

**INDONESIAN CHILD PROTECTION COMMISSION (*KOMISI  
PERLINDUNGAN ANAK INDONESIA DAERAH/KPAID*) OF NANGGROE ACEH  
DARUSSALAM (NAD)**

*By International Development Law Office, January 2008*

Acehnese children face a different plight than children from the rest of the regions in Indonesia. Thirty years of conflict and a devastating earthquake and tsunami in 2004 have made Acehnese children particularly vulnerable and accordingly they require special attention. Many were left traumatized and orphaned by the tsunami, and therefore psychological trauma healing and legal issues concerning inheritance and guardianship post-tsunami are among the myriad of problems concerning many Acehnese children.

In response, many local, national and international organisations currently present in Aceh are working for the protection of Acehnese children's rights through continuous campaign and awareness raising activities on children's rights and child protection. They aim at raising the awareness of parents, families, society and the state regarding the importance of protecting child's rights. In addition, the activities are also targeted at children to ensure that they are aware of their own rights. Among the organisations in working on this is the Indonesian Commission for Child Protection (*Komisi Perlindungan Anak Indonesia Daerah/KPAID*) of Nanggroe Aceh Darussalam (NAD).

The Chairperson of the KPAID of NAD, Drs. Anwar Yusuf Ajad, says that it was set up to respond to the complex issues of children in Aceh as well as to comply with Law No 23 year 2002 on Child Protection and the Presidential Regulation No. 77 year 2003 on Child Protection. It was established through Aceh Governor Regulation No. 260/494 year 2006 dated 20 December 2006.

KPAID has the following responsibilities:

1. To raise awareness and advocate on legislation on child protection.
2. To receive reports lodged by and provide services to the community regarding cases on violation of the rights of a child and refer the cases to authorised agencies.
3. To provide recommendations, advice and considerations to different stakeholders especially the Governor, Regional House of People's Representatives (DPRD), and relevant government agencies at the provincial and district/municipal level.
4. To collect data and information concerning child protection.
5. To conduct monitoring, evaluation and reporting on issues concerning child protection.
6. To monitor the implementation of child protection in NAD.

It has only been a year since the establishment of KPAID so a lot of focus has been on internal organisational strengthening activities. However, it has also carried out the following activities:

- Awareness raising on KPAID with the support of relevant institutions in 10 districts/municipalities.

- Preparation of a workshop on strategic planning of child protection at the provincial level in collaboration with UNICEF, PLAN International, and the National Commission for Child Protection.
- Develop partnership and networking with various organisations and institutions concerned with child issues as well as with electronic and print media
- Carry out exchange visit to other provinces.
- Discuss the *Qanun* (Regional Regulation) on Child Protection in collaboration with other organisations and institutions.

The Vice Chairperson of KPAID, Ir.Azman Bahaoeddin, M.S., adds that KPAID is facing financial constraints so that it cannot pursue its optimal duties. This condition is exacerbated by the absence of KPAID at the district/municipality level (there are currently only 13 Provincial KPAID in Indonesia).

The absence of KPAID at the district/municipal level has constrained KPAID in meeting its roles and responsibilities, especially in receiving reports lodged by and providing services to the community on issues concerning violence against children and violation of children's rights, says Efendi, S.H., M.Si who is in charge of the Working Group for Awareness Raising and Advocacy.

KPAID NAD often have to go to the field to deal with cases directly. With this absence of offices at the district/municipal level, KPAID have to cover considerable distances to be able to do this. It subsequently means that it will take a longer time for a case to be dealt with, as shown in the case of child rape in Aceh Singkil District. Because of the considerable distance from KPAID, a report was lodged by phone. It also leads to difficulties in facilitating further for the settlement of the case. However, this has not discouraged KPAID NAD in receiving reports and claims on cases concerning children. It hopes that the district/municipal government will expedite the establishment of district/municipal level KPAID.

KPAID also follows up reports lodged by children who are victims of domestic violence. According to Fauzi M. Daud, who is in charge of the Working Group for Monitoring, Evaluation, Reporting and Assessment, children are also victims of violence within the household when the violence is directed at their mothers. In this case, KPAID is not focusing on the violence against the mother but on how to ensure that the mother can protect the child, and prevent the child from becoming the potential victim of a domestic violence. KPAID NAD also deals with other cases including disputes over child custody. However, KPAID has worryingly found that based on a number of cases reported in the mass media recently, child rape is becoming more and more common in Aceh.

Legal cases reported to KPAID NAD are normally referred to legal aid institutes such as the Legal Aid Institute (*Lembaga Bantuan Hukum/LBH*) of Banda Aceh, LBH for Children (*LBH Anak*) or to LBH Apik. For reported cases which do not need legal settlement, KPAID will facilitate a mediation meeting for the parties in dispute.

In addition, KPAID NAD also works with neglected children. In most cases, KPAID find those children roving on the streets, not knowing the whereabouts of their parents and not knowing where they can go because they have loss of memory or are suffering from heavy depression. KPAID will seek to locate the parents of those children or bring the mentally disordered children to Mental Hospital to be treated until they can locate their

parents. In this way KPAID NAD is working in a proactive manner and does not merely wait for reports to come in, says Drs.Nasrullah, who is in charge of the Working Group for Reports and Service Facility.

Effendi emphasizes that it is important to know that KPAID is only authorised to lodge, analyse, monitor and assess reports or claims of cases. They do not have the authority to settle legal cases, which they will refer to relevant organisations such as the LBH of Banda Aceh, LBH Anak or LBH Apik.

Child protection is a huge and vital task with the necessary involvement of many stakeholders. As a result, the Law on Governing Aceh (UUPA) highlights the following issues:

- a. Parents and society often have a misleading perception about children's rights and pay more attention to children as additional work capital rather than to their own parental responsibilities.
- b. There are four sensitive elements of child protection within the religious, ethnic, social and cultural interrelation among people that may potentially lead to disputes: authority over who should bring up the child, how the child is brought up (choices of education, lifestyle etc.), legal guardianship and adoption.
- c. Child protection should not lead to the removal of the special or blood bond between parents and children as a result of parents' ignorance of their obligations towards their children.
- d. Criminal sanctions to parents should take into account their responsibilities as parents and should serve less as deterrence rather than as an effort to raise parents' awareness regarding such responsibilities.
- e. Criminal sentences and punitive action to children should serve more as deterrence rather than a mere punishment.
- f. In view of the above, raising the awareness of parents and the society should be supported by many stakeholders to change their view that children are not merely working capital but the mandate and responsibilities of parents and the society.

Children reflect hopes and responsibilities. What they will be in the future depends on what we do today. They should be protected as early as possible and their rights promoted.

If you have problems or need to report a case concerning children, please come to the office of KPAID of NAD province at Jln. T.Iskandar No.63, Beurawe, Banda Aceh or call at telephone/fax number 0651 – 24365.