a whole to strengthen the overall capacity of society in caring for children and keeping them safe. This includes activities directed at changing attitudes and social behaviour through advocacy and awareness campaigns, strengthening parenting skills, promoting the need for alternative forms of discipline rather than physical punishment, and sensitization on the impact of violence against children.

Indonesia has not yet developed comprehensive, focused national or provincial level strategies for the prevention of violence, abuse, and exploitation of children through, for example, systematic programmes on parenting skills or targeted behaviour change. There are some creative media-led awareness campaigns, generally focused on prevalent issues such as trafficking and child labour; however, the more common approach to ‘socialisation’ and ‘advocacy’ has been the distribution of IEC materials and presentations to communities on new legal provisions and policies. During the interviews, the scope and impact of these campaigns were questioned by some respondents. They felt that traditional, more spontaneous methods of imparting information (such as through village meetings and religious discussion) were more effective than organised efforts. Whatever the method, it was suggested that campaigns need to be more sustained and reach the wider population, rather than a few targeted marginalised communities.

b) Secondary prevention, or early intervention services, directed at children and families who have been identified as vulnerable or at risk of maltreatment or neglect. Early intervention services target families that are already at risk of engaging in abusive behaviours in order to change those circumstances before they result in actual harm to a child.

Secondary level services designed to identify families and children at risk remain limited in all three provinces studied. It is hoped that the establishment of community social workers will help to address this important gap. At present, community social workers, supported by Dinas Sosial, have concentrated on ensuring children’s basic rights and have relied upon cash transfers and economic empowerment to remedy family conflict and breakdown. While financial assistance to poor families is an essential component of a welfare system, this cannot be prioritised at the expense of family strengthening services. In all three provinces, there are customary mechanisms in place to support parents and protect
children. These need to be maintained in changing community environments and good practices formalised.

c) Tertiary interventions to respond to circumstances where a child is at serious risk of or is being abused, exploited, neglected, or harmed in any way. This requires a continuum of interventions, including both voluntary / community-initiated interventions in less serious cases (mediation, counselling and advice giving, and community monitoring), as well as compulsory State interventions where children have experienced or are at risk of serious harm. This includes structured supervision and family support services, such as parenting programmes, family and individual counselling, therapeutic treatment programmes, and/or temporary or permanent removal of the child and placement in alternative care. Decisions regarding the use of compulsory measures are generally made through a formal administrative or court process, based on the assessment and recommendations of the social welfare authority.

In Indonesia, tertiary responses have focused primarily on the development of integrated medico-legal service for responding to reported cases of violence, abuse, and exploitation and in the development of specialised residential rehabilitation homes (RPSA). Through the establishment of specialised police units and hospital-based integrated service centres (PPTs), child victims of the most serious forms of violence, sexual abuse, and trafficking now have access to medical care, psycho-social support, legal advice, and child-sensitive investigative procedures. However, as a hospital-based, crisis intervention model, PPTs generally address only the most serious cases of violence and exploitation; predominantly sexual abuse and physical violence causing injuries warranting medical attention.

While these new services provide temporary sanctuary and care, they should be considered as elements in a wider continuum of tertiary services, rather than a comprehensive solution. The PPTs, for example, are able to provide essential medical and forensic services for abused and exploited children. They do not, however, have the mandate or capacity to case manage or assess the family environment before a child is returned home, or to ensure that children receive appropriate care and protection after they leave the centre. These limited prevention strategies are symptomatic of a broader reactive approach to family and child welfare. Without early identification mechanisms, services provided by government agencies and NGOs tend to respond when a family or child is already in crisis. This partially explains the over-reliance on the emergency response services of the PPA, PPT and RPSA.

The report makes the following recommendations for improving the continuum of primary, secondary, and tertiary prevention services:

1) Promote behaviour change: it is recommended that a more comprehensive, sustained strategy be developed at the national and sub-national levels to promote changes in public attitudes towards child protection issues. Rather than socialising laws and policies, it is recommended that emphasis be placed on promoting action-oriented measures to reinforce the importance of family-based care and to introduce a more structured and standardised approach to parenting skills education through organisations such as the PKK and women’s empowerment clubs.

2) Develop a continuum of services:
rather than the current reactive, medico-legal and issue-specific approach, it is recommended that child protection services be re-aligned to deliver a continuum of prevention and response services for children who are at risk, or have experienced, violence, abuse, and exploitation. The continuum should include various levels of intervention, including both voluntary community measures such as family mediation, as well more formal protective interventions. For more serious cases, interventions should include compulsory measures (such as supervision orders or temporary removal of the child from the home) to ensure the protection of the child in family based alternative care.

3) Clarify the decision-making process and authority: including a standardised process, procedures, and criteria for reporting, assessment, intervention planning, and case management. Decision-making regarding what interventions are required to provide for a child’s care and protection should be made by a designated, accountable government agency, through a structured administrative or court process, and guided by an assessment and recommendations from the district or provincial-level social welfare authority. In particular, all decisions regarding the removal of a child from the care of his/her parents and placement in kinship care, foster care or a childcare institution should be made and/or approved by a designated government official, subject to judicial review.

4) Gradual development of specialised, community-based services: the range of services currently available to support vulnerable children, neglected children and child victims of violence and exploitation is quite limited. In the short term, greater use could be made of existing services by mapping what is currently available through various government, community, and NGO service providers, and developing more structured arrangements for referrals through government/NGO partnerships. However, referral networks alone will not be sufficient to address children’s protection needs, as services currently available are primarily focused on short-term medico-legal interventions, institutional care, and economic empowerment. There is an urgent need for Depsos/Dinas Sosial to begin to develop more specialised child protection services such as intensive parenting skills programmes, individual and family counselling, parenting support groups, temporary respite care, therapeutic interventions for drug and alcohol abusers, structured family supervision, and kinship and foster care arrangements.

Conclusion

Overall, the assessment found that Indonesia has made significant progress in the prevention of and response to violence, abuse, neglect, and exploitation of children. Child protection issues are now more widely discussed and publicised, thus helping to reduce the culture of silence around such sensitive issues. At both the national and sub-national levels, numerous programmes and initiatives have been introduced to prevent violence and exploitation of children, as well as respond to those who have experienced maltreatment.
These initiatives all represent important components of child and family welfare services, but have yet to be integrated into a comprehensive system for preventing and responding to all forms of violence, abuse, and exploitation of children.

A comprehensive child and family welfare system requires the development of a clear continuum of prevention, early intervention, and response services aimed at building the capacity of parents to care for their children and for an appropriate State response when children have experienced violence. Accomplishing this effectively requires the designation of a single key government agency with structures, processes, authority and accountability for the management and delivery of child and family welfare services, with divisions of responsibility at the provincial, district, sub-district, and village level. However, Depsos/Dinas Sosial is currently not perceived as having this fundamental authority and lacks a clearly designated role under existing child protection legislation. Responsibility for early intervention and response services, including assessment, decision-making, and service provision, is largely centred on law enforcement agencies, NGO, community organisations, and childcare institutions, rather than the government social welfare authority.

Indonesia is to be commended for the emphasis placed on the role that communities and civil society organisations play in child and family welfare services. A rights-based and sustainable approach, however, requires that child and family welfare services be perceived as an obligation of the State, rather than community-driven or voluntary. This requires clear statutory designation of the government social welfare agency as the ultimate authority responsible for ensuring that prevention and response services are systematically developed and established in all communities and that all children in need of protection get the support to which they are entitled.

The report makes the following general recommendations for strengthening the child welfare system in Indonesia:

1) Development of national strategic plan for the reform of the child and family welfare system: it is recommended that Depsos, through a broad, consultative process, develop a long-term strategic plan outlining the steps necessary to shift from the current reactive, institution-based approach, to a more comprehensive approach to child and family welfare services delivery. This should include details regarding timeframes and actions required to make the necessary changes to the legal and regulatory framework, the structures and processes for service delivery, as well as capacity building and budgetary requirements.

2) Design of a comprehensive child and family welfare delivery system: it is recommended that, as part of this reform process, an overall vision of the child and family welfare service delivery paradigm be developed at the national level, and then piloted in one or more provinces. Through research of international models and consultation with stakeholders, this vision should outline how child and family welfare services can be effectively managed and delivered from the national, provincial, district, sub-district and village level. It would ideally include the following: a) clear designation of the mandate, authority and accountability of the child welfare authority; b) outline of the structure for managing and implementing child and family welfare service delivery from the national,
provincial, district, sub-district and village level, including clear roles, responsibilities, accountabilities and processes for decision-making by government social welfare authorities at each level; c) outline a continuum of prevention and response services; and d) clarify decision-making process, authority and accountability, including a standardised process, procedures and criteria for reporting, assessment, intervention planning and case management.

3) Piloting the new Child and Family Welfare System: it is recommended that this new proposed child and family welfare services system then be piloted in one or more provinces, focusing on those, such as Aceh and East Java, which have already begun the process of social welfare systems reform. Lessons learned from these locations can then be used by Depsos to modify and promote the expansion of the new approach in other provinces, and to inform national-level legal and policy development.

4) Develop a comprehensive regulatory framework for the system: once a new framework for child and family welfare services has been envisioned, then detailed regulations, guidelines, protocols, and procedures will be needed to guide its implementation in the pilot locations. This could be accomplished through the development of provincial PERDAs and implementing regulations. Results from the pilot programme can then be used to develop a more comprehensive, binding legal framework at the national level, as well as model laws and procedures to guide other provinces in their reform process.

5) Strengthen the capacity of provincial, district, and community social workers: this new central role for the child welfare authority in managing a comprehensive child and family welfare service system will likely require capacity building at the provincial, district and sub-district level. A capacity-building strategy should be developed, designed specifically to establish the different core competencies that will be required of staff at the national provincial, district, and sub-district level, based on their newly defined roles and responsibilities. In particular, district-level and community social workers will require more practical tools and skills training, as well as ongoing mentoring and supervision.

6) Strengthen the independent monitoring function of the KPAI: it is recommended that measures be taken to strengthen the independent monitoring capacity of KPAI will require greater independence and/or security with respect to budgetary allocations, as well as mechanisms for monitoring, data collection, and dealing with systemic complaints, rather than the current focus on handling individual cases of violence, abuse, and exploitation of children.
INTRODUCTION

Over the last decade, the Government of Indonesia has exerted significant effort to improve the child protection system. In addition to ratifying the CRC and signing its optional protocols, it has also enacted a number of laws addressing child protection issues, most notably the Law 23/2003 on Child Protection, as well as national plans of action relating to trafficking, commercial sexual exploitation of children, and child labour.
Many programmes and initiatives have been undertaken at the national and sub-national level to implement these policies and address pressing child protection issues. While these efforts are positive and demonstrate a genuine commitment to improving the protection of children, concerns have been raised that implementation has been fragmented and that gaps exist in the institutional arrangements necessary to ensure children’s protection.

Significant progress has been made in strengthening services to support children who have experienced some of the most serious forms of violence and exploitation, but less attention has been paid to proactive and preventative approaches. Programmes and services for children in need of protection tend to be fragmented, issue-specific, and focused on institution-based responses.

Globally, there has been growing recognition of the need to progress beyond issue-specific, responsive programmes towards a more integrated and systems-based approach to preventing and protecting children from all forms of violence, abuse, neglect, and exploitation. Emphasis is increasingly shifting to a more holistic approach encompassing proactive and preventative child and family welfare services, rather than reactive interventions after violence or exploitation has occurred. Rather than an exclusive focus on the child victim, interventions are directed at the whole family, aiming to improve parents’ capacities to provide appropriate care and protection, or to provide alternative family-based care for children who cannot live with their own family.

Against this backdrop, UNICEF and Depsos have undertaken this assessment to gain a better understanding of the existing child and family welfare system in Indonesia. In order to achieve a balanced picture across Indonesia, three distinct provinces were studied, namely Aceh, East Java and Nusa Tenggara Timur. Due to the very decentralised nature of the social welfare system, it cannot be claimed that an analysis of these three provinces provides a complete sample; however the combined findings do produce significant evidence upon which to base the national level analysis and recommendations.

A child and family welfare system is defined as a system that prevents and responds to all forms of violence, abuse, neglect and exploitation of children, and includes norms (laws, policies, guidelines, standards and regulations); processes (protocols, referral, and coordination), and structures (institutional arrangements, continuum services, capacities).

The principle objective of the assessment is to evaluate:

1. the level of understanding and adherence to child protection principles defined in international and national law and policy;
2. the functioning of government agencies at all levels, including the decentralization of child protection structures and the impact on coordination;
3. the operationalisation of the policy framework in the three selected provinces, focusing upon feasibility of implementation in more remote areas; and
4. the relevance of the current system established in the Indonesian context.

The assessment provides a macro-level baseline of understanding about the role of central government in ensuring that, at the local level:
The report aims to broadly assess whether the current paradigm is effective, efficient, sustainable, and relevant to the Indonesian context and circumstances. Initially, the research methodology also included plans to conduct group discussions with parents and children who had received protective services. However, due to difficulties with logistics and locating appropriate respondents, this aspect of the research could not be completed. Children’s perspectives were obtained instead through group discussions with children in shelter homes for children who had experienced violence, abuse, and exploitation.

* * * * *
Pursuant to the Convention on the Rights of the Child, national laws should guarantee children the right to protection from all forms of violence, abuse, neglect, and exploitation, and reinforce the primary responsibility of parents for the care, protection, and development of children.
Laws should also obligate the State to support families in their child-rearing responsibilities, and in particular, provide child welfare authorities with the power to intervene to support and protect children who have experienced violence, neglect, and exploitation in or outside of their homes. An effective legal framework for child protection is one that: designates a government agency with a clear mandate, authority, and accountability for the management and delivery of child welfare services, including division of responsibility between the central, provincial, district, and sub-district levels; stipulates a continuum of prevention, early intervention, and response services to prevent and respond to all forms of child maltreatment; provides standards, criteria, authority, and procedures for making decisions about which interventions are appropriate in individual cases, including the standard for when compulsory protective services may be used; requires that all decisions regarding compulsory protective services, the separation of a child from his/her family, and out-of-home care are made by a designated government authority, subject to judicial review; and includes a binding regulatory framework for compulsory registration, accreditation, monitoring, and inspection of all government and non-government service providers.

The legal framework for these types of child welfare and protective interventions is separate and distinct from the process for sanctioning perpetrators. From a child-centred perspective, the primary focus of child protection / child welfare legislation should be on the types of care and protection that the State must make available to children and their families, which is generally addressed through an independent process from that relating to civil or criminal sanctioning of perpetrators. While protocols and procedures for child-friendly investigation and referral of child victims of crime are an important part of the overall system of protection, the legal framework for child and family welfare services should ideally promote identification of children and families at risk and early intervention before the maltreatment reaches the point of a criminal offence, as well as comprehensive support to child victims beyond their involvement in the criminal investigation.

2.1 OVERVIEW OF THE LEGAL FRAMEWORK

At the national level, Indonesia has made significant progress towards incorporating the CRC into national law and in establishing the basic legal framework for child protection. The right of Indonesian children to protection is enshrined in the national Constitution, which states that “[e]very child shall have the right to grow and to develop, and shall have the right to protection from violence and discrimination” [Article 28B(2)], and also that “[i]mpoverished persons and abandoned children shall be taken care of by the State” [Article 34(1)]. Child protection is also addressed in the National Program for the Children of Indonesia (PNBAI), which has as one of its goals the strengthening efforts to provide social welfare services for children, ranging from monitoring / observation, prevention, treatment / care, and rehabilitation to reintegration. Strategies required to implement these goals include the provision of relevant, comprehensive, integrated, equitable, quality, and easily accessible services for children, as well as the empowerment of
families, parents and foster parents, and the entire community.

The legal framework for child protection services is guided mainly by Law 4/1979 on Child Welfare, along with the more detailed Law 23/2002 on Child Protection. The Law on Child Protection is the main legal reference for child protection and includes a statement of children’s rights that is in line with the CRC, as well as a separate chapter that addresses children in need of special protection. Under the law, the term “child protection” is understood as the protection and promotion of all child rights, rather than the protection of children from violence, abuse, neglect, and exploitation. The Law addresses the protection of children’s right to freedom of religion, health, education, and social development, and also governs issues of guardianship, adoption, and special protection.

Indonesia recently introduced a new Law 11/2009 on Social Welfare, which governs the delivery of social welfare services at the national and sub-national level. While not specific to children, it provides a more updated and progressive approach to social welfare than the older Law on Child Welfare. The Law outlines the roles and responsibilities of the national social welfare ministry, local governments, and communities in the provision of social welfare services, defined to include social security, social protection, social rehabilitation, and social empowerment.

Indonesia also introduced Law 23/2004 on the Elimination of Domestic Violence, which is defined to include violence against children, and Law 21/2007 on the Eradication of Criminal Act of Trafficking in Persons. Both laws include provisions for the sanctioning of perpetrators and also stipulate measures to be taken to protect and support victims. However, while these laws include children within their scope, they have limited provisions recognising the special care and protection needs of children as distinct from those of adults, particularly involving cases where someone in the child’s immediate family is responsible for the violence or exploitation.

In support of the implementation of these laws, the government has also developed a number of national plans, including the National Programme for Children of Indonesia 2015 (PNBAI); a National Plan of Action to Combat the Worst Forms of Child Labour; a National Plan of Action for the Eradication of Commercial Sexual Exploitation of Children; and a National Plan of Action on Violence against Children. The National Medium Term Development Plan (RPJM) 2003-2009, currently under review, also included specific strategic plans and targets for advancing child protection and child welfare.

In addition, numerous subsidiary legal documents have been developed to provide a more detailed normative framework for protecting children. While there have been some government regulations issued, child and family welfare services are governed mainly by non-binding technical guidelines and manuals issued by the national Department of Social Affairs (Depkos). Key legal documents guiding child and family welfare services include:

- Government Regulation No. 2 on the Welfare of Children in Difficult Circumstances (1988);
- Government Regulation on Requirements and Procedures for the
The Law on Child Protection makes the Government responsible and accountable for providing special protection to certain categories of children.

Appointment of Guardians (2005);  
• Government Regulation No. 54 on Adoption (2007);  
• Depsos Guidelines for the Provision of Non-Institutional Social Services to Neglected/Abandoned Children (2004);  
• Depsos Guidelines for the Care of Children in Need of Special Protection (2004);  
• Depsos Guideline for Family and Community-based Social Services for Neglected Children (2008);  
• Depsos General Guidelines for the Operation of Childcare Institutions as Part of the Provision of Services to Neglected/Abandoned Children (2002);  
• Depsos General Guidelines for the Provision of Social Services to Children in Childcare Institutions (2007);  
• Depsos General Guidelines for the Care of Children in Shelter Accommodation (2004);  
• Depsos Guidelines for the Operation of Youth Centres;  
• Depsos Guidelines on Accreditation of Social Care Institutions;  
• Decree No 41/HUK/KEP/VII/1984: Guidelines on the Issuance of Adoption Authorizations;  
• Circular No 4 on Child Adoption;  
• Decision No 2/HUK/1995 Implementation Guide of Child Adoptions; and  

In 2001, Indonesia embarked on a process of decentralisation and under Law 32/2004 on Local Government, broad autonomy has now been given to regional governments. Primary authority for all functions with the exception of national defence, security, justice, monetary and fiscal affairs, and religion has been devolved. Thus, in addition to the legal framework developed at the national level, Indonesia’s 33 provincial and 465 district/city governments also have broad authority to develop their own laws and regulations to give effect to national laws at the local level, and to provide guidance on implementation appropriate to the local context. Many provinces and districts have reportedly developed their own plans of action relating to trafficking, commercial sexual exploitation, child labour, and violence against children, and have also begun to draft issue-specific child protection legislation and directives for integrated services for victims of violence. Some, but not all provinces have also developed broader child protection legislation.

