

CHAPTER IV

THE IMPLEMENTATION OF 3 ROLES OF UNICEF IN REALIZING THE RIGHTS OF CHILDREN WITH DISABILITIES IN INDONESIA

An international organization can be said to be successful if it has carried out its basic functions as an international organization properly and correctly and does not deviate from its objectives or targets. In this case, UNICEF was able to make a unique effort to realize the rights of persons with disabilities in Indonesia through its three basic functions as International Organizations, namely: information functions, regulatory functions, and operational functions.

A. Information Function

Media is a tool used to find information or publish information. UNICEF is one of the International Organizations under the auspices of the United Nations. This organization is in charge of handling social inequality in children, or more precisely fighting for children's rights, so that children get their rights. In seeking information, UNICEF uses media as a forum for information and collects data while analyzing it, then exchanges data, disseminates data, and also informs its viewpoint or opinion.

The data and the samples they collected are data on children with disabilities who still experience problems in several ways, such as their difficulties in obtaining rights as persons with disabilities in Indonesia. Just as children with disabilities do not yet feel adequate accessibility because there are still many people whose level of awareness is still lacking in dealing with children with disabilities. The discrimination against children with disabilities is increasing because some people still underestimate the existence of children with disabilities around them. A comprehensive understanding of

awareness in dealing with children with disabilities requires a variety of information. Moreover, the problem of violence in children, especially people with disabilities, really needs information not only for families but also for the social environment. Thus, the problem of violence against children is not only seen from how much it happens. The information can also be revealed about the causes or root causes of acts of violence against children.

The discrimination against persons with disabilities is based more on physical conditions or disabilities that they carry. The community has been treating people with disabilities differently based on the assumptions or prejudices more than with the conditions of people with disabilities we have. We are considered not to be able to carry out activities like other people in general.

UNICEF has conducted a survey of violence and discrimination against children with disabilities in Indonesia. This is considered an important step to overcome the problem of violence and discrimination against children with disabilities, especially in providing basic data that includes the characteristics and context of the problem of violence and discrimination against children with disabilities. Handling violence and discrimination against children with disabilities in Indonesia is based on the availability of accurate data and information about violence against children. This information can be taken from administrative records and surveys, in the form of the results of recording or reporting the occurrence of acts of violence and discrimination against children with disabilities. The survey was conducted with the help of UNICEF partners with domestic institutions, namely the Ministry of Development and Child Protection and Empowerment with the Ministry of Social Affairs, the National Development Planning Agency (BAPPENAS), and the Central Statistics Agency, and the Indonesian Child Protection Commission (KPAI). The data published by UNICEF on violence and discrimination against children with

disabilities was analyzed from various available data sources. Some data sources used are the results of the Child Violence Survey, data on the results of the report of the Indonesian Child Protection Commission (KPAI), and violence records against women and children by the Ministry of Women's Empowerment and Child Protection (KPPPA).

The results of the data collection above are assistance from various sources of domestic institutions that deal with violence against children. UNICEF also held a social action campaign that was shown to the international community as well as within the country regarding the dangers of violence and discrimination against children and children with disabilities. Campaigns are carried out through radio broadcasts, television, seminars, youth participation or in the form of special training activities that are shown to children and adolescents.

Indonesia participates in a global initiative, namely Stop Violence against Children or named as the #ENDViolence Campaign. The campaign was launched by the Ministry of Women's Empowerment and Child Protection, the Ministry of Social Affairs and the Ministry of Communication and Information together with UNICEF Indonesia. This global campaign began to be implemented by UNICEF, as a form of light for millions of children around the world who are victims of violence and abuse, and make prevention efforts the basis for all efforts to deal with cases of violations of children's rights and the rights of children with disabilities (UNICEF, 2016).

The #ENDViolence campaign aims to raise awareness in the Indonesian community about how violence against children affects individuals and society. A global public service advertisement was also made in the Indonesian version featuring the UNICEF National Ambassador Indonesia. As the part of the campaign, UNICEF Indonesia and government partners will also use social media channels to ask the public

on what they think should be done to prevent violence against children.



Figure 2 #ENDViolence Campaign

Source: <http://www.unicef.in/itstartswithme/>

There is also a World Children's Day which is commemorated every November 20, in which UNICEF Indonesia encourages people from various backgrounds to fight violence and become the Protector of Children. To mark this important day, UNICEF organized a public registration event for the Child Protector campaign, which was launched in conjunction with the Ministry of Women's Empowerment and Child Protection (KPPPA). This campaign aims to create a movement that fosters awareness and encourages actions to end violence against children (Tribunnews.com, 2018).

