

## REALIZING CHILD'S RIGHT THROUGH CHILD FRIENDLY CITY INITIATIVE IN INDONESIA

I Made Sutama

*Doctorate Candidate in Human Resources Management*

*University of Airlangga – Surabaya*

*imdsutama@gmail.com*

*\* Twenty-five years experiences working with UNICEF in Indonesia and was actively involved and supported the Child Friendly City Initiative and Its Implementation in Indonesia.*

### Abstract

The realization of the Convention of the Right of Child in Indonesia is facing some challenges after 25 years of its ratification. It caused by weak of the policy, Institutional and program supports. The child friendly city Initiative (CFC) started in 2006 in Surakarta City which defined as a comprehensive and sustainable system of a city/district development which integrates the commitments and resources of government, community and private sectors into policies, programs and activities to fulfil the rights of children. The CFC has 31 comprehensive indicators to measure the progress, where one of indicator is Child Friendly School, therefore it is a great opportunity to improve child friendly education initiative in Indonesia under this framework. As the government found that, the initiative is in good success, therefore in 2014, under the amended Child Protection Law Number 35/2014., the child protection is regulated that decentralized sub national government is responsible to implement for the realization of child's rights. However, based on the experiences, there are several remaining challenges that need to overcome which will be discussed in this paper.

**Key words:** convention of the right of the child, child friendly city, child friendly school.

### INTRODUCTION

The United Nation approved the Convention of the Child Right (CRC) in 1989 and then was ratified by more than 150 of UN countries members. Indonesia was one of them one year later in 1990 under the Presidential Decree number 36/ 1990. The CRC is part of the Basic Human Right and also stated under the Indonesian Basic Law of 1945. (UN General Assembly, 1989)

The Ratified Countries Members are responsible *to protect, to respect, to fulfill and to promote* every single child's right under the guiding principles of **(a) Non-discrimination** (Article 2): The Convention applies to all children, whatever their race, religion or abilities; whatever they think or say, whatever type of family they come from. It doesn't matter where children live, what language they speak, what their parents do, whether they are boys or girls, what their culture is, whether they have a disability or whether they are rich or poor. No child should be treated unfairly on any basis. **( b) Best interests of the child** (Article 3): The

best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children. This particularly applies to budget, policy and law makers. **(c) Right to life, survival and development** (Article 6): Children have the right to live. Governments should ensure that children survive and develop healthily. **(d) Respect for the views of the child** (Article 12): When adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account. This does not mean that children can now tell their parents what to do. This Convention encourages adults to listen to the opinions of children and involve them in decision-making -- not give children authority over adults. Article 12 does not interfere with parents' right and responsibility to express their views on matters affecting their children. Moreover, the Convention recognizes that the level of a child's ability to

form and express their opinions develops with age and most adults will naturally give the views of teenagers greater weight than those of a preschooler, whether in family, legal or administrative decisions. (All & State, 1989)

The realization of the CRC in Indonesia was relatively slow because at the beginning the ratification was under the presidential decree (1990), in fact that it was not strong enough as the basis for policy and program development, therefore as the Government and Non Government Organizations realized, therefore after 12 years the government issued the Child Protection Law Number 23/2002 which consist of Child Rights taken from the CRC. Four years later, the Child friendly City Initiative was started in 2006 in Surakarta City plus four other Cities , as result of the good progress, the Law of Child Protection number 23/2002, was amended become Child Protection Law number 35/2014 , where the Child Friendly City was included under this law.

