Universal Periodic Review

(27th session, April-May 2017)

Contribution of UNESCO to Compilation of UN information

(to Part I. A. and to Part III - F, J, K, and P)

INDONESIA

I. BACKGROUND AND FRAMEWORK

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

Title	Date of ratification, accession or succession	Declarations /reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's fields of competence
Convention against Discrimination in Education 1960	State party to this Convention (Ratified 10/01/1967)	Reservations to this Convention are not permitted		Right to education
Convention on Technical and Vocational Education 1989	Ratified 30/01/2008			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	06/07/1989 Acceptance	The Government of the Republic of Indonesia, by virtue of Article 26 paragraph (2), declared that it shall not be bound by the provision of Article 26 paragraph (1) (Contributions of States Parties to the Fund)		Right to take part in cultural life
Convention for the Safeguarding of the Intangible	15/10/2007 Acceptance	With reference to Article 25 Paragraph (4) regarding the Settlement of		Right to take part in cultural life

Cultural Heritage 2003		Disputes, the Government of the Republic of Indonesia declared that it shall not be bound by the provisions of Article 25 paragraph (3) of the Convention.		
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	12/01/2012 Accession			Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

1. NORMATIVE FRAMEWORK

1.1. Constitutional Framework

1. The Constitution of 1945, as last amended in 2002, enshrines the right of every citizen to education in Chapter XIII on Education, **Article 31**. This Article states that "(1) Each citizen has the right to an education. (2) Each citizen is obliged to follow elementary education and the government has the duty to fund this. (3) The government organizes and implements a national education system, to be regulated by law, that aims at enhancing religious and pious feelings as well as moral excellence with a view to upgrading national life. (4) **The state shall give priority to the education budget by allocating at least twenty percent of the state's as well as of the regional budgets** to meet the requirements of implementing national education. (5) The government advances science and technology along with holding religious values and national unity in high esteem with a view to promoting civilization as well as the well-being of humanity."

2. With regard to languages, **Article 32** adds that "(1) The state shall advance Indonesia's national culture among the civilizations of the world by guaranteeing the freedom of the people to maintain and develop cultural values. (2) The state shall respect and preserve the languages in the regions as national cultural treasures."

3. Moreover, Chapter XA on Human Rights provides in Article 28C that "(1) Every person has the right to self-realization through the fulfillment of his basic needs, the right to education and to partake in the benefits of science and technology, art and culture, so as to improve the quality of

his life and the well-being of mankind." Article 28E adds that "(1) Each person is free to worship and to practice the religion of his choice, to choose education and schooling, his occupation, his nationality, his residency in the territory of the country that he shall be able to leave and to which he shall have the right to return."

1.2. Legislative Framework

4. In 1989, the Republic of Indonesia enacted the National Education System Law No. 2/1989. It adopted a new **National Education System Law No. 23/2003** in July 2003.[1]

5. It is stated, in the legislation, that "Every seven to fifteen years old citizen shall have the right to basic education" (**Article 6**).
Article 34 also specifies that "every citizen can enroll in a compulsory basic education programme at the age of six. The Government and local governments guarantee the implementation of compulsory education at least for basic education free of cost".

6. **Article 4** specifies principles of education: "Education is conducted democratically, equally and non-discriminatorily based on human rights, religious values, cultural values, and national pluralism."
Chapter IV recognizes the rights and obligations of citizens, parents, community and government. According to **Article 5** "(1) every citizen has equal rights to receive a good quality education. (2) Citizens with physical, emotional, mental, intellectual, and/or social deficiencies shall have the right to receive special education. (3) Citizens in the remote or less-developed areas, and isolated areas have the right to receive education with special services. (4) Citizens who are proven intelligent and especially gifted have the right to receive special education. (5) Every citizen shall have the right to enhance his/her educational ability in the process of life-long education." With regard to parents' rights and duties, **Article 7** provides that "(1) Parents shall have the right to take part in the choice of the unit of education for their children and to obtain information concerning circumstance of their children's education. (2) Parents of the children entitled to receive compulsory education shall have the obligation to ensure basic education for their children."

7. With regard to Rights and Obligations of the Government, **Article 11** states that "(1) The Government and local governments have to provide services and facilities, and ensure the implementation of quality education for every citizen without discrimination. (2) The Government and local governments have to ensure the availability of funds for the implementation of education for every Indonesian citizen from aged seven to fifteen."

8. Moreover**, Article 12** provides that "(1) every learner in an educational unit is entitled to: c. receives a scholarship in recognition of meritorious performance if his/her parents are not able to bear education expenses; d. receive educational grant if his/her parents are not able to bear education expenses."

9. The **Law on National Education No.20 of 2003** and the Constitution Amendment III emphasize that all Indonesian citizens have the right to education; that the government has an

[1] IBE, World Data on Education, seventh edition 2010-11, Indonesia, p.3, http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Indonesia.pdf,

obligation to finance basic education without charging fees; and that the government is mandated to **allocate 20% of its expenditure** on education.

10. **Government Regulation 19 of 2005 on National Education Standards**, which defines the national standard in the following eight areas: content, process, graduate competency, teacher standards, school facilities, education management, funding and assessment. It also mandates the establishment of the National Education Standards Board (BSNP: Badan Standar Nasional Pendidikan), which is tasked with preparing the detailed education standards and overseeing their implementation.

11. **Higher Education Law 12/2012**[2]**.** Its preamble notes that higher education, as part of the national education system, plays a strategic role in developing the intellectual life of the nation and advancing science and technology with the aim, among others, to increase national competitiveness in the context of globalisation.[3]

12. In June 2013, the Government adopted a **Regulation on Universal Secondary**. According to **Article 2** of the regulation, the aim is to enable every citizen from sixteen to eighteen years old to acquire secondary education.[4]

13**. The Teacher Law No. 14 of 2005** aims to improve the quality of education through a teacher certification process. The Law and related regulations are intended to improve the quality of the teaching workforce by recognizing teacher competencies and professionalism. These goals are achieved through a series of professional and location incentives intended to encourage teachers to upgrade their qualifications and make serving in remote locations more attractive. [5]

14. The improvement of teachers' qualification, competence, and certification is conducted based on **Law Number 14/2008 concerning Teachers and Lecturers**, wherein the minimum educational qualification for teachers is Bachelor (S1) or Diploma 4 (D4). A stated in the Law, the increase of teacher education qualification has been conducted by giving scholarships to 13,101 teachers from primary school (SD) and junior secondary school (SMP). Moreover, a number of teacher training have been organized to improve the quality of learning Indonesian language, English, Mathematics and Science.[6]

15. The Ministry of State Administration and Bureaucratic Reform (MenPAN) reformed the civil service system **under the Law No. 5/2014 on the Civil Administrative State** (ASN) introduced a new type of government contracted employee known as P3K (Pegawai Pemerintah dengan Perjanjian Kerja). Teachers, as well as others such as health workers, will now become

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[2] ILO: Indonesia > Education, vocational guidance and training, available at: http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=91045&p_country=IDN&p_classification=09

[3] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 184.

[4] Unofficial translation, accessible at: (Indonesian) http://www.unesco.org/education/edurights/media/docs/5df9d1b1e9be0047ab26605574fe561866e476c8.pdf

[5] IBE, World Data on Education, seventh edition 2010-11, Indonesia, 2010, p. 4.

