



Global Monitoring

status of action against commercial sexual exploitation of children

INDONESIA



2nd EDITION

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This publication was compiled by Lisa Pouille with the assistance of Francois-Xavier Souchet, Patchareeboon Sakulpitakphon, Kritsana Pimonsaengsuriya, Junita Upadhyay, Giorgio Berardi, Anjan Bose, Jake Lucchi, Terra Nevitt and Mark Capaldi. This report was also developed in collaboration with the National Coalition for the Elimination of Commercial Sexual Exploitation of Children, the ECPAT group in Indonesia.



ECPAT affiliate group in Indonesia

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Design by: Manida Naebklang

ECPAT International
(End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes)
328/1 Phayathai Road, Bangkok 10400, Thailand
www.ecpat.net
info@ecpat.net

CONTENTS

Glossary	4
Foreword	6
Methodology	8
Indonesia: Introduction	10
National Plan of Action	13
Coordination and Cooperation	13
Prevention	17
Protection	19
Child and Youth Participation	29
Priority Actions Required	32
Annex	34
Endnotes	44

GLOSSARY OF TERMS AND ACRONYMS

- **AIDS:** Acquired Immune Deficiency Syndrome
- **ASEAN:** Association of Southeast Asian Nations
- **ATC:** ASEAN Traveler's Code
- **Code of Conduct:** A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation
- **CBO:** Community-based organisation
- **CID:** Criminal Investigations Division
- **CRC:** Convention on the Rights of the Child
- **CSE:** Commercial sexual exploitation
- **CSEC:** The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.
- **CSR:** Corporate Social Responsibility
- **CST:** Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.
- **EAP:** East Asia and Pacific
- **ECPAT:** End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes
- **Grooming:** Preparing a child for sexual abuse and exploitation
- **HIV:** Human immunodeficiency virus
- **ICT:** Information and communication technologies
- **INHOPE:** International Association of Internet Hotlines
- **ICTSD:** International Centre for Trade and Sustainable Development
- **ILO:** International Labour Organization
- **ILO/IPEC:** International Labour Organization/ International Programme on the Elimination of Child Labour

- **INGO:** International non-governmental organization
- **IOM:** International Organization for Migration
- **IRC:** Internet Relay Chat
- **ISP:** Internet service provider
- **IT:** Information technology
- **MoU:** Memorandum of Understanding
- **MSW:** Ministry of Social Welfare
- **NGO:** Non-governmental organization
- **NPA:** National Plan of Action
- **ODHIR:** Office for Democratic Institutions and Human Rights
- **PKPA:** Centre for Study and Child Protection (Pusat Kajian dan Perlindungan Anak)
- **RPK:** Ruang Pelayanan Khusus
- **SAARC:** South Asian Association for Regional Cooperation
- **STIs:** Sexually transmitted infections
- **UN:** United Nations
- **UNDP:** United Nations Development Programme
- **UNESCAP:** United Nations Economic and Social Commission for Asia and the Pacific
- **UNHCR:** United Nations High Commissioner for Refugees
- **UNICEF:** United Nations Children's Fund
- **UNIFEM:** United Nations Development Fund for Women
- **UNOHCHR:** United Nations Office of the High Commissioner for Human Rights
- **UPR:** Universal Periodic Review
- **WHO:** World Health Organization
- **WTO:** World Tourism Organization

FOREWORD

The 2008 Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (CSEC) represents a broad societal alliance that builds on more than twenty years of global action. The First World Congress against Commercial Sexual Exploitation of Children was held in 1996 in Stockholm, Sweden. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to an Agenda for Action adopted by 122 governments.

Since 1996, many actors around the world have focused their efforts around this common agenda, and more government and non-government entities have joined in to advance positive change for children and to protect their right to live free from sexual exploitation.

However, the increasing sophistication of resources available to those who seek to exploit children has grown in equal measure. Responding to these challenges, and particularly to new CSEC manifestations such as exploitation using the Internet and mobile technologies, requires new partnerships, and more coordinated and targeted efforts to address a borderless crime.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of

protection determines the nature, quantity and quality of what the country achieves overall for its children. Unfortunately, country actions have not been uniform, and far more urgent work must be done. In particular, the Rio Declaration highlights the increased vulnerability of children in a less stable world.

This is why I welcome the publication of second editions of ECPAT International's Agenda for Action (A4A) Country Reports Monitoring the Status of Action against the Commercial Sexual Exploitation of Children. We are confident these unique publications will support governments to take prescribed actions to protect children from such heinous violations, which are still perpetrated with impunity in many countries. They also have the potential to stimulate the exchange of experience and knowledge among different actors to create a dialogue that can enhance our collective efforts against CSEC.

Over the years, ECPAT's A4A reports have become a baseline of information on actions taken and a roadmap for addressing gaps in each country based on the framework of the Stockholm Agenda. The reports succeeded in their goal of providing a basis for more systematic assessment of progress on implementation of country commitments. Moreover, we know they provide an important support to the implementation of other international mechanisms that

exist to protect children's rights, such as the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*. Today, 193 countries have ratified the CRC, and 143 the OPSC.

Production of such comprehensive publications requires global collaboration. ECPAT International would like to thank

all those who participated in the work and contributed their inputs. This includes ECPAT member groups, local experts and organisations, as well as the dedicated staff and interns in the Secretariat of ECPAT International. We acknowledge the generous support of donors who back these efforts. The A4A reports would not have been realised without their support and solidarity.



Kathleen Speake
Executive Director, ECPAT International

METHODOLOGY

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress II of 2001, the Mid-Term Review meetings held between 2004 and 2005 and the World Congress III in 2008. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this 2nd Edition report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of

information from different sources and parts of the world.

Desktop research has shown a continuing lack of information in the areas of Recovery, Rehabilitation and Reintegration. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports thus focus only on those areas of the Agenda for Action where verifiable information can be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; Protection and Child and Youth Participation, and where information on recovery, rehabilitation and reintegration, was available, it has been included under the country overview. These 2nd Edition Reports also reflect a greater focus on integrated and inter-sector collaboration for the realisation of the right of the child to protection from sexual exploitation, including the need nationally for comprehensive child protection systems.

Research of secondary sources, including CRC country and alternative reports, OPSC country and alternative reports, the reports of the Special Rapporteurs, as well as research and field studies of ECPAT, governmental and non-governmental organizations, regional bodies and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on

specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation. They also served as a measure for triangulating and

validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all the 2nd Edition reports feature updated information in relation to: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); (vi) overview and analysis of country's efforts incorporate participation of children in youth in the development and implementation of efforts to combat CSEC and (vii) priority actions required.



INDONESIA

INTRODUCTION

With its 17,508 islands (6,000 of which are inhabited), and an estimated population of 240 million people, Indonesia is the largest archipelagic state in the world and the fourth most populous country¹.

After having experienced long periods of political instability and violence during the last 50 years, Indonesia has made significant progress with regard to its transition to democratic governance. In 2009, both national legislative and presidential elections were held that were peaceful and considered to be free and fair².

Indonesia has made a strong economic recovery from the 1997 financial crisis. According to the World Bank, Indonesia is classified as a “lower middle income economy”, which means that the 2008 gross national income per capita is between US\$976 and US\$3,855³. The growth forecasted for 2010 is 5.6%, which indicates that the Indonesian economy has also made a solid recovery from the global economic crisis of 2008⁴.

In terms of human development, however, Indonesia ranks 111th out of 182 countries according to the United Nations Development Programme (UNDP) Human

Development Index⁵. This means that Indonesia is considered to be a “medium human development” country⁶. In 2009, 14.2% of Indonesia’s population was living below the international poverty line⁷ and the unemployment rate was 8.14 %⁸.

As of 2008, the most recent data available indicates that 55% of children in Indonesia have had their birth registered⁹. Also as of 2008, recent data indicates that 86% of boys and 84% of girls attend primary school¹⁰, while 4% of children aged 5 to 14 are reportedly involved in child labour¹¹.

Indonesia is considered to be a source and destination country for human trafficking. It is also a tourist destination and sex tourism occurs in some areas. A number of tourist resorts have also become major destinations for trafficked children and are becoming notorious for child sex tourism.

Over the last six years, Indonesia has been affected by several major natural disasters such as the 2004 tsunami and high magnitude earthquakes in 2005, 2006 and 2009. One of the consequences of these natural disasters is the higher vulnerability of child survivors to commercial sexual exploitation.

Child prostitution

There is an estimate of 40,000 to 70,000 children victims of sexual exploitation throughout Indonesia and 21,000 of them

are estimated to be involved in prostitution on Java Island alone¹².

Different factors have contributed to this situation, amongst them, poverty and lack of economic opportunities, but also weak implementation of the *Child Protection Act*, especially at provincial level; the existence of child sex tourism, especially in Bali and Batam¹³; and the practice of girls being forced into prostitution due to debt bondage or following failed marriages, which were entered into at 10 to 14 years of age¹⁴. According to the most recent available data in 2008, 24% of women in Indonesia, aged

20 to 24, were married before the age of 18¹⁵.

According to UNICEF, child prostitution occurs in a variety of places including brothels, karaoke establishments, massage parlours and malls¹⁶.

It has been reported that some child victims of prostitution are treated as criminals and penalised for prostitution offences by law enforcement authorities¹⁷.

Child trafficking

Because of the clandestine nature of human trafficking, as well as a lack of uniformity in data collection methodology among relevant government agencies and NGOs, it is difficult to obtain accurate data on this particular issue¹⁸. According to 2003 data from the International Labour Organisation, however, an estimated 100,000 women and children are trafficked each year in Indonesia¹⁹. In 2007 alone, the National Commission for Child Protection (KPAI) recorded more than 2000 child trafficking cases in Indonesia. The majority of these cases occurred in Batam (400 cases), followed by Indramayu, Sukoharjo and Jakarta²⁰. The Women's Institute, based in west Java, reports that some 43.5% of trafficking victims are as young as 14 years old (though most of those

involved are 17 years old)²¹.

Indonesian women and girls are trafficked for sexual purposes to Malaysia and Singapore, as well as to Hong Kong²². It is also reported that women from China, Thailand and Eastern Europe are trafficked into Indonesia for sexual purposes²³; it is unclear to what extent children are involved. In 2008, it was reported that a new trend in trafficking involves girls (some as young as 13) being trafficked to illegal logging areas²⁴. West Kalimantan is known as an area where girls (primarily between 13 and 17 years-old) are trafficked internally with promises of employment as waitresses or maids, but are then forced into jungle brothels near illegal gold mines and logging businesses²⁵.