#### **The journey of the Child friendly City:**

The UN Habitat conference in 1996, recognized and agreed that *children to be put in the centre of the development agenda*. Afterwards there was more serious commitment of the UN by conducted the UN General Assembly's Special Session on Children in May 2002 as result they have agreed to create *A World Fit for Children*, to assemble that children live in a safe and convenient environment. To realize this agreement, it was also identified that local governments and authorities as strategic partners in improving the lives of children through *developing a child friendly communities and cities without slums*. This initiative was aimed to fulfill the rights of all adolescent and young children through, i.e. (1) Participation, freedom of expression and access to information (2) Access to basic services - health care, education and shelter (3) Access to safe water and proper sanitation; (4) Protection from exploitation, violence, discrimination and abuse. The concept of Child friendly city is promising

practice in fulfilling the Children's right such as having better access to public space, health facilities, reducing risk of the traffic for school children, and freedom to express their opinion. However, significant barriers are found in the policies and practices of five case studies within Victoria; specifically, the difficulties in moving from the social and health planning perspective informing Child-Friendly City initiatives, towards impacts on land-use planning policies and practices. (Whitzman, Worthington, & Mizrachi, 2010)

#### **Indonesian Context :**

Before the National Government declared the initiative in 2006, UNICEF has been supporting the Child-Friendly City (CFC) Initiative in Surakarta. It was based on the nine CFC building block developed by International Child Friendly Cities Secretariat UNICEF Innocenti Research Centre (Unicef, n.d.) that are (1) Children's participation (2) A child friendly legal framework (3) A city-wide Children's Rights Strategy (4) A Children's Rights Unit or coordinating mechanism (5 ) Child impact assessment and evaluation (6) A children's budget (7) A regular State of the City's Children Report (8) Making children's rights known (9) Independent Advocacy for Children.

The successful story of the Surakarta Initiative and four other Cities, under the leadership of the Ministry of Women Empowerment and Child Protection (MoWE), led to the expansion of the initiative to 10 cities and districts in 2007 and 20 more in 2010. As per the Decree of the Minister of Women Empowerment (MoWE) No. 2/2009 on CFC/D Policy, a Child-friendly City/District is defined as *"a comprehensive and sustainable system of a city/district development which integrates the commitments and resources of government, community and private sector into policies, programmes and activities to fulfil the rights of children"*. In short, Child-friendly City/District is a system approach for mobilizing commitment and resources to ensure all **child's rights are fulfilled, protected, respected and promoted** that apply to both Cities and Districts. Since then,

the number of Child-friendly Cities and Districts (CFC/D) has been growing and spreading out very fast in various provinces, cities and Districts. Based on these evidence, in 2011 the MoWE succeeded to convince the President of Indonesia on the importance of the CFC/D initiative. The President accepted and then requested MoWE to expand the initiative and mobilize at least in 100 cities and districts for implementing the initiative by 2014, and committed to issue a President's Decree in 2014 to launch the initiative of "Indonesia Layan Anak" (Child-friendly Country of Indonesia). However this was not occurred, but the government amended the Child Protection Law no 23/2002, by including Child friendly City under the Child Protection law number 35/2014.

### **Policy Supports and Political Commitments**

During the process of developing the Initiative till then regulated under the Child protection law, below are the following policies support has been issued as the basis for CFC implementation i.e (1) The Decree of Minister of Women Empowerment and Child Protection No. 2/2009 on CFC Policy and how to develop CFC/D include the 28 indicators with following category (Health, Education, Protection, Infrastructure, Environment and Tourism). It has been revised. (2) *The Decree of Minister of Women Empowerment and Child Protection No. 3/2009* on the guideline on how to assess CFC/D, however it has also been revised. (3) The Decree of Minister of Women Empowerment and Child Protection No. 13/2010 on the CFC Guideline on how to develop CFC/D at the Province. (4) The Decree of Minister of Women Empowerment and Child Protection No. 14/2010 on the technical Guideline on how to implement CFC/D at the Village level. (5) The Minister of Women Empowerment and Child Protection also issued the guideline in 2011 on the revised of CFC/D indicator based on the CRC cluster approach and it used to assess the annual progress of CFC/D as also as the basis for Ministry Award. (6) The child protection Law No 23/ 2002 and amended to be Law No. 35/2014, which is specifically

regulated Child Friendly City / District.(KPPPA, 2011a)

