

**SUBMISSION BY DOMPET DHUAFA FOUNDATION -JAKARTA INDONESIA
TO THE HUMAN RIGHTS COUNCIL FOR INDONESIA'S 4TH CYCLE
IN THE UNIVERSAL PERIODIC REVIEW, 2022**

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INTRODUCTION

1. Dompét Dhuafa is a philanthropic and humanitarian institution in Indonesia that works for the empowerment of the people (Empowering People) and humanity through the management of zakat, infaq, alms, and waqf (Ziswaf) funds, as well as other social funds that are managed in a modern and trustworthy manner. In its management, of course, it prioritizes the concept of compassion or compassion as the root of the philanthropic movement, which puts forward the five pillars of the program, namely Health, Education, Economics, Social Affairs, and Da'wah and Culture.
2. Dompét Dhuafa was born from the souls of the journalists of the *Republika Daily* in 1993. With noble determination, on July 2, 1993, the Dompét Dhuafa donation column appeared on the main page of the *Republika Daily*. That date marked the birth of this philanthropic and humanitarian institution. In 1993 Dompét Dhuafa got the Foundation (Yayasan) status by the Indonesian Ministry of Law and Human Rights and was subsequently awarded ECOSOC consultative status by the United Nations.

CHILDREN'S RIGHTS IN INDONESIA

3. Education during the COVID-19 Pandemic
 - The global Pandemic has worsened the inequality of access and education quality in Indonesia. Children from the lowest income groups have been the most affected cohort as the parents cannot provide adequate tools (gadgets and internet connection) to support their children's online education.¹ Currently, the Government has set a policy of face-to-face learning, both limited and full which has created new clusters of COVID-19 in schools like Bogor City, West Java.
 - Based on the research by Dompét Dhuafa Indonesia, the Government's imposition on the education sector of a long-distance learning system has argument affected children in elementary and junior high schools.² This system has resulted in a learning loss and poverty for students in Indonesia³ in the short impact.
 - Dompét Dhuafa concluded this situation is a direct infringement of children's rights to the full enjoyment of their rights to education, as stated in the Convention on the Rights of Child and the Law no. 35 of 2014 of the Child's Protection Act.
 - Dompét Dhuafa encourages the Government of Indonesia, particularly the Ministry of Education, to revitalize and recover the impact of learning loss and learning poverty in the education sector.
4. Child Rights Protection during COVID-19 Pandemic
 - Children themselves get danger by gadgets that cause them to be lazy to do physical activity and neglect daily activities.⁴

¹Media Indonesia, "Pemerintah Tetap Kebut Infrastruktur Digital di Masa Pandemi," <https://mediaindonesia.com/humaniora/421483/pemerintah-tetap-kebut-infrastruktur-digital-di-masa-pandemi>, accessed on August 28, 2021.

² Dompét Dhuafa Foundation has conducted baseline surveys on 98 school principals, 515 teachers, and 826 elementary and junior high school students from 114 education facilities in 9 different provinces in Indonesia. Based on the survey, 91.4 percent of respondents stated that students received one up to three subjects per day during the Pandemic, decreasing from three to six issues.

³ Learning loss is defined by the loss of learning experiences and achievements of students, whereas learning poverty is the loss of the ability to receive educational materials.

⁴ Hafid Abdul Tamsil, "Permasalahan Penggunaan *Gadget* pada Tumbuh Kembang Anak Usia Dini di Masa Pandemi COVID-19," *Cendekiawan Ilmiah* Volume 6 (June 2021), hlm. 47.

- Children's safety is endangered during the pandemic cause of the potential for violence against children to increase as the number of parents experiencing stress increases.⁵
5. Protection of Undocumented Children
 - The refugee children do not have education access legally, which is based on the local policy, which makes the refugee children have unequal education access.⁶
 - The Refugee must carry an identity document that causes the rejection of vaccination for the refugees.⁷ The vaccines are also not given to the children refugees.⁸
 6. Marriage and Family
 - The high number of child marriages in Indonesia, especially during the COVID-19 Pandemic which more than 64.000 couple that file the Child Marriage Dispensation.⁹
 - The childcare from their parents because their parents have to work, so they do not have time to take care of them; according to 3,73% of toddlers in Indonesia have an inappropriate.¹⁰
 7. Children's Health and Prosperity
 - The stunting problem comes from insufficient nutrition for the children, impacting the children's body growth and personality development.¹¹
 - The rising is caused by the easiness of getting cigarettes and the massive advertisement from the cigarette corporation.¹²

8. Recommendation

A. Education

- Providing a budget for the Health Protocol Package containing masks and hand sanitizers for each student to be distributed regularly by the school
- Prioritizing the development of technology and digital infrastructure in the outermost, remote, and underdeveloped areas to improve the quality of online education.