[6] EFA 2015 National Review: Indonesia, 30 January 2014, p.49, available at: http://unesdoc.unesco.org/images/0022/002298/229874E.pdf

professional groups; special laws, such as the Law on Teachers, regulations and guidelines, will guide their management.

1.3. Institutional Framework

16. Following up the Dakar convention, the Government of Indonesia formed Education for All Coordination Forum. This forum was established by the Decree of the Coordinating Minister for People's Welfare No: B.10/MENKOKESRA/I/2003 dated January 27, 2003 on the instruction for governors, regents and mayors throughout Indonesia to form Education for All Coordination Forum in their respective working areas. The
Coordination Forum was then formed into six (6) working groups, namely Early Childhood Education (ECE), Basic Education, Literacy Education, Life Skills Education, Gender Mainstreaming, and Education Quality Improvement.
The Education for All Coordination Forum comprises of state ministries and government agencies as well as civil society organizations. It is established as a forum to synergize, encourage, coordinate, supervise, and evaluate the implementation of Education for All (EFA) at national, provincial and city/district levels.
The Coordination Forum has five (5) major functions:
1. formulate programs, stages, procedures, implementation and development of EFA activities in accordance with the situation and condition of the working area;
2. prepare long, medium, and short term EFA Action Plan;
3. build coordination, consolidation, socialization, dissemination, and advocacy to the entire community and stakeholders;
4. conduct monitoring and evaluation activities to the implementation of 6 EFA goals; and
5. submit periodical reports and review on the EFA implementation at the district/city, provincial, national, and international levels.[7]

1.4. Policy Framework

i) General information

17. The **Indonesia's Education for All national Plan of Action 2003/2015** was launched in 2003[8]
Different topics are analyzed:
- Early Childhood Care and Education;
- Basic Education;
- Literacy Education;
- Life Skills Education;
- Gender-Equity Education;
- Quality of Education; and
- Financing and Achieving EFA Goals

[7] EFA 2015 National Review : Indonesia, 30 January 2014, p. 3.
[8] National Plan for Action, Indonesia's Education For All 2003-2015, 2003, accessible at: http://planipolis.iiep.unesco.org/upload/Indonesia/Indonesia_EFA_NPA.pdf

18. The future education development in Indonesia is based on the vision and mission of the national development 2005-2025 which has been imprinted in the Law of the Republic of Indonesia No. 17/2007 on **National Long Term Development Plan 2005-2025,** and the Indonesian Government commitment to all international conventions on education, such as Dakar Convention on Education for All, the Convention on the Right of the Child, Millennium Development Goals (MDGs) and World Summit on Sustainable Development.[9]

19. The First National Medium-Term Development Plan (rencana pembangunan jangka menengah nasional) (or **RPJMN 2005-2009**) was the first step of reform undertaken by the government.[10]

20. The Second National Medium-Term Development Plan (or **RPJMN 2010-2014**) aimed to consolidate reform by emphasising efforts to increase the quality of human resources and strengthen economic competitiveness. Strategic priorities for education, whether under the in Ministry of Education and Culture (MOEC) or the ministry of Religious Affairs (MORA), are set within the framework of the overall national plans. Education was the second priority after public sector reform, in the 2010-2014 National medium-Term Development Plan. The MOEC's Strategic Plan for 2010-2014 has five missions which serve as the basis of all educational programmes. They are:

1. improve availability of education services;
2. improve affordability of education services;
3. improve the quality and relevance of education services;
4. improve equality in obtaining education services;
5. improve the assurance/guarantee of obtaining education services

21. The Third National Medium-Term Development Plan (or **RPJMN 2015-2019**) will be directed at achieving economic competitiveness on the basis of natural resources and the quality of human resources, and increasing capability to master science and technology.

22. The Fourth National Medium-Term Development Plan (or **RPJMN 2020-2025**) aims to realise an Indonesia that is self-reliant, advanced, just and prosperous through the acceleration of development on the basis of solid economic structures, supported by high-quality, competitive human resources.[11]

ii) Education levels

- **Early Childhood Education**

23. In Indonesia, Early Childhood Care and Education is provided in the forms of Kindergarten (TK), Children Day Care Center (TPA), Play Group (KB), and Other Form of ECE unit (SPS) which are regulated under the Ministry education and Culture (MoEC). In addition, there is also ECE which is implemented under the Ministry of Religious Affairs (MORA) that includes

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[9] EFA 2015 National Review: Indonesia, 30 January 2014, p.65, accessible at: http://unesdoc.unesco.org/images/0022/002298/229874E.pdf

[10] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p.67, accessible at: http://www.adb.org/sites/default/files/publication/156821/education-indonesia-rising-challenge.pdf

[11] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, pp.67-68.

Raudhatul Atfal (RA), and Bustanul Aftal (BA). Besides, there are other kinds of early childhood care and education programs, such as ECE integrated with health care, Infant's Family Development (BKB/ Bina Keluarga Balita), Islamic Study Group (Majlis Taklim), Sunday School, Faith Child Development, Islamic Child Education Center, and other similar institutions.[12]

24. Indonesia has done much to expand access to education for children at all stages of learning. […] Since 2010, policy progress has been made with the introduction of the "**Grand Design**", a blueprint for the development of early childhood care and education (ECCE), building on a programme dating back to 2001. The Grand Design sets outcomes, targets and principles for the expansion of early-years education and care from 2011 to 2025 as part of the goals to be realised by 2045.[13]

25. The **Presidential Decree Number 60** about **Holistic Integrated Early Childhood Development** (HI-ECD) was launched in 2013. The Decree regulates the importance of holistic and integrative approaches of early childhood development in order to provide holistic services of health, nutrition, education, protection and parents' skills in early care and childhood education. All families have the right to subsidize ECE services, but the aims must be to reduce disparities to give opportunities to poor and marginalized children to access education. In other words, marginalized children must be able to participate in education for free.[14] In addition, the **Presidential Regulation No. 20 of 2013** on HI-ECD aims to provide a strong foundation for improved implementation and co-ordination. It established a multi-agency task force to facilitate co-ordination in implementing HI-ECD. At the national level, the Task Force is chaired by the Coordinating Ministry for People's Welfare (Kemenkokesra) and jointly co-chaired by the National Planning Agency (BAPPENAS) and the Ministry of Home Affairs. The membership comprises eight ministries including Ministry of Education and Culture (MOEC) and Ministry of Religious Affairs (MORA).[15]

26. "As a result of the government's active promotion of early childhood development programmes, there appears to have been a rapid increase in the number of children participating in playgroups, kindergartens and childcare services. Growth has been further driven by parental demand, reflecting increasing awareness of the benefits of early years education and high quality care. This progress in expanding provision for children across all types of early-years provision represents the result of considerable efforts on the part of all partners."[16]

27. However, in 2014, the target of Early Childhood Education (ECE) Gross Enrollment Rate (GER) [was] 72 percent whereas in 2010 the GER reached 50.2 percent.[…] Although the national GER achievement is relatively on track, there are disparities in seven provinces with the GER rate less than 50 percent: Papua, West Papua, NTT, Maluku, North Maluku, East and West Kalimantan […] Therefore, it can be said that the problems of urban centered services persistently occur, and enrollment for young children in **early childhood education especially in remote areas and villages remains inadequate**. The problems and challenges faced by in these seven provinces are

