

Issue Briefs

The Significance of Child Protection Systems: Key Findings from a Strategic Mapping Exercise in six provinces of Indonesia

Background

Child protection problems are complex and inter-related. A narrowly defined issue-based approach to problems fails to recognize and address the underlying factors, and often results in a fragmented and unsustainable child protection response. The global evolving strategic approach to child protection concentrates on developing comprehensive national child protection systems that strengthen the protective environment to safeguard children against all forms of abuse, exploitation, neglect and violence. It consists of three interlocking components: the social welfare system for children and families; the justice system; and an integrated social behaviour change component. The legal and policy environment, and effective data and information management systems enhance a supportive child protection environment¹.

In Indonesia, traditionally child protection programmes were largely organized around addressing specific issues or their symptoms. The emphasis was on identifying a problem (such as trafficking or sexual exploitation) and then looking for a way to solve it. Since the 1980's an increasing number of projects were based on dealing with categories of children – such as street-based children, working children, trafficked children, child domestic workers, children in contact with the law, or children affected by HIV or AIDS.

In recent years however, attention has turned towards addressing the root causes of risks and vulnerabilities in order to prevent children, for example, from becoming trafficked or homeless or involved in exploitative work. In particular, there is increasing recognition that abuse and violence are pervasive in the home, at school and in the community.

Purpose and Scope of the Mapping of Child Protection Systems

In the past decade, Indonesia has undertaken significant steps towards adapting its child protection environment to international standards. A number of laws have been enacted to address child protection issues, including the Law no. 23

¹ UNICEF's 2008 Global Child Protection Strategy defines five key pillars as necessary for a supportive child protection environment. Critical to this end is the need to strengthen national child protection systems, including establishing a set of laws, policies, regulations, as well as building capacity of stakeholders to deliver a range of services in all social sectors – especially social welfare sector, education, health, security and justice – to support prevention and identify areas of intervention to mitigate risk factors.¹

year 2002 on Child Protection that serves as the overarching legal instrument to protect the rights of children in the country. In addition, a number of national action plans have been developed, relating to, among others, trafficking, commercial sexual exploitation of children and child labour. A significant recent step is the inclusion of child protection as a national priority in the 2010-2014 medium-term national development plan – the Rencana Program Jangka Menengah Nasional (RPJMN).

In 2010, the National Development Planning Agency (BAPPENAS), in collaboration with UNICEF, carried out training on child protection systems for key government ministries in Jakarta and for five provincial departments. The purpose of the training was to further demystify the concept of child protection systems, and provide a broader understanding of the complexity of systems development and multi-sectoral dimensions to child protection. In 2011, the training was rolled out to Provincial and District Government partners in six provinces.

In 2011, a government-led mapping of existing child protection systems was undertaken at the sub-national level to identify strengths and gaps within existing child protection systems; identify relevant challenges for systems development in the selected locations; and use of data to inform and formulate provincial action plans for system strengthening. The six selected provinces were those of Aceh, Central and East Java, East Nusa Tenggara (NTT), and South and West Sulawesi.²

The Regional Development Planning Agency (BAPPEDA) and/or the Ministry for Women's Empowerment and Child Protection coordinated the mapping processes in the six selected provinces. Given the decentralised approach in Indonesia, the district government plays an important role in delivering child protection and prevention services. As such, a number of district locations were also identified in order to provide a deeper understanding of the level at which national policies and programmes are regulated and implemented at the tertiary level.

Summary of Findings

- All six provinces have certain regulations and policies related to child protection in place. However, overall, the national legislative framework is not directly or comprehensively translated into sub-national regulations and policies, and the regulations at sub-national level do not provide an integrated, comprehensive framework for child protection. The focus tends to be on specific child protection issues.
- Regulations that establish the authority of institutions to coordinate, supervise and monitor the implementation of child protection interventions do

² The six provinces (and district sites) selected for the mapping exercises are those targeted for technical and financial cooperation in the Government of Indonesia/UNICEF Country Programme Action Plan 2011-2015.

exist, yet there are no *integrated* coordination mechanisms. Further, researchers found a lack of mandate on the inter-connected roles and responsibilities of agencies responsible for implementing regulations.

- The existing legal framework places emphasis on the rehabilitation of victims of child rights violations, rather than addressing root causes and vulnerabilities.
- There are variances between provinces in the scale and scope of juvenile justice systems. National laws and regulations are not directly translated or comprehensively implemented at provincial and district levels. Regulations and policies to strengthen juvenile justice are in place in a number of cases, their implementation however is inconsistent.
- The use of diversionary measures and restorative justice as an alternative to detention is emerging, but is restricted to only a number of provinces where its application is neither comprehensive nor consistent.

In all provinces, there are institutions or units that provide services for children in contact with the law, but there is a general lack of capacity or inadequate facilities to cater for the needs of children. Law enforcement agencies (including police, attorneys and judges), have a varied capacity to deal effectively with children in contact with the law.