B. Child Rights

- Improving child parenting education for prospective parents so that they can accommodate and guide the process of maturation of their children.
- Conducting counseling to children about domestic violence and how to make a complaint to the authorities if they get violence .

C. Protection for the Undocumented

- Making comprehensive regulations on the care of refugees in Indonesia
- Create affirmative policies to accommodate the unique needs of the COVID-19 Pandemic for refugees.

D. Marriage and Family

⁵ Kementerian Pemberdayaan Perempuan dan Perlindungan Anak Republik Indonesia, "Ringkasan Simfoni PPA," <https://kekerasan.kemenpppa.go.id/ringkasan>, accessed on August 28, 2021.

⁶ BBC News Indonesia, "Anak pengungsi dari luar negeri masuk sekolah formal di Indonesia: 'Di dunia ini setiap orang berhak mendapat pendidikan,'" <https://www.bbc.com/indonesia/indonesia-59305010>, accessed on August 21, 2021.

⁷ Kementerian Pemberdayaan Perempuan dan Perlindungan Anak Republik Indonesia, "Ringkasan Simfoni PPA," <https://kekerasan.kemenpppa.go.id/ringkasan>, diakses pada 29 Agustus 2021.

⁸ Observation Report to the Refugee's family in Ciputat, Tangerang Selatan and Ciawi, Bogor in January 2022.

⁹ Ellyvon Pranita, "Pernikahan Dini Meningkat Selama Pandemi, BKKBN Gencarkan Edukasi Reproduksi," <https://www.kompas.com/sains/read/2021/10/01/100000523/pernikahan-dini-meningkat-selama-pandemi-bkkbn-gencarkan-edukasi?page=all>, accessed on November 2, 2021.

¹⁰ Dewanto Samudro, "KPPPA: 3,73 persen balita tidak mendapatkan pengasuhan yang layak," <https://www.antaraneews.com/berita/1558920/kpppa-373-persen-balita-tidak-mendapatkan-pengasuhan-yang-layak#mobile-src>, accessed on November 12, 2021.

¹¹ dr. Meva Nareza, Pahami Penyebab Stunting dan Dampaknya pada Kehidupan Anak," <https://www.alodokter.com/%2Fbayi-lahir-stunting-faktor-penyebab-dan-risiko&usg=AOvVaw2sniqNiaVxuPHgl-vobJsK>, accessed on November 16, 2021.

¹² *Ibid.*

- Conduct counseling about the dangers of early marriage due to pregnancy out of wedlock in every school.
- Organizing sexual education at every school level, from elementary school to university, to increase students' awareness about the dangers of sex outside of marriage

E. Child Health and Prosperity

- Providing free nutritious food such as milk and fruit for every family in the village with a high stunting rate through village funds in the state budget
- To make buying and selling cigarettes difficult by increasing taxes on cigarette purchases and limiting sales to accredited marketplaces on the condition that they show identity cards.

AFFORDABLE HOUSING ISSUES

9. Common Problems of Adequate and Affordable Housing in Indonesia

- The right to adequate housing can be said to be the "*right to live somewhere in security, peace, and dignity*" or the center and place of the fulfillment of economic, social, cultural rights to live in dignity and peace.¹³ Based on the Central Statistics Agency data, many households in both urban and rural areas do not have access to decent and affordable housing. It is recorded that the percentage of homes that have access to decent and affordable housing in urban areas in 2019 is 61.09%, while in rural areas, it is 50.67%. Then in 2020, the percentage in urban areas will be 63.24%, and in rural areas, is 54.82%. Although the rate has increased, this figure still shows the number of households that do not yet have access to adequate housing.¹⁴

10. The Problems of Fulfilling the Right to Adequate and Affordable Housing in Urban Areas

- Population density does not coincide with the fulfillment of floor density, which causes overcrowding. In Jakarta, for example, based on data from the Central Statistics Agency, 44% of houses in Jakarta only have an area of fewer than 9.9 M² per person.¹⁵
- The challenges of fulfilling and protecting the right to decent housing in urban areas, especially urban villages, are varied. Among others are the stigma against villages and informality, impartiality to people's history, the duality of land status and black and white understanding, regional spatial planning and zoning set by the Government, quality of infrastructure, predict- provide planning, and space inequality.¹⁶

