

CHAPTER I INTRODUCTION

A. Background

The United Nations Children Fund or commonly known as UNICEF is one of the organizations under the auspices of the United Nations, which works for world peace. The UNICEF organization was established on December 11, 1946 and its office is located in New York, United States. UNICEF's main goal is to ensure that children throughout the world get the care and education they need to grow into happy and healthy adults. The organization's funds derive from voluntary contributions from various governments as well as personal contributions from people around the world. UNICEF works throughout the world to tackle poverty, disease outbreaks, and also discrimination (Ahli, 2015).

UNICEF itself aims to improve the welfare and health of children and mothers, ensure babies have a good start in life, promote education for girls and protect children from disease outbreaks and maintain their health, especially in developing countries. UNICEF also seeks to prevent the spread of HIV / AIDS among the younger generation and tries to reduce suffering due to natural disasters and wars.



Figure 1 UNICEF's Logo

Source: <https://www.unicef.org/indonesia/id>

UNICEF first helped Indonesia in 1948, when there was a long drought in Lombok. Meanwhile, the cooperation was officially declared in 1950. In the beginning, the early days of independence of Indonesia, UNICEF was committed to improve the dignity of children and women throughout the archipelago. In the early of 1960s, UNICEF focused more on the development of children welfare than mere humanitarian aid. In 1962, UNICEF carried out nutrition programs in 100 villages of eight provinces in Indonesia. Indonesia rejoined the United Nations and made an agreement with UNICEF to establish a partnership that benefited both parties. Together with its partners, UNICEF managed to help develop and lobby for the adoption of the 2002 Child Protection Act. The law would become a legal basis for the protection of children in Indonesia (Ahli, 2015).

Then in 1949, the first official collaboration was signed to build a company in Yogyakarta, the centre of government at that time. As for 1969, the government launched the first five-year development plan. UNICEF and other UN organizations such as WHO provided technical assistance.

Over the next few decades, UNICEF had been involved in several broader programs aiming at providing assistance to women and children. In the 1990s, for example, UNICEF collaborated with the government in developing literacy projects and increasing women's participation in the professional world.

Indonesia itself ratified the Convention on the Rights of the Child in 1990, and after that many advances were shown by the Indonesian government in implementing the convention. The agreement consisting of 54 articles was binding on the ratifying country. Therefore, the country must carry out the obligations stated in it. Basically, the convention was grouped into three things, they are: 1.) Regulating the parties who were obliged to bear the rights, namely the state, 2.) The recipient of the rights, namely children, 3.) Contains forms of rights that must be guaranteed to be protected, fulfilled, and enhanced (UNICEF, 2010).

UNICEF as the part of the United Nations engaged in the field of children, the elderly and also people with disabilities tries to help Indonesia in dealing with or realizing the rights of children with disabilities. Children with disabilities experience physical, mental, intellectual, or sensory obstacles for a long time which can hinder their full and effective participation in society based on the principle of equality among citizens in general.

Children with disabilities are children who experience physical or mental barriers interfering with their growth and development naturally. Children with certain disabilities tend to experience difficulties as well as the obstacles in adjustment, difficulty communicating, being exposed to illness, being limited in the learning process, lacking in confidence, and having accidents during activities. While education for children with disabilities is very important, education is a process whereby a nation prepares its young generation to carry out life and to fulfill life's goals effectively and efficiently. According to Azyumardi Azra (Azra, 2010), education is more than amere teaching. Education is a process where a nation or state fosters and develops self-awareness among individuals. Education guides all the natural resources that children have, so that they as human beings and as members of society can achieve the highest safety and happiness.

The following are some types of disabilities experienced by persons with disabilities:

1. Amputation on the feet or hands.
2. Joint bones, limbs, hands and so on.
3. Backbone defect.
4. Paraplegia, spinal cord injury caused by an accident that damages sensory and motor functions in the body, experiences paralysis in both legs and numbness in the stomach to toe due to injury to the spinal cord, caused

from the falling from particular height, severe accident, and also congenital diseases.

5. Defects due to polio pain.
6. Bone and joint tuberculosis.
7. Cerebral Palsy, coordination defects from the motion of disturbed limbs.

Children with disabilities are also citizens of the Republic of Indonesia, which is in the 1945 Constitution, they are guaranteed to have the same position, rights, obligations and roles as other citizens. In order to realize national development which aims to create a just and prosperous society based on Pancasila and the 1945 Constitution. For this reason, the government should give sufficient attention to persons with disabilities (Smith, 2008).