- Inter-sectoral coordination of services and linkages between law enforcers and other sectors, such as social welfare is limited. In almost all provinces, coordination is limited to the role of social workers in correctional institutions and probations offices (BAPAS). In contrast, there are no integrated tertiary services for child offenders. In some provinces, social affairs departments are pioneering services, but this is limited to small numbers of children.
- The lack of alignment between national regulations and policies and their translation to provincial level directives is a concern for all provinces, and at times, they are contradicting each other. Coordination of services is difficult due to the issue-based approach applied in most provinces, resulting in different institutions (with differing structures, procedures and systems) being responsible for specific areas of work.
- There is a general lack of understanding and perception of the roles and responsibilities of government agencies/institutions with regards to social welfare functions.³
- While many positive cultural elements do exist, attitudes and beliefs with a negative impact on children exist side by side with the positive ones. Within Indonesia, certain strong positive cultural elements can provide a foundation of protection for children from violence, abuse and exploitation. However, a number

³ Regional regulation that regulates the role of institutions dealing with child protection to run coordination, such as Provincial Regulation of West Sulawesi No. 4/ 2009 on Organization and Work Procedure in West Sulawesi province, Provincial Regulation no. 28/2008 on East Java Regional Government Business, Governor Regulation No. 111/2010 on Organization and Work Procedure of Technical Implementing Unit at Provincial Social Affair Office in Central Java. Further discussion about the mandate in child protection can be seen in Child Frontier. *Kajian Pelayanan Kesejahteraan Anak dan Keluarga di Indonesia*. Jakarta: KEMENSOS RI & UNICEF, 2010.

of entrenched norms and conventions such as those around child marriages could place children at a greater risk of becoming victims of violence, abuse, exploitation, and neglect.

- Across all provinces, limited data is available on child protection issues, with existing information being mainly generated from tertiary services, which are limited in scope and coverage. In some provinces, a few entry points for coordination and consolidation of data collection on protection issues exist. These entry points have not been fully explored or harnessed for their potential; however, the existing efforts can be used as a base for future endeavours towards building comprehensive child protection data and information management systems.

Key Recommendations

- Provinces should develop a comprehensive Child Protection Regulation that mandates coordination and roles of individual agencies, places appropriate emphasis on prevention mechanisms and provides an integrated and comprehensive set of primary, secondary and tertiary prevention services.
- The child protection system paradigm should be reflected in long-term policy and programme documents such as in sub-national planning documents (RPJMD) and in sectoral strategic plans, including the provision for complementing budgets for non-decentralized services and indicative budgets for implementation.
- Policies at local levels describing roles, services, technical coordination and mechanisms in the justice area for both child offenders and victims from primary to secondary and tertiary interventions need to be in place. In this respect a one-stop service to the referral system is recommended for both child victims and offenders. Both local government and law enforcement agencies should collaborate on this issue.
- Based on national training modules, capacity building plans for law enforcers and service providers in collaboration with law enforcement agencies and government departments, need to be formulated and included in programme and planning documents. Provinces should facilitate access to training for new law enforcers appointed to handle children's cases.
- In a joint effort between the government, law enforcers and communities, all provinces could develop policies to promote the involvement of communities to both prevent and solve conflicts involving children, thereby increasing collaboration between communities and law enforcement agencies.
- There is a need for a gradual shift from the current reactive and residential approach to child welfare toward a comprehensive approach which emphasizes family-based care, highlighting prevention and early detection of child vulnerabilities from violence, abuse, exploitation and neglect. The national Child Social Welfare Programme (PKSA) could be used as an entry point to support the

provision of the continuum of care for children, particularly in the provision of secondary and tertiary services to strengthen family-based care. The PKSA should be part of a comprehensive child and family welfare programme complementing existing family-empowerment programmes and should strengthen partnerships with other sectors. A model of intervention at the community level would be important to develop.

- Standards of services, particularly for child care institutions, called for by Ministerial Decree No. 30/2011 need to be enforced with a clear accountability and monitoring mechanism.
- A comprehensive capacity building strategy to support social workers should be developed. This strategy needs to highlight the crucial role of social workers in ensuring delivery of the continuum of care for children. The Law No. 11/2009 on Social Welfare provides a relevant framework to improve the capacity and a foundation for a long-term vision in professionalizing social work as it relates to child protection.
- There is a need to develop and implement a long-term comprehensive strategy for social and behaviour change that reinforces positive values and attitudes towards children, and the enforcement of laws and practices that promote the protection of children from any harm. Schools or other learning institutions such as the “pesantren” could serve as a good entry point to develop positive behaviour on child protection.
- There needs to be reliable evidence on the scale and nature of problems faced by children and their families, and this requires the gathering of statistically valid, population-based data to establish the prevalence of the problem and to define risk factors for child protection violations. Qualitative research will further define risk factors. Indicators determined from case management and population surveys can be utilized to determine a set of core indicators to monitor progress and performance.
- There needs to be consistent monitoring over time as well as strategic evaluations that can determine whether the system components are ‘fit for purpose’; whether the child protection system is having the intended impact; identify which strategies or services are having the greatest impact; and assess how results could be achieved more cost-effectively.
- Evidence-based child protection strategies, policies and programming require systematic documentation, monitoring, analysis and review, in order to channel lessons learned into policy and programming processes. Coherent and standardized data collection, analysis, monitoring and evaluation tools across all elements of the national child protection system will contribute to more appropriate strategic planning, implementation, resourcing and delivery, and ultimately, translate to benefits for children. Evidence is also crucial to increase knowledge and understanding of governments, guide advocacy, and bring about

reforms that have long-term implications for child rights, societal development and economic stability.