The Children's Protector campaign features public service advertisements on television and also radio content, social media and digital billboards, having the tagline: "*Semakin banyak yang menjaga semakin jauh kekerasan dari mereka (anak-anak)*," (More and more are guarding the more violence from them (children))" which is lifted from the *Gotong Royong* tradition in Indonesia. Communities can register and commit to protect children from violence, get information about

various kinds of violence. As an addition, those who become victims can be connected with available support services.

B. Regulatory 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. As an addition, on November 10, 2011 the government of the Republic of Indonesia has ratified the CRPD into Law No. 19 of 2011 concerning the Ratification of the Convention on the Rights of Persons with Disabilities. This convention explains that children are entitled to special protection from discrimination, harassment, neglect, trafficking, child labor, and other forms of exploitation. Thus, 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. However, the one who has the right to ratify a convention is the Indonesian government (UNICEF, 2012).

Indonesian children experience domestic violence on the streets, at school and among their peers. However, many cases of this kind of violence were not revealed. This is not considered a case of violence because the two parties did not consider it as a problem. Violence of against children is often considered common because it is seen as a way of disciplining children. The cases of violence in Indonesia did not stick out because there were no official reports from those who experienced this. It happens because of the cultural environment that considers violence to be something common. Most of the people did not recognize such incidents. Poor law enforcement and corruption in law enforcement also makes the cases of violence against children also free from legal entrapment.

In Indonesia, child protection policies do not have a comprehensive approach to prevent violations against children. To overcome this problem, UNICEF supports the capacity building of mid-level national staff from ministry partners by providing training on a child protection-based system approach and implementing several mapping initiatives at the provincial level that produce regulations and budgets aiming at child protection at the local level (Fauzi, 2019).

The technical advice and policy advocacy from UNICEF have resulted in ongoing reforms for the development of a child protection system in Indonesia. New laws and policies are available to protect children, for example the Presidential Decree on the Prevention of Sexual Harassment in Children and the Juvenile Justice Act. Innovative monitoring and evaluation indicators have been established to track progress for children. UNICEF supports a number of pilot programs to prevent and respond to violations of child protection. Family-based care advocacy is a special priority given the large number of children living in institutions in Indonesia. UNICEF, together with the Government of Indonesia, conducted an independent evaluation of the system development approach in the country and its impact on protecting children from violence, exploitation, and abuse.

The legal and policy framework in Indonesia needs to be strengthened to prevent and deal with violence, abuse, exploitation and neglect of children. The current legal and policy framework is conducive to promoting children's rights, but there are still some gaps. Moreover, the rights of children with disabilities are still considered a trivial problem. The legal framework must designate government agencies with clear duties, authorities and responsibilities for handling and providing child protection services. Indonesia also faces the challenge of ensuring the alignment of Regional Regulations and child protection policies, each with the authority to set its own rules. This regulation also has the right to be applied to children with disabilities. Therefore, the last step taken by the

central government to develop a local regulation guideline that refers to a system-based approach to child protection is a positive step (Kompas.com, 2014).

In an effort to realize the mandate of Law Number 23 of 2002 as amended by Law Number 35 of 2014 concerning Amendment to Law Number 23 of 2002 concerning Child Protection. Then, in 2016, Indonesia faced the dynamics of child protection quite seriously, various cases continued to emerge and sexual crime cases were serious cases which received a serious response by the state and society. On the other hand, children as the victims of bullying are on the decline. However, children who become bullying victims are increasing. This is the reason why the President then took immediate steps to issue Government Regulation on Substitution of Laws (PERPPU) Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection and the Presidential Regulation concerning Prevention and Control of Violence Against Children in the Educational Unit (Hidayat, 2016).

Meanwhile, on November 9, 2016 approved by the House of Representatives in a plenary meeting, a Government Regulation on Substitution of Laws (PERPPU) Number 1 of 2016 was established into Law Number 17 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection. Furthermore, in 2017, the government stipulates Law No. 17 of 2017 concerning the establishment of government regulations in lieu of Law Number 1 of 2016 concerning the Second Amendment to Law No. 23 of 2002 concerning Child Protection (KPAI, 2017).