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[12] EFA 2015 National Review: Indonesia, 30 January 2014, p.6.
[13] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, pp. 84-85.
[14] EFA 2015 National Review: Indonesia, 30 January 2014, p.8.
[15] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p.85.
[16] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 86.

mainly related to the limitation of infrastructures and facilities, unequal services between rural and urban areas, lack of demand of ECE, poverty, non-integrated services of ECE, and unsustainable cooperation or collaboration between government agencies with early childcare and childhood education providers.[17]

28. Parents also need greater awareness of the importance of early childhood education and care, and more encouragement to enroll their children in pre-primary schools at the age of 5-6 years.[18] The bulk of growth in provision and participation of ECCE has been in the for-profit private sector which is accessed by parents who can afford to pay for this provision. Children from the poorest families, who could benefit most from early learning and care, are the least able to gain access and the most likely to fall behind in the subsequent stages of schooling. [19]

29. At the local level, many new early childhood institutions are authorized without any clear criteria or standards. Some operate without a license. Many early childhood educators do not yet meet the required qualifications standards. Indonesian **ECCE lacks a quality assurance mechanism.** Many supervisors currently work across both basic education and pre-school establishments.[20]

30. The Committee on the Rights of the Child reiterated these issues in June 2014 and was furthermore concerned about the insufficient budget allocation for early childhood care. It recommended that Indonesia ensures that early childhood care and education is free and that institutions are accessible, including for children living in remote areas, are adequately staffed and furnished, as well as capable of providing early childhood care and education in a holistic manner, including overall child development and strengthening parental capacity.[21] In fact, the bulk of growth in provision and participation of ECCE has been in the for-profit private sector which is accessed by parents who can afford to pay for this provision. Children from the poorest families, who could benefit most from early learning and care, are the least able to gain access and the most likely to fall behind in the subsequent stages of schooling.[22]

- **Basic Education**

31. Nine-year compulsory basic education in Indonesia comprises of services for children age 7-12 years through primary schools (SD), Madrasah Ibtidaiyah (Islamic primary school/MI), and Package A (equivalent to primary school); and for children age 13-15 years through junior secondary (SMP) schools, Madrasah Tsanawiyah (Islamic junior secondary school/ MTs), and Package B (equivalent to junior secondary school).[23] Formal education is provided by a combination of public and private schools. There are two types of private schools: faith-based

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17 EFA 2015 National Review: Indonesia, 30 January 2014, p.7.
18 OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 27.
19 OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 27.
20 OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 27.
21 CRC, Concluding observations, CRC/C/IDN/CO/3-4, accessible at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fIDN%2fCO%2f3-4&Lang=en
22 OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p.95.
23 EFA 2015 National Review: Indonesia, 30 January 2014, p.9.

schools and private schools for profit. The majority of private schools are faith-based Islamic schools. Faith-based Islamic schools are centrally managed and governed under the Ministry of Religious Affairs (MORA), while districts are mainly responsible for the management of public schools with the Ministry of Education and Culture (MOEC) responsible for their overall governance. Private primary schools make up 20% of primary schools in and the government subsidises their operational costs, provides teacher subsidies, and in some cases, teachers and therefore play a key role in Indonesia's education system.[24]

32. A number of policies and initiatives, not least the school operational assistance (**bantuan operasional sekolah, or BOS**) grant introduced in 2005, "**One Roof**" primary and junior secondary schools housed in the same building in remote areas, and local school grants (bantuan operasional sekolah daerah, or BOSDA), have contributed to improving the access, availability and affordability of basic education. Indonesia is now close to achieving universal primary education. Good progress has been made towards targets for achieving qualified teachers and the provision of classrooms and teaching materials. [25]

33. MOEC's strategic objective for basic education for 2010-14 is to 'guarantee to obtain basic education services of high quality, relevant and equal in every province district and city'(Ministry of National Education, 2012). Given the decentralized management of state schools, the successful implementation of this plan requires regional and local capability.[26]

34. However, regional and district disparities remain in student access, educational quality, and teacher certification in remote and poor areas. The difficulty of providing access to education in remote areas compounds the problem of young people's participation in schooling, particularly among communities with traditionally low educational aspirations. While there is no overall shortage of teachers, those in remote and rural areas are less qualified and too often absent from their schools and classrooms. Rates of teacher absenteeism are highest in districts with the highest proportion of children not at school.[27]

35. Indonesia's education system is a "leaking pipeline", with considerable wastage through student dropping out, especially in the transition from primary to junior secondary and also through the junior secondary years. Students are tracked into general or vocational streams at 15 or even earlier. Tracking students too early can restrict learning experiences and skills formation opportunities and subsequently limit their work and life options. The practice is invidious when the bases for track-assignment decisions lack objectivity and validity, when the nature of what is taught in any of the various tracks is too narrow, and when options for further learning at the end of any track are truncated or closed off.[28]

36. There are reported shortfalls against minimum service standards, with some 75% of schools not meeting them. The critical shortfalls are not just in the physical elements of schooling that have been of primary concern to administrators, but in important educational processes especially in

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[24] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 103.
[25] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p 28.
[26] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 103.
[27] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, pp. 28-29.
[28] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, pp. 28-29.

areas such as supervision, lesson planning and student assessment. Incremental improvements in low-cost activities can make big differences.[29]

37. District-level processes to allocate resources to primary and junior secondary schools typically lack transparency. In some areas there are concerns about skimming or politicization, leading to inadequate provision and reduced discretion at the school level. Districts vary in their capacity to manage budgets, and there is no expectation that they report on the cost-effectiveness of resource usage. The inconsistent resource-allocation processes at district level have given rise to non-payment or delays in payments to teachers of various allowances, including those linked to teachers upgrading their qualifications and certification. Teachers have been disappointed and distracted from their core teaching role by having to follow up on the payment of their entitlements.[30]

38. The per capita formula for BOS and BOSDA allocations has failed to account for the fixed costs of small schools although from 2014, a base enrolment of 120 students has been assumed for all schools. Nevertheless, per-student allocations do not adequately reflect differences in school net operating costs.[31]

39. Private madrasah cater for the children of the poorest families yet receive less support than public madrasah and public schools.[32]

- **Senior Secondary education**

40. Since 2000, there has been significant expansion in the numbers of senior secondary schools, students and qualified teachers.[…] The government has committed in 2012 to achieving universal participation in senior secondary education by 2019, extending the current period of compulsory education from 9 to 12 years.[33] In 2012, the government launched its grand design for universal senior secondary education and set the goal of a gross enrolment rate of 97% by 2020, making senior secondary school part of mandatory education.[34] Behind the overall picture of significant expansion of senior secondary education […], there are important regional differences. Even within provinces, enrolment rates vary widely across districts. Several provinces have districts with a gross enrolment rate below 30% (MOEC, 2012b).[35]

41. It should also be noted that at the senior secondary level private enrolments accounts for around 55% of provision. The government can provide support to community-based institutions at the senior secondary level but is not required to do so.[36]

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[29] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, pp. 28-29.
[30] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, pp. 28-29.
[31] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, pp. 28-29.
[32] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, pp. 28-29.
[33] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p 32.
[34] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p 136.
[35] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 137.
[36] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p 132.