### 2.2 INSTITUTIONAL ARRANGEMENTS

Both the Law on Child Welfare and the Law on the Protection of Children present child welfare as a societal responsibility. The Law on Child Welfare states that child welfare efforts shall be conducted by Government and/or community and defines the government’s responsibility as providing direction, guidance, assistance, and supervision of the efforts conducted by the community. Similarly, the Law on Child Protection makes the Government responsible and accountable for providing special protection to certain categories of children, but also states that everyone is responsible and
accountable for protecting children, including the State, government, community, the family, and parents. The State’s obligations are defined in very general terms as: putting in place infrastructure and facilities designed to provide protection for children; and guaranteeing and overseeing the protection of children, with regard to the rights of parents, guardians and other person responsible for the care of a child under the law. This general oversight role is defined in general terms and there is no specific government agency designated under the law as primarily responsible for managing or delivering services for prevention of and response to violence, abuse, and exploitation of children. The Law on Child Protection does not provide any detailed guidance with respect to the roles and responsibilities of the central and regional social welfare authorities in the management and delivery of child welfare services and does not specifically call for further regulation in this area.

a) Designation of Authority for Child Protection

The Department of Social Affairs (Depdos) has an overall mandate to carry out the central government’s responsibilities in the areas of social welfare, empowerment, social security, and social rehabilitation. Pursuant to Law 39/2007 on Local Government and Law 11/2009 on Social Welfare, Depdos’ role in social welfare service delivery is mainly regulatory; the central government retains responsibility for developing policy and ensuring that minimum standards are met, while local government has responsibility for actual service delivery. In the field of child protection, Depdos’ role has been defined as developing guidelines and procedures regarding the provision of care and assistance to children in difficult circumstances; issuing requirements and procedures for the establishment of childcare institutions; and supervising community endeavours to improve the welfare of children in difficult circumstances. However, the role of provincial and district-level social welfare authority in implementing these services has not been fully articulated in the law. The new Law on Social Welfare provides greater clarity with respect to roles and responsibilities for social welfare services and states that the implementation of social welfare services in the region must be coordinated by the social agency/authority and conducted in planned, focused, and sustainable manner. However, the law relates the delivery of social welfare services in general, and does not address the social welfare authority’s additional responsibilities and unique role in handling individual cases of violence, abuse, neglect, and exploitation of children.

The Law on Child Protection outlines in general terms the measures to be taken to support children in need of special protection. However, it does not designate a specific agency as responsible for prevention and response

---

4 Statistical Yearbook of Indonesia, 2008.
5 Article 59; 6 Article 20; 7 Articles 22 and 23.
8 The Law requires only the development of regulations relating to adoption, birth registration, and the KPAI.
10 Defined as children in emergencies; children in contact with the law; children from minority groups; children who are economically or sexually exploited; child victims of kidnapping, sale and trading; children experiencing physical, sexual, and emotional violence; and neglected/abandoned children.
to violence, abuse, and exploitation of children, and does not provide specific authority, powers, or duties to any one agency regarding protective interventions required in individual cases of violence against children. The Law on Child Protection and Law on Child Welfare state that the special protection to be afforded to children “shall be the responsibility of the government and the community,” but do not differentiate between the role of the government and the community at large in terms of prevention and response services. The concept of statutory protective services has not been incorporated into Indonesia’s child protection law. 

Indonesia is to be commended for the emphasis placed on the role that families, communities, and civil society organisations play in child and family welfare services. However, from a rights-based perspective, these welfare services are also a core obligation of the State, not simply something that is community-driven and voluntary. While parents and communities have primary responsibility for the care and protection of children, the State social welfare agency should have authority to intervene when children are at risk of harm due to the failure of parents to fulfil their obligations. This requires a clear statutory duty on the government social welfare agency as the ultimate authority responsible for ensuring that all children in need of protection get the support to which they are entitled.

Furthermore, while civil society organisations can play an important role in providing services to families and their children, ensuring consistency in terms of access to and quality of services requires a strong supervisory and regulatory role for the social welfare authority. The Law on the Protection of Children and Law on Child Welfare provide the government with an overall supervisory responsibility, and the Law on Social Welfare has introduced new requirements with respect to the registration and accreditation of all social welfare service providers. However, the latter provisions are new and have yet to be further developed through a detailed, binding regulatory framework for registration, accreditation, monitoring, and inspection of all agencies and organisations providing services to children and families to ensure that service standards are being maintained. Under existing regulations and Depsos guidelines, any organisation can obtain registration and permission to operate as a social welfare organisation, with no requirement to provide evidence of qualifications or capacity. Registration gives the social organisation the authority to engage in any form of social welfare activity, including case management and decision-making about protective interventions for children, organisation of foster care placements, and the operation of a childcare institution. While Depsos has issued guidelines regarding the case management process and the provision of services for children in and out of institutional care, they do not carry the same weight as binding regulations and, for the most part, are framed in the language of general guidance documents, rather than setting specific, measurable standards of service.
This gap should be addressed when regulations under the Law on Social Welfare are further developed.

c) Independent Monitoring and Complaints

With respect to independent monitoring, the Law on Child Protection calls for the creation of an independent Indonesian Commission for the Protection of Children (KPAI). The Commission's duties are to conduct socialisation of all laws and regulations, collect data and information, receive community complaints, and conduct studies, monitoring, evaluation, and supervision with respect to the protection of children's rights. It is required to submit reports, advice, input, and considerations directly to the President. The KPAI is composed of a chairman, two vice-chairmen, one secretary, and five members. Commissions are appointed and removed by the President, based on the advice of the House of Representatives, for individual terms of three years. They must be recruited from specific sectors of society including: religious figures, community figures, charitable organisations, business, and community groups. The organisation of the KPAI and appointment of its Commissioners is further detailed in a Presidential Decree, which gives the KPAI the authority to establish a regional level representative, if it considers this necessary for supporting its implementation of duties, and also states that the costs needed to support implementation of the KPAI and its duties shall be borne by the State Budget.

In addition to the KPAI, Ministerial Decree No.81/1997 of the Ministry of Social Affairs calls for the establishment of provincial child protection bodies (Lembaga Perlindungan Anak) responsible for monitoring and advocacy in relation to children's rights.

2.3 APPROACH TO CHILD PROTECTION

The Law on Child Protection is explicitly grounded in the principles of the Convention of the Rights of the Child and guided by the basic principles of non-discrimination, the best interests of the child, the right to life and to development, and respect for the opinions of children (Article 2). The Elucidation accompanying the law further clarifies that the best interests

11 In defining the specialized services to be provided to various categories of children in need of protection, the Law on Child Protection states only that they should be provided supervision, prevention, care and rehabilitation efforts on the part of both government and the community, without articulating a clear statutory role for a government agency. While the 2004 Depsos Guidelines for the Care of Children in Need of Special Protection state in the introductory sections that the role of the community in terms of children in need of special protection is mainly “preventative,” the Guidelines then go on to state that main responsibility for providing protective services to children and their families rests with the childcare institutions, the vast majority of which are operated by community organizations and NGOs.


13 Decision 50/HUK/2004 of the Minister of Social Services on the Standardization of Social Care Institutions. The only documents required in order to be registered as a social organization are: a statement of organizational aims; an Act of Notary; and a SIK, or letter of authorization issued by Depsos or Dinas Sosial.


16 Presidential Decree No.77 of 2003 on the National Commission for Child Protection.
of the child principle means that all actions involving children undertaken by the government, the community, the legislature, and the judiciary must take the best interests of the child as the paramount consideration.

a) State responsibility to support parents

Both the Law on Child Welfare and the Law on Child Protection recognise the primary responsibility of parents in caring for and protecting their children, with the latter explicitly recognising children's right to grow up in a family environment unless separation is necessary in the interests of the child (Articles 7, 14). However, there is no explicit statement of the State's responsibility to support parents in their child-rearing responsibilities or recognition of this as an important strategy for preventing violence, abuse, neglect, exploitation, and parental separation. The responsibility of the government and community towards parents who fail to fulfil their responsibilities is defined largely in terms of providing substitutive care through another family or a childcare institution, rather than strengthening and supporting the child's parents (Articles 7(2), 26(2), 37(1), 57). Neither law includes provisions for the identification of and support to at-risk children and parents through early intervention strategies such as intensive parenting skills support, individual/family therapeutic support, respite care, etc.

This gap has to some extent been addressed by new guidelines issued by Depsos in 2008 on Family and Community-Based Social Services for Neglected Children. The Guidelines highlight the importance of ensuring that family and community are part of the effort to address the problem of neglected children, and take a much more family-centred approach than previous guidelines. The new Guidelines provide guidance on the development of family-based social services aimed at: reviving the social function of family as the source of services for children; integrating child social services in family environment; and improving the social responsibility of family. Some of the defined family-based services are supportive of parents (parenting education, family economic empowerment, reunification, family therapy, family resources and support services, and intensive family-centred crisis service), while others are substitutive (adoption/guardianship, foster care, and kinship care). The Guidelines state that these services are to be provided on an outreach basis, with primary responsibility for service delivery resting with “service institutions; either social organizations or NGOs, or orphanages”. This is an improvement over the 2004 Guidelines, which envisioned residential childcare institutions as the main mechanism for providing outreach services to children in the community. Provisions are also made for community-based social services to be carried out by networks of local social groups (Pos Pelayanan Sosial Anak Terlantar (POS PILAR), particularly those with expertise in child and family matters, such as the PSM, PKK, and Posyandu cadres. Depsos is responsible for developing strategies, guidelines and standards for these family and community-based social services, for providing budgetary support, and for supervision, monitoring, and evaluation of program implementation. Responsibility for development and implementation of family and community-based social services lies with social institutions and agencies at provincial/district levels.
b) State responsibility to intervene to protect children

With respect to children who have experienced maltreatment, the Law on Child Protection and its Elucidation include detailed definitions of the various forms of violence, neglect, and exploitation of children. However the definitions are generally not in conformity with international standards and are framed with respect to conduct warranting the sanctioning of a perpetrator, rather than the standard for when a child requires protective intervention and support.\textsuperscript{19} Clear statutory provisions are necessary, under criminal and other laws, to penalise all forms of child maltreatment. However, the focus of a child protection law should be on defining, from the child’s perspective, the circumstances that give rise to the need for child welfare services, including both voluntary and compulsory support services. Laws and regulations should establish clear benchmarks for when a child and his/her family are considered to be in need of voluntary, early intervention services (e.g. parenting programmes, counselling), and when compulsory child protective interventions may be used (e.g. supervision of parents or removal of the child from parental custody). This is generally defined in terms of the child’s wellbeing and the risk of harm to him/her, rather than the conduct of the perpetrator. The standard/degree of harm required for intervention by child welfare authorities is generally significantly lower than that required for criminal prosecution of the perpetrator. (See Section 5 below for a more detailed discussion of these different levels of services and interventions).

The Law on Child Protection does not address the processes, procedures, and authority for receiving reports, conducting assessments of the family situation, developing care and protection plans, and managing interventions necessary to protect the child, including, as necessary, removal from the home and provision of alternative care. It includes a general provision stating that, where parents neglect their obligations, a family member may apply to the court to impose “supervisory measures”, or to revoke parental rights and appoint a guardian.\textsuperscript{20} However, it is not clear who is responsible for these supervisory measures, and Depsos has yet to issue further guidance with respect to court-ordered supervision or revocation of parental rights.

In terms of the interventions and services that should be provided to children who have experienced violence, abuse, and exploitation, Indonesian law is grounded in an issue-specific, rather than holistic approach. While it is certainly positive that effort is being made to address the issue, it is also important to acknowledge that further development is required. For many countries in the early stages of establishing child protection services and procedures, it is common for these

\textsuperscript{17} A “neglected child” is defined broadly as a child whose basic needs (physical, mental, and social) are not fulfilled adequately. Depsos includes within this category: orphans, fatherless children, children who drop out of school, and children from disadvantaged families.

\textsuperscript{18} Guidelines for the Provision of Non-Institutional Social Service to Neglected/Abandoned Children, 2004.

\textsuperscript{19} For example, Article 81 of the Law defines sexual abuse as the deliberate use or threat of violence tricks, lies or ruses to force a child to engage in sexual intercourse. However, under the CRC and international standards, States parties should establish a minimum age below which any form of sexual contact with the child is considered sexual abuse, regardless of whether any force, threats, tricks, or forms of coercion were used and regardless of whether the child consented to the sexual act.

\textsuperscript{20} Article 30.
The special protection measures to be afforded to children are often initially based on the ‘type’ of maltreatment the child has actually experienced and dealt with under the specific law governs that particular form of maltreatment.

- **Law on Child Protection**: the special protection to be afforded to specific categories of children is stipulated in very general terms as follows:
  - Child victims of criminal offences: rehabilitation efforts of both an institutional and non-institutional nature; ensuring that the child's identity is not released through the mass media; providing physical, mental, and social safety guarantees; ensuring access to information regarding the development of legal process (Article 64);
  - Children who have suffered economic or sexual exploitation: dissemination of laws and regulations; monitoring, reporting, and imposition of sanctions; involvement of various agencies and organisations to eradicate exploitation;
  - Child victims of kidnapping, sale, and trading: supervision, protection, prevention, care and rehabilitation efforts on the part of both government and the community;
  - Child victims of violence: dissemination of laws; monitoring, reporting, and imposition of sanctions (Article 69);
  - Child victims of mistreatment and neglect: supervision, prevention, care and rehabilitation efforts on the part of both government and the community (Article 71).

- **Law on the Eradication of Criminal Act of Trafficking in Persons**: social welfare authorities at the central and regional levels must provide victims of trafficking, including children, with social rehabilitation, return assistance, and social reintegration. Detailed guidance with respect to the mechanisms and procedures for providing integrated services for victims of trafficking is provided under the Government Regulation 9/2008 on procedures and mechanisms for the provision of integrated services to witnesses and/or victims of human trafficking, as well as the Standard Operating Procedures for the provision of integrated services for trafficked victims through integrated service centres (PPTs) at the provincial and district/municipal levels. While these legal instruments include some additional procedural protections for child victims, there is no fundamental difference in approach to the care, custody, and reintegration of children that is distinct from that for adults.

- **Law on Domestic Violence**: all victims of household violence, including children, are entitled to temporary shelter and police protection, health care, counselling, accompaniment during all legal proceedings, and assistance in relocating to a safe house or alternative dwelling. An application can also be made for a protection instruction from the Court to place conditions on the perpetrator’s movements, access to a joint dwelling, and ability to contact the victim. These provisions represent a progressive approach for dealing with spousal violence, but are not adequate to address the care and protection needs of a child who is
being mistreated by a parent or other family member.

- **Law on Social Welfare**: the law does not contain any specific provisions relating to child welfare services. However, it does state that any person experiencing social dysfunction (defined in the Elucidation to include: victims of violence, trafficked victims, children who are neglected, and children with special needs) is entitled to social rehabilitation services. This may involve “the application of persuasive, motivational, or coercive approaches in the family, community or social welfare institutions.” Social rehabilitation services include: psychosocial motivation and diagnosis; treatment and care; vocational and entrepreneurship training; mental/spiritual guidance; physical training; social and psychosocial counselling; accessibility services; social assistance; re-socialization services; follow-up services; and/or referral services.21

While these laws provide children with important legal guarantees to certain types of services, there is no overall continuum of prevention and response services and no distinction is made between voluntary endeavours of families and communities and mandatory State interventions to protect children. The laws do not include the designation of a single agency responsible for receiving and assessing all reports of child maltreatment, or provisions for emergency interventions and removal of a child where necessary to secure his/her safety.

The 2004 Depsos Guidelines for the Care of Children in Need of Special Protection provide some additional clarity with respect to the process for intervention planning, but do not fully address these fundamental issues. The Guidelines include a framework model for the care of children in need of special protection, which outlines the following process:

- **Stage 1**  
  **Eliciting information** (reporting)

- **Stage 2**  
  **Assessment**: to be carried out by “child protection officers” through home visits, discussing the complaint with the child’s parents, and observing the behaviour of the child and parents, studying the circumstances of the family, and seeking evidence/proof. In emergency situations, where the accusations are well founded and the child is at risk, then a rescue may be conducted by the police to remove the child from his/her family.

- **Stage 3**  
  **Deciding what actions are appropriate for the child**: The Guidelines state only that this involves a discussion of the case among the social worker and authorised officer. It does not define “authorised officer”.

- **Stage 4**  
  **Intervention**: involving both legal and social approaches. The Guidelines state that the choices available include: placing the child in a shelter, recovery unit, crises centre, or training centre. There are no non-institutional or family-based interventions listed.

- **Stage 5**  
  **Termination of Services and Referral**: once the emergency/crises stage has passed, services may be terminated and the child referred back to his/her family, foster family, or other childcare institution depending on the needs of the child. Further monitoring is conducted to ensure that the child’s situation has improved.

---

21 Article 7.
The process is visually presented in the Guidelines as follows:

**Framework model for the care of children in need of special protection**

The intervention options listed are all institution-based and directed primarily at the child.
The Guidelines provide more detailed guidance than is contained in the Law on Child Protection, however lack clarity as to who is responsible for making decisions about appropriate actions and the administrative or court procedures (if any) required. Although the statement of principles highlights the importance of respect for the views of the child, there is no reference to the involvement of the child or his/her parents in the decision-making process. Similarly, despite reference in the principles section to the importance of family preservation and remedial efforts targeting the entire family, the intervention options listed are all institution-based and directed primarily at the child. Due in part to the timing of when the two sets of guidelines were drafted, there does not appear to be any perceived continuum of interventions or linkages between services for children in need of special protection and the family and community-based services designed for neglected children.

Depso also issued separate guidelines in 2004 regarding the Care of Children in Shelter Accommodation. The Guidelines outline the process for case management and providing care and protection to children in need of special protection, including child victims of violence, exploitation, and trafficking, through shelter homes (RPSA). They envision the creation of both temporary shelters (maximum stay of 30 days), as well as specialised, longer-term childcare institutions (maximum stay of six months), with capacity for between 30 and 100 children per shelter. The Guidelines state that children may be taken to the shelter home by their family, or referred by the PPT, the police, NGOs, members of the community, or other childcare institutions. There are no formal procedures for decision-making about admission and no admission criteria other than that the child is under the age of 18, falls within one of the defined categories of children in need of special protection, and the child and his/her parents sign a service contract with the shelter home.

These shelter homes, which may be operated by the government or the community, are responsible both for direct service provision to child victims, as well as overall case management and intervention planning. Decision-making for intervention is handled through an inter-agency case conferencing process, facilitated by the shelter home’s social worker. In general, the Guidelines outline a progressive, child-centred approach to the provision of institution-based shelter and recovery services for all categories of children in need of special protection. In addition to care for the child, the Guidelines also envision some support for the child’s family, stating that the shelter homes should aim to produce changes in the behaviour of the child’s parents, siblings, and social environment. However, there is no guidance as to the role of the institution-based staff in bringing about these changes.