The US Department of State annually releases a Trafficking in Persons Report which categorises countries into different "tiers" based on the extent of government action to combat human trafficking. Countries that have the highest level of compliance with the Trafficking Victims Protection Act's minimum standards for the elimination of trafficking are placed in Tier 1. Those that have made "significant efforts" to meet the standards are placed in Tier 2 and countries that are not making significant efforts to combat human trafficking are placed in Tier 3²⁶.

In the 2010 report, Indonesia was placed in Tier 2²⁷.

Poverty, social acceptance of child labour, lack of birth registration, traditional practices such as early marriage and low education for girls are among the causes of child trafficking in Indonesia²⁸.

Although a new law on trafficking in persons, including children, was enacted in 2007, Indonesian authorities face a growth in child trafficking, including cases of baby trafficking²⁹.

Child pornography / child abuse images

Adoption of a controversial law on pornography

In 2008 the Indonesian Parliament adopted the Law on Pornography after nearly 10 years of debate. The broad scope of the law, which aims to protect moral and religious values, makes it very controversial (specific provisions of the law are discussed below in the section on protection).

Opponents fear that the new law will threaten women's rights and Indonesia's cultural diversity. In October 2008, thousands of people protested the law in Bali, a predominantly Hindu enclave, over concerns that traditional artwork (e.g. wood carvings, paintings), which often has sexual overtones, could be considered pornography under the new law³⁰.

Additionally, the law states that "the public can play a role in preventing the production, distribution and use of pornography"; it is feared that this will allow conservative groups to act as moral militias and to carry out violent actions to prevent the spread of pornography and obscenity in Indonesia³¹.

The broad scope of the law includes criminalisation of child pornography. However, due to a lack of official data regarding the manifestation of child pornography (e.g. number of investigations, convictions of child sex offenders), the effectiveness of the Law on Pornography is not known.

Child sex tourism

Sexual exploitation of children in the tourism industry is rampant in Southeast Asia despite prevention efforts³². The tourist islands of Bali and Batam are considered to be child sex tourism locations³³ and have also become major destinations for trafficked women and girls. Parts of Batam Island and the northern part of Bintan Island, in the Riau Archipelago, attract many working-class Singaporean men looking for sex at "bargain-basement prices"³⁴. According to a 2009 article by the National Coalition for the Elimination of Commercial Sexual Exploitation of Children (an ECPAT

affiliate group in Indonesia), data from the Department of Social Affairs indicates that more than 3000 tourists from Malaysia and Singapore visited Batam every week for sex services³⁵. Nearly 30% of the 5000 to 6000 people involved in prostitution were said to be children under 18³⁶.

According to Indonesia's Tourism Department, between 1972 and 2008, 13,707 children were sexually exploited in tourist destinations in 40 villages and six provinces, including Bali, West Nusa Tenggara and Central, West and East Java³⁷.

Sexual exploitation of children in emergencies: the case of natural disasters

Indonesia was severely affected by the 2004 tsunami and it has also been affected by earthquakes. While there is no reliable data on the impact of such disasters on the protection of children from all forms of exploitation, it has been reported that these events have left thousands of children orphaned or separated from their families and without access to education.

In such situations, some children can find themselves the head of the household, while others have to fend for themselves without adequate protection. The breakdown of protection for children at the community and family levels allows perpetrators to take advantage of the circumstances and exploit children. These unfortunate circumstances increase the vulnerability of those children to human trafficking and other forms of sexual exploitation.

Following the 1996 and 2001 global forums on commercial sexual exploitation of children (CSEC), Indonesia reaffirmed its commitments at the World Congress III against Sexual Exploitation of Children and Adolescents, held in

November 2008 in Brazil. This world congress was an important opportunity to renew the global commitment to, and to galvanise international will and support for combating sexual exploitation of children and adolescents.

NATIONAL PLAN OF ACTION

The Government of Indonesia has developed a *National Plan of Action on Human Rights* (NHRAP) for the years 2004-2009. The plan contains a specific objective aimed at protecting the rights of the child, as well as a series of activities aimed at combating trafficking and protecting against sexual exploitation, pornography and the worst forms of child labour³⁸.

In addition, specific national plans of action (NPAs) addressing CSEC have been developed. In 2002, the Government adopted the *National Plan of Action for the Eradication of Commercial Sexual Exploitation of Children* (2002-2007) and the *National Plan of Action to Combat Trafficking of Women and Children* (2002-2007). In 2008, the Government compiled a report evaluating the implementation and impact of both NPAs. The report provided government authorities with clear recommendations to improve their

capacity to more effectively address the issues of trafficking in children and CSEC³⁹. Based on these recommendations, the Ministry of Women's Empowerment has developed a five-year *National Plan of Action on the Eradication of the Criminal Act of Trafficking in Persons and Sexual Exploitation of Children* (2009-2014).

In 2002, the Government of Indonesia began implementing a 20-year *National Plan of Action for the Elimination of the Worst Forms of Child Labour*⁴⁰. In 2008, the Indonesian Government commenced the second five-year phase of the NPA in the regions of Jakarta, West Java, East Java, North Sumatra and Lampung⁴¹. The strategy for phase two includes continuing to promote national and local policies that address child labour and removing children from the worst forms of child labour through direct, targeted interventions in several sectors, including trafficking for sexual purposes⁴².

COORDINATION AND COOPERATION

Sexual exploitation of children and adolescents cannot be solved by any single nation or organisation working alone. Coordinated internal and international

action by governments, international organisations, NGOs and communities worldwide is needed to counter these violations against children.

Local and national level

According to the *Evaluation of the Implementation of Indonesia's first National Plans of Action on The Elimination of Trafficking of Women and Children and The Elimination of Commercial Sexual Exploitation of Children* (conducted in June 2008), neither NPA was used as a guide by the relevant stakeholders (i.e. government agencies at the national and provincial levels, INGOs and NGOs) because of a lack of strategic focus and prioritisation, a lack of minimum standards and benchmarks and, in the case of the NPA addressing trafficking in women and children, a lack of indicators⁴³. The report also states that implementation of both NPAs was very limited.

With regard to the *National Plan of Action to Combat Trafficking of Women and Children*, the activities conducted by the stakeholders were mainly focused on awareness-raising and were not adequately coordinated, monitored or evaluated. Therefore, the information available on the impact of this NPA is very limited. Similarly, the implementation of the *National Plan of Action for the Eradication of Commercial Sexual Exploitation of Children* appeared to be limited because it was not considered to be a priority by national government agencies and local governments; mainly because they did not understand the issue. Therefore, accurate data on the impact of the NPA is also unavailable⁴⁴.

The report also found that, although task forces were in place at national and local levels to monitor the implementation of the NPAs, coordination and cooperation among the stakeholders was very weak; primarily due to duplication and overlapping of activities and a lack of financial resources⁴⁵.

The National Anti-Trafficking Task Force was established to design the new NPA on the Eradication of the Criminal Act

of Trafficking in Persons and Sexual Exploitation of Children (2009-2014) and to coordinate and monitor the activities aimed at eliminating other forms of commercial sexual exploitation of children. This national task force is coordinated by the Ministry of Women's Empowerment, which collaborates closely with NGOs and international organisations to combat trafficking in children⁴⁶.

In an effort to address CSEC in Indonesia, several NGOs came together in 2000 to form the National Coalition for the Elimination of Commercial Sexual Exploitation of Children (ECPAT in Indonesia)⁴⁷. This umbrella organisation, which is recently comprised of 22 members, carries out a variety of activities, including awareness-raising campaigns on issues related to CSEC, advocacy and capacity building for local organisations in 11 provinces of Indonesia⁴⁸. The coalition has coordinated its anti-CSEC projects in cooperation with relevant government agencies. For example, in cooperation with the Ministry of Women's Empowerment, they led a project to create a database on CSEC.

There are other coalitions of NGOs that coordinate child protection activities, such as the Indonesian NGO Coalition for CRC Monitoring and the Indonesian Committee for Children's Rights. Both groups lead programmes that aim to promote and monitor implementation of the *Convention on the Rights of the Child* (CRC) at the national level.

Within the framework of the UN Human Rights Council's Universal Periodic Review (UPR), in 2008 the Indonesian Government submitted a national human rights report that was drafted by an inter-agency task force in cooperation with civil society⁴⁹. Prior to

submitting the report, the task force held a series of consultations with representatives of civil society in order to obtain an accurate

picture of the the status of human rights in Indonesia⁵⁰.

Regional and international level

Collaboration with neighbouring countries must be strengthened, particularly with regard to trafficking in children. Indonesia has taken action to improve regional and international cooperation on CSEC through its involvement in the Association of Southeast Asian Nations (ASEAN) and through bilateral agreements it has signed with foreign governments.

Indonesia is one of the founding members of ASEAN⁵¹, a regional organisation of 10 Southeast Asian countries⁵². The organisation was created in 1967 and aims, among other things, to accelerate economic growth and social progress; to promote the rule of law, peace and stability within the region; and to develop cooperation between member states on matters in the economic, social, cultural, technical, scientific and administrative fields⁵³.

In October 2009, pursuant to Article 14 of the ASEAN Charter, the ASEAN Intergovernmental Commission on Human Rights (AICHR) was launched at the ASEAN Summit in Cha-am, Thailand⁵⁴. The Commission is mandated to promote the enforcement and the protection of human rights in the region. "The majority of the Commission members are diplomats, lawyers, and senior politicians in member countries while an academic and a human rights activist represent Thailand and Indonesia⁵⁵." The Commission held its first meeting at the end of March 2010 in Jakarta⁵⁶ to look into developing effective operations of this first regional human rights body. The development of a five-year workplan for the AICHR and of Rules

of Procedure to guide the operation in all aspects of AICHR's work were discussed at the meeting and are expected to be completed in time for submission at the 43rd ASEAN Ministerial Meeting (AMM) in July 2010. Following the meeting of AICHR, and in preparation for the 16th ASEAN Summit, "Towards the ASEAN Community: From Vision to Action" (held on April 8-9 2010 in Hanoi, Vietnam), the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) was formally established on 7 April 2010⁵⁷.