### **How To measure Child Friendly City**

Since the beginning of the initiative, through out of long debate among the stakeholders there were twice changed on the CFC Indicators, in the first Indicator consist of 28 but not referred to the CRC and Child Protection Law, therefore it was revised which referred to 31 Child's rights (Kementerian PPPA, 2012)and then translated into 31 Indicators are used to evaluate the annual progress of the CFC of each City / District. These indicators were classified into five clusters based on CRC clustering approach plus one additional cluster on Institutional Strengthening / Capacity Building. The following are the CFC indicators by cluster i.e : (KPPPA, 2011b)

- A. Institutional Strengthening/ Capacity Bulding;** (1) Existence of child friendly laws and policies to fulfill the rights of children. (2) Percentage of budget to fulfill the rights of children, including budget for institutional strengthening (3) Number of regulations, policies, programs and activities developed and consulted with Child Forum and other child groups during the process (4 ) Availability of trained human resources in CRC and capable in applying the rights of children in policymaking, programs, and activities. (5) Availability of child aggregated data by sex, age, and sub-district. (6) Involvement of social institutions in fulfilling the rights of children. (7) Involvement of business enterprises in fulfilling the rights of children
- B. Right to Civil and Freedom to express opinion** (8) Percentage of registered children and have birth certificate (9) Availability of facilities for child friendly information access. (10) Number of child groups, including Child Forum at the districts/cities sub-districts and villages.
- C. Right to Healthy Family Environment and alternative care** (11) Percentage of Child married before the age of 18 (12) Availability of consultative institution for parents/families about child care. (13)

Availability of institution for child's social welfare services.

- D. Right of Health and Child Welfare** (14) Infant Mortality Rate (15) Prevalence of under-nutrition for under five children (16) Percentage of six months exclusive breastfeeding (17) Number of Breastfeeding Corners functioned (18) Percentage of complete child basic immunization (19) Number of institutions that provide services of mental and reproductive health (20) Number of children from poor families who have access to welfare services (21) Percentage of families with access to clean water (22) Availability of smoke-free areas.
- E. Right to Education, free time, Culture and Art** (23) Gross enrolment rate in early childhood education (24) Percentage of 12 Years Compulsory Education (25) Percentage of child friendly school practice, (26) Number of school have program and facilities for transporting students from and to school. (27) Availability of community based child friendly Space facilities for recreative and creative of all children.
- F. Right to Special Child Protection** (28) Percentage of children in need of special protection who have been served. (29) Percentage of Children in conflict with the law whose cases are settled through restorative justice mechanism. (30) Availability of Disaster/ Emergency Response Mechanism that is sensitive to the best interest of the child. (31) Percentage of children removed from the worst forms of child labor.

**UNICEF Support to CFC /D in Indonesia**

UNICEF believe that Child Friendly City / District will substantially contribute to fulfilment of Child's rights and welfare in Indonesia. Therefore the UNICEF supports referred to the 31 CFC/D Indicators and matched with UNICEF Country Program Priorities and capacities. In fact that UNICEF found the government resource allocation for child-related issues, especially child protection for poor children, is relatively low, while disparity is high in terms of access to better child basic services on education,

health, nutrition, child protection on child trafficking and child labour as well in contact with law among children. Unicef also believe that the CFC/D approach will help children to fulfil their rights to survival, development, protection and participation.

To date, children and young people in Indonesia have never been involved in the process of policy development, although many policies will affect their life. Therefore, through effective partnerships with all key stakeholders, civil society and media, UNICEF empowering children to improve their courage and skills to express their opinions and influence policy makers, through the establishment of child forums. This will ensure that the CFC/D approach is implemented from a children rights perspective.