The defined processes for intake, assessment, intervention planning, assistance, and evaluation are focused on the child victim alone and make no reference to family strengthening. All interventions and services listed are institution-based. The guidelines do not explicitly address measures for preparing the child and family for reunification, or for follow-up support and supervision after they leave the centre. However, they do require each shelter home to have a Referral Unit responsible for identifying and preparing the natural family or foster family for reunification and for carrying out monitoring after termination.
The response to children who have experienced violence and exploitation is also guided by a joint directive issued in 2002 by the Minister of Women’s Empowerment, Minister of Health, Minister of Social Affairs, and the Chief of the National Police on integrated services for women and child victims of violence. The Directive states that victims of violence shall be provided integrated services, including medical, psychological, social, and legal services, as well as temporary safe shelter, through hospital-based Integrated Service Centres (PPTs). Responsibility for establishment of the Centres and training of staff rests with the Ministry of Women’s Empowerment, while the role of Depsos is to provide social workers for the purpose of responding to victims’ social problems and to facilitate shelters and trauma centres for victims. The focus of the directive is exclusively on medico-legal services coordinated by the PPTs, and there are no broader provisions for interagency coordination or referral outside of the PPT structure. The Directive was for a limited duration of five years and expired in 2007 without being renewed by the parties.

A new Government Regulation 9/2008 and Standard Operating Procedures (SOPs) have been developed regarding the provision of integrated services to witnesses and/or victims; however both deal exclusively with victims of trafficking. The regulations and SOPs include detailed procedures for handling cases of trafficking, including identification, medical care, legal assistance, shelter-based social rehabilitation services, and reintegration. However, the focus is mainly on crises intervention and medico-legal services provided through the PPTs. While additional procedural protections are afforded to child victims, the approach to both adults and children is fundamentally the same. There is no provision for distinct protective interventions for children, or a distinct role for the child welfare authority in the recovery, reintegration, or decision-making process.

In general, the law governing parental separation and out-of-home care for all categories of children, including child victims of maltreatment, as well as orphaned, abandoned, and separated children, is incomplete. The Law on Child Protection stipulates very broad grounds for removing a child from parental care, including where the parents, “for any reason are not able to guarantee the child’s growth and development, or the child has been neglected and/or abandoned”; “are absent or their whereabouts are unknown, or for some reason are unable to fulfil their obligations and responsibilities”; or “are unable to guarantee the child’s proper physical, mental, spiritual and social development”. Out-of-home care options under the Law include “fostering” by an institution, guardianship, and adoption (applicable only to children under the age of five). The law itself stipulates no inter-relation or hierarchy between these different alternative care options and there is no stated preference for kinship or other family-based care, or principle of institutionalisation as a last resort.

Legal and Policy Framework

Care or fostering by an alternative family. In contrast, the Depsos Guidelines on Provision of Social Services to Children in Childcare Institutions (2007) state that the principal approach to the provision of services to disadvantaged or parentless children is the institutional approach. Childcare institutions are also promoted as the primary mechanism for providing recovery and rehabilitation services to child victims of violence, abuse, and exploitation under the Guidelines for Care of Children in Shelter Accommodation (2004).

In terms of decision-making about alternative care, the Law on Child Protection includes a clear requirement for a court order to revoke parental rights, to appoint a legal guardian, and to approve formal adoptions. However, the law lacks procedural requirements for the “fostering” of a child by an individual or institution and an official court revocation of parental rights does not appear to be required before a child can be placed in a childcare institution or foster family. There is no designated government authority responsible for making all decisions about institutional placements or the selection of foster families; the Guidelines for the Provision of Non-Institutional Social Services to Neglected/Abandoned Children (2004) give broad powers for childcare institutions and community organisations to arrange foster placements and the Guidelines on Provision of Social Services to Children in Childcare Institutions (2007) allow for the active recruitment of children directly by childcare institutions. Institutional care is seen as both a temporary measure, as well as a permanent care option, and there are no provisions requiring regular review of a child’s placement or guiding decision-making regarding family reunification. Both the Guidelines on Provision of Social Services to Children in Childcare Institutions (2007) and the Guidelines for the Care of Children in Shelter Accommodation (2004) emphasise the importance of family reunification and improving the capacity of parents/families to care for their children, however neither provides specific guidance on how this can be accomplished.

* * * * *

21 Ministerial Decree No. 1/2009 of the Minister for Women’s Empowerment.
22 Article 7(2).
23 Article 26(2).
24 Article 37.
25 Article 37.
Indonesia has developed a fairly progressive legal framework for the promotion of children’s rights. However, the legal framework for prevention and response to violence, abuse, neglect, exploitation, and abandonment of children remains under-developed. An effective legal framework for child protection is one that: designates a government agency with clear mandate, authority, and accountability for the management and delivery of child protection services; stipulates a continuum of prevention, early intervention, and response services to prevent and respond to all forms of child maltreatment; stipulates the standards, criteria, authority, and procedures for making decisions about which interventions are appropriate in individual cases, including the standard for when compulsory protective services may be used; requires that all decisions regarding compulsory protective services, the separation of a child from his/her family, and out-of-home care are made by a designated government authority, subject to judicial review; and includes a binding regulatory framework for compulsory registration, accreditation, monitoring, and inspection of all government and non-government service providers.

While the Law on Child Protection guarantees children’s right to be protected from all forms of violence, abuse, neglect, and exploitation, it lacks many provisions that are essential to provide a comprehensive legislative framework for the delivery of prevention and response services. Significant progress has been made in developing detailed guidance and regulations with respect to integrated medico-legal services for victims of violence and exploitation, which provide a solid legal framework for inter-agency collaboration. However, provision of broader child welfare services is governed primarily by non-binding guidance documents issued by Depsos, which are not widely known, even amongst service providers.

Overall, the laws, guidelines, and regulations present an approach to child protection that is primarily community-driven, charitable, responsive and forensic (medico-legal), primarily victim-centred (rather than family focused), and largely centred around institution-based services. There is no clear designation of authority to make decisions regarding protective services and limited guidelines and criteria for making decisions about what interventions are necessary to protect a child. Instead, authority for intervention planning, decision-making, and case management has been delegated broadly to any individual, community organisation, NGO, or childcare institution that is engaged in providing child welfare services. Interventions and services have not been conceptualised as a continuum of options, with priority given to family preservation, and there are broad grounds for removing a child from parental care. While there are relatively clear procedures for the selection and appointment of legal guardians and adoptive parents, there are no similar standards or approval procedures for foster care and the placement of a child in a childcare institution.

While provincial governments have authority to develop their own laws and regulations for implementation of national laws, to date most have focused on issue-specific laws and plans of action, rather than comprehensive child protection legislation. Aceh has recently drafted a comprehensive Child Protection Qanun. However this suffers from many of the same shortcomings as the national law.

In order to address these gaps in the legal framework, it is recommended that the following actions be taken:
1) Child Protection Law Reform: it is recommended that substantial amendments to the Law on Child Protection be undertaken to provide a more solid legal framework guiding services for the prevention and response to violence, abuse, neglect, and exploitation of children. If law reform is not feasible in the short term, then
binding, comprehensive government regulations could be introduced under the existing Law on Child Protection to provide greater clarity with respect to prevention and response services. While regulations under the new Law on Social Welfare address the delivery of general social welfare services, more detailed provisions are required to recognize the unique characteristics of welfare services for children. The new law and/or regulations should include:

- Clear designation of the mandate, authority, and accountability of the child welfare authority (Depkos and Dinas Sosial) as the key agency responsible for establishing structured child and family welfare services and for managing protective and rehabilitative interventions for all child victims;

- A continuum of interventions and services (prevention, early intervention, and tertiary) to prevent and respond to all forms of child maltreatment, with a focus on family strengthening and family preservation. This should include compulsory measures to protect children who have experienced or are at risk of serious harm;

- The process and procedures for identification and early intervention to support vulnerable or at-risk children and their families;

- The process and procedures to identify and report all suspected cases of violence, abuse, exploitation, and neglect of children, including clear definitions of the various forms of abuse and the standard for State intervention, mandatory reporting requirements, and designation of emergency powers of intervention to the government social welfare authority;

- Requirement that all decisions regarding compulsory protective services, the separation of a child from his/her family, and out-of-home care are made by a designated government authority, through a structured administrative or court process, and guided by an assessment and recommendations from the social welfare authority;

- Compulsory registration, accreditation, monitoring, and inspection of all government and non-government service providers.

2) Standards of Service: binding ministerial regulations should be developed outlining measurable standards and quality of care in relation to child and family welfare services, particularly family support services, kinship care, foster care, and institutional care.

3) Inter-Agency Protocol: develop an inter-agency protocol for coordination between child welfare authorities, police, health care officials, and other service providers, relating specifically to the handling of all cases of violence, abuse, and exploitation of children. These protocols should define roles and responsibilities, information sharing, and process and procedures for referral, including a central role for the child welfare authority in making decisions regarding protective interventions (as distinct from legal/criminal procedures against the perpetrator). While the concept of the Integrated Service Centre should be included in the Protocol, inter-agency coordination should not be centred around, or dependent on, a physical location.

4) “Model” provincial law: Develop a “model” provincial child protection law to provide guidance to regional governments in the drafting of comprehensive child protection legislation and promote further legislative development at the sub-national level.
In order to fulfil its obligations under the CRC to support parents in their child-rearing responsibilities, to protect children from all forms of maltreatment, and to provide care for children whose families fail in their responsibilities to protect children, the State must have an effective social welfare system in place.
An effective social welfare system requires a well-resourced, logically organized, and adequately coordinated child welfare authority with a clear mandate to manage all services to prevent and respond to violence, abuse, and exploitation of children. This should include clear structures, processes, authority, and accountability for management and delivery of child and family welfare services from the national level down through the provincial, district, and sub-district levels. While inter-agency child rights committees, police, health care officials, NGOs, and community members have an important role to play as part of the overall service delivery paradigm, responsibility for management of the system, and for making decisions in individual cases, should rest with the government social welfare authority. To ensure the effective functioning of the system, the State also requires structures for research, data collection and analysis, and independent monitoring.27

3.1 DESIGNATED CHILD PROTECTION AUTHORITY

In Indonesia, there is no single, designated authority responsible for coordination and implementation of services to prevent and respond to violence, abuse, and exploitation of children. Responsibility is divided between the Ministry of Women’s Empowerment and the Ministry of Social Affairs, with the core functions of the child protection authority being exercised by a variety of agencies and coordinating bodies.

a) National Level

Under the Ministry of Women’s Empowerment, a separate Directorate on Child Protection has been established with responsibility for coordinating protection of children’s rights. As a coordinating ministry, the Ministry of Women’s Empowerment does not have any direct responsibility or structures for service delivery. The function of the child protection directorate is to facilitate policy development and coordinate implementation of policy in the areas of health, education, social welfare, child development, and child participation, as well as overall monitoring and evaluation of the implementation of children’s rights. The Ministry has played a central role in developing policies relating to child protection, including the national plans of action on trafficking, CSEC, and violence against children, the inter-agency directive on integrated services for victims of violence, the Domestic Violence Law, the Law on Trafficking, and the Law on Pornography. It is the lead agency responsible for coordinating the National Plans of Action on CSEC, Trafficking, and Violence against Children. The Ministry is also responsible for partially funding and supervising integrated service centres (PPTs) for women and child victims of violence, which are governed by a new Government Regulation 9/2008 and Standard Operating Procedures (SOPs).28 With the support of UNICEF, it is also developing a database on violence, abuse, and exploitation of children, which will be piloted in four provinces.

Under the Minister of Social Affairs, the Department of Social Affairs (Dep sos) has an overall mandate to carry out the central government’s responsibilities in the area of social welfare, empowerment, social security, and social rehabilitation. Through the process of decentralisation, the central-level authority now has a limited role in service delivery, with its main
responsibilities being: policy formulation; establishing minimum standards of services, registration and accreditation of social welfare services; promoting inter-agency collaboration; administering outreach, assistance and social welfare support as necessary; and controlling resource mobilisation and distribution.29

Depsos is headed by a Secretariat General, and has three main Directorate Generals: the Directorate General of Social Empowerment; the Directorate General of Social Services and Rehabilitation; and the Directorate General of Social Security and Assistance. Child Protection falls under the Directorate General of Social Services and Rehabilitation, which has a separate Directorate for Social Services for Children. The Directorate is divided into five sub-directorates:

1) institutions, child protection, and advocacy for children;
2) social services for children under five years of age and adoption;
3) social services for neglected children;
4) social services and rehabilitation for disabled children; and
5) social services and rehabilitation for delinquent children.

Responsibility for prevention of and response to all forms of violence and exploitation against children falls under the responsibility of the Sub-Directorate for Institutions, Protection and Social Advocacy, while street children and alternative care are under the responsibility of the Sub-Directorate for Neglected Children.30 Table 1 presents a selective organogram of Depsos, highlighting only the key directorates responsible for child and family welfare services, for the purpose of demonstrating where child protection fits within the overall structure.

The Directorate for Social Services for Children is comprised of 55 staff members, including the Director and 25 professional social workers. It is currently in the process of developing a new Child Protection Strategy, which aims to promote a more rights-based (rather than needs-based) approach to child protection and to shift from an institutional care paradigm to one more focused on the responsibility of families in the fulfilment of children’s rights. The Directorate’s new vision centres on increasing children’s access to social services through the development of the capacity of families, communities, and the government. It is acknowledged that this will require a restructuring of their programmes based on a family and community-based care model, as well as enhancing services in terms of quality, sustainability, and accessibility. However, the rights-based approach is a new concept for the Directorate and will reportedly take some time, particularly since most staff members have been entrenched in a residential care mindset.

28 Ministerial Decree No. 1/2009 of the Minister for Women’s Empowerment.
Child and Family Welfare Services in Indonesia

Depso’s overall mandate with respect to management of services for child victims of violence, abuse, neglect, and exploitation is limited. (economic and social), and children who are out of school. The Sub-Directorate for Neglected Children receives almost one-third of the Directorate’s total budget (IDR 8 billion of a total of IDR 27 billion for 2009), much of which is used to fund childcare institutions. The provinces also receive significant additional central government subsidies and deconcentration funds for the operation of childcare institutions, which has reportedly contributed to increased reliance on institutionalisation of children.31

The Sub-Directorate for Institutions, Protection, and Social Advocacy for Children has six staff members, including the head and three other staff members, who have received training in social work through the STKS. The main mandate of the Sub-Directorate is to coordinate policy development and provide guidance with respect to child protection programming. Its key responsibilities include: policy formulation; setting standards, norms, and criteria; providing technical guidance; and monitoring and evaluating institutions, protection, and social advocacy for children.32 While the Sub-Directorate does not have a direct service delivery mandate, it does promote and fund various programmes for children, and the central government can assign regional governments to undertake certain tasks using deconcentration funds. Depso also runs “Technical Implementation Units,” childcare institutions through which it pilots direct service provision models. The Sub-Directorate for Child Protection is currently managing four programmes: 1) development and support to local child protection bodies (LPAs); 2) operation of 14 shelter homes for child victims of violence and exploitation (Rumah Perlindungan Sosial Anak, or RPSAs); 3) operation of childcare institutions for children with behavioural or educational difficulties (PSPA); and 4) TESA 129, a telephone hotline. In 2009, its total budget allocation was IDR 4 billion.

In addition, the Director General for Social Services and Rehabilitation recently established a Rapid Reaction Unit (TRC) to respond to emergency cases of violence, abuse, trafficking, and exploitation of children, women, the elderly, and people with disabilities. The TRC is designed to rescue children in need of special protection and manage their cases. To date, approximately 32 staff, including approximately 20 from Depso-managed childcare institutions, have been trained, and the TRC has been piloted in East and Central Java. However, problems have reportedly arisen due to the TRC’s lack of official status or licence to carry out rescues, the absence of standard operating procedures for team members, and the lack of understanding about the program among the police and provincial Dinas Sosial staff.

Apart from these initiatives, Depso’s overall mandate with respect to management of services for child victims of violence, abuse, neglect, and exploitation is limited, and as a result of the decentralisation process, it now has minimal influence over the implementation of child protection mechanisms in the provinces. Although Depso is responsible for monitoring implementation of guidelines, standards, and programmes relating to child welfare, it does not have the human resources, structures, or capacity necessary to effectively monitor and supervise child and family welfare service delivery at the sub-national level. There are no direct reporting, accountability, or information-sharing linkages between Depso and provincial-level Dinas Sosial, other than reporting (mainly financial) in relation to centrally-funded programmes. Due
to budget cuts, it is no longer possible for the Directorate to make more than one or two annual visits to provincial offices to help plan programmes and monitor progress.

Linkages and coordination between the Directorate for Social Services for Children and other Depsos directorates and sub-directorates with responsibilities related to family welfare services are also reportedly quite weak. Prior to 2002, social services for families and children were managed under the same Directorate General, but Family Empowerment now falls under the Directorate General for Social Empowerment. This has reportedly made coordinated policy and program development more difficult. The two directorates are currently designing a joint program for street children in the Jakarta area, which will include family tracing, assessment of the child’s needs, and economic support to the family through the Family Empowerment budget. However, there have reportedly been challenges to effective coordination and information-sharing between the two Directorates.

While the Family Empowerment Directorate is primarily focused on economic empowerment, it has also been promoting the development of service delivery structures and programmes that could contribute to a more family-centred approach to child protection services. For example, the Women’s Empowerment Sub-Directorate promotes the establishment of various women’s clubs and self-help groups (LPP) at the district and sub-district level. The main focus of the clubs is on economic empowerment for women-headed households, single mothers, and women living in poverty. However, in partnership with the PKK, the club meetings are also used as opportunities to discuss social issues, including child protection. The Sub-Directorate is currently in discussion with the Children’s Directorate regarding the development of a parenting skills program, but there has otherwise been limited coordination between support for single mothers and support for children.

Similarly, the Sub-Directorate for Consultancy, Social Advocacy is supporting the establishment of district-level Social Welfare Consultation Centres (LK3), which are currently functioning in 69 districts with direct financial support from Depsos. The LK3 are staffed by a professional social worker funded by Depsos and provide counselling, guidance, information, and referrals to families with social problems. They deal primarily with issues such as divorce and family problems. Based on the limited reports that were available for review, the LK3 regularly provide advice and referrals to the parents of vulnerable and at-risk children, and more often than not recommend placement of the child in a childcare institution. The LK3 social workers have not received any specific guidance or training on how to handle children’s cases, and there has reportedly been limited collaboration with the Directorate for Social Services for Children.

---


22 Ministerial Regulation 82/HUK/2005.
TABLE 1 SELECTIVE ORGANOGRAM OF DEPSOS

Directorate General of Social Empowerment

- Directorate for Family Empowerment
  - Sub-directorate for Consulting and Social Advocacy
  - Sub-directorate for Women’s Empowerment

- Directorate for Empowerment of Social Community Institutions
  - Community Based Social Welfare Vehicle Sub-directorate
  - Community Social Worker Sub-directorate
  - Four other sub-directorates

- 4 other directorates

Directorate General of Social Services and Rehabilitation

- Directorate for Social Services for Children
  - Sub-directorate for under 5s and Adoption
  - Sub-directorate, Social Services for Neglected Children
  - Sub-Directorate Social Service and Rehab for Delinquents
  - Sub-directorate Social Services and Rehab for Disabled Children
  - Sub-Directorate Institutions, Protection, Social Advocacy for Children

- 3 other directorates
DEPSOS
Secretariat General

Directorate General of Social Security and Assistance

- Directorate for Social Assistance for Violence Victims and Migrant Workers
- 4 other Directorates

Social Welfare Education and Research Board

- Social Welfare Education and Training Centre
- Social Welfare Research and Development Centre
- Social Resilience Development Centre
- Social Welfare Data and Information Centre

Inspectorate General
b) Sub-National Level

At the sub-national level, the structures for social welfare service delivery vary from province to province. Indonesia has 33 provinces and 465 districts, each of which enjoys a relatively high level of autonomy in terms of the structure of basic social service delivery. Following the implementation of regional autonomy measures in 2001, the districts and municipalities became the key administrative units responsible for providing the bulk of government services, with provincial governments performing a policy development, coordination, and oversight role.