In 2004, ASEAN member states adopted the *ASEAN Declaration against Trafficking in Persons, Particularly Women and Children*⁵⁸. In 2007, the ASEAN Senior Officials Meeting on Transnational Crime established a regional focal network, in the form of a Working Group on Trafficking in Persons, and endorsed the *2007-2009 Work Plan to Implement the ASEAN Declaration*⁵⁹. This work plan contained key measures to provide a regional dimension to the fight against trafficking in persons (e.g. reform of national frameworks; development of an ASEAN-wide training curricula on trafficking in persons for front line law enforcers; and development of quality standards, procedures and protocols for (1) rapid and accurate identification of victims of trafficking, (2) protection and support of victims of trafficking and (3) protection)⁶⁰. So far, no report has been made available assessing the implementation of the work plan.

In 2007, the ASEAN Senior Officials Meeting on Transnational Crime also

endorsed practitioner guidelines on criminal justice responses to trafficking in persons, which provide detailed recommendations for international legal/judicial cooperation with regard to cases of trafficking in persons⁶¹.

The Indonesian Government has signed, along with other ASEAN member states, the *Treaty on Mutual Legal Assistance in Criminal Matters*⁶², in order to facilitate the exchange of information, material evidence, testimonies and other items that are needed to prosecute nationals or residents that have allegedly committed certain crimes, including sexual crimes against children abroad. At the time this report went to print, however, Indonesia had not yet ratified the treaty. Bilateral treaties on mutual legal assistance in criminal matters have also been signed with the Governments of Australia and China, while bilateral extradition treaties have been signed with Malaysia, the Philippines, Hong Kong and the Republic of Korea⁶³. In addition, in 2002, a memorandum of understanding was signed between the Indonesian national police and the Australian federal police to deal with those involved in the trafficking and smuggling of children⁶⁴. The Indonesian national police have also assigned liaison officers to their embassies in Saudi Arabia, Malaysia, Australia, the Philippines and Thailand to collaborate with host governments on criminal issues, including trafficking in persons investigations⁶⁵.

Indonesian criminal justice officials have participated in various meetings, such as the 2007 “ASEAN Workshop on Criminal Justice Responses to Trafficking in Persons” and the meetings organised by the ASEAN Ad-Hoc Inter-Agency Working Group Meetings on Combating Trafficking in Persons⁶⁶.

Since its creation in 1981⁶⁷, ASEANAPOL (ASEAN chiefs of police) has strengthened cooperation between the police of the ASEAN member states. Within this framework, a database system aimed at facilitating the exchange of criminal information among the ASEAN member states has been operating since 1998⁶⁸. At the time this report went to print, there was no available information on the operation of the database system.

In addition to the activities of ASEAN, in December 2009, the Jakarta Centre for Law Enforcement Cooperation organised the “Inter-Regional People Smuggling and Human Trafficking Conference” in order to strengthen cooperation on these issues between law enforcement officials, especially police officers. Fourteen countries from Southeast Asia, South Asia, the Middle East, Canada and Australia participated in the conference⁶⁹.

In June 2009, the Australian Federal Police, under the umbrella of the Virtual Global Taskforce (a law enforcement alliance of the UK Child Exploitation and Online Protection Centre, the US Department of Homeland Security, the Royal Canadian Mounted Police, Interpol and the Italian Postal and Communication Police Service) held a one-week training at the Jakarta Centre for Law Enforcement. The training addressed child protection operations and how law enforcement combats child sexual exploitation that is facilitated by the Internet. The course was attended by law enforcement officials from nine Asian countries⁷⁰.

PREVENTION

Over the last three years, the Indonesian Government led major prevention activities addressing violence against children and early child marriages, but did not concentrate on preventing CSEC specifically. However, the

emerging cooperation between the private sector, NGOs and government agencies is leading to the development of several initiatives that aim to prevent CSEC.

Preventing sexual exploitation in travel and tourism

In the tourism industry, engaging the private sector in the fight against CSEC is crucial. A number of tourism companies have become actively engaged in preventing commercial sexual exploitation through their corporate social responsibility (CSR) programmes. Many CSR practices have been developed for the purpose of promoting and protecting human rights. Some companies have accepted the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (The Code)*,⁷¹ and some have formulated their own codes of conduct to hold themselves accountable for child

protection.

Carlson Hotels and Accor Hotels demonstrate industry good practice through their adoption of *The Code*. Indeed, Accor was the first group of hotels to sign and implement *The Code* across its 40 hotels in Indonesia. The Code has six elements, including establishing an ethical policy on CSEC, training personnel, requiring suppliers to repudiate CSEC, providing information to travellers and reporting annually on implementation⁷².

Southeast Asia Conference on Child Sex Tourism held in Indonesia in March 2009

As a follow-up to the World Congress III against Sexual Exploitation of Children and Adolescents, the Southeast Asia Conference on Child Sex Tourism was held in Indonesia from 18-20 March 2009⁷³.

The Conference was organised by the Center for Study and Child Protection (PKPA), a member of the National Coalition for the Elimination of CSEC (ECPAT in Indonesia), in cooperation with the Ministry of Women's Empowerment and the Ministry of Culture and Tourism. More than two hundred representatives from governments, academia, the private sector, INGOs and NGOs, including ECPAT groups from the region, participated in the conference. The conference produced the *Bali Commitment and Recommendation against the Exploitation of Children in Tourism*. This document urges all sectors of society, and particularly the ASEAN member states, to immediately escalate action to protect children and prosecute offenders. It also calls on ASEAN member states to ratify the *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*. The recommendations of the conference included providing opportunities for children to actively participate in counteracting to child sex tourism, increasing efforts to protect children from child sex tourism in the private sector and increasing collaboration and coordination of civil society and international agencies to ensure the effectiveness of activities and programmes aimed at protecting children and preventing child sex tourism⁷⁴.

Preventing child pornography and sexual exploitation of children online

Since 2006, the Indonesian national police have been equipped with the Child Exploitation Tracking System, a computer system developed by Microsoft and the Royal Canadian Mounted Police. The system was designed for law enforcement units around the world to track individuals that use the Internet to exchange child abuse imagery with others. It allows the law enforcement

officials to communicate with other law enforcement units and exchange real-time data to aid their investigations. Indonesia is the first country in Asia, and the second in the world, after Canada, to utilise the system. The system is in use in Jakarta, Bandung, Yogyakarta, Medan, Bali, Surabaya, Batam and Lombok⁷⁵.

Cooperating with Internet Service Providers (ISPs) to block harmful sites

In March 2008, Indonesia's Parliament passed a law addressing information and electronic transactions. Articles 27 and 28 prohibit the dissemination of certain types of information, including information that violates decency. In order to help people to block pornographic, hateful and/or violent websites, the Ministry for Information developed so-called 'nanny' software, which is available for download from the Ministry's website. The Ministry intends to work in collaboration with ISPs and Internet cafes and to create a list of illegal sites for these entities to block⁷⁶.

Following passage of the law, local sites began closing links and images that contained pornographic materials. The website, kaskus.us, began blocking access to its BB17 service (a social network), which contained pornographic images and links to adult sites. In 2008, Kaskus was one of the most popular websites in Indonesia and ranked fifth in popularity according to the Internet traffic tracker Alexa.com⁷⁷.



'STOP' Sex Trafficking of Children & Young People Campaign

Conducted as a partnership between The Body Shop and ECPAT, this three-year global campaign launched in 2009, seeks to provide immediate relief to child victims with funds raised. It

also aims to create long-term change engaging the public in awareness-raising and lobbying decision makers to strengthen concerted action against child trafficking for sexual purposes.

In Indonesia, the campaign was launched in early 2010. Several press conferences were held with the national media in Jakarta to introduce the 'Stop Sex Trafficking of Children and Young People Campaign' and the issue of child trafficking for sexual purposes. The Body Shop Indonesia supported national media representatives so they could travel to different areas in Indonesia

to interview members of the National Coalition for the Elimination of Commercial Sexual Exploitation of Children (ECPAT in Indonesia) regarding the issue of child trafficking and anti-child trafficking activities throughout the country.

The Body Shop Indonesia and the National Coalition for the Elimination of Commercial Sexual Exploitation of Children also met with the Minister of Women's Empowerment and Child Protection in an effort to involve the Government in the campaign. The Minister expressed great interest and pledged to support the campaign in Indonesia.

PROTECTION

In 2009 Indonesia ratified the UN Convention against Transnational Organized Crime as well as the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons,

Especially Women and Children. Indonesia has not yet ratified the Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)⁷⁸.

International instruments	
Human rights bodies related to child rights	Comments
Charter-based bodies	
Working Group on the Universal Periodic Review – Human Rights Council	Indonesia was reviewed in 2008. Key conclusions related to child rights: <ul style="list-style-type: none"> - Efforts and specific measures taken to combat trafficking in persons, especially women and children, were commended. - The removal of all reservations to the <i>Convention on the Rights of the Child (CRC)</i> was welcomed, as was the incorporation of the Convention into national legislation. - Indonesia, in line with its national plan of action, was encouraged to follow through on its intention to accede to both of the optional protocols to the CRC. - It was recommended that additional capacity building measures be taken in support of programmes and projects for women and children.
Special Rapporteur on the sale of children, child prostitution and child pornography	No visit so far.
Special Rapporteur on trafficking in persons, especially in women and children	No visit so far.
Treaty-based bodies	
Committee on the Rights of the Child	Main recommendations with regard to CSEC issues (2004) ⁷⁹ : <ul style="list-style-type: none"> - Ensure that the National Plan of Action for the Elimination of Commercial Sexual Exploitation of Children is effectively carried out. - Develop and implement legislation that adequately protects child victims of sexual exploitation, including trafficking, pornography and prostitution. - Train law enforcement officials, social workers and prosecutors on how to receive, monitor and investigate complaints and prosecute perpetrators in a child-sensitive manner. - ensure that education and training as well as psychosocial assistance and counseling are provided to victims, and ensure that victims who cannot return to their families are provided with adequate alternative solutions.

