

Prevention of Sexual Exploitation and Abuse (PSEA)

Country Mapping of Known Context, Legislation, Reporting and Referral Pathways — Indonesia

An initiative
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Safeguarding
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Prevention of Sexual Exploitation and Abuse (PSEA) – Indonesia

This document has been prepared to assist your organisation to better understand a) the general Prevention of Sexual Exploitation and Abuse (PSEA) context b) relevant PSEA legislation and c) available reporting and referral pathways for SEA in a particular country. **This document is not intended to be a definitive analysis of a country's PSEA system and should not be read as such. The information may have been updated at the source since its publication and the reader should follow links provided to fact check before they quote or share this information. It is recommended that you test contact details provided prior to sharing these referral pathways.**

Your organisation must refer to and follow your PSEA Policy when responding to SEA. If a victim/survivor of SEA is under the age of 18 years, consult your organisation's Child Protection Policy.

OVERVIEW OF PSEA ISSUES

Demographics & Population	<p>With a population of 273.5 million, Indonesia hosts approximately 3.5% of the world's total population, is the fourth most populous country on earth, and the world's most populous Muslim-majority nation.¹ Indonesia has a somewhat youthful population with 40% of people under the age of 24 years (24% 0-14 years; 16.8% 15-24 years) and a median age of 30.2 years. The infant mortality rate is 22.7 deaths per 1,000 live births; and the average life expectancy at birth is 73 years.</p> <p>Indonesia has approximately 300 ethnic groups and 700 different spoken languages with Indonesian (a form of Malay) recognised as the official national language, and the language of most written communication, education, government, and business.² The country is arranged across a massive archipelago of 13,466 islands and a combined area of 1.9 million km2.</p>
Disability	<p>10 million people, or 4.3% of Indonesia's population, has some form of disability. However, Indonesia continues to struggle to involve those with disability in public life and the development process, defined as a process of improving people's welfare in aspects related to economics, social, political and health. Stigma against those with disabilities drives systemic barriers. Difficulties also arise from insufficient budget allocations to address concerns, weak law enforcement, a public sector lack of awareness, and conflicting data which makes policy-making more difficult.³</p>
Education ⁴	<p>Gender parity is largely achieved in educational enrolments, with 98% of all children aged 7-12 enrolled in primary school, and 61%-62.4% of girls and boys enrolled in secondary school. However, children from the poorest households are four times more likely not to attend school, and 70% of children who drop out of secondary school are girls – with child marriage and societal gendered stereotypes playing a large role. Gender-biased textbooks favour positive male examples and references, and gender stereotyping influences the way students are conditioned or encouraged to choose subjects reflective of gender-appropriate norms. 84% of men are in the labour force compared to 51% of women, and most top government and private sector positions are held by men resulting in huge pay disparities between men and women. For example, the GNI for men is 13.4 compared to 6.7 for women.</p>

1 World-O-Meter, 2020. [Indonesia](#)
2 CIA, 2020. [World Factbook Indonesia Profile](#)
3 The Conversation, 2018. [Six Problems that Exclude Disabled People in Indonesia from Public Life](#)
4 The Borgen Project, 2019. [Girls Education in Indonesia](#)