As at the national level, provinces do not have a single agency designated with responsibility for managing all aspects of prevention and response to violence, abuse and exploitation of children. Each province has a provincial Department of Social Affairs (Dinas Sosial), which has a section or directorate responsible for social services for children. However, in some provinces, including Aceh, NTT, and East Java, the Directorate responsible for children also has responsibility for other issues, generally related to the elderly, rather than family empowerment. Of the provinces visited, each had at least one officer with social work training who was responsible for programmes and services related to violence, abuse, and exploitation of children (specifically, one officer in Aceh, four in NTT, and eight in East Java).

Through its tsunami response, the Aceh Dinas Sosial has also established an innovative Child Protection Secretariat to coordinate all government and non-government child protection and child rights initiatives. However, in all provinces, a review of annual priorities and interviews with staff revealed that Dinas Sosial is generally focused on a broader agenda to protect child rights, rather than more narrowly on child and family welfare services. In general, the programmes under the provincial directorates for children are focused mainly on promoting the welfare of children through the provision of financial aid to neglected children and the funding of childcare institutions.

In each province, Dinas Sosial operates Technical Implementation Units, which are childcare institutions targeting specific categories of children in need of protection. In East Java and NTT there are eight government-run childcare institutions, while NAD has nine. Dinas Sosial also supervises and partially funds numerous childcare institutions run by various NGOs, religious groups, foundations, and private individuals. While accurate data is not available, it is estimated that there are 794 childcare institutions in East Java, 102 in NTT, and 187 in Aceh. These childcare institutions are intended to operate as community social welfare centres, acting as the focal point for the delivery of social welfare outreach services to vulnerable children in the community, as well as to children who have experienced violence, abuse, and exploitation. However, in practice most of the childcare centres do not have the staff, resources, or capacity to deliver child and family welfare services in the community. While the government-run childcare institutions generally have at least one qualified social worker on staff, this is not the case with most non-government centres, which form the overwhelming majority. The institutions’ outreach services generally do not extend beyond providing basic social welfare benefits or other financial support to children from poor families or who have dropped out of school.

Overall, Dinas Sosial’s role in prevention and response services is quite limited. While Dinas Sosial staff in all provinces recognise their general mandate to
Structures

protect children, this has not been fully translated into a concrete role in: coordinating the provincial child protection strategy; developing child protection policy or guidance; acting as the central agency for service delivery, including case management; or setting province-wide operational procedures for Dinas Sosial offices or inter-agency collaboration. In all three provinces involved in this study, provincial-level offices had limited human resources, structures, and accountability mechanisms required to manage or supervise the prevention and response services provided by district-level social welfare authorities, or by other agencies or community-based organisations. In all provinces, Dinas Sosial is generally perceived to play a peripheral role in handling child abuse cases, limited to the provision of material support to families and children, or arranging institutional care.

In addition to Dinas Sosial, each province has an Office/Bureau of Women's Empowerment, which also has a mandate with respect to the protection of children's rights. However, this mandate is relatively new and is generally undefined with regard to its protection role. As an Office, rather than an implementing agency, the role of Women's Empowerment is primarily coordination and it does not have staff or structures to support service delivery or programme implementation. However, in line with national-level initiatives, provincial Women's Empowerment Offices are responsible for funding and supervising integrated service centres (PPTs/PKTs) for women and child victims of violence. Through this role, they are generally perceived as having responsibility for coordinating services for individual victims of violence, abuse, and exploitation, particularly in Aceh, where they often facilitate the case conferencing process.

The integrated services centres are generally located in police hospitals (PPT), though some are also located in public hospitals (PKT). There are currently 38 PPTs in police hospitals and 20 PKTs in public hospitals throughout the country, with varied geographic distribution dependent on provincial budget allocations and priorities. NTT, for example, has only two PPT/PKTs, Aceh has one in the provincial police hospital and four in district hospitals, while East Java has 28 district-level PPTs. The PPTs/PKTs are the main mechanism for providing protection and support to child victims of violence, abuse, and exploitation. They provide medical treatment, legal advice, temporary shelter, and counselling for child and adult victims of violence and exploitation. They also perform a referral function and, at least in Aceh, East Java and NTT, maintain a network of government and NGO service providers. Through this network, the PPTs have some capacity for referral and follow-up; however, as a hospital-based service they do not have community-based structures or linkages, nor a community outreach function.

At the district level, each governor’s office generally has a Social Division with responsibility for delivery of social

---

24 Depsos Guidelines for the Provision of Services to Neglected Children Outside of Institutional Care, 2004; Depsos Guidelines for Family and Community-Based Social Services for Neglected Children, 2008; and Depsos Guidelines for the Care of Children in Need of Special Protection, 2004.
welfare services, as well as addressing other social and community issues. As a result of the process of decentralisation, district-level authorities have a high degree of independence from the province and lines of authority and accountability can be unclear between the provincial-level Dinas Sosial staff and district-level social affairs officials. District staff members are recruited and appointed by and directly responsible to the district authorities. There are no monitoring or supervisory links to the provincial Dinas Sosial office and no reporting requirements or information sharing, unless district officers are tasked to distribute a specific social welfare benefits programme funded by Dinas Sosial. Some districts reportedly have an officer responsible specifically for child welfare issues, though this is not common, and the office often has other responsibilities as well.

In all provinces, respondents were generally of the view that the capacity of district-level social affairs staff was generally quite low and most do not have any qualifications or training in social work. Their function appears to be largely administrative, focused on data collection and monitoring of programme implementation and spending.

In most provinces, social welfare service structures generally do not extend below the district level. Some sub-district administration offices reportedly have an officer responsible for social affairs, however their main task is the distribution of social welfare benefits and they are generally administrators, rather than social workers. Prior to decentralisation, most provinces had a relatively structured network of trained, volunteer community social workers (PSM or TKSM) responsible for identifying and supporting vulnerable families and children. However, the degree to which the PSM are currently active varies from province to province. Nevertheless, the role of NGOs, community groups and volunteers remains quite strong, albeit unstructured, in all provinces visited.

In many provinces, there is a growing recognition of the need to address the gap in child and family welfare service structures at the district and sub-district level. Several innovative initiatives are being implemented at the national and sub-national levels, including the LK3 initiative of Depsos and the P2TP2A domestic violence referral centres operated by Women’s Empowerment. In East Java, there is currently a move to re-establish the PSM, funded through the provincial planning department. Beginning in 2009, the local government will provide salaries and incentives through Dinas Sosial for 45 PSM for a period of two years. UNICEF will contribute by providing trainings to build the capacity of these new PSM. Similarly, discussions are ongoing within NTT as to how to reintroduce the TKSM into the welfare system. A Dinas Sosial joint programme, also supported by UNICEF, is underway to recruit and train TKSM.

In Aceh, the Dinas Sosial has introduced two linked programmes to strengthen social welfare service delivery structures at the sub-district level. Starting in 2006, the province has embarked on a process of recruiting, training, and appointing paraprofessional community social workers (TKSK) at the sub-district level. TKSK are mainly responsible for collecting data on the situation of families and children in need of support, providing direct support to people with social problems, giving advice regarding available Dinas Sosial services, and monitoring the distribution of social welfare benefits. Dinas Sosial is also in the process of piloting Social Welfare Service Centres (Puspelkessos).
at the sub-district level. The aim of the Puspelkessos programme is to improve social welfare service delivery at the sub-district level by building on and expanding the functions of the many Children’s Centres that were established in the aftermath of the tsunami. The Puspelkessos are being designed as a joint government/NGO initiative; while they will continue to be directly managed and operated by their founding NGO, they will be under the general supervision of Dinas Sosial. The provincial government is providing funding to support the salary of one TSKS and one NGO social worker for each Puspelkessos. While the pilot is currently quite new, it is anticipated that in the future all social welfare programmes from Dinas Sosial’s different departments will eventually be delivered through the Puspelkessos.

3.2 OTHER STRUCTURES

a) Research and Data Collection
Research, data collection and policy development related to child welfare falls under the responsibility of the Depsos Social Welfare Education and Research Board, which has a Social Welfare Research and Development Centre, as well as a Social Welfare Data and Information Centre. However, the research priorities of the Board reportedly do not always align with the priorities of the other directorates. The Directorate General for Social Services and Rehabilitation relies more on support from international agencies such as Save the Children and UNICEF to support research and policy development in the field of child protection. Similarly, the Directorate generally relies upon outside sources for data on children in need of protection, since the Social Welfare Data and Information Centre only collects information from Dinas Sosial. While data collection has been improved through the creation of direct links between Depsos and the district-level social welfare authorities, it is acknowledged that the figures presented do not accurately reflect the numbers of reported cases of violence, abuse, and exploitation of children.

There is currently no centrally run information management system at either the national or sub-national level to coordinate consistent, ongoing collection and analysis of child protection data from the various agencies and service providers (e.g. police, PPTs, PKTs, LPAs, etc). Regulations, protocols, and processes for information sharing between relevant agencies have yet to be fully established. However, as noted above, the Ministry of Women’s Empowerment, with the support of UNICEF, has developed a database on violence, abuse, and exploitation of children, which is being piloted in four provinces. The system will assign each child a unique reference number and promote information sharing on individual cases. However, it has yet to be determined which agency will be responsible for managing the database at the provincial level.

b) Inter-Agency Coordination
At the national level, inter-agency coordination with respect to child rights and child protection is generally facilitated by the Ministry of Women’s Empowerment. Indonesia also has a national coordinating ministry – the Ministry for People’s Welfare – that promotes inter-agency coordination.
with respect to child rights and child protection. It is currently coordinating an inter-ministerial Family Hope programme, a conditional cash transfer program linking education, health and social welfare assistance for children who have dropped out of school.

At the sub-national level, many provinces and district have established Lembaga Perlindungan Anak (LPA) to coordinate programmes and services for children. These child protection bodies, many of which were initially established with the support of UNICEF, are generally responsible for increasing awareness on child rights and child protection issues, advocating for improved child protection legislation, monitoring the implementation of child rights, representing the interests of children in conflict with the law, and working to develop a referral system for child victims. While their structure and membership carries from location to location, they generally include representatives from key government and non-government agencies, as well as organisations working in the field of child rights.

In addition to these child protection bodies, Indonesia’s national plans of action related to specific child protection issues also call for the creation of inter-agency coordination committees, task forces, or working groups at both the national and sub-national level. Inter-agency committees have been established for trafficking in persons, commercial sexual exploitation of children, and child labour.

**c) Independent Monitoring**

Indonesia has also created an independent monitoring and oversight body for children’s rights. The Komisi Perlindungan Anak Indonesia (KPAI), or Indonesian Commission for Child Protection, has been in operation since 2004. KPAI’s main mandate is to conduct socialisation of all laws and regulations, collect data and information, receive community complaints, and conduct studies, monitoring, evaluation, and supervision with respect to the protection of children’s rights. Under its new Codes of Conduct 2007-2010, the KPAI is in the process of shifting its previous structure based on functional Working Groups to the following five thematic clusters: civil rights; health and basic welfare; family and alternative care; education and culture; and special protection. One Commission will have the responsibility for leading each cluster. Five main issues have been identified for the special protection cluster: pornography, violence against children, trafficking, children in conflict with the law, and children in emergency situations, with one Commissioner assigned to each issue. Activities undertaken by the special protection cluster mainly involve socialisation and awareness-raising through information campaigns, workshops, and seminars, as well as some supervision of child protection services provided. The Commission also handles complaints related to children’s rights, primarily addressing individual complaints about child custody, violence, and access to education, rather than more systematic issues. Complaints relating to violence against children are generally handled by referral to other organisations such as the police, PPT, Depsos, or the RPSA. This is currently being done on an informal basis, as there are no formal procedures for receiving, screening, assessing, and referring individual complaints.

The KPAI undertakes some monitoring and supervision, generally in the form of field visits in response to complaints or emerging issues. However, a
recent needs assessment found that the KPAI currently lacks the staff, systems, and structures necessary to effectively carry out its core mandate as a watchdog or oversight body, and that its independence is to some extent compromised by the fact that its secretariat and budget are controlled by the Ministry of Women’s Empowerment. An additional significant gap is the lack of a KPAI regional presence. Although Presidential Decree 77/2003 gave the KPAI authority to establish representatives in the regions, instructions subsequently issued by the KPAI stated that the establishment of regional bodies (KPAID) was not compulsory but should respond to the needs of the particular region. The instructions also noted that the KPAID would not necessarily represent the KPAI at the regional level. The Decree guarantees the independence of each KPAID and states that the relationship with the KPAI is not hierarchical, but rather based on coordination and consultation. As a result, while some provinces, such as Aceh, have established a KPAI, others have decided that the existing provincial LPAs were sufficient to perform this independent monitoring function. Information sharing and coordination between the KPAID and the KPAI/LPAs is reportedly quite weak. The current Commissioners are in the process of addressing this issue and are developing new instructions regarding the functioning of the KPAID and their relationship to the KPAI.

In addition to the statutory KPAI, Indonesia also has a National Commission for Child Protection – Komnas Anak – which was established with the support of Depsos and UNICEF prior to the introduction of the KPAI. Komnas Anak is a civil society organisation, but similar to KPAI also performs a monitoring, advocacy, and awareness function. Komnas Anak conducts advocacy and awareness with respect to child protection and child rights issues, operates a telephone hotline that children can call to discuss their problems, and monitors child protection issues by collecting data from various sources of information, including the LPAs, police, PPTs, and the media. It also deals with individual complaints regarding child rights, mainly related to divorce, child custody, and high-profile cases of exploitation. As a civil society organisation, Komnas Anak has strong linkages with NGOs at the national and sub-national level.

The Decree guarantees the independence of each KPAID and states that the relationship with the KPAI is not hierarchical, but rather based on coordination and consultation.

---

27 KPAI Decree No 2/2004: Guidelines for the Formation of KPAID.
KEY FINDINGS

In Indonesia, structures for social service delivery do not currently include provision for a single, designated agency responsible for managing all aspects of prevention and response to violence, abuse, neglect, and exploitation of children. Due to the lack of a clear conceptual distinction between the promotion and protection of child rights and distinct sectoral services required to prevent and respond to violence, abuse, and exploitation of children, child protection is seen largely as a matter of interagency coordination and referral, rather than as a distinct sector (such as health or education) requiring a designated agency responsible for service delivery. While the national and sub-national social welfare authority has primary responsibility for child and family welfare services, they are not perceived as playing the central role in managing all services for the prevention and response to violence, abuse, and exploitation of children, or in managing individual cases from beginning to end. Depsos has begun to promote family-based, non-institutional approaches for dealing with child protection issues, however, adequate structures for the delivery of community-based child and family welfare services are still required.

The process of decentralisation has added further complications, as provincial and district authorities now exercise significant autonomy. There are no structured linkages between Depsos and the provincial Dinas Sosial, nor linkages or accountability mechanisms between Dinas Sosial and district and sub-district social welfare authorities. Capacity for professional social work at the district and sub-district levels is currently low. Governments at the national and sub-national levels have acknowledged this gap in the service delivery paradigm and there are several initiatives underway (e.g. TSK in Aceh, the TKSM in NTT, and Depsos’ LK3) to strengthen social welfare service delivery at the district and sub-district level. Significant progress has also been made throughout the country in the establishment of specialised police stations and hospital-based integrated service centres for women and child victims of violence at the provincial and district levels.

Overall, the primary mechanisms for delivery of child and family welfare services are the PPT, RPSA, government and non-government childcare institutions, and NGOs and community based organisations. While childcare institutions are intended to provide community outreach services to children and families, most lack the capacity and structures to do so. However, Indonesia enjoys a strong network of dedicated NGOs and CBOs that provide child protection services, although these tend to be over-represented in urban areas.

Structures for independent monitoring and oversight of policies, programmes and services relating to children’s rights have been established at the national level, as well as in many provinces and districts (KPAI, KPAID, LPA). These bodies generally take the form of inter-agency committees. However, although these committees have the mandate to perform an independent monitoring role with respect to the implementation of children’s rights, most have not been structured to be fully independent (as per the Paris Principles), or to carry out their monitoring mandate effectively. At the national and sub-national level, they focus primarily on handling individual cases of violence, abuse, and exploitation of children, rather than identifying and dealing with more systemic issues and complaints.

RECOMMENDATIONS

In order to address these gaps in the structures for the delivery of child and family welfare services, is recommended that the following actions be taken:

1) Design of a comprehensive child and family welfare delivery system: it is recommended that an overall and long-term vision of the child and family welfare service delivery paradigm be
developed at the national level and then piloted in one or more provinces. Through research of international models and consultation with stakeholders, this vision should outline how child and family welfare services can be effectively managed and delivered from the provincial, district, sub-district, and village level. The proposed vision would ideally address the following issues:

- **Clearer designation of the mandate, authority and accountability of the child welfare authority as the lead agency responsible for establishing structured child and family welfare services and for receiving reports and managing protective and rehabilitative interventions for all child victims.**

- **Outline of the structure for managing and implementing child and family welfare service delivery from the provincial, district, sub-district, and village level, including clear roles, responsibilities, and processes for decision-making by government social welfare authorities at each level.** The role that the PPT, PPA, NGOs, and other service providers play within the overall service delivery paradigm should also be clearly articulated, with a regulatory and oversight role for Dinas Sosial.

- **Clarification of the roles of the KPAI, KPAID and LPA as rights-promotion and independent monitoring bodies and what structures and mechanisms are necessary to effectively carry out these responsibilities. This will require greater independence and/or security with respect to budgetary allocations, as well as mechanisms for monitoring, data collection, and dealing with systemic complaints, rather than the current focus on handling individual cases of violence, abuse, and exploitation of children.**

**2) Restructuring of Depsos/Dinsos:**

Currently, at both the national and provincial levels, the organisational structure and assignment of staff responsibilities within the directorates responsible for child welfare are organised according to various categories of children in need of protection (e.g., neglected children, disabled children). This is not conducive to a more holistic approach to child welfare services based on the delivery of a continuum of prevention and response services with flexibility to respond to the individual needs of all children in need of protection. It is recommended that, as part of the process of systems reform, consideration be given to restructuring departmental divisions and staff areas of responsibility.

3) **Piloting the new Child and Family Welfare System:** It is recommended that this new proposed child and family welfare services system then be piloted in one or more provinces, focusing on those, such as Aceh and NTT, where the process of social welfare systems reform has already begun. Lessons learned from these pilot locations can then be used by Depsos to modify and promote the expansion of the new approach in other provinces, as well as to inform national-level legal and policy development.
A child and family welfare system is a series of inter-linking processes and services, each requiring its own set of skills and competencies. As the approach to planning and implementation of services becomes increasingly systems-based, it is important that staff across government departments and non-governmental agencies have clearly defined roles and responsibilities within that system, as well as the necessary capacity to carry out their functions.
In Indonesia, there has traditionally been a reliance on NGOs and CBOs to provide many of the local level services, often supported by financial or material resources from government agencies. However, as the role of the State develops and services expand, the sector will necessarily become more professionalised. Across Indonesia, there are currently, for example, specialist doctors trained to identify non-accidental injury and police trained in child-friendly investigation techniques to ensure prosecution of perpetrators. There have also been a significant number of trainings on aspects of, or issues relating to, child protection. The proliferation of capacity building programmes is welcomed; however, these trainings do not address the underlying challenge of creating a strong, specialised, and recognised social work profession.