In referring to the 9 building block components and 31 CFC/D indicators, the UNICEF's support to Child-friendly City/District interventions focus on the following key areas:

- (3) A city-wide Children's Rights Strategy
- (4) A Children's Rights Unit or coordinating mechanism
- (5) Child impact assessment and evaluation
- (6) (7) A regular State of the City's Children Report
- (8) Making children's rights known
- (9) Independent advocacy for Children.

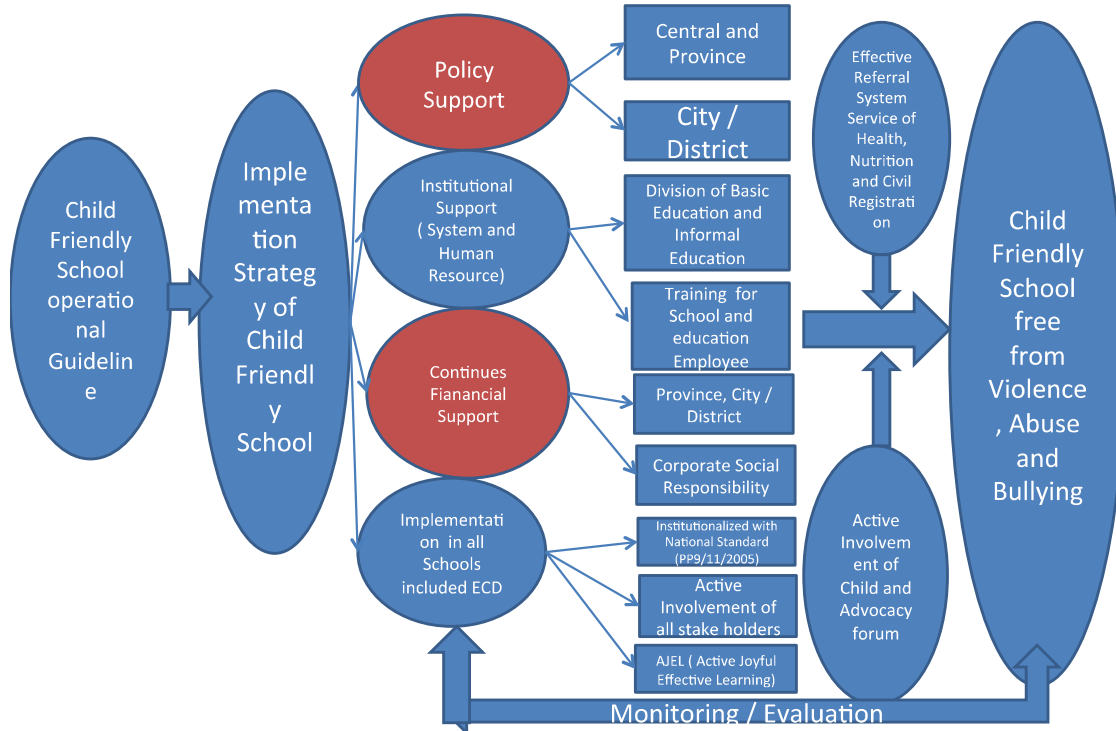
- 1) **A child friendly legal framework;** Under this intervention UNICEF advocated and provided technical asistances to Government for developing and changing rules and regulation and policies, as results several child friendly legal frame works were issued such as: (a) A local law (PERDA) on Child protection in Central Java Province, Surakarta City and Klaten District. A local law on Education development in Central Java Province, and one on exclusive breastfeeding has in Klaten. (b) Governor/Mayor/Bupati decrees have also been issued on a wide range of issues related to children (CFC/D task force, child trafficking, centres for integrated services for victims of child abuse and violence, food and nutrition and domestic violence.