Children's rights instruments	Date of ratification	Date of submitted reports
<i>Convention on the Rights of the Child - 1989</i>	Ratified 1990	The 3 rd and 4 th reports are overdue , they should have been submitted in 2007. Concluding observations of the CRC were issued in 2004. The 2 nd report was submitted in 2002 (5 years overdue). The 1 st report was submitted in 1992.
<i>Optional Protocol on the sale of children, child prostitution and child pornography - 2000</i>	Not yet ratified	
<i>ILO Convention on the Worst Forms of Child Labour - 1999 (No. 182)</i>	Ratified 2000	
<i>UN Convention against Transnational Organized Crime - 2000</i>	Ratified 20 April 2009	
<i>Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children – 2000 (supplementing the UN Convention against Transnational Organized Crime)</i>	Ratified 28 September 2009	
Regional Declarations		
<i>ASEAN Declaration Against Trafficking in Persons, Particularly Women and Children</i>		

Legislation

Although progress has been made with legislation addressing child trafficking for sexual purposes, the legislation against child pornography contains several gaps and, thus, falls short of international standards. In addition, the legislation on child prostitution

contains many loopholes and has not been improved since publication of ECPAT International's last *Monitoring Report on the status of action against commercial sexual exploitation of children* in Indonesia in 2006.

Indonesia has not amended its legislation addressing the issue of child prostitution since 2006, when the first edition of the *Monitoring Report on the status of action against commercial exploitation of children in Indonesia* was published. Therefore, the gaps that were identified in the previous report have not yet been addressed.

Indonesia's 2002 *Child Protection Act* addresses many elements of the prostitution of children, but it could be further strengthened in light of international standards. While Indonesian law makes it illegal to involve children in sexual exploitation⁸⁰, sexual intercourse⁸¹, indecent behaviour⁸² and obscene acts⁸³, these categories may not capture all of the activities prohibited under international law. The terms "sexual exploitation", "indecent behaviour" and "obscene acts" are undefined, so it is unclear what specific activities are prohibited by these laws. For example, under the *Optional Protocol*, sexual touching of a child is illegal, but it is unclear whether this would be covered under any of these provisions. Similarly, although the *Child Protection Act* makes it illegal to sexually exploit a child for gain⁸⁴, it does not provide a clear definition of child prostitution which would be consistent with the *Optional Protocol*. Moreover, Indonesian law defines sexual intercourse as heterosexual intercourse, thereby excluding same-sex intercourse, which international law covers. Indonesian law needs reform to include a clear definition of child prostitution that will allow for prohibition and prosecution of all sexual crimes against children. So far, the Act has not been amended to address these shortcomings.

The two main Indonesian laws addressing the prostitution of children are still the *Child Protection Act* and the *Criminal Code*.

The 2002 *Child Protection Act*⁸⁵ contains several provisions specific to sexual exploitation. Article 88 prohibits a person from sexually exploiting a child for his own gain or the gain of a third party, which include pimps. Offenders may be punished with up to 10 years' imprisonment and/or a fine of up to Rp200 million⁸⁶.

However, the *Child Protection Act* does not contain a specific provision which defines and criminalises child prostitution. This gap should be addressed by amending the law in order to bring it in line with Article 2 of the *Optional Protocol* which stipulates that "child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration".

The *Child Protection Act* further makes

it illegal for a person to "knowingly and deliberately" allow a child to be economically or sexually exploited, when the child needs help and must be assisted. Punishment may be up to five years' imprisonment and/or a fine of up to Rp100 million⁸⁷. This provision extends to punishing those who facilitate child sexual exploitation and those who knowingly fail to stop it.

Using or threatening to use violence to force a child to engage in sexual acts is also prohibited⁸⁸, and punishment may be between three and 15 years' imprisonment and a fine of Rp60 million to Rp300 million⁸⁹. The same punishment applies to any person who employs tricks, lies or ruses to persuade, or who encourages⁹⁰ a child to engage in sexual acts with him/her or with other persons⁹¹. Furthermore, it is illegal to use or threaten to use violence to force a child to engage in indecent behaviour, or to employ tricks, lies or ruses to persuade or encourage a child to engage

in indecent behaviour, or to allow such indecent behaviour to occur. The punishment is the same for violations committed under Article⁹².

The Indonesian *Criminal Code* contains several provisions that could be used to prosecute child prostitution. Most of these provisions relate to “obscene acts”. For example, the law prohibits deliberately causing or facilitating an obscene act between a minor and another person. A “minor” includes boys and girls up to 21 years of age. Punishments for these crimes vary in type and severity. Where the violator knows or reasonably suspects that the other party is a minor, the punishment may be up to four years’ imprisonment; where the minor is the violator’s own child, stepchild or foster child, a student under his authority, a minor entrusted to his care, education or vigilance, or an underage servant or subordinate, the punishment may be up to five years’ imprisonment; and where the violator commits the crime in the course of his/her professional duties or habitually, punishment may be increased by one-third⁹³.

Similarly, the code prohibits a person from committing an obscene act with his/her child, stepchild or foster child, a student under his authority, a minor entrusted to his care, education or vigilance, or an underage servant or subordinate. This crime may be punished

with up to seven years’ imprisonment⁹⁴. It is also illegal to facilitate obscene acts that are conducted professionally or habitually, and this may be punished with up to 16 months’ imprisonment or a fine⁹⁵.

In addition, it is illegal for any person to commit an obscene act with a person under 15 years of age⁹⁶ or with a minor of the same sex, where the violator knows or reasonably should know that the person is a minor⁹⁷; These crimes are punishable by up to seven or five years’ imprisonment, respectively.

A further law exists that can be used regarding the prostitution of children. This law prohibits any married person from having sexual intercourse with someone that s/he knows, or reasonably should presume, has not yet reached 15 years of age; punishment may be up to nine years’ imprisonment⁹⁸. A drawback to this law, however, is the requirement that when a child is over 12 years of age, a case may be instigated only upon receipt of a formal complaint⁹⁹.

Law 23/2004 on domestic violence allows the police to intervene in cases of abuse of children within the family home. It is hoped that this new law will be extended to cover cases of commercial sexual exploitation that are perpetrated by the child’s own family.

CHILD TRAFFICKING FOR SEXUAL PURPOSES

The Indonesian Government has demonstrated its increased efforts to address human trafficking through its ratification in 2009 of the *UN Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)*. These ratifications constitute a real step forward towards better protection of children from trafficking for sexual purposes.

In April 2007, Indonesia enacted the Law on the Eradication of the Criminal Act of Trafficking in Persons (No. 21/2007), which covers all forms of human trafficking, including child trafficking for sexual exploitation, internal trafficking and cross-border trafficking. This law is largely consistent with Article 3 of the Trafficking Protocol.

Progress was made through legislation that addresses assistance (e.g. medical, psychological, legal) for witnesses to and victims of trafficking.

Trafficking in persons, both internal and cross-border, is defined in Article 1.1 of the *Law on the Eradication of the Criminal Act of Trafficking in Persons* as “the recruitment, transportation, harboring, sending, transfer, or receipt of a person by means of threat or use of force, abduction, incarceration, fraud, deception, the abuse of power or a position of vulnerability, debt bondage or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, whether committed within the country or cross-border, for the purpose of exploitation or which causes the exploitation of a person.” According to Article 1.7, exploitation includes, but is not limited to, “prostitution, forced labour or service, slavery or practices similar to slavery, repression, extortion, physical abuse, sexual abuse, abuse of the reproductive organs, or the illegal transfer or transplantation of body organs or the use of another persons’ labor or ability for one’s own material or immaterial profit.” Article 1.8 defines sexual exploitation as “any form of the use of sexual organs or other organs of the victim for the purpose of obtaining profit.”

While these definitions are largely in line with the Trafficking Protocol, under Indonesian law, the “recruitment, transportation, harboring, sending, transfer, or receipt of a person” is only considered to be trafficking if it is committed with deceptive or forceful means. This is more restrictive than the definition of trafficking provided by Article 3 of the *Trafficking Protocol*.

Under Article 2 of the *Law on the Eradication of the Criminal Act of Trafficking in Persons*, those who commit trafficking of persons for the purpose of exploitation within Indonesian territory are punishable by a prison sentence of three to 15 years and a fine of Rp120 to Rp600 million. According to Articles 3 and 4 of the same law, those who bring another person into Indonesian territory with the intention to exploit such person (either

within Indonesia or in a foreign country), and those who take an Indonesian citizen outside of Indonesian territory with the intention to exploit such person abroad, are punishable by a prison sentence of three to 15 years and a fine of Rp120 to Rp600 million. Article 17 stipulates that the sentences set forth in Articles 3 and 4 shall be increased by one-third if the crime is committed against children (Article 1.5 of the law defines a child as a person under the age of 18). Article 6 of the same law stipulates that anyone who sends a child within the country or to another country, using any means, thus causing such child to be exploited, shall be punishable by a prison sentence of three to 15 years and a fine of Rp120 to Rp600 million.

The *Law on the Eradication of the Criminal Act of Trafficking in Persons* also improved the protection of child victims and child witnesses during the investigation of child trafficking cases. Article 39 stipulates that the examination of child victims or child witnesses shall be conducted in closed sessions, without the presence of the defendant, and with the support of parents, a custodian, foster parents, legal counsel or other escorts. Article 40 further provides that the examination of the child may be conducted outside the courtroom using a recording.

Government Regulation of the Republic of Indonesia No. 9/2008 Regarding Procedures and Mechanisms of an Integrated Service Center for a Witness and/or Victim of Trafficking in Persons states that victims of and witnesses to trafficking in persons cases (including children) in Indonesian territory are entitled to receive free health and social rehabilitation, return, social reintegration and legal assistance, which is provided by an integrated service center operating at both the national and local levels. However, these measures do not specifically address the needs of child victims of trafficking.

The Law on Pornography, adopted by the Indonesian Parliament in 2008, has a broad scope which aims to protect moral and religious values and which makes it very controversial. Opponents of the law fear that it may be used by conservative religious groups to justify violent actions. (Controversy surrounding the law was discussed, above, in the introduction.)

Chapter 1 of the *Law on Pornography* broadly defines it as “any sexual materials created by humans in the form of pictures, sketches, photos, writings, voices, sounds, motion pictures, animations, cartoons, poems, conversations, body movement, or other forms of message communication through various forms of communication media and/or representations in public that cause sexual arousal and/or violates norms in community.” The law does not contain a definition for child pornography. However, it does define a child as a person under 18 years of age and, if a child is involved in pornography, the punishment is increased by one-third¹⁰⁰. The scope of the definition of pornography appears to be very broad as it addresses a wide range of depictions of persons in sexually abusive situations, including audio, written and virtual abuse images (e.g. drawings, animation, cartoons).

Under Chapter 7 of the law, those who produce, duplicate, import, export and make available pornography are punishable by one to 12 years’ imprisonment and a fine of Rp500 to Rp6000 million. The law also punishes those who possess pornography with four years’ imprisonment or a fine not exceeding Rp2000 million. As previously mentioned, these penalties may be increased by one-third if the crimes are committed against children. The anti-pornography law does not punish knowingly accessing or viewing child abuse images online. It is recommended that the law be amended to include these acts.