Professional social workers, imbued with specialist skills to identify and respond (according to policy, procedure, and care standards) to child protection concerns are an essential component of a child and family welfare system. They require both the professional mandate and requisite powers to make important decisions in a child’s life. This authority, of course, must be accompanied by a duty to protect. Social workers must therefore have a clear description of their role and, most importantly, the practical skills to undertake it.

A child and family welfare system will be comprised of numerous professionals from different disciplines and sectors, including medical, psychological and law enforcement personnel. There will also be a need to incorporate parasocial workers based in NGOs and CBOs to support the implementation of many of the services, especially for prevention work. These may not be professional social workers but they must understand their role, powers, and duties within the system. They must also be trained in the specific skills required to fulfil that role.

It is beyond the scope of this study to analyse the institution of social work in a comprehensive way. Rather, the aim of this section is to provide information about the overall roles and functions of ‘social workers’ and those involved in welfare and protection provision for children and families. With this basic information, it is possible to assess whether the existing capacity is appropriate for the management and provision of services.

### 4.1 STATUS OF SOCIAL WORK

In general, social work is still not widely considered a profession – or even a career – in Indonesia, although 32 academic institutions offer social work education. The perception remains that social work is essentially an unskilled and unpaid activity and it does not enjoy the same level of professional recognition or respect as, for example, nursing or teaching. It is, therefore, very positive that the new Law 11/2009 on Social Welfare seeks to strengthen the professional status and qualifications of social workers by drawing a distinction between professional social workers and volunteers, also calling for the establishment of a social workers’ professional association and code of ethics. In its definition section, a “professional social worker” is defined as a person with professional skill and competence acquired through a course of education or training and/or practical experience in social welfare work, and
a “volunteer worker” is defined as a person who undertakes endeavours in the social welfare field external to a State social welfare organization, without expectation of reward. It states that human resources in the social welfare field should consist of social welfare workers, professional social workers, voluntary social workers, and social outreach workers. A social welfare worker, professional social worker, or social outreach worker is required, at minimum, to have education, training and skills, or experience in provision of social services. While the law itself does not draw any distinctions in terms of the roles and responsibilities of professional social workers and volunteers, this does allow for the development of more detailed regulations and guidance regarding the specific mandate and authority of professional social workers. At the present time, the perception of social work as a voluntary or community endeavour is also reflected in the provision of resources to child and family welfare services. At both the national and sub-national level, there is considerable reliance on NGOs and the community at large for the delivery of basic welfare services. While a full analysis of financial resources for child and family welfare services was beyond the scope of this study, respondents were generally of the view that government budgetary allocations for child welfare services were insufficient. At both the national and sub-national level, funding for child welfare tends to be directed mainly at financial subsidies for defined categories of children in need of special protection, largely “neglected” children, and for the operation of childcare institutions. The current funding bias towards both government and non-government childcare institutions has reportedly contributed to excessive reliance on institutional care, to the detriment of more community-based child welfare services. 38 Community-based child and family welfare services tend to be under-funded, or, as in Aceh, funded from programme specific rather than recurring budgets.

4.2 STAFFING AND RESOURCES

At both the national and provincial level, all government social welfare departments have a dedicated directorate or sub-directorate responsible for child welfare issues with one or more professional trained social workers. The Depsos Directorate for Children has a contingent of 25 professional social workers and in each of the provinces visited, at least one officer with social work training was responsible for programmes and services relating to violence, abuse, and exploitation of children (one in Aceh, four in NTT and eight in East Java). These social workers all have social work degrees from one of Indonesia’s university social work programmes, or from Depsos’ School of Social Work in Bandung. Many have also received specialised in-service training on various child rights and child protection issues. However, staffing and resources for these directorates remains limited and given the generalised programmatic role of Dinas Sosial in welfare provision, the role of the social workers was designed

38 DEPSOS, Save the Children and UNICEF. Someone that matters; Quality of care in Childcare Institution in Indonesia, 2007
Child and Family Welfare Services in Indonesia

4.3 PROFESSIONAL TRAINING

A detailed analysis of professional social work training in Indonesia was beyond the scope of this assessment. However, a cursory examination of the range of issues covered by leading social work schools in Jakarta reveals that child welfare is not a core subject of study and there is limited focus on ensuring that qualified practitioners are able to recognize risk of abuse and exploitation, or are aware of and able to select an appropriate response.

a) University Curriculum

Indonesia currently has 32 universities offering undergraduate and graduate studies in social work. In general, issues
of child welfare and protection tend to be incorporated into broader courses on social and family welfare. Child protection issues are not specifically addressed by any of the participating universities; however the University of Indonesia will be introducing a specialised course on child protection from 2010. Social workers are trained to work with families in crisis and to provide services for them; however there is currently limited training on practical skills such as case management of abuse and exploitation cases.

In addition to these university-based programmes, Depsos has also supported a special social work degree program at its STKS in Bandung. These undergraduate and masters programmes are designed to increase the academic level and practical skills of Depsos and Dinas Sosial staff. Every year, approximately 150 staff members, both already serving and newly recruited, from around the country are selected to participate in this three-year course. Each province has a quota of staff that can be selected. The degree course has two key areas of focus:

1. Social Rehabilitation: this course equips social workers with the skills to work directly with beneficiaries of all kinds – including the elderly, disabled people, and children. Some of the core competencies learned include: individual assessment, care planning, management of behavioural change, and case management.

2. Community Development: this course develops the skills of social workers to interact with communities, to understand and analyse their problems, review the impact of local policy on populations, as well as conduct participatory community planning and project evaluation.

This STKS undergraduate course does not yet enable students to specialize in distinct fields of social work and remains generic. However, the two-year Masters program has a number of available specializations that students can opt for such as: HIV/AIDS; poverty; disaster management; drug misuse; and children’s issues.

**b) Practicum**

Students from both the university social work programmes and the STKS are required to undertake three practicums during their studies. These tend to be quite diverse in nature and aim to develop a range of skills. To this end, the first practicum is undertaken in a community dealing with individual families, the second in a government institution, and the third in a different community. This third placement generally focuses on a research project, generally reviewing and analysing a particular national or local policy that affects the community, rather than working directly with members of the community. Through these three practicum experiences, social work students are provided an opportunity to apply their learning and practice their skills. However, a continuing problem is that students may be considered as an extra hand, rather than as a learner per se. While some students do benefit from supervision by a senior professional social worker, many are supervised on placement by a lecturer based on campus, or alternatively by an administrator at the placement. However, having spoken to both lecturers and students, it does seem that the practicum are well structured with clear objectives and considerable oversight by the faculty staff themselves, including observation in the field. There are a number of peer-led processes and assessments and
students are given the opportunity to have their work reviewed and assessed by both the local communities in which they have been working, as well as by their peers through interactive forums.

c) Post-qualification supervision and in-service training

There are reportedly no formal processes for mentoring or supervision of students once they have left the faculty and whether or not the graduate receives further in-service supervision depends upon the institution in which they are employed. Many institutions do not have sufficient resources to either supervise or send social workers on in-service capacity building programmes.

Social workers and other staff employed by Depsos and Dinas Sosial are provided opportunities for in-service training through the Social Welfare Education and Training Centre. It operates eight regional Education and Training Centres, known as “Balai Besar”, six of which (located in Bandung, Ujung Pandang, Padang, Yogyakarta, and Banjarmasin) are managed by Depsos, while two (in Malang and Medan) are managed by the regional government. While initially focused on the training of functional social workers in government institutions, the centres now provide education to a range of actors working on social issues, including: religious and customary leaders, NGOs, Karang Taruna (youth organization), Family Welfare Institution (LK3), PSK (sub-district workers), and PSM (Community Social Workers). With respect to child welfare, the key topics include: social problems related to children, child neglect / poverty, disability, and child abuse. The courses are graded into basic, intermediate, and advanced and cover subjects such as: legal framework (CRC and Law on Child Protection); child development and welfare; social work approaches; casework; community development; and social advocacy.

The course also prepares students by organizing supervised field visits to observe good models of practice.

The Education and Training Centre has an evaluation system whereby trainees are evaluated after one year of post-training practice, with specific budget allocation for this process. The main purpose of this evaluation is to review whether there is change in skills application and attitude. Evaluation results are also used to inform training curriculum revision.
Indonesia has made significant efforts in recent years to establish social work as a career choice for young people, as evidenced by the relatively high number of social work faculties around the country. There are currently thirty-two schools for student social workers, with some located in the more remote parts of Indonesia. Likewise, commitment to building the knowledge and capacity of Depsos staff is demonstrated through the well-established Sekolah Tinggi Kesejahteraan Sosial (STKS) in Bandung. This is indeed an innovative initiative and, combined with the programmes of the Education and Training Centres, ensures skills development throughout the careers of Depsos staff. However, a number of key factors impede both the effectiveness of current social workers, as well as the long-term vision for the sector. These factors must be addressed if the wider recommendations for reform of the child and family welfare system are to be introduced and realised.

1) The status of social work in Indonesia appears to be waning. Interviews frequently revealed that many students applied to the faculties because they had been refused entry to more prestigious courses. Although statistics were unavailable, it seems that the retention rate post-graduation is low. A principal reason for this drop-out rate is that social work is not regarded as a ‘profession’ and indeed there is no formal licensing or accreditation body for professionals. Without such a professional status it is unlikely that social work will ever be regarded by the wider public as more than an unskilled voluntary sector job. It is anticipated that the new Law 11/2009 on Social Welfare will provide the framework and justification for this enhanced status.

2) Social work programmes have not yet evolved to correspond to changing social dynamics. Undergraduate courses remain quite conceptual and theoretical, with low emphasis on skills building. For example, the curricula tend to focus upon broader community development and interpersonal skills rather than on specialist training. There is, for example, very limited opportunity to study aspects of child welfare in any depth and, indeed, there is no specialist training for child protection. The impact of this approach is that many generalists graduate every year, but very few would have the skills to recognise child abuse, let alone to manage the case in a formal professional way.

3) The internal structuring of Depsos and Dinas Sosial does not promote a culture of operational social work. All of the social worker respondents were either in administrative posts, managing financial welfare programmes or collecting data, or alternatively were based within childcare institutions, or panti. It is very positive that, in all three provinces, there are plans to reintroduce community-based workers. At the present time there is a clear disconnect between Dinas Sosial provincial and district level offices and the families they serve. NGOs and CBOs currently provide child protection services to individual families. In Aceh and East Java, well established NGO networks have developed their own programmes and systems for responding to child protection cases; it is important that capacity, both in terms of numbers and skills, be developed within the government sector to lead and complement these services.
Child and Family Welfare Services in Indonesia

In order to address the issues raised in the above findings, a series of recommendations are proposed. These establish long-term objectives for building the skills capacity of social workers and community volunteers, as well as for enhancing the status of the profession.

1) Conduct a thorough review of the status of social work: in order to raise the profile of social work, it is recommended that a full professional accreditation or licensing classification be established. With this accreditation, social workers would be bound by greater professional standards and a code of ethics, and will have prescribed statutory duties and powers under which to operate.

2) Examine the social work curriculum: as the child protection framework increasingly recognises the complex obligations and authority of the State, the training provided to social workers must reflect their new responsibilities. Graduates should be provided with the opportunity to specialise in specific fields of social work, such as child protection. This new level of sophistication would involve greater focus on skills-based social work practice. In a first phase, the STKS could develop a pilot specialised child protection module or course, based upon international best practices and standards. It would also be beneficial to increase the number of students conducting their practicum in existing child protection and welfare services, such as the PPTs or RPSA specialized shelters.

3) Consider re-alignment of the current Dinas Sosial staff in accordance with the broader development of the child protection system. While numbers of office staff remain low, there is limited possibility for restructuring. In the interim period, job descriptions of staff with a current generic child protection remit could be re-aligned to coordinate provincial efforts to protect children. This, however, would require the redirection of considerable resources in order to train these staff.

4) Defining the role of community social workers: it is likely that, in all three provinces, community social workers (TKSK, TKSM, PSM) will be gradually introduced. It seems that these workers will have a generic welfare role to play. It is strongly recommended that, as a minimum requirement of their training, community social workers are provided with specialist child protection training and equipped with the basic skills required to identify and report cases of abuse and exploitation. Their role need not require them to intervene further, but in order to fulfil this basic yet essential function, they must be designated well-defined powers and be subjected to professional standards. The numbers of these community workers would need to be significantly increased from the existing proposal if broad coverage is to be achieved.

RECOMMENDATIONS

Graduates should be provided with the opportunity to specialise in specific fields of social work, such as child protection.
Under the CRC, the State has responsibility to prevent violence, neglect, and exploitation of children, as well as to provide appropriate care and protection to children without parental care, or who have experienced abuse and exploitation.
Child maltreatment is a complex issue; it is rarely simply one isolated incident or occurrence and generally involves a continuum of actions, behaviours, and experiences. Typically, maltreatment occurs within a progression, involving escalating levels of violence and cumulative effects of emotional abuse or increasing harm caused by persistent neglect. It is a symptom of complex human problems and relationships and as such cannot be addressed with simplistic responses. Therefore, in order to fulfil their obligations under the CRC, State parties must have in place a continuum of child protection services designed to promote children’s wellbeing and protection, while enhancing the capacity of families to fulfil their responsibilities. This should generally include:

- **Primary prevention initiatives** directed at the community as a whole to strengthen the overall capacity of society in caring for children and keeping them safe. This includes activities directed at changing attitudes and social behaviours through advocacy and awareness campaigns, strengthening parenting skills, promoting the need for alternative forms of discipline rather than physical punishment, and sensitization on the impact of violence against children.

- **Secondary prevention, or early intervention services**, directed at children and families who have been identified as vulnerable or at risk of maltreatment or neglect. Early intervention services target families that are already at risk of engaging in abusive behaviours in order to change those circumstances before they create actual harm to a child. For example, families might seek help for separation, mediating or dealing with disputes, alcohol and/or drug problems, domestic violence, mental health problems or difficulties in caring for children. Given this range of problems, a variety of actors provide services at the secondary level – both government and civil society organizations.

- **Tertiary interventions** to respond to circumstances where a child is at serious risk of or is being abused, exploited, neglected, or harmed in any way. This requires a continuum of interventions, including both voluntary or community-initiated interventions in less serious cases (mediation, counselling and advice giving, community monitoring), as well as mandatory State interventions where children have experienced or are at risk of serious harm (structured supervision and family support services such as parenting programmes, family and individual counselling, and therapeutic treatment programmes; and/or temporary or permanent removal of the child and placement in alternative care). Decisions regarding the use of compulsory measures are generally made through a formal administrative or court process, based upon the assessment and recommendations of the social welfare authority.

The systematic implementation of this continuum of services requires both pro-active and reactive approaches, with clear processes, procedures and services for: 1) identifying and providing appropriate support to vulnerable children and families; and 2) reporting, assessment, intervention planning, and case management for children who have experienced maltreatment. In most countries, States seek out partnerships with civil society to support service delivery, however overall responsibility for ensuring access to and quality of services, rests with the government child welfare authority.
5.1 PRIMARY PREVENTION

A review of three selected provinces in Indonesia reveals that, to differing degrees in each province, many programmes and activities are being undertaken to promote awareness of child protection issues among parents and the general community. However, there are no comprehensive, focused national or provincial level strategies for the prevention of violence, abuse, and exploitation of children through, for example, systematic programmes on parenting skills or targeted communication for attitudinal and behaviour change.

At the national level, child protection advocacy and awareness campaigns have been undertaken by various agencies and organisations, including Depsos, the Ministry of Women’s Empowerment, KPAI, and Komnas Anak. These campaigns have tended to coincide with emerging concerns at the global level and have often come as a response to pressure from international monitoring bodies or funding opportunities from international donors. This has meant that awareness campaigns have tended to focus on specific high-profile issues such as trafficking, commercial sexual exploitation, and violence against children, rather than national advocacy for broader societal change. In all three provinces visited, public awareness campaigns have been undertaken relating to specific child protection issues, generally coinciding with wider national initiatives.

In Aceh, Dinas Sosial has promoted awareness of child protection issues using local television talk shows and radio, and IEC materials on child protection have been developed and delivered by the TKSK, as well as through local NGO networks. In communities where there are functioning Child Centres, regular workshops are held for village leaders, teachers, religious leaders, and members of the community to discuss issues including child development, nutrition, child protection, and parenting topics. The LPA and TKSK also conduct similar awareness raising activities at the community level, using opportunities such as monthly integrated health post meetings (posyandu), religious gatherings, or women’s club meetings to discuss issues including child rights and violence against children. In addition, many sub-district Children’s Committees or Forums have been established in Aceh to provide a forum for children to discuss children’s issues, explore their hopes through radio and other media, organise publication of a children’s magazine, and participate in peace education. Some have also assisted the Children’s Centre in conducting school-based and radio awareness campaigns on violence against children. Unfortunately, results from a recent violence study suggest that despite these advocacy efforts, much remains to be done in changing local attitudes and behaviours with respect to child protection. The majority of respondents who participated in the study were supportive of the use of physical punishment against children and perceived this as a necessary and acceptable means of educating children, provided physical injuries were not caused.41 Several respondents also expressed concern over the tendency

---

39 ‘Child protection’ here does not mean the protection and promotion of children’s rights generally, but is specifically focused on the protection of children from abuse, exploitation, neglect, and violence.
of some parents to view their children as assets for generating income for the family.

In NTT, there has been considerably less sensitisation for the general public on child protection issues than in Aceh. Both Dinas Sosial and the Office of Women's Empowerment have funded programmes to raise awareness on issues of abuse, violence, and exploitation. The role of informing the public, as defined in the Child Protection Law and the Joint Directive on Integrated Services, is seen as a cornerstone of the mandate of both agencies. To that end, the Office of Women's Empowerment has conducted training on the Child Protection Law in all 20 districts of NTT. However, it is evident that the concepts of ‘advocacy’ and ‘sensitisation’ are being loosely applied to the activities: the actual methodology is often based upon simple information sharing, distribution of manuals, and giving talks about the law. The impact, according to respondents, is that the public is often aware of new policies on child and family welfare issues, but lack the confidence or skills to behave differently. UNICEF has recently supported a CAPS programme in NTT as part of its global and national efforts to reduce violence, bullying, and corporal punishment in schools.

As in NTT, NGOs have primarily taken the initiative to implement creative awareness campaigns in East Java. For example, the LPA – in collaboration with partners such as Dinas Sosial, the Office of Women's Empowerment and the provincial Office for Community Empowerment – has been active in promoting broader child rights issues among religious leaders and government staff, including teachers and health workers. The issues of violence against children, supported by UNICEF and Save the Children, have received major attention in East Java, with the LPA raising awareness in schools on the negative impact of corporal punishment. The PPT conducted a series of discussions on familial violence through radio shows, local TV, and newsletters. A number of traditional methods for information sharing on sensitive children’s issues are also employed. For example, regular cultural community activities such as pengajian (weekly Quran study) or arisan (small group gatherings) are used as opportunities for education by imams and village leaders.

In general, current campaigns in all three provinces are localised and do not always reach the more remote districts or islands. There is considerable concern that certain communities, especially those targeted by international agencies, have received regular sensitisation on a wide range of child welfare issues to the detriment of other less accessible communities.