42. Furthermore, the transition from junior secondary to senior secondary education is a time when many pupils risk dropping out. Among the pupils who successfully graduated from junior secondary schools, 10% do not continue to senior secondary education […] Once pupils are enrolled in senior secondary education, they still face higher dropout rates than in basic education. The total dropout rate for all types of senior secondary schools is 3% per year, which is double the rate for junior secondary schools. The disparity in dropout rates between provinces is significant. [37]

43. The low student/teacher ratios at senior secondary school level may be the result of trying to ensure choice across the curriculum for students. Providing choice and depth is a key ambition for the curriculum but coupled with small schools it comes at a high cost and is inefficient. As more students take up their right to senior school education, teacher absences and the inability to fully timetable staff to the minimum number of contract hours is unsustainable. [38]

44. Greater efficiency in the deployment of teachers could lead to greater student access without diminishing educational quality. More investment in classroom resources, including textbooks and information communications technology (ICT), could improve student learning. Whereas teachers seem to be familiar with the wider knowledge aspects of the new curriculum they appear to be less aware of the importance of a more active pedagogy and can lack confidence in their ability to encourage and support higher-order learning. [39]

45. Parents pay nearly twice as much for senior secondary education than they do for junior secondary schooling. Most of the costs are towards money for textbooks, consumables, school uniforms, transportation and school registration. The costs are perceived as significantly higher in schools located in urban areas, particularly for primary schools. For many families these costs also have to be balanced against the potential earnings of these young people if they were to enter the workplace compared with the advantages of remaining at school until the age of 18 or beyond. [40]

46. In some regions the education of children with special educational needs is still not a priority. There are examples of good education being provided in special schools in Indonesia and some regions are working to develop more inclusive approaches to education across all stages but there is still much to do. Enrolment of students with additional support needs in senior secondary schools remains very low. [41]

- **Vocational training**

47. The government plans to raise the share of vocational education at that level while aligning it more closely with its national development goals. […] The current system of supply-driven provision of TVET, fragmented across numerous ministries and the private sector, results in duplication of effort, gaps in service provision, and policy inconsistencies that can disadvantage

[37] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 138.
[38] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 135.
[39] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 32.
[40] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p.144.
[41] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 137.

learners. There is an urgent need to improve co-ordination and employer involvement, and make TVET more industry-driven.[42]

48. A further innovation adopted by the ministry in 2014 was to introduce the Vocational Model School Initiative which establishes a "super" SMK school as a model school, with more resources, which can act as a center for satellite schools. Currently there are 90 such schools but the intention is to create 1 650 by 2020. MOEC's new vision aims to increase the proportion of learners enrolled in senior secondary vocational schools (sekolah menengah kejuruan, or SMKs schools to 60% by 2020, with 40% in academic senior secondary schools (sekolah menengah atas, or SMAs), compared with the current division of 49% in SMKs and 51% in SMAs."[43] One major initiative has been the establishment of community colleges (akademi komunitas, or AKs) intended, in part, to increase the proportion of SMK graduates progressing to further education and training, from the current low level of 15%.[44]Indonesia has not yet achieved an equitable distribution of SMK schools across the country. […]In more than half of the provinces, the enrolment rates in SMKs were lower than 30%, averaging around 20%.[45]

49. Technical and vocational education generally is held in low esteem as a second-best option for those who have not been successful academically in the schooling system. The enrolment of girls in SMKs is declining and they remain concentrated in a few "female" subject areas.[46] Employers report that a significant percentage of SMK and polytechnic graduates do not have the skills needed to perform well in their positions. Employers report that the curriculum of vocational schools is not based on the needs of the labour market, and nor is it keeping pace with current technology and innovation, and this is exacerbated by outdated learning facilities at several skills providers (World Bank, 2010).
[…] The recent requirement that VET teachers teaching non-academic subjects need teacher certification is an important positive step.[47]

50. The financial burden on SMK students is higher than for SMA students, yet SMK targets the three poorest quintiles of the population. Quality TVET provision is typically costly, especially when it involves small groups learning on sophisticated equipment with well-qualified and experiences trainers.[48] Unlike academic senior secondary education, which is predominantly publicly provided, 70% of SMK institutions are private, and they also enrol the largest share of students.[49]

- **Higher Education**

[42] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, pp. 34-35.
[43] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 158.
[44] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 35.
[45] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 160.
[46] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p.35.
[47] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, pp. 165-167.
[48] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 35.
[49] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, pp. 158-159.

51. The current enrolment rate of 31.5% (UNESCO Institute for Statistics, 2014) reflects an impressive growth from 21.3% in 2008.[50] The government has shown good foresight in setting up a comprehensive regulatory framework for the operation and development of higher education in accordance with accepted international standards, which should form a sound basis for future improvements.[51]

52. The **Medium Term Development Plan, 2010-14,** (Republic of Indonesia, 2010), sets an ambitious strategic objective for higher education: the availability and affordability of quality, relevant, internationally competitive and equitable higher education services in all provinces. The government has taken a number of initiatives to give effect to the different elements of the plan and the law. These elements include: types of higher education, degrees and diplomas, autonomy, governance, access, fee paying, national higher education standards, quality assurance and accreditation, national qualifications framework (NQF), internationalization, personnel, financing, research, and community service.[52]

53. Rapid enrolment growth poses challenges in relation to finance, quality and relevance. Indonesia's policy makers understand that it has ground to make up in these three areas, and recognize that it needs to confront these challenges urgently. In this context, the new government has created a dedicated Ministry of Research, Technology and Higher Education.[53]

54. Many of the 92 public universities would be rated fair to middling along with a few, perhaps 20, of the more than 3000 private universities. The bulk of the private institutions, however, would be rated poor, and many very poor. Academic teaching staff are underqualified by international standards, and their remuneration rates and conditions are relatively poor. Facilities and equipment are inadequate. The quality of education, with a few exceptions, is poor, particularly in institutions with insufficient scale to mount broad degree programs. Many graduates fare poorly in the job market.[54]

Expansion of higher education without diminution of quality will require substantial investment. […] The current financing model for higher education is based on a negotiated budget model derived from historic costs. The model lacks transparency, does not recognize differential costs and carries no incentives for performance improvement.[55]

55. The increases in participation rates have reduced gender inequality considerably over the last 20 years. Whereas in 1993 the female enrolment rate was 6.7%, by 2006 it had almost doubled. The number of female students in tertiary education as a whole surpassed the number of male students as early as 2008. […] A new challenge is to increase the gross enrolment rate for male students as well as to influence the stereotyped choices of subjects so that more female students opt for high-priority fields such as science, technology and engineering rather than their traditional fields like health and education.[56]

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[50] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 188.
[51] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 184.
[52] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, pp. 184-185.
[53] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 184.
[54] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 38.
[55] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 39.
[56] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, pp. 192-193.