Forced Child Marriage	<p>Indonesia has the eighth highest absolute number of child brides in the world at 1,459,000.⁵ One in nine married women in Indonesia were married as children as 14% of girls are married before 18 years, and 1% before 15 years. Child marriage is a fundamental human rights violation, fosters gender inequality, and perpetuates the cycle of poverty, illiteracy and poor health into future generations, depriving communities and the larger society of productive, healthy citizens, both immediately and in the long term. While ending child marriage is a development priority in Indonesia, rates of child marriage continues to rise in urban areas.⁶</p> <p>A recent amendment of Indonesia's Marriage Act has raised the marital age of girls (with parental permission) from 16 to 19 years, in line with the age for boys. Men and women are able to be married without parental permission from 21 years.</p>
Gender and Sexuality	<p>Patriarchal traditions, both cultural and religious, enshrine the discourse of women as inferior to men. Indonesia has experienced enormous change in its relationship to sexuality in the last decade. In 2008, the Anti-Pornography Law passed (empowering authorities to jail people for any sexually suggestive performance), in 2016, the 'LGBT crisis' saw homophobic and transphobic statements issued from high social and political levels, and in 2017, Indonesia's Constitutional Court only narrowly rejected a petition to criminalise all sex outside marriage with a five to four vote. The ratification of an anti-sexual violence law has not been passed.⁷</p> <p>Indonesian law does not protect the LGBTQ+ community against discrimination and hate crimes, and in some parts of Indonesia, homosexuality is illegal under Islamic Sharia law, and punishable by flogging. Arbitrary and unlawful raids are conducted on LBGTQ+ gatherings, and some government institutions refuse to recruit people as civil servants on the basis of them being considered 'perverts' in sexual orientation and behaviour.⁸ Public health outreach to vulnerable populations have been derailed, and HIV rates among men who have sex with men (MSM) have consequently increased five-fold since 2007 from 5 to 25 percent.⁹</p>
Trafficking ¹⁰	<p>The Anti-Trafficking Law (2007)¹¹ criminalized all forms of labour and sex trafficking of adults and prescribed penalties of 3-15 years imprisonment. However, inconsistent with international law, the Anti-Trafficking Law requires a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore does not criminalize all forms of child sex trafficking. Corrupt officials reportedly continued to facilitate the issuance of false documents, accepted bribes to allow brokers to transport undocumented migrants across borders, protected venues where sex trafficking occurred, practiced weak oversight of recruitment agencies, and thwarted law enforcement and judicial processes to hold traffickers accountable.</p> <p>ASEAN Convention against Trafficking in Persons, Especially Women and Children, through passage of Law No.12/2017. The Law expanded the government's authority to prosecute suspects for illegal recruitment and provided a legal basis for Indonesian law enforcement agencies to collaborate with other ASEAN countries.</p>

5 UNICEF Indonesia, 2016. [Child Marriage in Indonesia: Progress on Pause](#)
6 BAPPENAS, UNICEF and Global Affairs Canada, 2015. [Championing child rights and child protection in Indonesia](#)
7 Inside Indonesia, 2020. [Sexualities in Indonesia](#)
8 Inside Indonesia, 2020. [Sexualities in Indonesia](#)
9 Human Rights Watch, 2019. [Indonesia Events of 2018](#)
10 US Department of State, 2018. [Trafficking in Persons Report: Indonesia](#)
11 [Anti-Trafficking Law \(2007\)](#)

Violence Against Women and Children	<p>Violence against women is a systemic problem. In 2019, the annual report of the National Commission for Women recorded a 14% increase in cases of violence against women to a total of 406,178 cases.¹²</p> <p>More than half (51%) of girls aged 5-11 have experienced female genital mutilation (FGM),¹³ and nearly one third (28%) of women and girls have experienced physical, sexual and/or psychological violence by a current or former partner.¹⁴ Children and adults are reluctant to disclose sexual violence to family members, peers, or service providers, due to fear, shame, and cultural and societal barriers to official reporting such as the absence of support mechanisms for survivors.¹⁵ Consequently, private restitution from a non-family perpetrator is often sought directly, usually in the form of a cash payment.</p>
Vulnerability	<p>90% of the Indonesian population is vulnerable to natural disasters including earthquakes, tsunamis, volcanic activity, forest fires and epidemics.¹⁶ Disasters and recovery efforts create heightened vulnerabilities.</p>

RELEVANT PSEA LEGISLATION

International Instruments	<p>In 1984, Indonesia ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which prohibits the trafficking and exploitation of women, as well as the UN Convention on Transnational Organised Crime (UNTOC) and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The Protocol is the first global legally binding instrument with an agreed definition on trafficking in persons, and seeks to protect and assist victims of trafficking in persons with full respect for their human rights.</p> <p>Indonesia ratified the Convention of the Rights of the Child (CRC) in 1990, and the Convention on the Rights of People with Disabilities (CRPD) in 2011, along with a number of other general human rights instruments, including the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (CCPR) and the International Covenant on Economic, Social, and Cultural Rights (CESCR).</p> <p>Indonesia is also a member of ASEAN and is committed to various agreements including the ASEAN Convention against Trafficking in Persons, in Particular Women and Children (2015), a binding instrument which establishes a cooperative vulnerability-oriented scheme, and provisions for criminal proceedings and investigations. Defines children as under 18 years for the purposes of the scheme; ASEAN Declaration on the Elimination of Violence against Women and Violence against Children (2013), a non-binding agreement which covers child marriage and physical and mental violence; and Ha Noi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children (2010) to ensure women and children participate in and benefit from ASEAN integration and community building, and their welfare and development is enhanced.</p> <p>Indonesia is a vocal champion of the SDG targets on the elimination of violence against children, and a board member of the Global Partnership to End Violence against Children.</p>
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12 Tara Marchelin, 2020. *Violence Against Women in Indonesia Is Systemic and the Government Is Not Doing Enough to Unravel It*: Rights Activists
13 BAPPENAS, UNICEF and Global Affairs Canada, 2015. *Championing Child Rights and Child Protection in Indonesia*
14 BAPPENAS and UNICEF, 2019. *SDGs for Children in Indonesia, Provincial Snapshot: East Nusa Tenggara*
15 Rumble et al, 2018. *Childhood Sexual Violence in Indonesia: A Systematic Review*
16 Australian DFAT, 2018. *Aid Program Performance Report 2017-18: Indonesia*