- 2) **A children's budget** : This support was done through Institution building for rights-based and pro child planning and budgeting; Both Central and East Java Provinces have established a Child-friendly City/District task force and a province facilitator team which is supported by the Governor decree. The Provinces also significantly increased their budget allocations to support the implementation of the CFC/D. As a result, 32 cities and districts in Central Java and 28 cities and districts in East Java have launched and committed to implementing the Child Friendly City/District approach. UNICEF supports in seven cities and districts, which have significantly increased their budget allocation for implementing the CFC/D approach. Central Java Province has produced a CFC/D Action Plan for five years (2013-2018) using a comprehensive and analytical human rights-based approach to programming. Meanwhile, all CFC/D task forces have been trained on how to develop Action Plans by applying the ASIA (Women and Children Situation Analysis) approach.
- 3) **Children's participation** : It is done through Strengthen child participation through Child Forum in creating Child-friendly Communities (villages). UNICEF aims at fully involving children and enabling them to participate in the entire process of managing CFC/D from planning to implementing, monitoring and evaluating all programme activities affecting their rights. Children's rights are reflected in the 31 CFC/D indicators that cover five clusters of child rights related to education, health and nutrition, child protection, freedom of expression and civil rights, and alternative care. All districts have established child forums which unite children from all backgrounds and groups, e.g. school children, disabled children, and out-of-school children. To strengthen the child forums, UNICEF supported them through training on child rights and participation, leadership and how to express opinions, advocacy skill on how to communicate with decision makers, and the CFC and Child-friendly Community/Village approach.
- 4) **Independent Advocacy for Children.**, through Partnerships with civil society by establishing advocacy forum. The advocacy forums, which are established at district level, the member of the forum consist of civil society, such as NGOs, Community-Based Organizations (CBO), media, universities and child forums. They are independent forums whose main function is ensuring continued commitment of government and community to implement the CFC/D approach through the following key agreed roles: Facilitator, advocator, mobilizer, innovator, mediator and controller. In all seven UNICEF-supported districts have established advocacy forums and UNICEF has trained them on the CFC/D approach (what, why and how), child rights and participation, creating a child-friendly community and conducting effective evidence-based advocacy.
- 5) **Child Friendly School (Indicator#25)** : Based on the UNICEF situation analysis of women and children, although the CRC has been ratified since 25 years ago, still the biggest problem related to child protection are Child abuse and Violence, such as Child trafficking, Bullying and child Married which are growing very fast. These three main issues of child protection have happened at the family , school and at the community level. All of three issues have been covered under the CFC/D Indicator, since then those happened also at the school level especially bullying, abuse and violence , therefore UNICEF supported the local government in initiating the child friendly school which is under the CFC/D Indicator # 25. The main objective of the Child Friendly School, was to prevent all forms of Violence, abuse and Bullying among the school kids through active involvement of School Kids, School

Teachers and Parent Association. The following concept of mechanism of the

Child Friendly School. (Jatim, 2014).

Mechanism and Steps In Implementing Integrated Child Friendly School Developed by I Made Sutarna



In this approach the voice of school Children through out the process very essential as stated under Article 12 of the United Nations Convention on the Rights of the Child. It was urged that the Voice itself does not enough, but Children need to be given Space, Voice, Audience and Influence. (Lundy, 2007)

As result of this initiative, the national government has issued the Policy on Child friendly School decree, and East Java Province has adopted and apply in all school, while in Central Java only implemented in four selected Cities / Districts under UNICEF support.

**The key Success and Challanges**

In 2014, UNICEF supported the government to conduct an independent evaluation on the Implementation of CFC/D in Indonesia, it came up with findings and its areas for improvement i.e Lack of understanding of CFC /D, Flexibility of implementation, Flexibility in the use of

CFC/D indicators, “Child Friendly” but rights violations still exist, Not rigorous annual evaluation process, Lack of feedback from National Government (Marcio A. Carvalho, 2014)

While, from my own experiences, interm of quantity, the Child Friendly City is expanded very fast especially in Central and East Java, it is the manifestation of government comitment has improved significantly, however based on my experiencies in supporting and facilitating this initiative, the following key issues are still remain as the main challanges that need to overcome towards better of CFC/D implementation i.e

1. **Pro Child Planning and Budgeting** is not well understood and adopted continuesly. The pro child budget tool and approach that initiated by UNICEF need to be applied throughly and updated every year.