The process of changing public attitudes towards child welfare issues, especially those ingrained in local custom and practices, requires a comprehensive and sustained strategy. In the absence of a national coordinated effort, many well-intentioned local efforts may not be having an optimal impact. For example, in East Java, government agencies including Dinas Sosial led a series of campaigns to warn families of the risks children face when boys are sent to work in other provinces. Community campaigns to prevent the trafficking of girls to Hong Kong and Malaysia were also implemented. However, these campaigns have not yet been supported by realistic family welfare provisions by Dinas Sosial. Campaigns have instead focused on warning families of the possible punishment they will receive under the new law should they encourage or force their children into exploitative and abusive environments.
While it is important to raise community awareness of new laws and policies pertaining to child labour, for example, this must be accompanied by action-oriented measures to ensure that:

1. Family members are provided with realistic financial alternatives and options so that sending a child to work is not the only option;
2. School scholarships and access to education are provided for children at risk of child labour;
3. Community members understand their responsibilities to report to the relevant authorities when children in their communities are at risk of child labour.

Opportunities exist to promote this more systemic approach through organisations such as the PKK. The PKK, headed by the wife of the Minister of Home Affairs, is a voluntary government movement with the head of PKK at each level of government (provincial, district, sub-district, and village) being the wife of the corresponding authority. The PKK has over 2 million volunteers throughout Indonesia, with structures down to the village and family-group level. The PKK divides households into self-help groups ranging in size from 10 to 20 families. Their primary mandate is the empowerment of families through their 10 main programme areas: awareness and application of pancasila (official philosophical foundation of the Indonesian state); cooperation; food sufficiency; proper clothing; housing and household management; education and life skills; health; development of a cooperative movement; environmental sustainability; and education and skill building planning. The PKK operate integrated health posts (posyandu) that hold monthly meetings during which mothers have an opportunity to discuss issues such as household management, child care, and supplementary feeding for children under five. More recently, they have also begun to conduct advocacy with respect to domestic violence. While the PKK and posyandu network has reportedly been weakened by the process of decentralisation, it remains active in many provinces and could provide an ideal mechanism for more structured awareness raising and parenting education, as well as to promote alternatives to physical discipline of children.

In Aceh, Dinas Sosial has developed TKSK and Puspelkessos, specialized structures to identify vulnerable children at risk. There are a number of important local initiatives being taken at the community level to detect families in crisis and to provide services to ensure their children are not adversely affected. However, as yet there are no systemic community structures and services at the national or sub-national level.

Secondary Prevention – Early Intervention Services

5.2 IDENTIFICATION

Across all three provinces, the study team found effective traditional practices play an important role in enhancing family strength and thereby protecting children at risk. There are a number of important local initiatives being taken at the community level to detect families in crisis and to provide services to ensure their children are not adversely affected. However, as yet there are no systemic community structures and services at the national or sub-national level.
has been produced for this purpose, with vulnerability being defined mainly with reference to Depsos list of 22 social problems. This includes neglected children, street children, children who have dropped out of school, children in single parent households, and disabled children from poor families. The TKSK conduct home visits to families who fall into one of these defined categories to collect the necessary data on the family and then submit this to Dinas Sosial. This information is used by Dinas Sosial to target various social welfare benefits as and when funds are available.

In NTT, there is no early identification or intervention programme and no official guidance for identification of children who are vulnerable to abuse and exploitation. Prior to the dissolution of Depsos in the late 1990s, Dinas Sosial employed TKSM, local voluntary community workers, to monitor the situation of children. However, Dinas Sosial currently has no front-line staff trained to recognise and identify children at risk of abuse. A significant number of district and sub-district staff, however, especially those working the childcare institutions, come into direct contact with vulnerable families through their work. For example, childcare institution staff make home visits as part of their assessment and selection process. However, these staff members have not received specific training on identification of risk factors or symptoms of abuse and none of the institution-based respondents had ever managed a case of suspected abuse.

b) Financial Support

Depsos and Dinas Sosial operate a number of benefits programmes targeting specific categories of people with social problems, including scholarships for poor children, vocational training for adolescents who have dropped out of school or who are on the streets, and micro-credit and other livelihood support under KUBE and UEB programmes for single mothers. In NTT, the Women’s Empowerment Office supports families of street children to enable them to develop their own businesses. Through this program, 90 families received IDR 5m each. The aim was to encourage parents to send their children to school rather than to make them work to supplement family income. These one-off unconditional cash handouts have had significant impact on the number of children returning to school, also enabling children to help their family business. Unfortunately, while this scheme appears to have had an impact, it is very limited in geographical scope and, as respondents noted, tends to be restricted in coverage to urban centres due to the problems of distribution. This problem is less critical in Aceh, as the TKSK can take responsibility for monitoring the distribution of assistance to ensure it reaches the beneficiaries.

A consistent finding across all three provinces is the reliance on cash transfers and financial empowerment as the primary strategy for addressing the problems of families and children at risk. While enhanced livelihood options do offer families greater stability and possibilities to provide an improved quality of life, particularly in terms of retaining children within the education system, these measures are generally not sufficiently holistic as to prevent violence and exploitation. Financial empowerment alone does not resolve issues of domestic strife and abuse, targets only the poorest and most marginalised, and generally cannot reach enough families to have widespread impact.
c) Family Strengthening and Mediation

In each of the three provinces, despite cultural disparities, strong customary mechanisms and practices exist that strengthen families and protect children. These could be employed creatively in a protection system and recognised for the beneficial role they play. However, they represent only one element in a series of mechanisms that are required to identify family problems and ensure that the safety of children is prioritised early on. In this regard, it is also important to recognise that family dynamics and the roles of community authorities / elders are rapidly changing and that, where beneficial, these traditional defence mechanisms should be bolstered by government intervention.

An example of a strong family mediation practice is found within the Christian communities of NTT, particularly in Timor. According to respondents, the level of violence within the region is notoriously high and domestic violence remains a pervasive problem. To address strife within families, the husband and wife are each appointed a ‘companion’, usually themselves a married couple. These ‘bapak’ and ‘mama’ saksi are well respected elders in the community, usually unrelated to the new couple, who commit themselves to support, advise, and protect the couple for the rest of their own lifetimes. This is considered to be a very helpful mediation role, especially in times of family conflict, stress, or economic hardship. Similarly, the wife is likely to turn to the mama saksi as a confidante, should the husband become violent or abusive. The children of the relationship also know that the bapak and mama saksi are appointed to protect the family and are often consulted by the children. In the absence of formal services, these customs serve as an important early frontline defence for children at risk of abuse, violence, and exploitation in the home.

In Aceh and East Java, adults and children stated that the intervention of village, religious, or traditional leaders in the resolution of family disputes has been very helpful. These leaders are able to bring community pressure to bear to stop parents from using excessive force in disciplining their children. In such cases, a meeting is organised with the parents, extended family members, and community leaders to discuss the issue and seek the parents’ agreement that the maltreatment will not happen again. The village leader, family members, or TKSK then make regular home visits to monitor the child to ensure that the maltreatment does not reoccur. It was reported by the PPA in each province that the police will often ask the village or community leader to monitor the bond under which police often place perpetrators of domestic violence.

Respondents were generally of the view that these informal, community-based approaches for handling cases of child maltreatment were beneficial in that they are easily accessible to families and children and allow for early intervention by the community. However, concerns were also raised that the child’s need for protection was not always fully considered or given due weight in the mediation process, particularly where the perpetrator was a person with high standing in the community. It was noted that, because the community still tends to view violence as an acceptable means of disciplining and educating a child, they do not always take the necessary action to intervene and sometimes actively cover up cases.

Apart from this informal mediation and monitoring, none of the provinces have
any structured services to supervise and support families and children who are experiencing difficulties, such as structured programmes of respite care or intensive parenting skills education. In some districts of East Java, religious leaders support engaged couples to reflect upon their relationship and examine the parenting role. In all provinces, opportunities do exist for delivering these types of parenting support programmes through community social workers, such as the TKSK in Aceh and the PSM. Existing village and community structures such as the PKK, Posyandu, women’s groups, and village leaders could also be mobilised and guided in the identification and referral of vulnerable families.

In each of the provinces, there are considerably different levels of community workers in direct contact with families and children. In Aceh, especially in recent years, Dinas Sosial has invested in the deployment of considerable human resources at the community level, while provinces such as NTT remain heavily reliant upon small numbers of NGO and CBO volunteers, including members of the LPA and PKK. Many of these workers have a broad family welfare mandate to monitor the health, education, and economic status of families. However, across all provinces, it is noted that insufficient attention is given to training these workers to recognise the signals – even symptoms – of child abuse, violence, and exploitation during the course of their duties. Similarly, few other professionals, including teachers and health workers, have been trained to detect signs of problems. Formal training on risk identification and basic skills for responding appropriately could help strengthen this frontline defence for children.

5.3 TERTIARY INTERVENTIONS

Tertiary services correspond to those mechanisms, processes, and services that must come into play when a child has suffered, or is at risk of suffering, abuse, violence, and exploitation. This system of inter-linked services should be coordinated and managed by the lead child protection agency, Dinas Sosial, in the provinces.

Within the last decade and largely as a result of the Joint Directive issued in 2002, there are now a number of essential specialised services able to respond to child victims of abuse, violence, and exploitation. This is a considerable achievement and represents a major step towards developing a functioning response for children who have suffered such harm. However, there remain a number of key weaknesses in the existing system and in the approach to future development. Across all three provinces, the fundamental findings were quite consistent, although the quantity and quality of service provision did vary to some degree. The summary of findings below should be read alongside the individual provincial processes and services.

a) Reporting and Identification

Both adult and child respondents were generally of the view that children have low awareness of who they can turn to if they are having problems in their family. The issue of intra-familial abuse remains a taboo subject in most communities, a social shame that is rarely disclosed to others in the family.
or community, even less so to social service agencies. The result is that the child’s parents or caregivers will usually seek private restitution from a non-family perpetrator directly, often in the form of a cash payment. It was reported that children are even less likely to disclose if the perpetrator is a family member and parents are likely to try to resolve issues within the family. It is generally recognised, however, that the social taboo of abuse is gradually being eroded and that communities are now taking more responsibility for protecting women and children from violent and abusive behaviour within families. There is strong anecdotal evidence that cases of abuse and exploitation are often not reported until the child is in crisis and in need of emergency protective services. If services are required, there are a number of channels the child or reporting adult can access.

Respondents agreed that a child who had experienced violence or exploitation would most likely disclose to a family member, close friend, or neighbour. Concerned adults are more likely to approach a community or ‘adat’ leader directly as they are usually highly respected figures within their communities. In NTT, children themselves reported that they would not disclose their secrets to a teacher or local health workers due to the proximity to the family in the community. However, in Aceh, where some schoolteachers and medical professionals were trained after the tsunami to identify children at risk, respondents suggested that they would now trust professionals living in the community with information on abuse. The TKSK are also becoming increasingly trusted and would expect to receive reports of abuse and violence. In East Java, where the NGO community is well established, respondents stated that they would prefer to report abuse to local child welfare NGOs and CBOs. For example, the LPA network serves as a conduit for referring children onto emergency services. However, this also serves to demonstrate that the current processes remain reliant upon a network of dedicated individuals and agencies rather than an integrated and regulated system.

The Depsos programme to develop an emergency hotline, Telepon Sahabat Anak 129, for abused and vulnerable children is increasing its coverage, but remains limited in its scope, operating only in urban areas. In Aceh, for example, it extends to only two districts, Banda Aceh and Aceh Besar, while in East Java it only functions effectively in Surabaya. The province of NTT does not have TESA 129, nor any other confidential anonymous counselling or reporting mechanism.

Apart from direct disclosures from children and parents, there are limited mechanisms in place to proactively identify children who are being maltreated and no formal process of risk assessment of families in crisis. In each of the provinces visited, while there are a significant number of monitoring and assessment processes to determine eligibility of poor and vulnerable families for social services and financial empowerment, few Dinas Sosial and NGO staff are trained to make risk assessments of children in these families. For example, village level volunteers may assess the family financial and schooling status, but are not trained to simultaneously make a basic initial assessment of other

---

42 In collaboration with the Ministry of Women’s Empowerment, the Ministry for Information, the National Telecommunication Company (PT Telkom) and Plan International.
precursors to maltreatment, such as tension and violence in the family. However, it is a positive development that in Aceh the TKSK have been trained to identify signs of violence against children and instructed to record any such suspicions and inform Dinas Sosial so that a staff member with more experience can be sent to conduct a more in-depth assessment. The assessment focuses primarily on the child victim, though consideration is also given to whether other siblings might be at risk or in need of support. This did not seem to be the case in the other two research provinces.

The result of this lack of a formal ongoing monitoring mechanism for families in crisis has meant that the assessment process is essentially a reactive one. In the majority of cases, an assessment is made only after a child is already receiving emergency services.

b) Emergency and Medico-Legal Services

Although there are no clear provisions in the law authorising emergency interventions to remove children from an abusive environment, in all provinces measures are generally taken, where necessary with support of police or local leaders, to rescue children who are considered to be in danger, and to refer them to crisis intervention services. These formal processes and services are usually used when the child had been severely assaulted or abused and the child requires immediate medical attention, or when the case constitutes a serious criminal offence to be reported to the police. In other cases, community mediation is generally used to determine the response to a reported case of maltreatment. In Aceh, for example, mediation is organised by the LPA or village leaders and attended by the child’s parents, extended family members, local religious leaders, the TKSK, NGO, and sometimes the social worker from Dinas Sosial. The purpose of the mediation is to decide whether the case can be resolved in the family, or whether the matter should be reported to the police. Participants decide together on the best solution for the child, specifically whether s/he can safely remain in the family, whether s/he should stay with a member of the extended family or be sent to a childcare institution. Negotiation between the abuser and the victim is common practice in all provinces surveyed and, if the perpetrator is not a family member, a financial settlement is often negotiated.

If the child requires medical care, a referral is immediately made to a **PPT** or **PKT**, the integrated services centres established under the national Joint Directive of 2002 located in police or public hospitals. It should be noted that the number of PPTs varies from province to province, as do the numbers of qualified staff. In NTT province, for example, there is only one PPT and one PKT, whereas in East Java there are twenty-eight district PPTs, and in Aceh there are five. These medico-legal services tend to be concentrated in urban areas and access remains problematic for the majority of people living in rural areas. With a full-time medical team and links with psychologists, social workers, counsellors, and, in some cases, a legal advisor, the PPT offers ‘one-stop’ emergency medical support to women and child victims of violence and abuse. They generally do not have qualified social workers or psychologists on staff, but do have staff members who have received basic psycho-social support training. In addition, they have designated individuals on call to provide psycho-social support and legal aid, who are paid on a per case basis. Some
provincial-level PPT, such as in Aceh, also have agreements with other public hospitals to allow victims to receive free medical treatment if they have serious injuries that are beyond the capacity of the police hospital.

When cases are referred to the PPT, a standard intake form is completed and staff conduct both a medical examination and an assessment of the victim's emotional wellbeing. There are standard forms to record the results of the forensic examination, but no detailed assessment or care plan forms. If the case is not very serious, PPT staff will handle it themselves by providing simple counselling. In more serious cases, they can call an NGO that provides psycho-social support. If necessary, the victim can remain in the emergency shelter facilities of the PPT for up to 14 days. Because the PPT are located within the police hospitals, the PPT and the PPA tend to have a close working relationship and children are often accompanied by a police officer to the PPT for examination and treatment. This provides an opportunity to collect forensic evidence for any future prosecution of the perpetrator and to advise parents and children about their legal rights and possible criminal action.

If child victims are not referred directly to the PPT, it is probable that they will be referred to the PPA, or police Children and Women’s Desk responsible for investigating cases of violence against women and children. The role of the PPA includes: questioning / interviewing the victim; collection of verbal statements and forensic evidence; apprehension and questioning of the alleged perpetrator; preparation of a criminal case for presentation to the provincial attorney-general; and provision of support for the victim through the legal process. Most PPAs operate out of an RPK (specialised rooms located in provincial and district level police offices used to interview women and child victims of crime), where victims of violence can be provided temporary emergency shelter for up to seven days, if necessary. These PPA are well known within the districts and appear to be well respected.

c) Assessment, Decision-making and Case Management

The core child protection services described above provide temporary sanctuary and medical relief for child victims of the most serious forms of violence and exploitation. While it is positive that structures are in place to meet the immediate needs of children in times of crisis, the services currently available are not designed to link into further assessment of the long-term needs of the child or to support structures for the child beyond the immediate provision of crisis intervention and temporary safe shelter. Unfortunately, there appears to be no coherent mechanism in any of the provinces for making decisions about next steps.

In principle, Dinas Sosial should be the central agency to which all cases of abuse and exploitation are referred. However, in all three provinces there is currently no clear mandate for, or practice of, reporting all cases of violence and exploitation to Dinas Sosial. In fact, Dinas Sosial is generally periphery to the referral processes and emergency service provision, except in cases where material support in the form of food, clothes, transport, or financial aid is required, or where the child requires referral to a government-
run childcare institution. This results in an ad hoc process of decision-making where untrained community workers may be responsible for making important decisions about a child’s safety and future wellbeing.

None of the provinces studied have formal processes or procedures in place for reporting, assessment, decision-making, and case management, or for inter-agency coordination in handling of cases of violence, abuse, and exploitation of children. Without these, there is no mandated authority to lead and make decisions about, for example, the removal of a child from their home. Where Standard Operating Procedures for inter-agency coordination have been drafted, they tend to relate narrowly, as at national level, to the operation of integrated medico-legal services provided by PPTs, and the role of social welfare authorities in this process is limited. It is helpful to note that there have been concerted efforts in both NTT and East Java to develop a set of standardised operating procedures for responding to cases, however these have yet to be finalised.

In all provinces, the majority of NGOs use a basic assessment form for capturing the core circumstantial details of reported cases of children affected by abuse, violence, and exploitation. This initial observation is used to understand the general nature of the case, to assess the child’s immediate needs, to determine if the parents are able to properly care for and protect the child, and to find out how the family wants to deal with the matter. However, there is no single assessment process that is used consistently throughout the provinces or across agencies. Individual agencies have been responsible for developing their own assessment forms, although some follow national professional guidelines. This means that the PPA assessment is based upon investigative procedures, while the PPT assessment is essentially a forensic medical record. Neither form is designed to capture important information about the specific needs and best interests of the child with regard to the family environment.

In Aceh there are now processes for case-conferencing, bringing different service providers and specialists together to collectively plan and make decisions for the longer-term care of a child. Once the initial medical and legal procedures have been completed by the PPT, a case conference is held to determine how to proceed with the case and what support the child might require from various agencies and organisations. For simple cases, a single case conference is held, while in more complex cases, such as rape, there may be two or three. The case conference is convened by the agency or institution with responsibility for the immediate care of the child, most commonly the PPT, the RPSA, the NGO that initiated the case, or Dinas Sosial, if the child has been temporarily placed in one of their childcare institutions. While these case conferencing procedures are informal and are not documented, they do represent a process by which effort is made to come to a consensus decision about the next steps to be taken. In East Java and NTT, these procedures are less rigorous and if consultation takes place, it is usually conducted over the telephone between the PPA, PPT, and the shelter home. Any form of long-term planning for the child does not usually extend beyond the service itself and is not based upon principles or criteria of needs and best interest determination.

Despite the provisions of the Child Protection Law, there is no mechanism in any of the provinces for the court to make orders regarding supervision of
parents, or to make decisions about revocation of parental rights. In Aceh, there is a more formal process for the appointment of a legal guardian through the Mahkamah Syari’iah (religious court), but this is reportedly rarely used and most decisions about kinship care or guardianship are made informally.\(^{44}\) If these provisions were to be enacted, there would be a greater professionalism and standardisation for dealing with children's cases.

d) Recovery and Reintegration Services

In general, the services available at the community level to supervise and support child victims and their families are quite limited. As noted above, significant progress has been made, particularly in Aceh and East Java, in providing integrated medico-legal services, psycho-social support, and temporary shelter for child victims. However, as hospital-based services, these tend to address only the most serious cases of physical violence and sexual abuse, and only during the immediate crisis intervention stage. While some PPTs, particularly in Aceh, have developed strong referral networks with government and NGO service providers capable of providing basic counselling and family support, this is not always the case. The PPT at the police hospital in Jakarta, for example, has no linkages with local social welfare authorities or NGOs and generally provides little post-treatment monitoring and support once the child returns to his/her family. Where NGO referral networks do exist, as in Aceh, their geographic coverage tends to be urban biased.