Legal Framework	<p>The Constitution (1945)¹⁷ explains that children possess the right to grow up protected from violence, and recent amendments to the Child Protection Act (2002)¹⁸ affords children the right to enjoy life without violence, and obliges the government to protect children with special considerations such as child victims of sexual exploitation.</p> <p>The Child Protection Act (2002) defines a child as any person under the age of 18, the age of consent in the Penal Code (1952)¹⁹ is 15 years old, and in most states in Indonesia same sex relations are legal but the age of consent is 18.²⁰ A recent amendment of Indonesia’s Marriage Act has raised the marital age of girls (with parental permission) from 16 to 19 years, in line with the age for boys. Men and women are able to be married without parental permission from 21 years. The Penal Code (1952) also legislates for criminal activity including sexual abuse and exploitation against a child (of varying ages), and penalties are applied to anyone who commits child molestation and/or forces a child to commit sexual intercourse with any person.</p> <p>The Elimination of Domestic Violence Law (2004)²¹ imposes a general obligation on anyone who sees, hears or knows about (all forms of) domestic violence within a household to make efforts to prevent the crime, provide protection and emergency assistance to the survivor, and assist in the process of submission of application for protection. Police must provide immediate temporary protection for up to a week, conduct an investigation, and request a protection order from the court. Police must inform the victim of the police’s obligations to protect the victim.</p> <p>The Law on the Eradication of the Criminal Act of Trafficking in Persons (2007)²² criminalises trafficking and exploitation of persons which includes but is not limited to forced labour, slavery, and prostitution. However, and inconsistent with international law, the Anti-Trafficking Law requires a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore does not criminalize all forms of child sex trafficking. Corrupt officials reportedly continue to issue false documents and accept bribes to allow brokers to transport undocumented persons and to protect venues where sex trafficking occurs.</p> <p>The ASEAN Convention against Trafficking in Persons, Especially Women and Children, through passage of Law No.12/2017, expanding the government’s authority to prosecute suspects for illegal recruitment and provided a legal basis for Indonesian law enforcement agencies to collaborate with other ASEAN countries.</p>
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17 *The Constitution of the Republic of Indonesia* (1945)
18 *Child Protection Act* (2002)
19 *Penal Code of Indonesia* (1952)
20 Sexual Rights Database, 2017. *Indonesia Country Profile*
21 *Law on the Elimination of Domestic Violence* (2004)
22 *Law on the Eradication of the Criminal Act of Trafficking in Persons* (2007)

Government Institutions	<p>Since 1999, Indonesia has had a highly decentralised governance system which extends to child welfare and protection, under which policy and key legal frameworks are established at the national level but key elements of implementation are left to provincial and local levels. Considering the size and diversity of Indonesia, this presents challenges to a coherent understanding of protection in Indonesia, as well as challenges to implementation of effective legal and policy mechanisms and to collection of data. There is a multiplicity of actors and instruments at each level, and the mandate for each actor is not entirely clear at all times. It is recommended that guidance on local systems be sought from provincial level bodies, for whom contact details may be found in Section 3.²³</p> <p>P2TP2A Centres of Integrated Services for Women Empowerment and Child Protection and PPT Centres for integrated service centres are key district level services which aim to connect a range of service providers (including health, police, education and legal), creating a more coordinated response to children's needs. They perform mainly tertiary support services.</p> <p>Women and Children Service Unit are special centres at police stations to handle cases of violence against women and children. They receive reports, provide counselling and security, investigate and refer cases to legal aid, medical services or safe houses.²⁴</p> <p>Ministry of Women Empowerment & Child Protection, formerly called Ministry of Women Empowerment, is the ministry in charge of coordination of child protection affairs in line with the CRC.</p> <p>The Ministry of Planning (BAPPENAS) is responsible for policy development and advocacy, including the Long and Medium Term National Plans.</p> <p>The Indonesian Child Protection Commission²⁵ has a mandate to supervise and improve the implementation of the CRC by advising on formulation of policies, data collection, and reviewing and hearing disputes and reports from the public on violations of children's rights. Other relevant national commissions include the National Human Rights Commission, National Action Committee for the Elimination of the Worst Forms of Child Labour, and National Commission on Violence Against Women.</p>
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REPORTING AND REFERRAL PATHWAYS FOR SEXUAL EXPLOITATION, ABUSE OR HARASSMENT