There are several other laws that may be used to prosecute cases of child pornography. Provisions in the *Child Protection Act* relating to sexually exploiting a child for gain¹⁰¹, sexual intercourse¹⁰² and indecent behaviour¹⁰³ may be broadened to allow for prosecution of people who exploit children to create pornography. Additionally, Article 74(2) of the 2003 *Manpower Act* criminalises the use of children to produce pornography or for pornographic performances.

In March 2008 the *Electronic Information and Transaction Law* (No. 11/2008) was passed by the Indonesian Parliament. According to Article 27 of the law, it is prohibited to unlawfully distribute, transmit or make accessible any electronic information or document with indecent content. It appears that “indecent content” would include child pornography. Offenders can be prosecuted and sentenced with imprisonment for up to six years and fined up to one-billion Rupiah¹⁰⁴.

It must be highlighted that the Indonesian legislation on child pornography does not impose any reporting obligations upon individuals who may be exposed to child pornography as the result of their professional responsibilities (e.g. IT technicians). Neither are reporting obligations imposed on Internet providers and financial companies.

Internet Cafe Raids

According to one 2008 report, the police in Bogor, West Java, have said that they will routinely raid Internet cafes (warnets) to look for people that are accessing pornographic websites as part of their support for the pornography law. Meanwhile, in Bojonegoro, East Java, police and the regional government intend to work together to deal with Internet cafes that are providing pornographic images on their computers. According to one report, of the 17 warnets in Bojonegoro, one has been caught allowing the storage of pornography¹⁰⁵.

EXTRATERRITORIAL LEGISLATION WITH REGARD TO CHILD SEX TOURISM RELATED OFFENSES

Although the Indonesian legal framework does not specifically address the issue of sexual exploitation of children in travel and tourism, foreign travellers who sexually abuse children in Indonesia can be prosecuted under Indonesian criminal law. According to a report by Child Wise (ECPAT in Australia), 26 “Alleged Foreign Travelling Child Sex Offenders” were arrested by Indonesian law enforcement in 2008¹⁰⁶.

Indonesia’s criminal laws do contain an extraterritorial provision that can be used to combat child sex tourism. However, the scope is limited to Indonesian citizens, and not to residents. The legislation on extradition is further weakened by the fact that extradition is only applicable to Indonesian citizens under exceptional circumstances.

According to Article 5 of the *Criminal Code*, Indonesian citizens may be prosecuted for crimes committed outside of Indonesia, including sexual crimes against children. However, extraterritoriality only applies when the facts alleged would also constitute a crime in the country where they were committed (this is the principle of double criminality). This presents a significant obstacle to the prosecution of Indonesian citizens who have committed sexual crimes against children abroad. In addition, as Article 5 is solely applicable to Indonesian citizens, residents who have escaped prosecution in the country where the offense was committed by returning to Indonesia will not be prosecuted under this provision. This is a major gap with regard to the necessity to systematically prevent and punish those who commit sexual crimes against children.

Article 4 of the *Law on Extradition* (No. 1/1979)¹⁰⁷ provides that sex crimes against children and trafficking are extraditable offenses. However, under article 7(1) a “request to extradite Indonesian citizens will be denied unless, according to article 7(2), due to certain circumstances, they are considered as more appropriately prosecuted at the scene of crime.” Thus, the circumstances under which an Indonesian citizen could be extradited for prosecution for these crimes are unclear. Extradition may also be denied if the requested person is being investigated in Indonesia for similar crimes (Article 9) or if the person requested has been tried and acquitted or has fulfilled his/her penal term in other countries for the crimes being used as basis for extradition (Article 10). Moreover, Article 1 stipulates that extradition can only be effective if it is based on a treaty. Indonesian authorities have

signed extradition agreements with Hong Kong SAR, Malaysia, the Philippines and the Republic of Korea.

In order to address the practical obstacles involved in investigating and prosecuting suspects of CSEC offences (e.g. gathering material evidence and testimonies from the foreign countries where the offenses were committed), the Government of Indonesia

has signed the *Treaty on Mutual Legal Assistance in Criminal Matters* with other ASEAN members (Brunei Darussalam, Cambodia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam)¹⁰⁸. This treaty, however, has not yet been ratified by Indonesia. Indonesia has also signed mutual legal assistance treaties with the Governments of Australia and China.

Indonesia extradites foreign child sex offenders

In 2009, the authorities of Indonesia extradited, on the request of the Australian Government, two Australians, to be prosecuted for alleged crimes against children committed in Australia. One of the suspected sex offenders, aged 67, allegedly sexually assaulted children between the ages of 12 and 17. The other individual, aged 48, is suspected of having sexually molested a 10-year-old child¹⁰⁹.

Unfortunately, the Indonesian legal framework fails to criminalise persons who promote child sex tours, as well as those who make travel arrangements for others for the purpose of sexually exploiting children in destination countries. This legal framework should, therefore, be reviewed and amended in light of the relevant provisions of the *Rio*

de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (Rio Declaration and Call for Action), an outcome document of the World Congress III against Sexual Exploitation of Children and Adolescents, which was held in Brazil in November 2008¹¹⁰.

SPECIFIC LOCAL LEGISLATION ADDRESSING CHILD PROTECTION

After the 2004 Tsunami, which left thousands of orphaned children without legal protection, the provincial parliament of the Aceh region, which has special autonomy status, adopted a special child protection regulation based on the canonical laws of Islam – *Qanun*. The *Qanun* is based on

national legislation and provides for the protection of children from exploitation, violence and abuse. This law, which entered into force in 2009, applies to children in emergencies and children in conflict with the law, as well as children who are neglected by their families¹¹¹.

Child Protection Units

Although Indonesia does not have special law enforcement units to deal with cases of CSEC, several protection units within the national police are in place to assist both children and women who have been victims of crime, including trafficking.

In 2007, the RPK Units (*Ruang Pelayanan Kbusu*), which are special desks in provincial- and district-level police offices that focus on cases of violence against women and children, were formally integrated into the structure of the Indonesian national police¹¹². The units are now called Women and Children Service Units (*Pelayanan Perempuan dan Anak*) and are responsible for handling complaints, allegations and investigations in cases of violence, sexual abuse, trafficking and protection of women and children as witnesses or victims¹¹³. Such formalisation was strongly recommended by ECPAT International in the 2006 Monitoring Report on the status of action against commercial sexual exploitation

of children in Indonesia¹¹⁴. In 2008, the Government established 305 units in police offices at the district level in order to provide specific assistance to women and children victims of violence, including trafficking¹¹⁵. The units are generally managed by female police officers¹¹⁶ who have received training based on guidelines for women and children's desks and on techniques for interviewing child victims and witnesses, which were adopted by the national police in 2008¹¹⁷.

As was reported in the 2006 *Monitoring Report on the status of action against commercial sexual exploitation of children* in Indonesia, anti-trafficking units have been established at the national, provincial and district levels in each criminal investigations division. The units focus on regions where trafficking has been identified as a problem (e.g. Batam, Medan, West Nusa Tenggara, West and East Kalimantan and Lampung). Their activities are coordinated by an anti-trafficking unit established at national level.

Support Services for Children

Indonesia does not have a government-operated, nationwide hotline specifically for victims of CSEC. However, the Government has collaborated with NGOs to develop the "Child Helpline 129" programme; a 24-hour toll-free hotline for children who face problems such as physical and sexual abuse¹¹⁸. It is currently available in four major cities (Jakarta, Surabaya, Makassar and Banda Aceh)¹¹⁹. In addition, some cities, such as Surabaya, Bandung and Yogyakarta, have established helplines for children with the support of the Ministry of Women's Empowerment and with the collaboration of local government and NGOs. The Kid's

Line 199, for example, available for child victims of violence or sexual exploitation, was developed in 2003 by the Surabaya's local authorities in collaboration with the NGO Plan. However, this hotline is not operating on a 24-hour basis.

Although the Indonesian Government has not established specific centres for child victims of sexual exploitation, the Government does operate 41 Integrated Service Centres to provide services to victims of violence, including trafficking victims¹²⁰. Four such centres have been established especially for trafficking victims¹²¹. They

provide temporary shelter as well as medical, psychological, social, legal and recreational services, and have been established with the support of the International Organization for Migration (IOM) in Jakarta, Surabaya, East Java, Makassar, South Sulawesi and Pontianak, West Kalimantan¹²². Unfortunately, not all areas have centres and, where they do exist, it has been reported that they do not fully address social reintegration for victims of trafficking, but rather, focus on simply returning the victim to his/her community¹²³. In addition, the Government Regulation of the Republic of Indonesia No. 9/2008 Regarding Procedures and Mechanisms of an Integrated Service Center for a Witness and/or Victim of Trafficking in Persons does not contain provisions

addressing the specific needs of children victims of CSEC (e.g. special programmes conducted by trained staff).

Outside of the Integrated Service Centres, the Department of Social Affairs has established the Child Protection House (*Rumah Perlindungan Sosial Anak*) in the Bambu Apus area of East Jakarta, and three similar facilities, which provide shelter and social services¹²⁴. These services, however, are not specialised to CSEC.

Some NGOs established their own reception centres for victims of violence, including child sexual violence. However, it is reported that these centres generally have limited coverage and capacity¹²⁵.

Training law enforcement personnel

Indonesian law enforcement officials have had many opportunities to strengthen their capacity through training programmes that have been organised at the national, regional and international levels. It appears, however, that the training provided in relation to commercial sexual exploitation has primarily focused on human trafficking and cybercrime, and has not specifically addressed these issues from a child protection perspective.

Since Indonesia enacted new legislation on trafficking in persons in April 2007, most of the training opportunities for law enforcement officials have revolved around trafficking and implementation of the new law. For example, in August 2007, Australia launched a partnership with the Indonesian Government aimed at training law enforcement officers (such as police, judges and prosecutors) to improve their capacity to handle human trafficking cases¹²⁶. Likewise, in May 2008, IOM Indonesia developed a new training programme for law enforcement aimed at strengthening their capacity and protecting victims of trafficking. Through its law enforcement

training activities, IOM has trained 2000 law enforcement officers and has developed a specific curriculum for training schools for police, prosecutors and judges, as well as the *Guidelines for Law Enforcement and the Protection of Victims of Trafficking in Handling Trafficking in Persons Cases*¹²⁷.