In all of the provinces visited, in cases where child victims require additional support beyond the capacity of the PPT, the main response is referral to an RPSA or other childcare institution. **Rumah Perlindungan Sosial Anak** (RPSA) are managed directly by Depsos and operate both as emergency shelters, as well as longer-term protection and rehabilitation homes where child victims can stay for up to six months or longer if necessary. There are currently 9 RPSA throughout the country (including in Aceh and East Java, and one under construction in NTT), with additional five RPSA planned to be established. The RSPAs provide specialist care, as well as recovery and reintegration services to child victims of violence and exploitation, after which they are either returned to their families or sent to a government or NGO childcare institution. They generally have at least one professional social worker on staff and reportedly provide individualised care and counselling to help promote children’s recovery and rehabilitation. However, given their limited number and geographical coverage, children are often transferred long distances to the nearest RPSA, making family reunification and reintegration more difficult. Due to limited staff and resources, capacity of the RPSAs for outreach, family strengthening, and reintegration support is limited and they generally rely upon local NGOs, where available.

There is currently no designated agency to provide supervision and family support services for children as an alternative to, or after returning from, a period at the PPT or shelter home. There is also a general absence of structured services to support the child’s family while s/he is in the shelter home to prepare for reunification. Both the PPTs and the RPSA lack the staff and

---

\(^{44}\) ILDO, Protecting and Promoting the Legal Rights of Tsunami Children Without Primary Caregivers and/or Living With Extended Family Members in Nanggroe Aceh Darussalam, 2007.
capacity to conduct effective monitoring of children following discharge. In Jakarta and Aceh, RPSA staff often try to conduct a home visit before the child is returned. In Jakarta, a risk assessment and classification system is used to determine whether a child is ready to return home and the level of follow-up monitoring required. However, this system does not appear to be utilized by all RPSA. Generally, follow-up consists of at least one home visit within the first three months of the child’s return, as well as telephone calls to the family asking about the condition and safety of the child. While this may constitute adequate follow-up in some cases, it would not be sufficient to address protection issues in cases where the perpetrator was a member of the child’s family or immediate community, which is reportedly the most common scenario. It was noted that NGOs, district-level social affairs officers, or community social workers are sometimes assigned to conduct follow-up monitoring of children and their families; however their capacity to provide sufficient support and counselling to parents is reportedly limited.

From the small numbers of children in government shelters, NGO shelters appear to be the preferred choice of parents and perhaps children themselves. This is because the shelters are temporary only, may be closer to the child’s home and are less institutional. Examples include the Rumah Perempuan in Kupang, a well-known emergency shelter for women and children, and the Rumah Genta in Surabaya, which offers comprehensive and child-friendly services for children. This latter shelter works to ensure that families are willing and able to safely reunite with and reintegrate their children; offers legal advice for victims; and most importantly, remains involved with children on a long-term basis. This is especially important because in all the three provinces studied, there remains a lack of clear accountability, agency guidelines, and standardised response system for child victims.

e) Recording

Recording of cases by a centralised agency is important because this facilitates case management of the intervention from the point of initial reporting through to recovery. At present, no agency is fulfilling this function in the three provinces studied. Cases are rarely reported and therefore are not recorded by Dinas Sosial. The statistics the offices do retain are based upon data gathering at the community level. Case files of individual children are not maintained.

Agencies such as the PPT, PPA and shelter homes do keep case records, generally in the form of paper folders maintained in confidential manner on the premises. These agencies may share information on a need-to-know basis but no agency is bound to report to Dinas Sosial about specific cases.

In a positive effort to address this, all three provinces are currently in the process of introducing a comprehensive new database on child victims of violence, abuse, and exploitation. This initiative is being coordinated by the Ministry for Women’s Empowerment in the pilot provinces of East Java, Central Java, and NTB. However, in Aceh the programme is coordinated by Dinas Social due to the recent establishment of the Office of Women’s Empowerment. The database will assign each child a unique code number to prevent duplicate reporting by different agencies and allow for a clearer picture of precisely how many child victims are being officially identified and the support
they receive. A standardised intake form has been developed that will be used by the police, PPT, and all agencies and organisations in its network. The software and guidelines for the database have been finalised and are pending dissemination to all provinces through a letter of instruction from the Minister for Women’s Empowerment.

5.3.1 TERTIARY - OUT OF HOME CARE

In all three provinces, the principle of ‘institutionalisation as a last resort’ was recognized among all service providers interviewed, and there appeared to be a genuine effort made to ensure that children remained within their families. For example, only three of fifty-one children accommodated by Rumah Singah Genta in Surabaya have been referred on to a childcare institution. Others have all been accommodated within their extended families, although without an adequate system for monitoring children while in the care of extended family and lack of support to parents to promote timely reunifications. In Aceh, respondents stated that preference is generally given to placing the child victim with a member of his or her extended family and that this is the solution agreed upon in the majority of cases. However, this is not always feasible or appropriate, particularly where the perpetrator remains in the family or community. Across all three provinces, most communities lack appropriate monitoring mechanisms and have limited services to support child victims and their families. While informal kinship care was practiced in all three provinces, fostering by a non-relative is not common and there are no formal fostering programmes to provide temporary care for child victims. Therefore, in cases where some form of family care is unavailable, placement in a shelter home (RPSA) or childcare institution is often viewed as the best way to guarantee the child’s safety and wellbeing.

Institutional care has a long history in Indonesia and promoting family-based care above institutional placement remains a challenge. For example, the budget allocated by Depsos for neglected children is IDR 8 billion as compared to IDR 4 billion for advocacy and protection. Approximately 96% of these children have families. Each province studied has between eight and ten childcare institutions managed by Dinas Sosial, each housing children by a categorisation process, for example, drug-using children, neglected children, under 5s, and those in conflict with the law. Institutions are also the primary response for street children and children exhibiting behaviour problems. In addition to these government-run institutions, there are also numerous childcare institutions operated by NGOs, private individuals, and religious groups. There is currently no accurate data available on the total number of childcare institutions or the children being cared for by them. However, Depsos is currently in the process of developing a comprehensive database. It has recently been estimated that there are over 7,000 childcare institutions throughout Indonesia caring for over

---

45 Depsos, Save the Children and UNICEF, Someone that Matters: Quality of Care in Childcare Institutions in Indonesia, 2007
half a million children, only 0.5% of
which are government-run.46 Depsos,
with the support of Save the Children
Fund, is currently in the process
of developing detailed minimum
standards for the operation of childcare
institutions. However, at the present
time, the childcare institutions do not
have guidelines for how to handle a
child’s case should they disclose abuse
suffered at home prior to placement, or
indeed within the childcare institution
itself. None of the institution staff
interviewed had been trained on abuse
or exploitation.

It was suggested by one respondent
that necessary life skills are not provided
in childcare institutions. There is a
sense that the childcare institutions
essentially serve as a ‘holding’ facility
to house children until they finish their
schooling. When a child reaches the end
of their schooling, they are returned to
their families, many receiving funds to
set up a business. There is no formal
follow-up or assessment process to
ensure that the child has re-assimilated
into their family or community. There
is a mentoring and monitoring process
by Dinas Sosial staff, but this process
is focused primarily upon making an
assessment of whether the financial
assistance and life skills provided
by the childcare institution are being
employed usefully. Concern was raised
that children unable to cope with life
after exiting the childcare institutions are
at particular risk of further exploitation
and violence, not least because family
contacts may have been severed and
they are exposed to new and unfamiliar
adult environments.

Although all the services visited were
regulated and licensed, few have
formal internal child protection policies.
Among government agencies, such as
the PPT or PPA, there are no formal
written policies or codes of conduct for
staff members, but rather an unwritten
understanding about appropriate
behaviour towards child victims.
These are usually based upon general
professional standards, rather than
guidelines designed explicitly for dealing
with child victims.

46 Ibid.
A review of the services currently delivered in the three provinces reveals a highly uniform approach to addressing issues of family welfare and child protection. While each province exhibits its own unique cultural values and community practices, there was nonetheless broad similarity in the focus of service delivery.

In terms of primary prevention, there are no comprehensive, focused national or provincial level strategies for the prevention of violence, abuse, and exploitation of children through, for example, systematic parenting skills programmes or targeted behaviour change. Despite a few creative media-led awareness campaigns, generally focused on prevalent issues such as trafficking and child labour, the more common approach to ‘socialisation’ and ‘advocacy’ has been the distribution of IEC materials and presentations to communities on new legal provisions and policies. During the interviews, many respondents questioned the scope and impact of these campaigns, some of whom felt that traditional, spontaneous methods of imparting information (such as through village meetings and religious discussions) were more effective than the organised efforts. Whatever the method, it was suggested that campaigns needed to be more sustained and that effort be made to reach all populations, rather than a few targeted marginalised communities.

Secondary level services designed to identify families and children at-risk remain limited in all three provinces. It is hoped that the establishment of community social workers will address this important gap. Until now the community social workers supported by Dinas Sosial have concentrated on ensuring children’s basic rights, and have relied upon cash transfers and economic empowerment to remedy family conflict and breakdown. While financial assistance to poor families is an essential component of a welfare system, this should not be prioritised at the expense of family strengthening services. In all three provinces, traditional mechanisms exist to support parents and protect children. These need to be maintained and strengthened in changing community environments, and good practices formalised.

These limited prevention strategies are symptomatic of a broader approach to family and child welfare. Without early identification mechanisms, services provided by both government agencies and NGOs tend to respond when a family or child is already in crisis. This explains to some extent the over-reliance on the emergency response services of the PPA, PPT, and RPSA. While these new services provide temporary sanctuary and care, they should be considered as elements in a wider continuum of care packages, rather than the primary solution. The PPTs, for example, are able to provide essential medical and forensic services for abused and exploited children, but do not have the mandate or capacity to case manage or assess the family environment before a child is returned home.

In all three provinces, there is no single designated authority to assume the responsibility for the long-term welfare of children that have been abused and whose parents are no longer able to care appropriately for them. The role of Dinas Sosial in crisis situations remains periphery; at the present time, the mandate and capacity to record and manage cases, to make family assessments, and to plan for a child’s long-term safety and wellbeing is not ascribed to Dinas Sosial or any other agency. As a result, these important decisions are being made by NGOs and individuals who may not be qualified or authorised to do so.

Positive steps have been taken to ensure that abused and exploited children are provided with temporary safe shelter, represented by the RPSA. As long as these shelters do not become precursors to a long-term institutional arrangement, they should be seen as a positive development. It is not yet clear, unfortunately, that this period of respite care is being used productively to make an assessment of the child’s family environment, nor for long-
term care planning. There are concerns that children are often returned to their families without any genuine guarantee of their protection. There is a clear understanding among all agencies that placement of an abused child in a childcare institution (panti) is not appropriate, and fortunately few children are sent to panti. Existing strong traditional kinship arrangements should be recognised for their provision of care to children in crisis, but to date these remain informal arrangements.

The findings reveal that while the Child Protection Law provides some guidance on agency and individual duties, it is now essential that detailed procedures for handling children’s cases, including designated responsibilities of Dinas Sosial and supporting agencies, be properly defined and agreed upon.

RECOMMENDATIONS

In order to address these gaps in services to prevent and respond to violence, abuse, and exploitation of children, it is recommended that the following actions be taken:

1) Promoting Behaviour Change:
   it is recommended that a more comprehensive, sustained strategy be developed at the national and sub-national levels to promote changes in public attitudes towards child welfare issues. Rather than socialising laws and policies, it is recommended that emphasis be placed on promoting action-oriented measures to reinforce the importance of family-based care, and to introduce a more structured and standardised approach to parenting skills education through organisations such as the PKK and women’s empowerment clubs.

2) Develop a Continuum of Services:
   Rather than the current reactive, medico-legal, and issue-specific approach, it is recommended that child and family welfare services be redesigned to deliver a continuum of prevention and response services for children who are at risk, or have experienced, violence, abuse, and exploitation. The continuum should include various levels of intervention, depending on the nature of the maltreatment and individual circumstances of the child and his/her family, including both voluntary community measures such as family mediation, as well more formal protective interventions. For more serious cases, interventions should include compulsory measures (such as supervision orders or temporary removal of the child from the home) to ensure the protection of the child.

3) Clarify decision-making process and authority: including a standardised process, procedures, and criteria for reporting, assessment, intervention planning, and case management. Decision-making regarding what interventions are required to provide for a child’s care and protection should be made by a designated, accountable government agency through a structured administrative or court process, and guided by an assessment and recommendations from the district or provincial-level social welfare authority. In particular, all decisions regarding the removal of a child from the care of his/her parents and placement in kinship care, foster care, or a childcare institution should be made and/or approved by a designated government official, subject to judicial review.

4) Gradual development of specialised, community-based services: the range of services that are currently available to support vulnerable children, neglected children, and child victims of violence and exploitation is limited. In the short term, greater use could be made of existing services by mapping what is currently available through various government, community, and NGO service providers and developing more structured arrangements for referrals through government/NGO partnerships.
However, referral networks alone will not be sufficient to address children’s protection needs, since the services currently available are mainly focused on short-term medico-legal interventions, institutional care, and economic empowerment. There is an urgent need for Depsos/Dinas Sosial to develop more specialised child protection services such as intensive parenting skills programmes, individual and family counselling, parenting support groups, temporary respite care, therapeutic interventions for drug and alcohol abuse, structured family supervision, kinship and foster care, etc.

There is an urgent need for Depsos/Dinas Sosial to develop more specialised child protection services such as intensive parenting skills programmes, individual and family counselling.
In recent years, Indonesia has made significant progress in the prevention of and response to violence, abuse, neglect, and exploitation of children. Child protection issues are now more widely discussed and publicised, thus helping to reduce a culture of silence around these types of sensitive issues.
At both the national and sub-national levels, numerous programmes and initiatives have been introduced to prevent violence towards and exploitation of children, as well as to respond to those who have experienced maltreatment. These initiatives all represent important components of child and family welfare services but have yet to be integrated into a comprehensive system for preventing and responding to all forms of violence, abuse, and exploitation of children.

To date, progress has been most pronounced in the development of integrated medico-legal services for responding to reported cases of violence, abuse, and exploitation and in the development of specialised residential rehabilitation homes (RPSAs). Through the establishment of specialised police units and hospital-based integrated service centres (PPTs), child victims of the most serious forms of violence, sexual abuse, and trafficking now have access to medical care, psycho-social support, legal advice, and child-sensitive investigative procedures. However, as a hospital-based, crisis intervention model, PPTs generally address only the most serious cases of violence and exploitation, largely sexual abuse and physical violence causing injuries warranting medical attention. The PPTs and RPSAs provide relatively comprehensive crisis intervention services and temporary shelter, but are focused almost exclusively on the child victim, and have limited capacity to provide follow-up care after this initial response. As a result, there are significant gaps in the package of services available to support child victims and their families, particularly in terms of addressing problems in the home so that children do not need to be removed, or can be reintegrated safely. The number of child victims identified and processed through the PPAs, PPTs, and RPSAs, while growing, remains quite small and likely reflects only a fraction of the total number of children in need of protective services.

A comprehensive child and family welfare system requires the development of a clear continuum of prevention, early intervention, and response services aimed at building the capacity of parents to care for their children and for an appropriate State response when children have experienced violence. Accomplishing this effectively requires the designation of a single key government authority with structures, processes, authority, and accountability for management and delivery of child and family welfare services, with divisions of responsibility at the provincial, district, sub-district, and village level. In the Indonesian context, the most appropriate agency to perform this function would be Depsos/Dinas Sosial, as it has overall responsibility for social welfare service delivery. However, Depsos/Dinas Sosial is currently not perceived to have this fundamental authority and has not been given a clear designated role under child protection legislation. Responsibility for early intervention and response services, including assessment, decision-making, and service provision is largely centred on law enforcement agencies, NGOs, community organisations, and childcare institutions, rather than the government social welfare authority.

There is growing recognition at both the national and sub-national level of the need to promote more proactive and preventative approaches to child protection, and to focus on strengthening the capacities of parents to care for and protect children. Depsos has issued comprehensive guidelines that promote a holistic, family-centred approach to providing community-
based child welfare services, outlining a continuum of early intervention and response services that should be in place to support children and their families. However, the shift to this more pro-active, family-centred approach is hampered by the lack of effective structures, mechanisms, capacity, and accountability for the delivery of child and family welfare services at the district and sub-district levels. While some provinces have taken steps to build the capacity of community social workers at the sub-district level, the quality and range of support services remains limited.

Depos’ primary strategy for the delivery of community-based child welfare services has been to encourage government and NGO childcare institutions to function as community social welfare centres, acting as focal points for the delivery of outreach services to children and families in their surrounding area. However, few of the estimated 7,000 childcare institutions throughout the country are currently functioning in this capacity. It is not evident that any of them, particularly the non-government institutions, could provide the types of structured community-based services envisioned under the Depos guidelines. While some government childcare institutions have trained social workers who could potentially provide more outreach services, most childcare institutions are barely able to provide quality care to the children in their care.

Indonesia is to be commended for the emphasis placed on the role that communities and civil society organisations should play in child and family welfare services. However, a rights-based and sustainable approach requires that child welfare services be perceived as an obligation of the State, rather than community-driven or voluntary. This requires a clear statutory designation of the government social welfare agency as the ultimate authority responsible for ensuring that prevention and response services are systematically developed in all communities, and that all children in need of protection get the support to which they are entitled.

48 Depos, Save the Children, and UNICEF, Quality of Care in Childcare Institutions in Indonesia, 2008.
07
RECOMMENDATIONS

The findings of the assessment suggest that significant legal and structural reforms are necessary in order to strengthen Indonesia’s capacity to provide effective child and family welfare services for the prevention of and response to violence, abuse, neglect, and exploitation of children.
It is recommended that the following actions be taken to advance that goal:

**Development of national strategic plan for the reform of the child and family welfare system:**

It is recommended that Depsos, through a broad, consultative process, develop a long-term strategic plan outlining the steps necessary to shift from the current reactive, institution-based approach to a more comprehensive approach to child and family welfare services delivery. This should include details regarding timeframes and actions necessary to make the necessary changes to the legal and regulatory framework, the structures and processes for service delivery, as well as capacity building and budgetary requirements.

