



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### List of issues in relation to the combined fifth and sixth periodic reports of Indonesia\*

1. The State party is requested to submit in writing additional, updated information, of 10,700 words maximum, by 15 February 2025. The Committee may take up all aspects of children's rights set out in the Convention during the dialogue with the State party.

#### Part I

2. Please explain the measures taken or envisaged:

(a) To incorporate the provisions of the Convention into domestic law, including into provincial and district laws relevant to children's rights;

(b) To ensure the strengthening and implementation of the Child Protection System as a comprehensive programme for the protection of children's rights, in accordance with the 2020–2024 National Medium-term Development Plan;<sup>1</sup>

(c) To ensure coordination and cooperation among government institutions to implement the Convention and the Optional Protocols thereto at the national, regional and local levels, including by strengthening the Ministry of Women's Empowerment and Child Protection and bodies responsible for coordination at the provincial and local levels by providing them with adequate authority and specific human, technical and financial resources;<sup>2</sup>

(d) To earmark sufficient specifically targeted budgetary resources for the implementation of children's rights, particularly the right to health;<sup>3</sup>

(e) To fully implement the Indonesian Children Profile<sup>4</sup> as a comprehensive data collection system that disaggregates data by age, sex, disability, nationality, ethnic origin, migration status and other categories and that covers all areas under the Convention and the Optional Protocols thereto;

(f) To provide the Indonesian Child Protection Commission<sup>5</sup> with sufficient human, technical and financial resources to ensure its functional autonomy;

(g) To establish legal accountability for business enterprises and their subsidiaries that operate in or are managed from the State party to ensure that their operations are in line with the Convention and the Optional Protocols thereto.

\* Adopted by the pre-sessional working group on 20 September 2024.

<sup>1</sup> CRC/C/IDN/5-6, para. 7.

<sup>2</sup> CRC/C/IDN/CO/3-4, para. 13.

<sup>3</sup> Ibid., para. 15.

<sup>4</sup> CRC/C/IDN/5-6, paras. 14 and 15.

<sup>5</sup> Ibid., paras. 46 and 47.



3. Please provide information on the changes made to articles 408, 409 and 410 of the Criminal Code that may criminalize the dissemination of information on sexual and reproductive health by anyone other than an authorized official.

4. Please explain the measures taken:

(a) To adopt a comprehensive anti-discrimination law that covers all elements enshrined in article 2 of the Convention and to address all forms of discrimination, including against girls, children with disabilities, asylum-seeking and refugee children, children who belong to ethnic and religious minority groups or Indigenous communities and lesbian, gay, bisexual, transgender and intersex children;

(b) To guarantee that decisions regarding adoption and custody of children are not taken on the basis of their religion, but based on their best interests as a primary consideration;

(c) To fully implement article 24 of Law No. 35/2014, which enshrines children's right to express their views, and all other laws that provide for the right of the child to be heard.

5. Please describe the measures taken:

(a) To ensure that all children born in the State party are registered and issued with birth certificates, regardless of their nationality, religion and status at birth;

(b) To guarantee the right to freedom of thought, conscience and religion of children of all beliefs and to combat intolerance on the grounds of religion or other beliefs;

(c) To enact regulations or safeguarding policies to protect the rights and privacy of children in the digital environment.

6. Please explain the measures taken:

(a) To ensure children's access to justice through multidisciplinary child- and gender-friendly investigations that avoid revictimizing the children, and to strengthen the provision of trauma-focused therapy and of other support services for children who are victims of violence, in particular sexual violence;

(b) To combat sexual exploitation and abuse of children by implementing the relevant legislation, ensuring that child victims are not stigmatized and that such crimes are reported and investigated and that the perpetrators are punished;

(c) To prohibit all marriage under the age of 18 years, without exception or "dispensation",<sup>6</sup> and to prevent child marriage, particularly among girls living in remote and rural areas;

(d) To eradicate the harmful practice of female genital mutilation or so-called female circumcision.<sup>7</sup>

7. Please provide information on measures taken or envisaged:

(a) To implement the Family Quality development programme, to enact the Child Care Bill<sup>8</sup> and to develop any other programmes aimed at supporting the right of children to a family environment;

(b) To reduce the level of institutionalization of children, in particular of children with disabilities, to promote their social integration and to prioritize family-based care;

(c) To ensure compliance with the National Standard for Child Care<sup>9</sup> in institutions and alternative care settings and to guarantee the independent monitoring of such childcare settings in a regular and systematic manner;

(d) To strengthen the support for independent living provided to children leaving care, including access to housing.

<sup>6</sup> Ibid., para. 85.

<sup>7</sup> Ibid., para. 126.

<sup>8</sup> Ibid., paras. 161 and 163.

<sup>9</sup> CRC/C/IDN/CO/3-4, para. 43.

8. Please explain the measures taken or envisaged to adopt a human rights-based approach to disability and to address the increased institutionalization of children with disabilities by developing family- and community-based support for children with disabilities.

9. Please provide information on measures taken or envisaged:

(a) To reduce neonatal and under-5 mortality by providing equitable access to healthcare during pregnancy and delivery, including access to emergency obstetric care and care for the newborn during the neonatal period, especially in remote and rural areas;

(b) To ensure access for adolescents to age-appropriate reproductive health information and services, including free and safe abortion and post-abortion services and free access to contraceptives, including in remote and rural areas;

(c) To ensure comprehensive education on sexual and reproductive health and rights, including by providing, as part of the mandatory school curricula and in teacher training, information on family planning and education on gender equality, sexual diversity and sexual and reproductive health and rights;

(d) To address children's mental health challenges, including through community-based and therapeutic mental health services;

(e) To address substance abuse and the use of tobacco products by children and adolescents.