Service Name	Description	Coverage	Contact
Law Enforcement Agencies (to report cases to)			
Police	Police services. District and provincial stations have Women and Children Protection Units (UPPA) for addressing child abuse and domestic violence	National	Emergency 110 Mobile Phone Emergency 112 Jl. Trunojoyo No. 3 South Jakarta
Statutory Protection Agencies/ Unit (to report abuse to)			
Women and Children Protection Units (UPPA)	Provincial and local level units located in police stations for primary reporting of domestic violence and child abuse. Provides counselling, support and security, shelter, and legal		Provincial and Local UPPA Database
P2TP2A	Provincial and local level institutions with a mandate of protection of women and children in abuse cases, including psycho-social service, safe-house and companionship.	Provincial Local	Provincial Institutions Database (English)

23 BAPPENAS, UNICEF and Global Affairs Canada, 2015. *Championing Child Rights and Child Protection in Indonesia*
24 SMERU Research Institute, BAPPENAS and UNICEF, 2013. *Child Poverty and Disparities in Indonesia: Challenges for Inclusive Growth*
25 *Law on Child Protection* (2014)

Local Health and Medical Services (to refer cases to)			
Ambulance		Emergency 119	
PTT Hospital-Based Integrated Service Centres, and PKT Hospital-Based Integrated Crisis Centres	Integrated medical service centres located in police or public hospitals, for women and children victims of domestic violence	Ministry of Health T 021-500567 Contact Ministry of Health for details regarding local PPTs and PKTs.	
Mental Health and Suicide Hotline	Mental health counselling and suicide counselling hotline run by the Ministry of Health	Hotline T 500-454	
Jangan Bunuh Diri	NGO with mental health counselling services	T 021 9696 9293 E janganbunuhdiri@yahoo.com	
Support Agencies (to refer cases to)			
Lembaga Perlindungan Anak - Kemsos- affiliated provincial and local agencies	Provincial and local level institutions reflect the mandate of kemsos to coordinate and administer social welfare schemes including P2PTA.	Provincial Local	<u>Primary Provincial Institution Database</u>
Ministry of Women's Empowerment and Child Protection	Policy, coordination of child protection affairs in line with the CRC. Oversees provincial implementing units including UPPA.		T 021-4302320 E pengaduan_kpppa@go.id Jl. Medan Merdeka Barat No. 15 Central Jakarta <u>Provincial UPPA Database</u>
LPSK	Institution providing protection to witnesses and victims, including providing a safe house.	National	T (021)29681560 E lpisk_ri@lpisk.go.id Jl. Raya Bogor Km.24 No.47-49, Susukan Ciracas Jakarta Timur 13750
Key Advocacy Services, Networks, and Agencies			
Indonesia Legal Aid Foundation (YLBHI)	Legal Aid	National	T 62-21-392 98 40 E info@ylbhi.or.id Jl. Diponegoro No. 74 Jakarta Pusat 10320 Indonesia
Australian Federal Police and Embassy or Consular (if any person involved is an Australian National)			
Australian Federal Police	Report Child Offences by Australians		T (+61) 2 6131 3000 After Hours (+61) 2 6126 7777 <u>Online Reporting Form</u>
Australian Embassy in Indonesia	Consular assistance	National	T +62 21 2550 5555 E public-affairs-jakt@dfat.gov.au Jl Patra Kuningan Raya Kav. 1-4, Jakarta Selatan 12950





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