The human rights for persons with disabilities are often ignored, even violated. The violations occur because persons with disabilities are not considered as the parts of the citizens, and they are not even considered as human.

In Indonesia, the government is an important instrument in realizing the goals of the state including prosperity of the nation's life. These goals can actually be realized if the foundation of the state can be maintained and carried out properly, according to what has been regulated by the Constitution of the Republic of Indonesia.

The government regulates the course of the life process in accordance with the mandate of the existing constitution without discriminating the rights of particular citizens with each other. Citizens' rights are a vital issue to note. The state guarantees the rights of citizens through policies that have been regulated or clarified by the central government and regional governments.

In 2006, the government of the Republic of Indonesia, which was represented by Mr. Bachtiar Chamsyah as the Minister of Social Affairs and Mr. Siswadi as the Chair of the

Association of Indonesian Disabled Persons (PPDI), signed a Convention on the Rights of Persons with Disability (CRPD) at the UN headquarters in New York. On November 10, 2011, the government of the Republic of Indonesia had ratified the CRPD into Law No. 19 of 2011 concerning Ratification of the Convention on the Rights of Persons with Disabilities (Diono, 2014).

Therefore, the stigma against disability must be immediately eliminated. We must also accept persons with disabilities as the diversity of human life created by God in which God creates different physical conditions. There are people who are tall and short, thin and fat, black and white, straight and curly hair, disabled and normal (Diono, 2014).

As an International Organization that addresses children's problems, UNICEF often faces the problem of violating children's rights, one of which is violence and discrimination against children with disabilities.

Likewise, the cases of sexual violence against children have been increasing, including victims of disabilities. Based on Rifka Annisa data, in Yogyakarta during 2010 to 2016 it reached 159 cases. Even now, there is still a tendency for victims to be reluctant to report cases that have befallen (Sigit, 2016). As an addition, on CIQAL (Center for Improving Qualified Activity in Live of People with Disabilities) in 2015, there were 28 cases. Then, in 2016 there were 33 cases while in 2017, there was an increase number of 35 cases. With 96 cases in the past three years, that at least 2 cases of sexual violence against women and children with disabilities happen every month in Yogyakarta. Unfortunately, of the 96 cases that have occurred in the past three years, in fact only 5 cases have finally been able to be put in the legal sphere (Halim, 2017).

Based on these data, the authors gets example of such cases. The people with disabilities in Yogyakarta have not yet fully obtained the convenience of accessing and utilizing transportation modes. One of them is the lack of convenience

in accessing public transportation. This is caused by facilities on public transportation that still do not meet the convenience standards for passengers with disabilities. Various problems related to the fulfilment of the rights of persons with disabilities especially the transportation found in this study can be used as input for the government in formulating the policy accommodating the needs of persons with disabilities. Even now there is still a tendency for victims to be reluctant to report cases that have befallen them (Suminar, 2015).

Based on the amount of data on the violence cases on persons with disabilities in Indonesia, the authors in this study formulate the title of "The Role of UNICEF in Realizing The Rights of Children With Disabilities".

B. Research Question

Based on the background above, a main problem can be formulated as follows:

"How is the role of UNICEF in realizing the rights of children with disabilities in Indonesia?"

C. Theoretical Framework

Based on the above problems, the theories applied are the Concept of International Organizations and Concept of Disability.

1. International Organizations Concept

International Organizations can be defined as a formal and sustainable structure formed by an agreement between members (government and non-government) of two or more sovereign states with the aim of pursuing the mutual interests of its members. The role of international organizations here is very prominent because it involves not only the

government and the state, but also involves international non-governmental organizations. International Organizations play an important role in helping resolve conflicts experienced by a country.

According to Teuku May Rudy (Teuku May Rudy, 2005), the definition of an international organization is a pattern of study of cooperation that crosses national boundaries based on a clear and complete organizational structure and is expected or projected to take place and carry out its functions in a continuous and institutionalized manner in order to achieve the necessary and mutually agreed goals, both between the government and the government and between non-government groups in different countries.

Every International Organization is formed to carry out functions and roles in accordance with the objectives of establishing International Organizations. The functions of the International Organization according to Harold K. Jacobson (Jacobson, 1979), can be classified into 3 categories, they are:

1. Information Function

This function deals with the function of the organization as an information container. International organizations collect data while analyzing it. Then it holds data exchanges to disseminate data and inform their perspectives or opinions.

