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Indonesia: UN Committee calls for better protection of child rights

Amnesty International is calling on the Indonesian government to take concrete steps to implement recommendations made by the United Nations (UN) Committee on the Rights of the Child (the Committee) to ensure children's rights are respected and protected in the country.

On 13 June 2014 the Committee, an independent body of experts tasked with reviewing the implementation of the Convention on the Rights of the Child (CRC), published its Concluding Observations after assessing Indonesia's compliance with the CRC during its 66th session in Geneva.

The Committee addressed a number of concerns that Amnesty International has previously raised in meetings with the Indonesian government and highlighted in its reports:

- The Committee was concerned that children belonging to certain religious minorities faced “ongoing severe discrimination” and called on the government to take all necessary measures to eliminate discrimination against children based on their religion;
- The Committee was “deeply concerned” about insufficient protection from, and investigation into, violent attacks against religious minorities, including children; and also insufficient assistance to the victims, many of whom lost their homes in the attacks and had to stay in temporary shelters for several years, lacking sufficient access to clean drinking water and sanitation, food and healthcare. The Committee urged the authorities to take every necessary measure to provide the victims with effective protection and reparation, and bring the perpetrators to justice;
- The Committee urged the government to amend legislation and ensure that all children belonging to religious minorities have access to all public services and legal documents they have been denied. According to the Committee, children of religious minorities are often being denied legal documents such as identification or birth certificates, as well as access to different public services;
- The Committee raised concerns about “repressive government actions” against the freedom of religion of children belonging to religious minorities that the authorities say do not adhere to the six officially recognized religions – Islam, Christianity, Catholicism, Hinduism, Buddhism and Confucianism – based on Law Number 1/PNPS/1965. The Committee urged the government to amend legislation in order to effectively guarantee the right to freedom of thought, conscience and religion of children of all beliefs. Further, it called on the authorities to “take all necessary measures, including awareness-raising and public education campaigns, to combat intolerance on the grounds of religion or other belief”;
- The Committee noted that female genital mutilation (FGM) is not explicitly prohibited, and was “gravely concerned” about the high number of girls who are victims of FGM. The Committee urged the authorities to prohibit FGM in all its forms, to fully criminalize the

practice and ensure that practitioners are aware of its criminalization. It also urged the authorities, with the full participation of civil society and women and girl victims, to undertake awareness-raising campaigns and educational programmes on the harmful impact of FGM on the physical and psychological health of the girl child;

- The Committee addressed the high number of early and forced marriages and urged the government to take effective measures, including all legislative measures, to prevent and combat the practice;
- The Committee raised concerns that pursuant to the Population and Family Development Law (No. 52/2009) and the Health Law (No. 36/2009), access to sexual and reproductive health services may only be granted to legally married couples, leading to the exclusion of the vast majority of adolescents. Further, certain reproductive services required informed consent from parents or husbands and married adolescent girls required their husbands' permission to obtain certain types of contraceptive services. The Committee was also concerned about unmarried adolescent girls, including rape victims, who may be unable to access these services either because they are unaware of being entitled to them, or because of fear of stigmatization. This leaves these girls at risk of seeking unsafe abortions, being forced to marry young, or dropping out of school. The Committee recommended that the government take all necessary legal amendments to ensure "full and unconditional access" of adolescents to information and services regarding sexual and reproductive health and contraception, without the need for consent from parents or husbands as well as to ensure that their request is treated in a confidential manner. It also called for policies that protect the rights of pregnant teenagers, adolescent mothers and their children;
- The Committee noted with regret the high prevalence of child labour, in particular the high number of child domestic workers and their vulnerability to violence and exploitation, including physical, psychological and sexual abuse, and their exclusion from the Manpower Act, which affords basic labour rights. The Committee urged the authorities to amend legislation to ensure that domestic workers are able to benefit from all existing labour rights and receive special protection from conditions and dangers they are particularly subject to, such as sexual harassment. The Committee also urged Indonesia to ratify and implement ILO Convention No. 189 Concerning Decent Work for Domestic Workers. A draft law on the protection of domestic workers has been on the legislative agenda for nearly a decade but its passage has faced continued delays; and
- The Committee also noted with regret that recommendations made by the Committee in 2004 to set up a comprehensive system of psychosocial support and assistance for children affected by armed conflict, which also ensures their privacy, have not been fully addressed.

In August 2013, Amnesty International submitted a briefing to the Committee's pre-sessional working group entitled *Indonesia: Submission to the United Nations Committee on the Rights of the Child: 66th pre-sessional working group, 7 to 11 October 2013* (Index: ASA 21/027/2013). It provided the Committee with information relating to FGM; gender stereotypes and early marriage; sexual and reproductive rights; children from minority religious groups; domestic workers; and children affected by armed conflict. The briefing can be accessed via the following link:

<http://www.amnesty.org/en/library/info/ASA21/027/2013/en>

The Committee's Concluding Observations on Indonesia can be accessed via the following link: http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IDN/CRC_C_IDN_CO_3-4_17495_E.doc

Background

The UN Committee on the Rights of the Child comprises 18 independent experts who monitor the implementation of the Convention on the Rights of the Child by its 193 States Parties. The Committee reviewed Indonesia's third and fourth periodic reports during its 66th session, held from 26 May to 13 June 2014 in Geneva, Switzerland. Indonesia ratified the Convention on 5 September 1990.