UNICEF has provided training to police officers on how to deal with child victims of sexual abuse, violence and exploitation. This training has been replicated by the police on their own. In 2008, UNICEF reported that 4400 law enforcers had increased their knowledge and skills on child protection through training sessions¹²⁸.

During the last two years, the Jakarta Centre for Law Enforcement Cooperation has developed a wide variety of training sessions and workshops for law enforcers at the national and regional levels. Although the centre has not significantly addressed CSEC related issues, it has provided law enforcers with additional knowledge and skills in the areas of smuggling, trafficking in persons and cybercrime. In December

2009, the centre organised the Inter Regional People Smuggling and Human Trafficking Conference¹²⁹.

Despite these activities, training for law enforcement must be strengthened, as it appears that judges and attorneys still refer to the *Criminal Code* rather than to the *Child Protection Law*, which provides more comprehensive protection for children¹³⁰.

CHILD AND YOUTH PARTICIPATION

Child and youth participation in Indonesia, as in many other countries in the region, is an evolving concept. According to traditional views, children are perceived to be devoid of their own thoughts, ideas, knowledge and experiences¹³¹. The education system has reinforced these stereotypes, emphasising discipline and the subordination of children over free expression, creativity and individuality¹³². However, with the adoption of international instruments and increased awareness of children's rights in recent years, there has been considerable progress in recognising children as right holders and in allowing space and opportunity for Indonesian children to participate in decision making processes¹³³.

NGOs have been particularly instrumental in promoting children's participation. Particularly in the aftermath of the 2004 Tsunami, child rights organisations have focused on promoting children's participation as an effective strategy in accelerating recovery and reintegration into their communities. Children have been supported to play an active role in rebuilding the physical and social structures that were lost or disrupted by the Tsunami through numerous relief and reconstruction programmes¹³⁴. These activities have helped to reframe the role of children, from passive and helpless victims to

active citizens, particularly in disaster and emergency situations and played a key role in accelerating their psycho-social recovery and social integration processes¹³⁵.

In regard to combating CSEC, Indonesian children have participated in numerous high-level advocacy events such as the World Congress III against Sexual Exploitation of Children and Adolescents in Brazil in November 2008, in which they participated alongside 300 other children from various countries, including Brazil. Prior to this, three children from Indonesia participated (with 12 others) at the East Asia and the Pacific Children's Forum and Regional Preparatory Consultation to the World Congress III, which were held in Bangkok in August 2008¹³⁶. These opportunities have enabled children to have in-depth discussions about CSEC and its adverse impact on children. They have also allowed them to share good practices and lessons learnt in promoting children's participation against CSEC at the local level and, based on these, put forth recommendations to policy makers to escalate actions against CSEC.

Indonesian children also participated at the Southeast Asia Conference on Child Sex Tourism in Bali in March 2009. Together with other high-level representatives from the Government and civil society

organisations, they helped to create the *Bali Commitment and Recommendation against the Exploitation of Children in Tourism*, calling for ratification of the Optional Protocol by all ASEAN governments, and also advocating for sex education to be included in school curricula as a preventive strategy¹³⁷. In December 2008, a national children's summit was organised with over 1000 children participating on the theme "Children Speak against Child Trafficking"¹³⁸. Children organised workshop sessions and various interactive forums using art and music to raise awareness about the problem of child trafficking in Indonesia¹³⁹. NGOs also ensured inclusion of a child rights perspective in formulating Indonesia's *Law on the Eradication of the Criminal Act of Trafficking in Persons* through the engagement of children's community educators, together with the larger community members¹⁴⁰. This was felt to be a great learning process which strengthened the child protection perspective of Parliament, Government, women's rights activists and the NGO community¹⁴¹.

Recently, Indonesian children also prepared an alternative report to the State's report on the *Convention on the Rights of the Child*, which includes their inputs on the sections related to the sexual exploitation of children, among other child rights articles¹⁴².

These NGO-led initiatives need to be accompanied by the development of child-friendly systems and structures, including a national framework that encourages the institutionalisation of children's participation. Such a framework should move beyond short-term projects and events, and focus on changing adult attitudes and social norms. It should also work to make participation more inclusive, especially for those children that are marginalised and isolated (such as those who are victims of CSEC, street children, children from ethnic minorities and the poorest communities), to provide access to and enable dialogue with policy makers to influence development agendas and policies that directly affect children and their protection from sexual exploitation.



STOP Sex Trafficking of Children & Young People Campaign

An important advocacy component of The Body Shop and ECPAT's 'Stop Sex Trafficking of Children and Young People Campaign' is the Country Progress Card

System, which ECPAT and The Body Shop have created to assess the progress of state action on specific commitments and promises to uphold the rights of children to protection from sex trafficking and all other forms of commercial sexual exploitation. In line with the *2008 Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children* from the World Congress III against Sexual Exploitation of Children and Adolescents, this innovative tool provides readers with information on

states' actions to combat child trafficking, specifically with regard to the three goals of the campaign:

1. Community-based prevention programmes to stop child trafficking are reaching at-risk populations;
2. International legal standards for protecting children from trafficking have been incorporated into the national legal framework; and
3. Specialised government services for child victims of trafficking are integrated into national policies.

Indonesia: summary of progress card ¹⁴³			
Goal 1: Community-based Prevention Programmes			
Prevention	Collaboration	Awareness-raising	Teacher-training
		★	★
Goal 2: Legal Framework			
Optional Protocol	Trafficking Protocol	National legislation	Special police units
Goal 3: Specialised Services for Child Victims			
Helpline	Shelters	Medical services	Psychological counselling
★			

Green = significant action taken by state; Yellow = partial action taken by state; Red = inadequate level of state action; Star = work is undertaken by NGOs

Based on a global assessment of the progress cards, Indonesia is among 28% of states that have taken limited measures to stop sex trafficking of children and young people. Whilst Indonesia has taken important steps to develop a comprehensive policy framework and legislation to

combat trafficking in persons, it has yet to implement sufficient preventive measures to specifically reduce child sex trafficking (such as implementing campaigns on the dangers of child sex trafficking for at-risk communities) or to strengthen collaboration between stakeholders (e.g. providing

trainings on child rights and child-friendly legal procedures to law enforcement officers personnel and social workers). Also, the lack of specialised support and assistance for child victims of trafficking and sexual exploitation are areas for concern.



PRIORITY ACTIONS REQUIRED



National Plan for Action and Policies on Children and CSEC

- The Government must prioritise implementation of the *National Plan of Action on the Eradication of the Criminal Act of Trafficking in Persons and Sexual Exploitation of Children (2009 – 2014) (NPA)*.
- The National Plan for Action (NPA) must be urgently implemented at the local level. Local authorities must ensure that the NPA effectively addresses local realities and needs.

Cooperation and collaboration

- Implementation of the NPA should be coordinated and monitored by task forces at the national and local levels that are adequately equipped and organised to avoid duplication and overlapping. Progress reports should be provided on a regular basis.
- A central data collection mechanism on all child protection issues should be established at national level.
- Indonesian authorities should strengthen their cooperation with foreign countries to address child trafficking through different channels (e.g. participation in the ASEAN Task Force on Trafficking in Persons, the signing of additional bilateral agreements with foreign governments) in order to strengthen care and protection of child victims of trafficking, as well as to increase the prosecution of offenders.
- The Indonesian Government must develop awareness-raising activities and concrete mechanisms/tools to establish a social safety net to protect children from CSEC, with a special focus on child trafficking and child sex tourism.
Relevant private sector representatives should be encouraged and supported to adopt and implement professional Codes of Conduct such as the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism* and which develop child protection focused corporate- social responsibility strategies.

Prevention

- More efforts and resources are needed to increase the engagement of relevant private sector actors in the fight against CSEC in the country.
- More prevention activities addressing child marriage and debt bondage need to be undertaken, including awareness-raising campaigns to increase understanding of the harm resulting from these practices.
- Strengthen implementation of prevention initiatives and cooperation with various stakeholders by, for example, creating a policy/plan to train teachers and children about commercial sexual exploitation of children and working with NGOs to implement the initiative.

Protection

- Indonesia must ratify the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)* and the *ASEAN Declaration Against Trafficking in Persons, Particularly Women and Children*.

- ✎ Indonesian law on child prostitution does not capture all of the activities prohibited under international law, namely obtaining, offering, procuring and providing a child for prostitution. Moreover, it defines sexual intercourse as heterosexual intercourse only. The law should be revised to provide a clear definition of child prostitution and to protect children from same-sex exploitation.
- ✎ The Law on Pornography should be amended in order to provide definition of child pornography consistent with the Optional Protocol and to criminalise knowingly accessing and viewing child pornography.
- ✎ The *Law on the Eradication of the Criminal Act of Trafficking in Persons* should be revised to state that the recruitment, transportation, harbouring, sending, transfer or receipt of a person under 18 will be deemed as trafficking, regardless of the use of any deceptive or forceful means.
- ✎ Indonesian criminal law must be revised in order to establish extraterritorial jurisdiction for all violations against children, regardless of whether they are also considered a crime in the country in which they are committed.
- ✎ The circumstances under which Indonesian citizens can be extradited and prosecuted abroad should be clearly defined to include all forms of commercial sexual exploitation of children.

Child Protection units and support service for children

- ✎ The Government of Indonesia should ensure that Women and Children Service Units are established in every district at the provincial level and should provide them with adequate resources.

Support services for children

- ✎ Toll-free anonymous 24-hour hotlines for victims of CSEC should be available nationwide and should be adequately equipped and staffed to respond to the specific needs of the victims.
- ✎ The Government should ensure that the regions particularly affected by child trafficking are equipped with a sufficient number of Integrated Service Centres.
- ✎ Integrated Service Centres should develop support and assistance measures that address the specific needs of victims of CSEC.

Training law enforcement personnel

- ✎ Law enforcers should receive additional training on child protection laws and procedures in order to increase capacity with regard to the prosecution of child sex offenders. They should receive specific training with regard to child-sensitive approaches to strengthen the proactive identification of child victims of trafficking.

Child and youth participation

- ✎ Child-friendly systems and structures, including a national level framework on children's participation, should be developed in order to encourage the institutionalisation of children's participation.
- ✎ A greater number of programmes that make participation more inclusive for a wider number of children, especially those that are marginalised and isolated (such as those who are victims of CSEC, street children, children from the ethnic minorities and the poorest communities), should be designed and implemented to provide access to and enable dialogue with policy makers.