2. Regulatory Function

This function relates to the role of an international organization to make a new regulation or struggle/effort so that regulations, agreements that have been agreed upon and signed and ratified can bind those directly involved.

3. Operational Function

This function includes the use and operation of all resources within an international organization. In the form of funding, the operation of sub-organizations, and on the development of military forces.

The classification of International Organizations consisting of state organizations and non-state organizations has a role as a forum in solving common problems. UNICEF is classified as an International Governmental Organization which is often abbreviated as IGO. Its members are the government, or representatives of agencies that officially represent the government of a country. The administrative activities are regulated based on public law (Teuku May Rudy, 2005).

UNICEF as an International Organization that is engaged in protecting and guaranteeing child protection has a function that is in accordance with the objectives of its establishment. In achieving its mission, UNICEF has succeeded in running several functions of International Organizations but there are several functions that have not been successfully implemented. The functions of the International Organization cannot be implemented by UNICEF in realizing the rights of persons with disabilities in Indonesia, they are:

1. Information Function

UNICEF has carried out this function properly and correctly. UNICEF embodies it with various efforts, namely by campaigning for the international community on how to treat persons with disabilities. The campaign carried out by UNICEF through radio broadcasts, television, seminars or in the form of activities or special training aimed at children and

adolescents (UNICEF, 2012). In addition, UNICEF is also trying to find data of persons with disabilities in Indonesia. It is done to facilitate UNICEF in forming and implementing work programs and realizing the function of UNICEF as an information forum for the surrounding community. With this information, it is hoped that the public will be aware of how to treat persons with disabilities preferably.

2. Regulatory Function

This function relates to the role of an international organization to make and seek a regulation that has been signed and ratified can bind those directly involved. In realizing this function, the Convention on the Rights of Children with Disabilities is the basis for UNICEF to protect the rights of children with disabilities. On March 30, 2007, the Convention on the Rights of Children with Disabilities was ratified by the United Nations (UNICEF, 2012).

This convention explains that children have the right to special protection from discrimination, harassment, neglect, trafficking, child labor, and other forms of exploitations. In this case, UNICEF does not have the authority to make regulations including in the process of ratifying the Convention on the Rights of Children with Disabilities. On the other hand, the one having the right to ratify a convention is the Indonesian government.

As an addition, Indonesia has ratified the Convention on the Rights of Persons with Disabilities in 2011 through Law No. 19 of 2011. In the CRPD UN, one of the State's obligations is to guarantee and advance the fulfillment of the rights of persons with disabilities through legislative (regulatory) and administrative (supporting procedures) as well as to harmonize regulations including abolishing rules and culture that violate the rights of persons with

disabilities. The Government's commitment is realized by the enactment of Law Number 8 of 2016 concerning Persons with Disabilities to respect, protect, fulfill and advance the rights of persons with disabilities.

3. Operational Function

UNICEF has succeeded in carrying out this function properly even though UNICEF has been able to allocate the funds well. However, UNICEF has limitations in using other resources and technical assistance in realizing their rights as persons with disabilities in Indonesia. There are also their weaknesses, in the sub-organization and the weak implementation of child protection programs become the obstacles faced by UNICEF in realizing the rights of persons with disabilities (UNICEF, 2012).

In carrying out its mission to realize their rights as persons with disabilities in Indonesia, UNICEF has established work projects or programs. On the country, in practice UNICEF has fully succeeded in realizing the rights of persons with disabilities in Indonesia.

2. Disabilities Concept

According to Law Number 19 of 2011 concerning Ratification of the Rights of Persons with Disabilities, persons with disabilities are defined as the people who have physical, mental, intellectual or sensory limitations for a long period of time who interact with the environment (the attitudes of their people can encounter obstacles) that make it difficult to fully and effective participate based on equal rights (UU Republik Indonesia No. 19, 2011).

According to the article 41 of Law Number 39 of 1999, explaining that, “Every person with a disability, an elderly person, pregnant women, and children, has the right to receive facilities and special treatment” (UU Republik Indonesia No. 39, 1999).

In Article 1 Paragraph 8 of Act Number 8 of 2016, regarding persons with disabilities it is mentioned that “Accessibility is the facility provided for persons with disabilities to realize equal opportunities” (UU Republik Indonesia No. 8, 2016).