11. The Problems of Fulfilling the Right to Adequate and Affordable Housing in Disaster Areas

- Reporting from the BNPB Disaster Data Geoportal, in 2021, as of October 15, 2021, it was recorded that 130,515 houses were damaged and 1,058,107 houses were submerged due to natural disasters in Indonesia.¹⁷
- Fulfilling the right to adequate and affordable housing in disaster areas often faces problems. Some of the issues include: (1) leadership of the central and local governments who lack experience in disaster management; (2) determination of disaster status; (3) at least areas that have a disaster management plan; and what often happens is (4) long and tortuous bureaucracy between stakeholders related to disaster

¹³ Elisa Sutanudjaja, "*Politik Pengadaan Hunian Layak di Kota*" presented in a Focus Group Discussion on the Role and Urgency of Civil Society Involvement in the Universal Periodic Review for Indonesia 2022: Inventory of Crucial Issues in Guaranteed Access to Affordable Housing, October 16, 2021.

¹⁴ Central Statistics Agency, "Percentage of Households with Access to Adequate and Affordable Housing by Area of Residence (Percent)," https://www.bps.go.id/indikator/indikator/view_data/0000/data/1242/sdgs_11/1, accessed December 12, 2021.

¹⁵ Central Statistics Agency 2016 in Elisa Sutanudjaja, "*Politik Pengadaan Hunian Layak di Kota*".

¹⁶ Elisa Sutanudjaja, "*Politik Pengadaan Hunian Layak di Kota*" presented in a Focus Group Discussion on Inventory of Crucial Issues in Guaranteeing Access to Affordable Housing, October 16, 2021.

¹⁷ National Disaster Management Agency, "Disaster Data," <https://gis.bnpb.go.id/databencana/map.php>, accessed December 12 2021.

management.¹⁸

- The long bureaucratic process on the Government's side did not stop Civil Society Organizations (CSOs) from helping through emergency response actions, recovery programs, etc. Each CSO has its limitations and unique resources. Several CSO efforts in fulfilling the right to adequate housing in disaster areas advocate for the rights of disaster survivors and invite the community and the business world to build resilient infrastructure. One of the CSOs, Dompét Dhuafa, has produced at least 1100 temporary shelters in Lombok, 305 temporary and permanent residences in Palu-Sigi-Donggala, and 100 temporary shelters in Banten.¹⁹
- 12. The Problems of Fulfilling the Right to Adequate and Affordable Housing for Youth**
- Based on data from the Residential Property Price Index (IHPR) of Bank Indonesia, the increase in residential prices reached 39.7% within a decade. Meanwhile, the increase in the Regional Minimum Wage (UMR) throughout Indonesia per year, taking into account the development of the inflation rate, is still not comparable. The low homeownership of millennials, especially in big cities, is due to high housing prices.²⁰
 - The challenges of providing decent and affordable housing for millennials and/or low- and middle-income households are unequal economic and population growth. Increased global capital flows into real estate investment and is the most significant expenditure for most families. In addition, the provision of affordable housing often faces market failures due to the lack of stable and consistent policies, the absence of a planning mechanism that regulates affordable housing, and failures in governance to coordinate strategies.²¹
- 13. The Problems of Fulfilling the Right to Adequate and Affordable Housing for Refugee**
- Our interview with the refugees at Cisarua, Bogor, highlighted 2 (two) main problems regarding the right to adequate and affordable housing fulfillment. First, there is no temporary housing or shelter for the refugees to stay temporarily for transitioning when arriving in Indonesia. The second problem would be the rental fee for refugee housing since, as we know, our regulation prevents foreigners from owning land in Indonesia.

14. Recommendation

- Encouraging vertical residential development in urban areas and facilitating the process of land acquisition and/or land consolidation for vertical residential development in urban areas.
- Encouraging stakeholders to simplify and tidy up disaster coordination patterns to strengthen Government leadership in Disaster Management.
- Encourage all provinces and districts/cities to prepare regional action plans for Disaster Risk Reduction or Regional Disaster Management Plans.
- The Government embraces CSOs and related stakeholders more strongly in disaster management's planning and implementation process. It maintains the ecosystem of Civil

¹⁸ Haryo Mojopahit, "*Problems and Fulfillment of the Right to Adequate and Affordable Shelter in Post-Emergency Disaster Areas.*" Presented in a Focus Group Discussion on the Role and Urgency of Civil Society Involvement in the Universal Periodic Review for Indonesia 2022: Inventory of Crucial Issues in Guaranteed Access to Affordable Housing, October 16, 2021.

¹⁹ Dompét Dhuafa has a program implementer called the Disaster Management Center (DMC), a disaster program implementer who acts as the frontline in disaster management, both at home and abroad.