The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents*

Note: This is a condensed version. The full Rio Declaration and Call to Action also contains: Preamble; A. Review of progress and outstanding challenges; and B. Declaration.

C. Call for Action

We call on all States, with the support of international organizations and civil society, including NGOs, the private sector, adolescents and young people to establish and implement robust frameworks for the protection of children and adolescents from all forms of sexual exploitation, and we call upon them to:

I - International and Regional Instruments

- (1) Continue working towards ratification of relevant international instruments, including as appropriate the United Nations Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Convention on the Elimination of All Forms of Discrimination against Women.
- (2) Continue working towards ratification of relevant regional instruments, including as appropriate the African Charter on the Rights and Welfare of the Child, the ASEAN Charter,

the Inter-American Conventions on International Traffic in Minors and on the Prevention, Punishment and Eradication of Violence against Women, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, and the Council of Europe Conventions on Action against Trafficking in Human Beings, on Cybercrime and on the Protection of Children against Sexual Exploitation and Sexual Abuse, conventions which can be ratified by States that are non-members of the Council of Europe.

- (3) State Parties should take all necessary measures to implement the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, taking into due accounts the conclusions and the recommendations of the Committee on the Rights of the Child in the context of its review of State Parties' reports. All countries are encouraged to use this as an important reference.

II – Forms of Sexual Exploitation and its New Scenarios

Child pornography/child abuse images

- (4) Criminalize the intentional production, distribution, receipt and possession of child pornography, including virtual

* The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008), full text available at: http://www.ecpat.net/WorldCongressIII/PDF/Outcome/WCIII_Outcome_Document_Final.pdf

- images and the sexually exploitative representation of children, as well as the intentional consumption, access and viewing of such materials where there has been no physical contact with a child; legal liability should be extended to entities such as corporations and companies in case the responsibility for or involvement in the production and/or dissemination of materials.
- (5) Undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and off-line abuse and for the production and dissemination of child pornography and other materials. Victim identification, support and care by specialized staff should be made a high priority.
 - (6) Conduct educational and awareness-raising campaigns focusing on children, parents, teachers, youth organizations and others working with and for children with a view to improve their understanding of the risks of sexually exploitative use of the Internet, mobile telephones and other new technologies, including information for children on how to protect themselves, how to get help and to report incidences of child pornography and online sexual exploitation.
 - (7) Take the necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.
 - (8) Call upon Internet service providers, mobile phone companies, Internet cafes and other relevant actors to develop and implement voluntary Codes of Conduct and other corporate social responsibility mechanisms together with the development of legal tools for enabling the adoption of child protection measures in these businesses.
 - (9) Call upon financial institutions to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography.
 - (10) Set up a common list of websites, under the auspices of Interpol, containing sexual abuse images, based on uniform standards, whose access will be blocked; the list has to be continuously updated, exchanged on international level, and be used by the provider to perform the access blocking.
 - (11) Undertake research and development, in the realm of the private sector, of robust technologies to identify images taken with electronic digital devices and trace and retract them to help identify the perpetrators.
 - (12) Promote public/private partnerships to enhance the research and development of robust technologies to investigate and to trace the victims with a view to immediately stop their exploitation and provide them with all the necessary support for full recovery.
 - (13) Make technologies easily available, affordable and usable for parents and other caregivers, including to assist with the use of filters to block inappropriate and harmful images of children.
- Sexual exploitation of children and adolescents in prostitution*
- (14) Address the demand that leads to children being prostituted by making

the purchase of sex or any form of transaction to obtain sexual services from a child a criminal transaction under criminal law, even when the adult is unaware of the child's age.

- (15) Provide specialized and appropriate health care for children who have been exploited in prostitution, and support child centered local models of recovery, social work systems, realistic economic alternatives and cooperation among programmes for holistic response.

Sexual exploitation of children and adolescents in travel and tourism.

- (16) Encourage and support the tourism, travel and hotel sectors in adopting professional Codes of Conduct, for example by joining and implementing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; encourage the use of businesses that put in place appropriate child protection-focused corporate social responsibility strategies; and/or provide other incentives for those participating.
- (17) Ensure that all stakeholders pay specific attention to unregulated tourism to prevent domestic and international travellers from sexually exploiting children and adolescents.
- (18) Cooperate in the establishment of an international travel notification system, such as the Interpol 'green notice' system, in accordance with applicable law and human rights standards.
- (19) Ensure investigation and, where sufficient evidence exists, that appropriate charges are brought and vigorously pursued against the State's nationals who are reported or alleged to have sexually exploited a child in a foreign country.

- (20) Prohibit the production and dissemination of material advertising the sexual exploitation of children in tourism; and alert travellers to criminal sanctions that will apply in cases of sexual exploitation of children.

- (21) Monitor new and emerging tourist destinations and establish proactive measures to work with private sector partners involved in the development of tourism services on measures to prevent the sexual exploitation of children and adolescents, including the use of socially and environmentally responsible strategies that promote equitable development.

Trafficking and the sexual exploitation of children and adolescents

- (22) Mobilize communities, including children and adolescents with a view to engaging them in dialogue on and a critical review of social norms and practices and economic and social conditions that make children vulnerable to trafficking, and establish procedures that involve them in developing strategies and programmes where they participate, where appropriate, in the planning, implementation and monitoring of such programmes.
- (23) Pilot and adapt or replicate successful models of community-based prevention and rehabilitation and reintegration programmes for child victims of trafficking.
- (24) Establish policies and programmes that address not only cross-border but also internal trafficking of children and that include, among other elements, a standard operating procedure for the safe repatriation and return of children based on the child's view and on a careful assessment of the needs and risks to the child of returning to her/his place of origin to ensure that the best interests of the child are taken into account.

- (25) Continue strengthening cross-border and internal cooperation of law enforcement officials, for example by establishing coordinating units with a mandate to issue clear guidelines for child centered investigation of cases of trafficking of children and for treating trafficked children not as criminals but as victims in need of protection.
- (26) Take legislative and other measures to ensure that a guardian is appointed without delay for every unaccompanied trafficked child, that an effective system of registration and documentation of all trafficked children is established, and that every trafficked child is provided with not only short-term protection but also with the necessary economic and psycho-social support for full and long-lasting recovery and social reintegration (in line with the UNICEF

Guidelines on the Protection of Child Victims of Trafficking and UNHCR Guidelines on Formal Determination of the Best Interests of the Child).

- (27) Undertake and/or support, with the involvement of civil society and children, the regular evaluation of programmes and policies to prevent and stop the trafficking of children and of legislation that may have a conducive impact on trafficking, for example laws on marriage, free education, adoption and migration, birth registration, accordance of citizenship, refugee or other status.

III – Legal Frameworks and Enforcement of the Law

- (28) Define, prohibit and criminalize, in accordance with existing international human rights standards, all acts of sexual exploitation of children and adolescents in their jurisdiction, irrespective of any set age of consent or marriage or cultural practice, even when the adult is unaware of the child's age.
- (29) Establish effective extraterritorial jurisdiction, abolishing the requirement of double criminality for offences of sexual exploitation of children and adolescents, and facilitate mutual legal assistance, in order to achieve effective prosecution of perpetrators and appropriate sanctions. Make all acts of sexual exploitation of children and adolescents an extraditable offence in existing or newly established extradition treaties.
- (30) Designate a lead law enforcement agency, where appropriate to national circumstances, to proactively enforce extraterritorial laws related to sexual exploitation of children and adolescents.
- (31) Ensure that child victims of sexual exploitation are not criminalized or punished for their acts directly related to their exploitation, but are given the status of victim in law and are treated accordingly.
- (32) Establish special gender sensitive units/ children's desks within police forces, involving when appropriate other professionals like health care and social workers and teachers, to address sexual crimes against children, and provide specialized training to judicial and law enforcement personnel.
- (33) Address corruption in law enforcement and the judiciary, as well as other authorities with a duty of care to children, recognizing corruption as a major obstacle to effective law enforcement and protection for children.
- (34) Establish and implement international, regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, including through risk assessment and offender management programmes, the provision of voluntary extended and comprehensive rehabilitation services (in addition to but not in lieu of criminal sanctions

as appropriate), safe reintegration of convicted offenders and the collection and sharing of good practices and establish where appropriate sex offenders registers.

IV – Integrated Cross-Sectoral Policies and National Plans of Action General

- (35) Develop and implement comprehensive National Plans of Action on the sexual exploitation of children and adolescents, or include these in existing relevant planning frameworks, such as National Development Plans and ensure that these Plans are based in a cross-sectoral approach which brings all stakeholders together in a coherent and comprehensive framework for action. These Plans should incorporate gender-sensitive strategies, social protection measures and operational plans, with adequate monitoring and evaluation targeted resources and designated responsible actors, including civil society organizations for implementation of initiatives to prevent and stop the sexual exploitation of children and adolescents and provide support for child victims of sexual exploitation.
- (36) Promote and support multi-sectoral policies and programmes, including community-based programmes, within the framework of a comprehensive national child protection system to address phenomena that contribute to the sexual exploitation of children and adolescents including, for example, discrimination (including on the basis of sex), harmful traditional practices, child marriage and social norms that condone sexual exploitation.
- (37) Promote and fund meaningful child and youth participation at all levels in the design, monitoring and evaluation of policies and programmes, in campaigns and through peer-to-peer youth programmes, aimed at raising

awareness and preventing the sexual exploitation and trafficking of children and adolescents.

- (38) Initiate and support the collection and sharing of reliable information and cross-border cooperation, and contribute to databases on victims and perpetrators, to enhance assistance to children and address the demand for sex with children, in accordance with applicable laws.

Prevention

- (39) Ensure that all children born on their territory are registered immediately and for free after their birth and pay special attention to not yet registered children and children at risk and in marginalized situations.
- (40) Strengthen the role of educational institutions and staff to detect, denounce and help address sexual abuse and exploitation of children in all forms and sources.
- (41) Emphasize prevention of sexual exploitation of children and adolescents, through e.g. awareness raising and educational campaigns, support for parents and eradication of poverty while reinforcing or establishing multi-sectoral referral mechanisms to provide comprehensive support and services to children who have been victimized in sexual exploitation.
- (42) Support children to gain deeper knowledge of their own rights to be free from sexual exploitation, and the options available to help them to address abuse, so that they are empowered, with the partnership of adults, to end sexual exploitation.
- (43) Engage children in meaningful and critical examination of changing contemporary values and norms and their potential to increase vulnerability

to sexual exploitation; and promote education to enhance children's understanding of these issues in relation to sexual exploitation.