**Design of a comprehensive child and family welfare delivery system:**

It is recommended that, as part of this reform process, an overall vision of the child and family welfare service delivery paradigm be developed at the national level and then piloted in one or more provinces. Through research of international models and consultation with stakeholders, this vision should outline how child and family welfare services can be effectively managed and delivered from the national, provincial, district, sub-district, and village level. It would ideally address the following issues:

- Clearer designation of the mandate, authority, and accountability of the child welfare authority as the lead agency responsible for establishing structured child and family welfare services, as well as for receiving reports and managing protective and rehabilitative interventions for all child victims.
- Outline of the structure for managing and implementing child and family welfare service delivery from the national, provincial, district, sub-district, and village level, including clear roles, responsibilities, accountability, and processes for decision-making by government social welfare authorities at each level. The role that the PPT, the PPA, NGOs, and other service providers play within the overall service delivery paradigm should also be clearly articulated, with a regulatory and oversight role for Dinas Sosial.
- Develop a continuum of services: it is recommended that child and family welfare services be re-designed to deliver a continuum of prevention and response services for children who are at risk of, or have experienced, violence, abuse, and exploitation. The continuum should include various levels of intervention, depending on the nature of the maltreatment and individual circumstances of the child and his/her family, including both voluntary community measures such as family mediation, as well more formal protective interventions. For more serious cases, interventions should include compulsory measures (such as supervision orders or temporary removal of the child from the home) to ensure the protection of the child. In the short-term, greater use could be made of existing services through more structured, formal government/NGO partnerships. At the same time, resources should be invested in the gradual development of more specialised services such as intensive parenting skills programmes, individual and family counselling, parenting support groups, temporary respite care and fostering, therapeutic interventions for drug and alcohol abuse, structured family supervision, etc.
- Clarify decision-making process,
authority, and accountability: including a standardised process, procedures, and criteria for reporting, assessment, intervention planning, and case management. Decision-making regarding what interventions are required to provide for a child’s care and protection should be made by a designated, accountable government agency through a structured administrative or court process, and guided by an assessment and recommendations from the district or provincial-level social welfare authority. In particular, all decisions regarding the removal of a child from the care of his/her parents and placement in kinship care, foster care, or a childcare institution should be made and/or approved by a designated government official, subject to judicial review.

Piloting the new child and family welfare system:

It is recommended that this new proposed child and family welfare services system then be piloted in one or more provinces, focusing on those, such as Aceh and NTT, which have already begun the process of social welfare systems reform. Lessons learned from these locations can then be used by Depsos to modify and promote the expansion of the new approach in other provinces, and to inform national-level legal and policy development.

Develop a comprehensive regulatory framework for the system:

Once a new framework for child and family welfare services has been envisioned, detailed laws, regulations, guidelines, protocols and procedures will be needed to guide its implementation in the pilot locations. This could be accomplished through the development of provincial PERDAs and implementing regulations. The results from the pilot can then be used to inform amendments to the Law on Child Protection and the development of a more comprehensive, binding legal framework at the national level, as well as model laws and procedures to guide the reform process in other provinces.

Strengthen capacity of provincial, district and community social workers:

This new central role for the child welfare authority in managing a comprehensive child and family welfare service system will likely require capacity building at the provincial, district, and sub-district levels. A capacity building strategy should be developed, designed specifically to build the different core competencies that will be required of staff at the national, provincial, district, and sub-district level based on their newly defined roles and responsibilities. In particular, district-level and community social workers will require more practical tools and skills-training, as well as ongoing mentoring and supervision.

Strengthen the independent monitoring function of the KPAI:

It is recommended that measures be taken to strengthen the independent monitoring capacity of KPAI. This will require greater independence and/or security with respect to budgetary allocations, as well as mechanisms for monitoring, data collection, and dealing with systemic complaints, rather than the current focus on responding to individual cases of violence, abuse, and exploitation of children.
ANNEX 1

CHILD AND FAMILY WELFARE SYSTEM CHECKLIST
A. NORMS

### A.1: LEGAL FRAMEWORK FOR CHILD AND FAMILY WELFARE

A national child protection law has been enacted to establish the framework for the provision of child and family welfare services, with detailed guidance provided, as necessary, through a national child protection policy and/or subsidiary legislation (rules, regulations, decrees).

National laws clearly define parental roles and responsibilities, including legal limitations on the ability of parents to voluntarily give up their parental responsibilities.

National laws clearly articulate the State’s obligation to support parents in their child-rearing responsibilities, to protect children from all forms of maltreatment, and to provide special protection and assistance to children who have experienced maltreatment.

### A.2: INSTITUTIONAL ARRANGEMENTS

A single national child protection agency is designated with responsibility for overseeing child and family welfare services, including clear authority and obligation to provide compulsory child protective services.

Duties and powers of the child protection agency with respect to the provision of primary, secondary, and tertiary child and family welfare services are clearly defined, with clear provisions for designation of authority from national to sub-national level.

Regulations and standards have been developed for child and family welfare services (primary, secondary, and tertiary) that are applicable to all service providers.

Legal provisions are in place regarding registration, accreditation (compulsory), and inspection of any service provider offering services to families and children.

There are specific provisions explaining the type of services that can be contracted out and the modalities for doing so.

Independent supervisory and monitoring bodies for child protection are designated and given a clearly defined mandate.

There are provisions for regular statistical reports, analysis, and research to be conducted on national child protection and family welfare. This includes a regularly updated research agenda.
Budgeting and financing for child and family welfare services are clearly articulated.

## A.3: APPROACHES

<table>
<thead>
<tr>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abuse, neglect, and exploitation are clearly defined.</td>
<td></td>
</tr>
<tr>
<td>Guiding principles for child and family welfare services are stipulated, which include at the minimum: the best interests of the child, non-discrimination, universality of the welfare system, and family preservation.</td>
<td></td>
</tr>
<tr>
<td>The types of essential services to be delivered to children and families (primary, secondary, and tertiary level interventions) are clearly defined, as are procedures and criteria for applying those interventions.</td>
<td></td>
</tr>
<tr>
<td>Clear procedures and lines of accountability are stipulated for identification, assessment, and intervention planning, including reporting requirements, emergency interventions, and child and family assessments.</td>
<td></td>
</tr>
<tr>
<td>Inter-agency guidelines are in place to define the specific roles and responsibilities of different agencies (including social welfare services, health professionals, police, Courts and legal practitioners, civil society, private service providers, and professionals); reporting, referral, and case management mechanisms and practice; and procedures for management and sharing of information.</td>
<td></td>
</tr>
<tr>
<td>An authority (the Court or local level National Child Protection Agency) has been designated to make decisions regarding compulsory protective services through a formal administrative or court process.</td>
<td></td>
</tr>
<tr>
<td>Explicit criteria and procedures are in place for making decisions about child protective services based on an individualized assessment of the child and his/her family. Legislation explicitly requires that the views of the child and their family be taken into account during the development of care and protection plans, as well as in all decisions taken.</td>
<td></td>
</tr>
<tr>
<td>The best interest of the child is the paramount consideration in any decision affecting the child. Clear national guidelines for best interest determinations should be available.</td>
<td></td>
</tr>
<tr>
<td>Authority to make decisions about child removal and out-of-home care is designated to a qualified authority and subject to judicial review. This ‘gate-keeping’ function should be carried out by a recognized authority not involved in provision of alternative care services.</td>
<td></td>
</tr>
</tbody>
</table>
There is a logical progression between the aims and approaches of primary, secondary, and tertiary level interventions (policy continuum).

Policies and operations are child-centred and family (and community) focused; with a solution focused, strength-based approach.

The approach is not exclusively forensic (based on prosecution and forensic medical examination), with equal emphasis placed on therapeutic processes of prevention, care, and protection.

### A.4: SPECIFIC PROVISIONS

Legislation defines out-of-home care options to include, at the minimum, foster care, kinship care, guardianship, adoption, and institutional care. Family-based care in its different forms is the explicit priority, with institutional care used only in exceptional cases, for short-term situations.

There is a specific policy and standards of service for all forms of out-of-home care.

All children placed in out-of-home care have the right to maintain contact with their parents, unless this is determined to be contrary to their best interests, and are subject to a regular review of their placement.

A competent authority is designated to authorize adoptions and the law stipulates grounds and procedures for doing so. Inter-country adoption is limited to cases where the child cannot be placed in a foster or adoptive family or cannot be cared for in any other suitable manner within the jurisdiction.

Improper financial gain from inter-country adoption is prohibited by law and appropriately sanctioned.

Provisions are in place regarding child protection practice in emergency situations, such as disaster situations affecting entire communities.

Criminal procedure laws/guidelines include measures to protect the rights and interests of child victims and witnesses at all stages of the judicial process and to reduce trauma and secondary victimization.

The law protects all child victims of exploitation from prosecution and involuntary detention.
## B. STRUCTURES

### B.1: DESIGNATED CHILD PROTECTION AGENCY

There is an agency exclusively dedicated to child and family welfare, with a coherent organizational chart, able to guarantee analysis; policy development (formulation of the overall national child protection policy); formulation of procedures and guidelines; child protective services development, organization, management, and monitoring; and relations with other actors.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The agency has internal well-defined responsibilities and roles reflecting the mandate to prevent and respond to child protection issues.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The agency has child-centred and family focused guidelines, protocols, and standards in place at the national level that clearly articulate a solution-strength based approach. This includes the way services work and interact with families, timing, engagement, relationships, tools, and approaches recommended.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The agency has designated practitioners at all administrative levels (national, regional, and local levels) to carry out statutory child protective services and coordinate preventative and out-of-home services.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The agency has a clear authority and obligation to provide statutory child protective services and adequate professional officials (social workers and psychologists) and resources (budget and transportation) at the local level.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### B.2: OTHER STRUCTURES

There are structures for ensuring coordination of policy, procedures, and guidelines; services development, organization, management, and monitoring; as well as of primary, secondary and tertiary-level interventions.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

There are statistical and research offices dedicated to conducting child and family welfare research, either within the mandated National Child Protection Agency or contracted out, on a long-term basis.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

There are independent monitoring and supervisory bodies for child protection.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

There is a complaint mechanism accessible to children and their families that is independent from service providers. The complaint mechanism could be linked to independent monitoring bodies.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## C. SERVICES

### C.1: PRIMARY LEVEL

Communities are mobilized to conduct primary level activities aimed at supporting parenting, family life, and general child wellbeing, as well as provide basic support to families and children who are experiencing stress or are at risk of maltreatment.

Community programmes and services are in place to support children and adolescents, particularly children at social risk or in conflict with the law. Examples include peer and adult mentoring programmes, drop-in-centres, recreational programmes targeting children at-risk and life skills programmes.

Standard systematic primary level prevention programmes are carried out by health and education professionals or paraprofessionals.

The public is widely familiarized with the national legal framework and professionals working with children are aware of its requirements and responsibilities.

Information is widely disseminated on available services.

### C.2: SECONDARY LEVEL – FAMILY SUPPORT AND EARLY INTERVENTION

There are processes and procedures in place that allow service providers to monitor child and family welfare conditions over time and identify families and children with additional needs.

Holistic family and community assessment is accessible at the local level for families and children identified as being at-risk.

A range of family support services are available at the local level.

Family mediation (for situations of violence, dispute, separation, and divorce) is accessible at local level.

Family legal advice is accessible at the local level to address general family issues or disputes based on family law.

Intensive parenting and child protection skill support is accessible at the local level.

Individual and family therapeutic support (such as for alcohol, drugs, and anger management issues) is accessible at the local level.
Referral to other services (economic support, housing, and social benefits) is accessible at the local level.

Procedures for the restoration of children into families and monitoring are accessible at the local level.

Temporary and emergency care arrangements (day care, respite care, and safe homes) are available at the sub district or district level.

Specialized outreach services available for hard to reach children, including street-based children, child labourers, domestic workers, and children without identity papers.

### C.3: TERTIARY LEVEL – SPECIALIZED INTERVENTIONS

There is a designated service and officials to receive reports of child maltreatment (violence, abuse, and exploitation) including, where possible, a free national centralized Hotline for child protection specific case reporting that is connected to the National Child Protection Agency.

An Inter-agency Protocol is in place regarding reporting mechanisms and practice, detailing who should report, when, how, and to whom.

A coordination and referral mechanism is in place to ensure that child victims who come to the attention of the police receive appropriate social welfare services.

Inter-agency processes are in place for sharing and managing information on child protection cases explaining what information should be collected and who has access to information. Information management should be on a need to know basis, incorporating confidentiality and information sharing modalities.

There are designated and mandated professionally trained officials who carry out post-report child and family assessments.

There are designated and mandated professionally trained officials who develop (in collaboration with families and children) care and protection plans.

Explicit criteria and procedures for making decisions about child protective services are established based on an individualized assessment of the child and his/her family.

A competent and mandated authority (a Court or the local level National Child Protection Agency) makes decisions on the care and protection plan, activation, change, and closure (including removal from family).
There is a coherent ladder of responsibilities concerning decisions for Government agencies and civil society organizations, including community networks.

A qualified authority (not the alternative care provider) makes all decisions about child removal and out-of-home care based on a full assessment of the child’s best interest.

The focus in all decision-making should aim at striking a balance between family preservation and the best interests of the child principles.

Permanency planning is a key goal: due regard is given to the importance of ensuring a stable home and consistent caregiver for the child.

Any case with a care and protection plan is followed by a qualified and recognized case worker or case manager from the National Child Protection Agency, which maintains responsibility for the case until its closure.

Care and protection plans, through the contribution of different support services, aim at: reconnecting the child with family members, friends, and community members; normalizing daily life; and building on and encouraging the child’s and family’s resilience.

The agency promotes integrated and child-friendly services for child victims and their families through a coordination and referral system involving the health, education, and justice sectors, as well as civil society organizations.

There are designated and mandated officials who refer clients to necessary family support and out-of-home care services according to the care and protection plan.

There are child and victim-sensitive medical and counselling services available.

Any reported case, and subsequent decisions, is recorded and the information is maintained in a national database.

There are objective child sensitive forensic medical examination services available.

There are long-term psychological counselling services (continuing through the care and protection plan, involving both the child and their family) available.

Legal advice to families and children is available about options and legal provisions on child protection.
Family support services are provided in conjunction with care and protection plans (regardless of whether the child is still with the family or is placed in out-of home care).

There is a clear link and continuum of services between the family support and out-of-home care services.

**C. 4: TERTIARY LEVEL – OUT-OF-HOME CARE**

Mechanisms (and services) are in place to support kinship care as the first option for out-of-home care.

There is a national foster family care programme.

There is a dedicated structure in charge of monitoring and ensuring compliance of foster family care services with policies guidelines, standards, and regulations.

There is a national registry of all foster families and perspective foster families.

There is a national institutional care programme (identified in the policies as a very last resort).

Institutional care services are able to serve the national needs through government or accredited civil society organizations or service providers.

There is a dedicated structure in charge of monitoring institutional care services and ensuring compliance with policies guidelines, standards, and regulations.

There is a national registry of all institutions taking care of children.

There is a national adoption (in-country and inter-country) programme.

There is a dedicated structure in charge of monitoring adoption services and ensuring compliance with policies, guidelines, standards, and regulations.

There is a national registry of all adoption agencies.

Adoption services are active in all provinces through government or accredited civil society organizations or service providers.

All adoption cases are recorded in single files and feed into a national database.
Mechanisms are in place to appoint a guardian for all trafficked, unaccompanied, and paperless children who come to the attention of authorities.

Drop-in-centres and out-reach programmes are available for hard to reach children, including street-children, child labourers, domestic workers, and children without papers.

Safe homes, shelters, transit centres, and other forms of short-term care are available for children at the local level (government or civil society organizations) while more durable solutions are being assessed.

Family tracing and reintegration services are available for children who have been separated from their families and wish to return (such as street-children, trafficked, and exploited children).

### C.5: CHILD AND FAMILY WELFARE SERVICES AND JUSTICE SYSTEM

Social workers are present and support child victims at all stages of the criminal proceedings (during the police interview, evidence collection, and court hearing).

A victim/witness support programme is in place to familiarize children with the court process and provide support at all stages of the proceedings.

Responsible authorities and services are identified to provide support and supervision to children under the age of criminal responsibility who have committed an offence.

### C.6: CHILD AND FAMILY WELFARE SERVICES IN EMERGENCIES

Measures are in place to ensure that children recruited or involved in hostilities are demobilized or otherwise released from service.

Services are in place to promptly identify unaccompanied and separated children, or children in very vulnerable families.

Emergency support services for families are in place covering all affected communities.

Tracing and reunification services are in place covering all communities.

Emergency foster family care services are in place covering all affected communities.
A central authority maintains a database of active child protection cases.

Children are provided appropriate assistance for their physical and psychological recovery, as well as their social reintegration where necessary.

### D. CAPACITIES

Teachers, law enforcement personnel, health care professionals, and child care workers have the knowledge, skills and motivation to identify and report suspected incidents violence, abuse, exploitation, or neglect.

Social work is recognized as a profession with a training and accreditation process and ethical code for social work professionals and paraprofessionals.

Professional and paraprofessional social workers and civil society service providers receive recurrent specialist training on child protection and family systems, child and family welfare system functioning, as well as mechanisms and tools.

Social welfare services to children and families are staffed with qualified social workers, or trained paraprofessionals in absence of national qualifications.

All professionals involved in the child protection system (social workers, lawyers, doctors, and police) are regularly trained on the functioning of the system processes and tools.

There are officially recognized training curricula (or training guidelines) for protection related issues that emphasize systemic approaches and the links between the training topic and the rest of the child and family welfare system.
Laws
• Constitution
• Civil Code
• Law No. 32/2004 on Local Government
• Law No. 23/2002 on Child Protection and its elucidation
• Law No. 23/2004 Regarding the Elimination of Domestic Violence
• Law No. 21/2007 on the Eradication of Criminal Act of Trafficking in Persons
• Law No. 11/2009 on Social Welfare
• Law No. 1/1974 on Marriage
• Law No. 6/1974 on Principles of Social Welfare
• Law No. 4/1979 on Child Welfare
• Law No. 3/1997 on the Juvenille Court

Policies and NPAs
• National Programme for the children of Indonesia (PNBAI)
• NPA on Elimination of Worst Forms of Child Labour
• NPA on the Eradication of CSEC
• National Policy on Separated Children, Unaccompanied Children, and Single-parent Children Affected by Emergency Situations

Guidelines and Regulations
• Regulation No: 82/HUK/2005 on Organization and Working Mechanism Ministry of Social Affairs
• Depsos RI (2003) General Guidelines for Social Organizations/NGOs
• Guidelines for the Provision of Non-Institutional Social Services to Neglected/Abandoned Children (Directorate General of Social and Rehabilitation Services, Department of Social Welfare), 2004
• Depsos, Guidelines for the Care of Children in Need of Special Protection, 2004.
• Government Regulation on Requirements and Procedures for the Appointment of Guardians, 2005.
• Depsos, Guidelines for Family and Community-based Social Services for Neglected Children, 2008.
• Depsos, General Guidelines for the Operation of Childcare Institutions as Part of the Provision of Services to Neglected/Abandoned Children, 2002.
• Depsos, General Guidelines for the Provision of Social Services to Children in Childcare Institutions, 2007.
• Depsos Guidelines for the Operation of Youth Centres.
• Regulation No. 54 of 2007 on adoption
• Minister of Social Affairs, Decision No. 2/HUK/1995 on the Implementation Guide of Child Adoption, 1995
• 2002 Joint Directive on the Provision of Integrated Services to Women and Child Victims of Violence
• Presidential Decree No. 77 of 2003 on Indonesian Commission for Child Protection
• Government Regulation No. 9/2008 and Standard Operating Procedures (SOPs)
• Ministerial Decree No. 1/2009 of the Minister for Women’s Empowerment
Reports and Evaluations

- Despos, Save the Children and UNICEF, Someone that Matters: Quality of Care in Indonesian Childcare Institutions, 2007.
- International Social Service, Supporting the Development of the Alternative Care System at Regional (Aceh) and National Levels in Indonesia, 2005.
- ILDO, Protecting and Affected the Legal Rights of Tsunami Children Without Primary Caregivers and/or Living With Extended Family Members in Nanggroe Aceh Darussalam, 2007.
- Depsos and Save the Children, Rapid Assessment of Children’s Homes in Post-tsunami Aceh, 2006.
- Retno Setyowati, Violence Against Children in School in Nanggroe Aceh Darussalam (NAD) and NIAS, 2007.