56. Increases in participation rates have not markedly reduced the gap between the different socio-economic groups. For instance, in 2010 only 2.5% of those in quintile-1 (Q-1, the least well-off households) were in a bachelor's program compared with 64.7% in quintile-5 (Q-5, the most well off) (MOEC, 2013a). […] The fact that private spending, especially in the form of fees, constitutes the bulk of financing for higher education makes it financially burdensome for lower-income households to participate in higher education. […] The Directorate General for Higher Education (DGHE) has formulated the goal that 20% of the student population body should come from the two poorest quintiles, Q-1 and Q-2. Several initiatives have been taken to this end. Fee levels for undergraduate programs at the public institutions are centrally fixed, apart from the top-tier autonomous universities which, like the private institutions, set their own fees. Public institutions are required to take at least 20% of their students from economically disadvantaged groups. There are also four ambitious scholarship programs, including the Bidikimisi scheme, covering both fees and living costs.[57]

- **Life Long Learning**

57. For over a decade, Indonesia has had a consistent policy emphasis on increasing basic levels of literacy, as shown by the list of policy initiatives identified by MOEC in response to a UNESCO survey as part of the Global Report on Adult Learning and Education (GRALE). The same report estimated that around 3 million people participate in literacy programs in Indonesia.[58] However, over half the Indonesian post-school population have attained only primary level education or less. Fewer than 30% of adults aged 25-64 have attained senior secondary education or higher, with that proportion down to less than 10% for those over 35 years of age. Literacy rates for women over 40 are around half of those for men. There is a paucity of data about the participation of Indonesian adults in further learning, outside basic literacy programmes. The available data indicates fragmented provision and uneven participation.[59]

iii) Education content and quality

- **Language of instruction**

58. In 2014, the Committee on Economic, Social and Cultural Rights was concerned that a number of languages in the State party are at risk of disappearance, in spite of the measures taken by the Language Development Agency (art. 15). It recommended that the State party pursue efforts aimed at the preservation of endangered languages, including by promoting their use and by documenting them. In this regard, the Committee recommends that the State party invest resources for the effective implementation of Ministry of Education and Culture Regulation 81 A of 2013 on Implementation of Curriculum for the inclusion of the teaching of local languages in the primary school curricula, especially as it pertains to endangered languages. [60]

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[57] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 191.
[58] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 246.
[59] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 42.
[60] CESCR, Concluding Observations on Indonesia, May 2014.

- **Teachers**

59. Under **the Law No. 5/2014 on the Civil Administrative State** (ASN) which introduced a new type of government contracted employee known as P3K (Pegawai Pemerintah dengan Perjanjian Kerja), whereby teachers, as well as others such as health workers, became professional groups. P3K will be employed under individual contracts (agreements), which is a civil law instrument and not a public law instrument and which is normally guided by the general Labor Code. P3K are, however, going to be subject to ASN for employment conditions and contract terms. The contracts are to be for minimum 1 year with possible extension, and this limited term contract is a key differentiator from the traditional civil service hire. [61]

60. In Indonesia, a 10% increase in teacher absenteeism was estimated to lead to a 7% decrease in mathematics scores, on average, and absenteeism was most likely to harm weaker students: the teacher absence rate was 19% for the quarter of students with the highest mathematics scores, and 22% for the quarter with the lowest scores.[62] Furthermore, in a survey in Indonesia, for example, teachers felt that resources that were often lacking or inadequate should be given higher priority. Policy-makers, however, favoured promotion opportunities, which only 20% of teachers considered important, compared with 49% who viewed improving classroom teaching and learning resources as critical critical (Broekman, 2013).[63]

61. Teachers are unequally distributed across regions, urban and rural areas, school levels and academic fields, so teacher shortages exist locally, especially in poor urban or remote rural areas. Decisions on hiring teachers have largely been decentralized – teachers hired directly by schools now make up 30% of the teaching force at primary level and 36% at lower secondary level. Five ministries issued a **joint decree in 2011 providing guidelines to provinces and districts**: primary schools with less than168 students should have at least six teachers, and larger ones should have class sizes between 28 and 32; similar guidelines apply to lower secondary schools. These standards are compatible with the overall size of the teaching force, but to implement them, up to 27% of civil servant teachers teaching in lower secondary school would have to be transferred. Teacher transfers have not been common in Indonesia, so the adoption of effective transfer systems at district level is implemented depending on the region. At the central level, in the near future, a further challenge will be the need for a massive transfer of teachers to urban areas, as two-thirds of Indonesia's population is expected to live in urban areas by 2025, compared with half in 2005. [64]

62. The Committee on the Rights of the Child noted in 2014 deeply regretted the high occurrence of violence at school including through teaching personnel, the high number of school teachers not holding the minimum qualifications required by the government, as well as incidences of teachers not attending to work. It therefore recommended an increase the number of teachers, adequately train them and ensure their attendance at work, as well as take all necessary measures, including

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[61] Background Study for the Preparation of the RPJMN for Education 2015-2019, accessible at : http://www.acdp-indonesia.org/wp-content/uploads/2015/10/Part-1-RPJMN-Background-Study-FINAL.pdf

[62] EFA GMR 2013-14, p. 31, accesible at: http://unesdoc.unesco.org/images/0022/002256/225660e.pdf

[63] EFA GMR 2013-14, p. 220.

[64] EFA GMR 2013-14, p. 253.

school-specific action plans, and regular school inspections, to end corporal punishment and other forms of violence in school, including bullying.[65]

- **Curriculum**

63. The curriculum in Indonesia has frequently changed and often has been made more complicated, all within less than 10 years—from a competency-based curriculum introduced in 2004 to a school-based curriculum in 2006 and now to a very different **curriculum for 2013**. Overall, the curriculum has become both more accelerated (teach faster) and congested (teach more)—moving from the essentials of reading, writing, and arithmetic (and the national creed of Pancasila) to a wider range of content areas (such as sustainable development and life skills) and new ways of teaching (for example, child-centered and interactive, with investigative and inquiry-based approaches with real world contexts). Sometimes the new content areas have been treated as separate subjects, and sometimes they have been integrated into a basic subject such as language. These frequent changes have often been difficult for most of the teachers, many of who are quite senior but with weak subject knowledge, limited professional support, and few opportunities for further training. For in-service teachers, this new approach cannot be simply learned through a training workshop, but rather would require intensive support over an extended period of time. There is a risk that without proper resources and support, teachers would either ignore the changes or, worse, attempt to implement the new methods without the foundational knowledge required, leading to worse student learning outcomes.[66]

64. The Committee on the Rights of the Child stated in June 2014 noted that drug consumption by youth has seen a serious increase in recent years. It recommends that Indonesia allocate all necessary human, technical and financial resources to address the incidence of drug use by children and adolescents by, inter alia, providing children and adolescents with accurate and objective information as well as life skills education on preventing substance abuse, including tobacco and alcohol, and develop accessible and youth-friendly drug dependence treatment and harm reduction services.[67]

iv) Education management

- **Financing education**

65. Indonesia, for its part, showed strong political will towards education reform. Since 2005, the **School Operational Assistance programme** has provided grants to schools to cover their running costs so they do not have to charge fees. In 2009, the central government fulfilled a constitutional commitment to allocate 20% of its budget to education. The increase in resources has resulted in an overhaul of the scholarship system for poor students, which was insufficient, poorly targeted and not timed well enough to prevent dropout in the last grade of primary school. The reform will

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[65] CRC, Concluding Observations on Indonesia, July 2014, para 60(c) accessible at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fIDN%2fCO%2f3-4&Lang=en

[66] Background Study for the Preparation of the RPJMN for Education 2015-2019, p. 167.