10. Please update the Committee on measures taken to establish poverty reduction strategies and programmes at all levels, particularly in remote and rural areas, to ensure equitable access to basic services, such as adequate nutrition, housing, water and sanitation, as well as education, social and health services, and to provide material assistance to economically disadvantaged families.

11. Please provide information on measures taken to ensure that national policies and programmes addressing environmental protection and climate change take children's needs and views into account and to promote children's awareness of and preparedness for climate change.

12. Please describe the measures taken:

(a) To address the deteriorating levels of school enrolment and attendance,<sup>10</sup> owing to high education fees and other costs, particularly in remote and rural areas, and the lack of support for pregnant teenagers and adolescent mothers to continue their education;

(b) To improve the quality of education, including in religious schools, by improving teacher training and establishing strict qualification requirements for those working as teachers.

13. Please update the Committee about efforts made:

(a) To ensure that asylum-seeking and refugee children are provided with sufficient protection and the necessary assistance, including legal aid, at all stages of the asylum and refugee determination procedures and that guardians are appointed for unaccompanied and separated asylum-seeking or refugee children;

(b) To eradicate violent attacks against persons belonging to religious minorities, including children;

(c) To improve the situation of children belonging to Indigenous communities, in particular Papuans, who are subjected to poverty, militarization and extraction of natural resources on their lands, as well as poor access to education and healthcare;

(d) To reduce the prevalence of child labour in the State party, particularly in mining, offshore fishing, construction sites and quarries and in domestic work;<sup>11</sup>

<sup>10</sup> CRC/C/IDN/5-6, para. 234.

<sup>11</sup> CRC/C/IDN/CO/3-4, para. 71.

(e) To enact and implement legislation that addresses child trafficking and to strengthen the Trafficking in Persons Task Force.<sup>12</sup>

14. Please provide information on the measures taken to implement the Committee's previous recommendations to consider raising the age of criminal responsibility from 12 to 14 years of age, to ensure that deprivation of liberty is used only as a measure of last resort and for the shortest amount of time and to promote alternative measures to detention.<sup>13</sup>

## **Part II**

15. The Committee invites the State party to provide a brief update, of no more than three pages, on the information set out in its report with regard to the following:

- (a) New bills or laws, and their respective regulations;
- (b) New institutions and their mandates or institutional reforms;
- (c) Recently introduced policies, programmes and action plans and their scope and financing;
- (d) Recent ratifications of human rights instruments.

## **Part III**

### **Data, statistics and other information**

16. Please provide consolidated information for the past three years on the budget lines regarding children and the social sectors, indicating the percentage of each budget line in terms of the total national budget and the gross national product. Please also provide information on the geographic allocation of those resources.

17. Please provide updated statistical data, for the past three years, disaggregated by age, sex, ethnic origin, national origin, geographical location and socioeconomic status, on the following:

- (a) Cases of abuse and violence perpetrated against children, including torture, inhuman and degrading treatment, all forms of corporal punishment, sexual abuse in and outside the home, domestic violence, bullying and online sexual violence and abuse, as well as prosecutions and sentences handed down in the State party in such cases;
- (b) Cases of child marriage, including those allowed under the dispensation procedure;<sup>14</sup>
- (c) Cases of adolescent pregnancy;
- (d) Stateless children;
- (e) Asylum-seeking, refugee and migrant children;
- (f) Working children, including in the informal sector;
- (g) Children in street situations;
- (h) Children living in poverty;
- (i) Children who are victims of trafficking in persons.

18. Please provide updated data, for the past three years, disaggregated by age, sex, socioeconomic background, ethnic origin and geographical location, on the situation of children deprived of a family environment who are or who have been:

- (a) Separated from their families, including the duration of the separation;

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<sup>12</sup> CRC/C/IDN/5-6, para. 279.

<sup>13</sup> CRC/C/IDN/CO/3-4, para. 78.

<sup>14</sup> Ibid., para. 85.

(b) Placed in institutions, including the number of institutions and the number of children in each institution;

(c) Placed with foster families;

(d) Available for adoption;

(e) Adopted domestically, through intercountry adoptions, if any, including data on the receiving countries.

19. Please provide data, for the past three years, disaggregated by age, sex, type of disability, ethnic origin and geographical location, on the number of children with disabilities who are or who have been:

(a) Living with their families;

(b) Living in institutions;

(c) Attending regular primary schools;

(d) Attending regular secondary schools;

(e) Attending special schools;

(f) Out of school;

(g) Abandoned by their families.

20. Please provide updated statistical data, for the past three years, disaggregated by age, sex, type of offence, ethnic and national origin, geographical location and socioeconomic status, on children alleged to have, accused of or recognized as having infringed criminal law who have been:

(a) Arrested;

(b) Referred to diversion programmes;

(c) Held in pretrial detention;

(d) Convicted and serving a sentence in detention, including information on the length of the sentence.

21. Please provide information on how a children's rights-based approach is integrated into the planning, implementation and monitoring of measures for achieving the Sustainable Development Goals, including with regard to the participation of children and data collection, and on how those measures promote the realization of children's rights under the Convention and the Optional Protocols thereto.

22. Please provide the Committee with an update of any data in the report that may have become outdated by more recent data collected or other new developments.

23. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.

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