Law No. 4 of 1997 concerning Persons with Disabilities in the points of the opening point 1 (first) convention provides understanding, namely; any person who has a physical and / or mental disorder, which can disturb or constitute a hindrance and relationship for him to do appropriately, consisting of, physically disabled persons; mentally disabled people; physically and mentally disabled (UU Republik Indonesia No. 4, 1997).

People with special needs (disabilities) are people who live with special characteristics and have differences with people in general. Because of these different characteristics, it requires special services so that he can get his rights as human beings who live on this earth. People with special needs have very broad definitions, including people who have physical disabilities, or low IQ (Intelligence Quotient) abilities, and people with problems are very complex, so that cognitive functions experience interference (Ikbar, 2012).

There are several types of people with special needs/ disabilities. It means that every person with disabilities has which definition each all of them need help to grow and develop well (UU Republik

Indonesia No. 4, 1997). Types of persons with disabilities are described as follows:

- a.) Mental Disability (Reefani, 2013). This mental disorder consists of:
 - i. Mental Height. Often known as intellectual gifted people, where the people are having intellectual abilities above the average.
 - ii. Low mentality. Low mental ability or intellectual capacity / IQ (Intelligence Quotient) below the average can be divided into 2 groups, they are: The children whose have slow for learning something and the children who have an IQ between 70-90. Meanwhile, children who have an IQ below 70 are known as children with special needs.
 - iii. Specific Learning Difficulties. Learning difficulties related to learning achievement obtained.
- b.) Physical Disability (Reefani, 2013). This disorder includes several types:
 - i. *Tunadaksa* (body disorders). *Tunadaksa* are individuals who have movement disorders caused by neuro-muscular abnormalities and bone structures that are innate, sick or caused by accidents (loss of body organs), polio and paralysis.
 - ii. *Tunanetra* (abnormal senses of vision). Blind people are individuals who have vision problems. Blind people can be classified into two groups, namely: total blindness and low vision.
 - iii. *Tunarungu* (hearing abnormalities). *Tunarungu* are individuals who have

both permanent and non-permanent hearing problems. The people who have a barrier in hearing causing deaf individuals.

- iv. *Tunawicara* (abnormalities of speech). *Tunawicara* is someone who has difficulty expressing thoughts through verbal language, so that it is difficult for others to even understand. This speech abnormality can be functional in which the possibility is caused by phlegm, which is indeed caused by speech organ imperfection or a disturbance in the motor organs associated with speech.
- c.) *Tunaganda* (double disability). They are disabled people having more than one disability, such as physical and mental disabilities.

D. Hypothesis

Based on the background of the problem and the framework above, it can be concluded that the role of UNICEF is effective in realizing the rights of children with disabilities. Because there are several functions of international organizations, namely the information function, the regulatory function, and the operational function thus causing the rights of children with disabilities to be realized.

E. Research Methodology

The method used by the writer in this research is descriptive analytical method and the interview.

1. Descriptive Analytical Method

By using data collection techniques in the form of Library Research by utilizing secondary data which is data collection from libraries, books, journals, articles, print media, electronic media, and websites that have been processed into classified data which are then compiled, summarized, analyzed and conclude according to the problem of the thesis.

2. Interview

Looking for primary data sources by interviewing a researcher who is directly related to the collaborative process between UNICEF and Indonesia in order to obtain appropriate data and facts.

F. Research Period

Restrictions in research are carried out so that the object of research becomes clear and specific. So the problems and discourse that has been determined to be studied, there is no deviation. The delimitations of the study will prevent areas from being blurred.

To limit the problem that will be explained, the range of research on UNICEF's efforts to realize the rights of children with disabilities in Indonesia, this study only addresses UNICEF's efforts to realize the rights of children with disabilities in Indonesia from 2016 to 2017.

However, this study will probably refer to the events before and after the period mentioned, if the information can support the research in writing this undergraduate thesis.

G. Organization of Writing

To explain the results of the thesis research that the authors compiled, the authors compiled a discussion in the form of:

Chapter I, in this section describe the affirmation of the title, the background of the problem, the formulation of the problem, the purpose of the study, the framework of thought, the hypothesis, the research method, and the system of writing.

Chapter II, in this section discuss the general description of UNICEF and the UNICEF in Indonesia.

Chapter III, in this section discuss the conditions and the problems that occur in children with disabilities in Indonesia during 2016-2017.

Chapter IV, in this section explain the role of UNICEF in realizing the rights of children with disabilities in Indonesia.

Chapter V, in this section is the conclusion of the research.