[67] CRC, Concluding Observations on Indonesia, July 2014, para. 53.

improve the targeting mechanism, increase the scholarship amount and modernize the administration to ensure that households are paid in time.[68]

66. The *bantuan operasional sekolah* (BOS) programme, Indonesia's most significant policy reform in education finance, was introduced in 2005 as measure to relieve the financial burden on parents of sending their children to school in light of the government's free basic education policy. It is paid for all children enrolled in basic education schools, private or public, under both MOEC and MORA. The school block grants are based on a per-pupil formula, which provides incentives for headmasters and teachers to focus on maintaining and increasing enrolment; funds are directly channeled to the schools, which empowers school managers by allowing them to choose how to best allocate the BOS grants. [69]

67. The BOS program was upgraded in 2009 to address "quality enhancing" investments, including facilitation of more intensive teaching and learning activities through the provision of teaching aids, teaching materials, books, and improved teaching methods; supporting teachers' continuous professional training; and the recruitment of more specialized teachers to teach subjects such as computer training and local content. These quality enhancing measures are expected to affect the enrolment, dropout and transition rates of students. [70]

68. One issue that was raised is that schools receive funds from eight different sources and four different budgets, making it difficult to plan.[71] Furthermore, the planned expansion of senior secondary schools also implies the implementation of minimum service standards, yet to be finalized, and this will have important financial implications. The World Bank[72] argues that it is not feasible financially to translate the current service standards for junior secondary education directly to senior secondary education. Several indicators, such as providing sufficient classrooms, and making laboratories, libraries and computers available, have major cost implications. Public spending on education more than doubled in real terms from 2001 to 2009 and grew by a further 6.5% per year in real terms from 2009 to 2013.This helped to lift Indonesia's public spending on education as a proportion of gross domestic product to 3.6% in 2012. [73]

69. The Committee on the Rights of the Child recommended in June 2014 that Indonesia increase education funding, placing particular focus on families living in the poorest and most remote districts, as well as take concrete action to effectively address the reasons behind failure to complete schooling.[74]

v) Inclusive education

[68] EFA GMR 2013-14, p 61 http://unesdoc.unesco.org/images/0022/002256/225660e.pdf
[69] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 116.
[70] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 116.
[71] EFA GMR 2013-14, p. 127.
[72] World Bank, Spending More or Spending Better: Improving Education Financing in Indonesia, 2013.
[73] Summary of Indonesia's Education Sector Assessment, October 2015, p. 3, available at: http://www.adb.org/sites/default/files/publication/177018/ino-paper-05-2015.pdf
[74] CRC, Concluding Observations on Indonesia, July 2014, para. 60(b).

70. Assistance is provided by two other conditional cash transfer programs, BSM and PKH which are directed at education.

- BSM (bantuan siswa miskin) or poor students assistance program, includes bursaries and scholarships for primary through tertiary education, including vocational education, that are transferred either directly to the student or the school that s/he attends. The transfer is contingent on a number of criteria including enrolment and attendance and can range from IDR 360 000 annually for primary education to IDR for tertiary education.
- PKH (program keluarga harapan) or family hope program focuses both on health and education. The amount can range from IDR 600 000 to IDR 2.2 million depending on the number of qualifying dependents in the household. The transfer is contingent on school attendance as well as a number of health related criteria (e.g. pre- and post-natal checks, professionally attended birth, infant weighing and health checks).[75]

71. The new government has recently announced a new program of social assistance which includes the smart card – kartu Indonesia pintar (KIP) for education. The KIP will provide assistance to poor and "near poor" families with the costs of education to address demand-side factors. The KIP is likely to deliver expanded/ increased assistance compared with that provided through the BSM. Supporting this and the decentralization effort in general, the government has moved to anchor the principles of school-based management, where considerable decision-making authority is transferred to individual schools, in the national education system and also to provide a framework of National Standards for Education.[76] One of the challenges of the BSM system is its lack of transparency and accountability to its deserving beneficiaries. Apparently there are as many "non-poor" recipients of the program as there are poor ones. Late disbursements of the funds are another perceived problem. [77]

72. The Committee on the Rights of the Child on June 2014 raised its concerns over the disparities between regions. Although the Law No. 6 of 2014 on Village as adopted to reduce this issue, the Committee was concerned that access is not provided to basic education. Furthermore, the social assistance programs for education do not reach the poorest children who are out of school and therefore unable to access the social protection scheme. It recommended to establish poverty reduction strategies and programs at all levels, paying particular attention to rural and remote areas, and ensure equitable access to basic services, such as education, social and health services, as well as provide material assistance to economically disadvantaged families.[78]

- **Gender equality**

73. Gender Mainstreaming in education has been implemented since 2002 that covered primary to senior secondary education programs in both national and sub-national levels. It is targeted at least 50 percent of cities/districts in Indonesia will implement gender mainstreaming in education by 2015. All provinces have been continuously implement capacity building for gender

[75] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 76.
[76] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 122.
[77] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p149.
[78] CRC, Concluding Observations on Indonesia, July 2014, para. 57 and 58.

mainstreaming every year. Until 2013, 64.78% or 322 districts/cities out of 502 districts/cities have implemented gender mainstreaming in education.[79]

74. However, the Committee on Elimination of Discrimination against Women in its review of Indonesia in August 2012, was concerned about the insufficient provision of comprehensive education on sexual and reproductive health and rights, which is limited, in practice, to married couples and does not reach women domestic workers. It therefore encouraged Indonesia to undertake education on sexual and reproductive health and rights, including to unmarried women and women domestic workers, by undertaking large-scale awareness-raising campaigns for the population in general, with special attention to early pregnancy and the importance of using contraceptives for family planning and for the prevention of sexually transmitted diseases, including HIV/AIDS; and ensure that, in practice, women can access contraception without requesting the consent of their husband.[80]

75. The Committee on the Rights of the Child on June 2014 noted that a high number of girls remain subject to various discriminatory regulations, everyday discrimination that there were as an absence of measures to prevent adolescent girls from dropping out of school in case of pregnancy, cases of pregnant girls being expelled or discouraged to continue their education during pregnancy, as well as married children frequently discontinuing education.[81] It therefore recommended that the State ensures that married adolescents, pregnant teenagers and adolescent mothers are supported and assisted in continuing their education in mainstream schools and can combine child rearing and completing education[82]

76. The Committee on Economic Social and Cultural Rights in May 2014 stated that the State should educate men and women about equal career opportunities with a view to promoting their pursuance of education and training in fields other than those traditionally dominated by either sex. The Committee was also concerned that female genital mutilation (FGM) is practiced in Indonesia and calls on the government of Indonesia to raise awareness of the prohibition of FGM and to conduct culturally sensitive education campaigns against FGM.[83]

- **Minorities**

77. The Committee on the Rights of the Child was concerned with deeply concerned about discriminatory provisions still remaining in national legislation, as well as about the prevalence of frequent de facto discrimination, including: children belonging to certain religious minorities being faced with ongoing severe discrimination, and the State party's failure to deter attacks towards them; and children belonging to indigenous communities facing various forms of discrimination, such as insufficient access to education and health care. It recommends the State to take all necessary measures, in particular improve the relevant infrastructure, to provide equal access to

[79] EFA 2015 National Review : Indonesia, 30 January 2014, P.25.

[80] CEDAW, Concluding observations, August 2012, para. 41, available at : http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2flDN%2fCO%2f6-7&Lang=en

[81] CRC, Concluding Observations on Indonesia, July 2014, para. 59(c).

[82] CRC, Concluding Observations on Indonesia, July 2014, para. 60(c).