- (44) Undertake research on contemporary patterns of socialization of boys and men across different contexts to identify factors that promote and strengthen boys' and men's respect for the rights of girls and women and engage them in action initiatives that inhibit and discourage them from engaging in sexual exploitation of children and adolescents.

Protection of the child

- (45) Increase efforts to address the sexual exploitation of children and adolescents through the development of comprehensive and integrated national child protection systems, including the necessary budget allocations and based on identifications of settings where children are most at risk that aim to protect children from all forms of violence and abuse.
- (46) Establish by 2013 an effective and accessible system for reporting, follow up and support for child victims of suspected or actual incidents of sexual exploitation, for example by instituting mandatory reporting for people in positions of responsibility for the welfare of children.
- (47) Develop or enhance accessibility of existing telephone or web-based help lines, in particular for children in care and justice institutions, to encourage children and require care givers to confidentially report sexual exploitation and seek referral to appropriate services, and ensure that the operators of such reporting mechanisms are adequately trained and supervised.
- (48) Strengthen existing national child protection services or establish new

ones in order to provide all child victims of sexual exploitation, girls and boys, without discrimination, with the necessary economic and psychosocial support for their full physical and psychological recovery and social reintegration, and when appropriate, family reunification and interventions that support and strengthen families to mitigate the risk of further exploitation; such services to be provided by well trained multi-disciplinary teams of professionals.

- (49) Ensure that these services are accessible, appropriately resourced, comprehensive, child- and gender-sensitive, and reach all children without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex (or orientation), and social origin and including children with disabilities, from ethnic minorities, indigenous or Aboriginal children, refugee or asylum-seeking and children in domestic service or living on the streets and children displaced by conflict or emergency situations.
- (50) Develop programs that provide children of sex workers and children living in brothels with support and protection.
- (51) Promote and defend the privacy of the child victims and child perpetrators of sexual exploitation, taking into account relevant national laws and procedures, to protect their identity in investigatory or court proceedings or from disclosure by the media and ensure that these proceedings are child friendly and allow the child to participate in a meaningful way in the process of bringing the perpetrator to justice.
- (52) Ensure that children and adolescents exhibiting acts of sexual violence harmful to others receive appropriate care and attention as a first option through gender-sensitive and child-focused measures and programmes that balance their best interest with

due regard for the safety of others, and ensure compliance with the principle that depriving children of liberty should be pursued only as a measure of last resort, and ensure that those responsible for the care of such children are equipped with relevant and culturally appropriate training and skills.

V – International Cooperation

- (53) Take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts of sexual exploitation of children and adolescents; and for the assistance of child victims in their physical and psychological recovery, social reintegration and, as appropriate, repatriation.
- (54) Establish and/or improve by 2013 concrete mechanisms and/or processes to facilitate coordination at national, regional and international levels for enhanced cooperation among government ministries, funding bodies, UN agencies, NGOs, the private sector, workers' and employers' organizations, the media, children's organizations and other representatives of civil society with a view to enabling and supporting concrete action to prevent and stop the sexual exploitation of children and adolescents.
- (55) Strengthen and improve the effectiveness of existing regional mechanisms for exchange, coordination and monitoring of progress on child protection including against sexual exploitation in order to review progress and strengthen follow-up on the implementation of the recommendations made.
- (56) Provide, when in a position to do so, financial, technical and other assistance through existing multilateral, regional, bilateral and other programmes for addressing the sexual exploitation of children and adolescents; and explore the potential of a fund for child and youth initiatives in this area.
- (57) Develop, where appropriate with the support of UN agencies, NGOs, civil society organizations and the private sector, workers' and employers' organizations, policies and programmes to promote and support corporate social responsibility of enterprises operating inter alia in tourism, travel, transport and financial services, and of communication, media, Internet services, advertising and entertainment sectors; so that child-rights focused policies, standards and codes of conduct are implemented throughout the supply chain and include an independent monitoring mechanism.
- (58) Support and contribute to the Interpol international child abuse images database and nominate a responsible national focal point person or unit to collect and update promptly national data on sexual exploitation of children and adolescents, and systematically share this information with Interpol in order to support cross-border (international) law enforcement action and strengthen its effectiveness, and adopt multilateral agreements especially for police investigation work.
- (59) Undertake national and international coordinated measures to curb and stop the involvement of organized crime

in commercial sexual exploitation of children and bring persons and/or legal entities responsible for this form of organized crime to justice.

VI – Social Responsibility Initiatives

We encourage the private sector, employers' and workers' organizations, to proactively engage in all efforts to prevent and stop the sexual exploitation of children and adolescents, and to use their knowhow, human and financial resources, networks, structures and leveraging power to:

- (60) Integrate child protection, including the prevention of sexual exploitation of children, into new or existing corporate social responsibility policies of enterprises operating inter alia in tourism, travel, transport, agriculture and financial services, and of communication, media, Internet services, advertising and entertainment sectors, and ensure appropriate implementation of such policies and widespread public awareness.
- (61) Incorporate the prevention and protection of children from sexual exploitation in human resources policies, such as Codes of Conduct and other corporate social responsibility mechanisms throughout the supply chain.
- (62) Join efforts with Governments, UN agencies, national and international NGOs, and other stakeholders to prevent the production and dissemination of child pornography, including virtual images and the sexually exploitative representation of children, and stop the use of the Internet and new technologies for the grooming of

children into online and off-line abuse; undertake actions to trace and stop the flow of financial transactions for sexual exploitation of children through the services of financial institutions; support efforts to address the demand for sexual exploitation of children in prostitution and the strengthening of services for children victims and their families, including the establishment of accessible telephone or web-based help lines; and provide support for educational and awareness-raising campaigns targeting children, parents, teachers, youth organizations and others working with and for children, on the risks of sexual exploitation of children, sexually exploitative use of the Internet, mobile phones and other new technologies as well as on protective measures.

VII – Monitoring

- (63) Establish by 2013 independent children's rights institutions such as children's ombudspersons or equivalents or focal points on children's rights in existing human rights institutions or general ombudsperson offices, highlighting the importance for States Parties to the Convention on the Rights of the Child of General Comment No 2 of the Committee on the Rights of the Child; these bodies should play a key role in the independent monitoring of actions taken for the prevention of sexual exploitation of children and adolescents, protection of children from such exploitation and the restoration of the rights of sexually exploited children, in advocating for effective legal frameworks and enforcement and in ensuring, where necessary, that child victims have effective remedies and

redress, including the possibility of filing complaints before these institutions.

We encourage the Committee on the Rights of the Child to:

- (64) Persevere with reviewing progress of States Parties' fulfilment of their obligations to uphold the right of children to protection from sexual exploitation and pay special attention to the recommendations in the Rio Call for Action in its examination of reports under the Convention on the Rights of the Child and its Optional Protocols.
- (65) Adopt as a matter of priority a General Comment on the right of the child to protection from sexual exploitation, trafficking for sexual purposes, and the abduction and sale of children, including detailed guidance to States on the development, implementation and enforcement of national legislation and policies in this regard.
- (66) Continue to work with the Office of the High Commissioner for Human Rights in protecting child rights, and raising awareness of relevant international and regional human rights mechanisms.

We encourage other United Nations human rights treaty bodies, special procedures of the Human Rights Council and special representatives of the United Nations Secretary-General, as well as regional human rights mechanisms, to:

- (67) Pay particular attention to combating the sexual exploitation of children and adolescents, within their respective mandates and during their examination of State Parties' reports, country visits, in their thematic work and/or other activities.

We urge the Human Rights Council to:

- (68) Ensure that the Universal Periodic Review process includes rigorous examination of States' fulfilment of their obligations to children, including preventing and stopping the sexual exploitation of children and adolescents and to respectfully the rights of child victims of such exploitation.

We urge the yet-to-be-appointed Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography and the Special Rapporteur on Trafficking in Persons, especially in Women and Children, together with other appropriate mandate holders and in collaboration with the Committee on the Rights of the Child, to:

- (69) Work together to avoid duplication and to maximise their impact in preventing and stopping the sexual exploitation of children and adolescents and, through their work, map experiences in the area of prevention and response to sexual exploitation of children and assess their effectiveness.

We encourage UN agencies, NGOs and human rights institutions to:

- (70) Support and provide information on the extent of and responses to sexual exploitation of children and adolescents to these bodies.
- (71) Work with the media to enhance their role in education and empowerment, and in protecting children from sexual exploitation, and to mitigate the harmful potential of the media, including

through the sexualization of children in advertising.

We call on international financial institutions such as the World Bank and the International Monetary Fund to:

- (72) Review their current macro-economic and poverty reduction strategies with a view to counteracting any negative social impact on children and their families, including loan conditionality which essentially limits social services and access to rights and minimizing the risk for children to sexual exploitation.

We call on religious communities to:

- (73) Reject, in the light of their consensus about the inherent dignity of every person, including children, all forms of violence against children including sexual exploitation of children and adolescents and establish, in that regard, multi-religious cooperation and partnership with other key stakeholders such as governments, children's organizations, UN agencies, NGOs, media and the private sector using their moral authority, social influence and leadership to guide communities in ending sexual exploitation of children and adolescents.

C. Call for Action

(1) We commit ourselves to the most effective follow-up to this Call for Action:

- At the national level, inter alia, by biennial public reporting on the measures taken for the implementation of the Rio Declaration and Call for Action and promoting/initiating discussions on the progress made and the remaining challenges to named responsible mechanisms for monitoring implementation while also integrating such requirements into State reporting to the Committee on the Rights of the Child.
- At the international level, by encouraging and supporting coordinated actions by the relevant human rights treaty bodies, special procedures of the Human Rights Council and Special Representatives of the Secretary-General of the United Nations with a view to maintaining awareness of the Rio Declaration and Call for Action and promoting its implementation.

- (2) Encourage the private sector to join the United Nations Global Compact and communicate their implementation progress with regard to addressing the sexual exploitation of children and adolescents and supporting the realization of this platform for coordinated corporate efforts and sharing of best practices.

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ECPAT International

328 Phayathai Road
Ratchathewi, Bangkok
10400 THAILAND
Tel: +662 215 3388, 662 611 0972
Fax: +662 215 8272
Email: info@ecpat.net | media@ecpat.net
Website: www.ecpat.net