2. **Institutional and Human resources capacity Improvement** need to be done continuously through training and technical support for empowerment, especially in dealing with high frequency of mutation and rotation.
3. **Strategic Child Participation through Child Forum**; although the child forum has been established in most of Cities and Districts, however the empowerment process and facilitation still need to be improved and expanded to sub district and villages levels.
4. **Effective Partnership with Civil Society and private sectors as well as donors**; The independent Advocacy Forum for CFC/D to what extent is functioned, but they need to have continues support from local government included financial support from both Local Government and Private Organizations.
5. **Improvement of Coordination of intra and inter sectoral** ; This is the key of success but also become the key of failure in implementing the CFC/D, because this concept is an integrated and multi sectoral approach, therefore it require an effective coordination is essential.
6. **Better Monitoring, Evaluation, Data, Information and Reporting as well as Knowledge Management on Child Indicators and issues.** ; The annual evaluation led by National Government is not adequate, they need more frequent conduct self assesment, share the results and find out the best solutions among the key stake holders.
7. **Empowering Head of City / District, Sub district and village heads roles** ; the Indonesia Government is still follow Paternalistic Leadership therefore the role of Bupati and Mayor, head of Sub District and Village still very important, especially currently from time to time the Government more and more allocated budget directly to the village level.
8. **Improvement of Clean and Good Governance**; CFC/D will not success if

there is no transparency and reduce the corruption.

## CONCLUSION AND SUGGESTION

The Child Friendly City / District is good concept and approach in realizing the Child rights, although in its implementation there are several key areas that need to be put into the main agenda for improvement.

Child friendly school also is the best framework to achieve the Child Friendly Education. Any initiative related to education should be under the CFC/D frame work, in order to get strong policy, commitment and budget support from both National and Local Government.

## REFERENCES

- All, N., & State, T. (1989). UN Convention on the Rights of the Child. Education (Vol. 25). Retrieved from <http://www.unicef.org/rightsite/files/uncrcchildfriendlylanguage.pdf>
- Jatim, T. J.-. (2014). Panduan Implementasi Sekolah Ramah Anak\_140514.
- Kementerian PPPA. (2012). Kabupaten / Kota Layak Anak. Indonesia. Retrieved from [www.kotalayakanak.org](http://www.kotalayakanak.org)
- KPPPA. (2011a). Permen No 13/2011 Panduan Pengembangan Kabupaten /Kota Layak Anak. Igarss 2014, (1), 1–5. <http://doi.org/10.1007/s13398-014-0173-7.2>
- KPPPA. (2011b). Permen No. 12/2011 Indikator Kabupaten / Kota Layak Anak. Igarss 2014, (1), 1–5. <http://doi.org/10.1007/s13398-014-0173-7.2>
- Lundy, L. (2007). “Voice” is not enough: conceptualising Article 12 of the United Nations Convention on the Rights of the Child. *British Educational Research Journal*, 33(6), 927–942. <http://doi.org/10.1080/01411920701657033>

Marcio A. Carvalho, Z. K. (2014). Systematic assessment of the Child Friendly City/District (CFC/D) initiative in Indonesia, Marcio A. Carvalho Zubedy Koteng, Jakarta, May 2014. Indonesia.

UN General Assembly. (1989). Convention on the rights of a child. United Nations, Treaty Series, vol. 1577, p. 3.

Unicef. (n.d.). Building blocks for developing a child friendly city, 1–12.

Whitzman, C., Worthington, M., & Mizrachi, D. (2010). The journey and the destination matter: Child-Friendly Cities and children's right to the City. *Built Environment*, 36(4), 474–486. <http://doi.org/10.2148/benv.36.4.474>