[83] CESCR, Concluding Observations on Indonesia, May 2014.

public services by children belonging to indigenous communities and to eliminate discrimination against children based on their religion and to end all forms of violence suffered by certain religious minorities.[84]

78. Always with regards to minorities, the Committee was deeply concerned about repressive government actions against the freedom of religion of children belonging to religious minorities not mentioned in Law No. 1 of 1965, in particular: the obligation to attend religious instruction in schools in one of the six religions mentioned in Law No. 1 of 1965; the regulations against blasphemy and proselytizing being used to prosecute religious minorities not mentioned in Law No. 1 of 1965, including their children, and the draft law on "religious harmony", bearing the danger to increase discrimination; and Non-Muslims being explicitly required to follow Sharia law in Aceh or, as indicated by the State, non-Muslim students risking social pressure to wear the Islamic dress at school. To this end, the Committee urged the State party to amend its legislation in order to effectively guarantee the right to freedom of thought, conscience and religion of children of all beliefs. The Committee further recommended that the State take all necessary measures, including awareness-raising and public education campaigns, to combat intolerance on the grounds of religion or other belief, to promote religious dialogue in society, to ensure that religious teachings promote tolerance and understanding among children from all communities and religious or non-religious backgrounds and to combat every kind of social pressure on children to adhere to the rules of a religion he or she is not affiliated with. Furthermore, the Committee urged the State to take all necessary measures to ensure that non-Muslims be exclusively governed by secular law.[85]

- **Disadvantaged groups**

79. The government formulated **Indonesia National Plan of Action (INPOA) of Disabled People 2004-2013**. This INPOA has a forward action of Biwako Millennium Framework (BMF) which established some targets to achieve the need of ICT for persons with disabilities (PWD).[86] Hence, Indonesia has been shifting towards more inclusive education. The goal is to develop an inclusive education system that provides quality education for all children including children with disabilities and to decrease the number of students in special schools. While this goal is in line with international best practice, it is difficult to provide an overview of the degree and the progress of integration of special needs students in regular schools because currently the government only collects statistics on special needs schools. […] In contrast to the relatively good gender balance for regular primary and junior secondary schools, special needs schools show a higher enrolment of boys than girls. This suggests that girls with special needs are more disadvantaged than boys with special needs and that traditional perceptions of gender roles and functions contribute to these results. There are huge disparities between provinces in the provision of special needs education. While East Java and West Java provide 457 and 331 special needs schools respectively, several provinces have fewer than 10 special needs schools and in West Papua there are only 4 special

[84] CRC, Concluding Observations on Indonesia, July 2014, para. 70 (c).
[85] CRC, Concluding Observations on Indonesia, July 2014, para. 30.
[86] Government Achievement and Challenges regarding the Enhancement of ICT accessibility for PWDs in Indonesia, pp.3-4, Accessible at: http://unpan1.un.org/intradoc/groups/public/documents/ungc/unpan040430.pdf

needs schools (MOEC, 2012). Inequality of access persists and reaching the "unreached" is a challenge in regard to the provision of special needs schools.[87]

80. The Committee on the Rights of the Child raised concerns regarding children with disabilities in its review of Indonesia in June 2014. Although it welcomed the **National Plan of Action on Disabilities 2013 – 2022** and encourages its implementation, the Committee was also concerned about the situation of children with disabilities in particular girls, facing multiple forms of discrimination in exercising their rights including their right to education. It recommended that the State conducts awareness-raising and educational campaigns in order to eliminate all kinds of de facto discrimination, in particular attitudinal and environmental barriers, against children with disabilities and inform and sensitize about rights and special needs of children with disabilities as well as ensure that children with disabilities are provided with adequate financial support and have full access to social and health services. The Committee recommended that the State ensures that children with disabilities can fully exercise their right to education, and take all necessary measures to provide for their inclusion into the mainstream school system.[88]

81. The Committee on the Rights of the Child June 2014 was furthermore very concerned about the high number of children of compulsory school age being out of school, due to the fact that education is solely accessible by citizens, thereby excluding children without birth certificate, child refugees or children of migrant workers. In light of its general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin, the Committee urged the State to take all necessary measures to adequately address the situation of asylum-seeking children by ensuring that in all circumstances children have access to education and recreation.[89]

2. COOPERATION

82. Indonesia **is a party** to the 1960 UNESCO Convention against Discrimination in Education since 10/01/1967.

83. Indonesia **did not report** to UNESCO on the measures taken for the implementation of the 1960 UNESCO Convention against Discrimination in Education within the framework of the:

- **Sixth Consultation** of Member States (covering the period 1994-1999)
- **Seventh Consultation** of Member States (covering the period 2000-2005)
- **Eighth Consultation** of Member States (covering the period 2006-2011).

84. Indonesia did not report to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

- **Fourth Consultation** of Member States (covering the period 2005-2008),
- **Fifth Consultation** of Member States (covering the period 2009-2012).

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[87] OECD and ADB, Education in Indonesia: Rising challenge, March 2015, p. 106.

[88] CRC, Concluding Observations on Indonesia, July 2014, para. 46.

[89] CRC, Concluding Observations on Indonesia, July 2014, para. 59.

85. Indonesia **did not report** to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of:

- the **First Consultation** of Member States (1993)
- the **Second Consultation** of Member States (2011).

86. Indonesia is **party** to the 1989 UNESCO Convention on Technical and Vocational Education since 30/01/2008.

Freedom of opinion and expression

1. Constitutional and Legislative Framework:

87. The freedom to express opinions, verbally and in writing, as well as the right to gather and express opinion is granted in the 1945 Constitution (amended 1999) Article 28, Article 28E (3) and Article 28F[90]. Freedom of expression is limited by Article 28J (2), where it states that such freedoms are limited by the respect of the rights and freedom of others, and should be in accordance to moral considerations, religious values, security and public order.

88. Indonesian has adopted the Public Information Disclosure Act (Law No. 14 2008) in April 2008[91]. The Indonesian Information Commission is the implementing agency of the Public Information Disclosure Act[92] and has the authority of settling disputes in public information under Public Information Disclosure Act (Article 1)[93].

89. The State Intelligence Law (SIL), passed in 2011, may conflict with the 2008 law. SIL Article 26 prohibits individuals or legal entities from revealing or communicating state secrets, with penalties of up to 10 years in prison and fines exceeding $10,000. This article is open to misinterpretation as state secrets are not clearly defined.

90. The Indonesian Press Law[94] regulates the press. Article 8 of Press Law states that journalists are protected by law in carrying out their professional duties. There is no legal protection of journalistic sources in Indonesia. However, the legally binding Journalism Code of Ethics contains provisions in its Article 7 that state a journalist has the right to refusal to disclose the identity of the source.

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90 https://www.constituteproject.org/constitution/Indonesia_2002?lang=en

91 http://www.right2info.org/resources/publications/laws-1/Indonesia-Public-Information-Disclosure-Act-2008.doc/view

92 http://publicofficialsfinancialdisclosure.worldbank.org/sites/fdl/files/assets/law-library-files/Indonesia_Public_Information_Disclosure_Act_2008_EN.pdf

93 http://www.right2info.org/resources/publications/laws-1/Indonesia-Public-Information-Disclosure-Act-2008.doc/view

94 http://www.law-democracy.org/wp-content/uploads/2010/07/Indo.prs_.99.pdf

91. Print media are regulated through the press council, while broadcast media must obtain a license by the Ministry of Communication and Information Technology and the Indonesian Broadcasting Commission (KPI). The KPI founded by Broadcasting law of 2002 is an independent regulatory body[95].