With the enactment of Law No. 17 of 2017, in order to provide protection to children, the State takes optimal and comprehensive measures by not only providing criminal sanctions, it also implements a form of prevention by providing measures such as chemical castration, installation of electronic detection devices, and rehabilitation for perpetrators of sexual violence against children. The enactment of this law

also addresses the phenomenon of sexual violence against children, gives a deterrent effect to the perpetrators, and prevents the occurrence of sexual violence against children. The regulations that provide protection for children have been ratified and determined by the government with the aim of reducing the rate of violence that occurs in children.

C. Operational Function

UNICEF funding comes from voluntary contributions from governments, intergovernmental bodies, non-governmental organizations and individuals. Most of the donations received were classified as UNICEF public sources. Other income can be used for additional projects approved by the board or for emergency assistance and rehabilitation. In realizing its basic function as an operational function, UNICEF has carried out various efforts well. These efforts are in the form of utilization and operation of all resources, such as in the form of funding, operating sub-organizations or developments by running various work programs.

The national budget is prepared by executive power and submitted to the parliament for approval. Council members share the responsibility to ensure that sufficient amounts of funds are allocated to realize the rights of children with disabilities. This includes financial resources and the time and strength of various different institutions and branches of government. The national budget is prepared by executive power and submitted to the parliament for approval. Thus, council members share the responsibility to ensure that sufficient amounts of funds are allocated to realize the rights of children with disabilities. This includes financial resources and time and energy from various different institutions and branches of government.

Board members must start with a clear idea of what is needed to address the child protection problems faced by their own country. Hence, they must look at what resources should

be available, and measure those sources based on their knowledge of the state of the national budget as a whole. In conducting this assessment, the use of the work of other parties, whether they are national or international NGOs, or international organizations such as ILO, UNDP, UNESCO, and WHO are seen as quite useful (UNICEF, 2004).

It is very important not only to see the allocation of money, but also to what is achieved with the expenditure and will it be to consider the education sector solely in terms of the amount of money allocated to that field for example, without taking into account the level of students accommodated. The same applies to expenditure on child protection. For example, it is not enough to simply know how much money has been spent to demobilize and rehabilitate. It is also important to know how many children have been helped, what kind of follow-up has been given, and what the situation of these children happens at this time, for example by asking for the proportion of children who attend school.

In realizing the rights of children with disabilities in Indonesia, UNICEF can utilize its own resources in the form of funding or development in the implementation of work programs. The Child Protection Program formed by UNICEF is an effort to strengthen the country's environment to prevent and protect children from trafficking, violence, exploitation, neglect, and threats.

Individuals and organizations throughout the world are also very important funding sources and for UNICEF. As an international organization under the auspices of the United Nations, UNICEF enjoys good relations with private organizations and the general public. The material support from the community comes from individual donations, income from charitable events and activities, assistance from organizations and institutions, and fundraising carried out by school children.

Such fundraising efforts are often sponsored by National Committees. UNICEF continues to try to increase funding from both national donors and other potential sources. Even though financial resources are simple, UNICEF is one of the organizations that has the biggest goal in providing programs that benefit children in developing countries. However, fundraising is a part of a large goal to support greater investment from national and international sources that will be directed to services for children in the country. UNICEF cannot do anything without a source of funds. In carrying out its mandate, UNICEF depends on voluntary funds that have been collected. UNICEF does not only seeks government and community support for collaborative programs but also tries to encourage public awareness of children's needs and means to fulfill advocacy support with the government, community leaders, educators and other experts and cultural groups, the media, and the local community.

The reports on funding sources obtained by UNICEF from the Indonesian Private Sector include Individual Donors totaling \$ 6,940,157, and Corporate Donors and foundations from Indonesian Signify with a total of \$ 148,354, PT Bank Central Asia Tbk with \$ 74,074, and others with a total of \$ 73,491, a total of obtained from individuals and private companies for \$ 7,236,076. Funds generated from UNICEF's global programs for Indonesia are Global Education that is \$ 684,695, Global Water Sanitation and Hygiene which is \$ 620,291, Global Child Protection that is \$ 412,097, Global Nutrition that is \$ 141,503, Global HIV and AIDS that is \$ 119,972, Global Health with a total of \$ 31,697, the total obtained from the program was \$ 2,010,255 (Prof. Dr. Ascobat Gani, 2018).