92. Defamation is considered as a criminal offense by the Indonesian Penal Code[96] (Article 310-321). Article 310(1-2) provides for a maximum imprisonment of nine months or monetary fine, and if the defamation is disseminated by means of writings or portraits, the sentence can be a maximum of one year and four months or monetary fine. Furthermore, according to Indonesian Electronic Information and Transactions Law (Art. 45(1))[97], defamation through online media can be punished with imprisonment for a maximum of six years and/or a monetary fine.

2. Media Self-Regulation:

93. The current Indonesian Press Council[98] was established under the Press Law (Law No. 40 1999, Art. 15). Members of the Press Council are elected every three years, consisting of journalists, representatives of the media companies, and community leaders (Press Law, Art. 15(3-6)). Its task is to protect of the freedom of the press in the country.

94. Additionally, there exist several journalist associations including Indonesian Journalists Association (Persatuan Wartawan Indonesia), Indonesian Television Journalists Association (Ikatan Jurnalis Televisi Indonesia) and the Alliance of Independent Journalists (Aliansi Jurnalis Independen).
According to the Press Law (Art. 15(2)) the Indonesian Press Council should enact and supervise the Journalism Code of Ethics[99]. The Journalism Code of Ethics is legally binding for all Indonesian journalists (Press Law, Art.7).

3. Safety of journalists:

95. UNESCO has recorded the killing of 2 journalists since 2008. Government responded to requests of the UNESCO's Director General regarding the killings.

III. RECOMMENDATIONS

96. **In the Report of the Working Group on the Universal Periodic Review of July 2012**[100] :

[95] http://www.kpi.go.id/
[96] https://www.unodc.org/res/cld/document/idn/indonesian_penal_code_html/I.1_Criminal_Code.pdf
[97] https://www.bu.edu/bucflp/files/2012/01/Law-No.-11-Concerning-Electronic-Information-and-Transactions.pdf
[98] http://www.presscouncil.or.id/
[99] http://www.mediawise.org.uk/indonesia-2/
[100] Accessible at: http://www.ohchr.org/EN/HRBodies/UPR/Pages/IDSession13.aspx

108. The recommendations formulated during the interactive dialogue and listed below enjoy the support of Indonesia:

108.36. Strengthen the infrastructure and institutional arrangements for training on human rights.

108.37. Further promote human rights education and training at all educational levels.

108.41. Further promote human rights education and training at all levels in partnership with all relevant stakeholders to promote and protect the rights of every person.

108.42. Implement comprehensive human rights training, with regular reviews to ensure effectiveness, for all military and police personnel, including those working in the Papua and West Papua provinces.

108.43. Continue in a permanent manner the human rights education and training programs, disseminating specific information in that regard with training courses for the national and provincial committees, including police officers and the military.

108.44. Continue to promote human rights education and training at all educational levels, disseminating international human rights instruments and national legislation to law enforcement officers to continue increasing their awareness of their role in protecting people's rights, particularly those of vulnerable and marginalized groups.

108.84. Continue its efforts to enhance respect for human rights and rule of law in its security sector through education and institutional reforms.

108.124. Ensure, through the Ministry of National Education, the inclusion of sexual and reproductive education in the national secondary curriculum as part of the preparation for adult life, which will contribute to prevent, inter alia, early marriage, unwanted pregnancy and the spread of HIV/AIDS among adolescents.

108.125. Strengthen the promotion of the right to education and health in disadvantaged areas.

108.126. Continue to develop education policies aimed at ensuring access to education for all, especially the poor and those living in rural areas.

108.127. Continue efforts to promote the right to education.

108.128. Accelerate the free twelve-year compulsory education.

108.129. Continue extending the free nine years compulsory education program to twelve years so as to ensure access to education for all its young citizens.

108.130. Take further steps to implement a policy of free compulsory education as established by the Indonesian Government over a period of 12 years so that all Indonesian children may have access to education.

108.131. Continue to speed up the implementation of the free and compulsory education program up to 12 years, in order to guarantee access of all children of the country.

108.132. Continue the efforts to ensure a quality education for Indonesian children.

108.133. Establish policies and programs of alternative education for single and married pregnant girls in order to avoid that they abandon their studies;

97. Analysis:

Indonesia has, to the extent of our knowledge, made significant progress in increasing access to education particularly through the efforts taken in the **National Long Term Development Plan**. Despite this, as far as we know, there are considerable challenges which persist. Early Childhood Education especially in remote areas and villages remains inadequate and lacks a quality assurance mechanism. Basic education seems still not to be accessible to all and Secondary education incurs costs which are a significant barrier to the poor as well as Vocational training seems to present a lack of quality and Higher education has been becoming increasingly privatized. Furthermore, teachers have been victims of violence and are sometimes lacking adequate qualifications.

98. Specific Recommendations:

1. Indonesia should be strongly encouraged to ratify the UNESCO Convention against Discrimination in Education.

2. Indonesia should be strongly encouraged to further submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.

3. Indonesia should pursue efforts to ensure universal, compulsory and free education of quality, particularly for those pertaining to minority groups and children with disabilities.

4. Indonesia should be encouraged to reduce the financial barriers in accessing education and ensure access based on capacity in vocational and higher education.

5. Indonesia should ensure that teachers are adequately qualified.

Cultural Rights

99. Natural Heritage (1972)[101], the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)[102], and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)[103], Indonesia is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the

[101] Periodic Report available at: http://whc.unesco.org/document/116967
[102] Periodic Report available at: http://www.unesco.org/culture/ich/en/state/indonesia-ID?info=periodic-reporting
[103] Periodic Report not available

Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Indonesia is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

Freedom of Opinion and Expression

100. Indonesia is recommended to decriminalize defamation and place it within a Civil Code that is in accordance with international standards.[104]

101. The Government is urged to continue to investigate the cases of killed journalists. The Government may wish to consider taking advantage of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity as a means to strengthen protection of journalists and freedom of expression.

Freedom of scientific research and the right to benefit from scientific progress and its applications

102. Indonesia, in the framework of the 2015-2017 consultations related to the revision of the Recommendation on the Status of Scientific Researchers, as well as to its 2013-2016 monitoring exercise (November 2016 - April 2017) is encouraged to report to UNESCO on any legislative or other steps undertaken by it with the aim to implement this international standard-setting instrument, adopted by UNESCO in 1974. Indonesia is kindly invited to pay a particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in the spirit of the principles enshrined in the 1974 Recommendation. Indonesia is invited to complete the online questionnaire which has been prepared by UNESCO to guide and assist Member States with their reporting. It aims to collect, in a simplified manner, information on the extent to which Member States have mainstreamed the principles of the 1974 Recommendation in their STI and other relevant systems, focusing on issues of the promotion of respect for autonomy and independence of scientific researchers and respect for their human rights and fundamental freedoms. Responses to this questionnaire will be considered as the official national report for each Member State. The questionnaire can be completed and submitted online through the link which will be indicated in due course on the web page: http://en.unesco.org/themes/ethics-science-and-technology.

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[104] See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.