²⁰ Housing and Settlement Areas, "Millennial Challenges to Own a Home," <https://perkim.id/pembiayaan/tantangan-milenial-untuk-memiliki-rumah/>, accessed October 13, 2021.

²¹ Teguh Kurniawan, "*Fulfilling the Rights and Challenges of Providing and Equitable Housing Ownership for Young People.*" presented in a Focus Group Discussion on the Role and Urgency of Civil Society Involvement in the Universal Periodic Review for Indonesia 2022: Inventory of Crucial Issues in Guaranteed Access to Affordable Housing, October 16, 2021.

Society Organizations to remain empowered to mobilize resources and manage them properly because CSOs are not competitors/competitors of the Government.

- Through fiscal policy, financial policy, and housing market regulation policies, it is encouraged to reduce administrative costs in providing affordable housing that consumers bear.
- Realigning resources, land and infrastructure investments, and increasing the capacity of the housing industry and nonprofit providers to support partnerships.
- Encourage the Government or philanthropist to establish a transitional shelter for newly arrived refugees, especially refugees with no preceding communities in Indonesia.
- Encourage the Government or philanthropists to provide housing at a reasonable price for Refugees since they cannot own a property permanently.

ACCESS TO HEALTHCARE DURING COVID-19 PANDEMIC

15. Global Health Security Index 2021 (GHS Index 2021) data shows that health access scores in Indonesia decreased by -0.1 score from 62.3 to 62.2 from the global average score of 55.2 points.²²
16. The state freely provides health care for COVID-19 patients during the Pandemic. Still, for non-COVID-19 people, health access is limited due to the strict health protocols and lack of capacity in managing health workers and health care facilities.
17. Health Workers' Rights to access Incentive Funds ;
There were ± 1500 nurses who had not received COVID-19 incentives in November - to December 2020. Meanwhile, in January 2021, there were around 400 nurses who had not received incentives. This situation is almost similar to February – April 2021, where about 1500 nurses never received their incentives rights as pandemic volunteers.²³
18. Fulfillment and Protection of Non-Health Primary Needs as Public Rights during National COVID-19 Quarantine Policy
 - As a form of government compensation for large-scale social restriction policies (*PSBB*) and or enacting restrictions on community activities (*PPKM*), people who work in the service sector, trade/self-employed, and informal sectors cannot carry out their profession. Thus it causes an impact on the national economy, as most Indonesian citizens work in informal sectors. The Government should provide incentives to compensate and prevent further economic impacts,
 - During the National COVID-19 quarantine, educational institutions in Indonesia, both Primary and secondary, must eliminate face-to-face teaching and learning activities. Otherwise, the Government substitutes it for online teaching and learning activities. However, this creates obstacles for students who do not have internet access or media (laptop, smartphone, personal computer). As a result, the teaching and learning process during COVID-19 cannot be carried out optimally.
19. Fulfillment and Protection of the Right to Health-Related to COVID-19 for Refugees in Indonesia.
 - Refugees in Indonesia who already have a refugee identity card from the United Nations High Commissioner for Refugees (UNHCR) can access health facilities in Indonesia. Even though the refugees are not Indonesian citizens, they are still entitled to health services in Indonesia. But these services are not necessarily obtained for free; they have to pay to access health services.²⁴
 - As a country that does not recognize the status of Refugees according to The Convention Relating to The Status of Refugees, although Indonesia recognizes health access as a fundamental right for every person, refugees are not entitled to receive the COVID-19 vaccine. As a consequence, they are vulnerable to being infected by COVID-19. On the

²² 2021 GHS Index Country Profile for Indonesia, GHS Index, <https://www.ghsindex.org/wp-content/uploads/2019/08/Indonesia-1.pdf>

²³Lapor COVID-19. Pemenuhan Hak Insentif dan Perlindungan Tenaga Kesehatan, <https://laporcovid19.org/post/pemenuhan-hak-insentif-dan-perlindungan-tenaga-kesehatan>

²⁴ Based on our interviews with two families of Refugee who are living in Ciputat, South Tangerang

other hand, they cannot also visit public places or perform as it requires two vaccination doses.²⁵

20. Recommendation

- The Government should strengthen the implementation of health services during the COVID-19 pandemic emergency by preparing and designing updates to the Infectious Disease Prevention Act No. 40 of 1984 and its derivatives.
- The Indonesian Government must pay attention to the demographic conditions of Indonesian people, who have a high gap rate with a Gini ratio of 0.384. If the health rights recognition is not followed by health insurance in the form of providing health incentives for people who cannot afford it, it will decrease health services access.
- The Government must be consistent in providing justice to fulfill health rights. Following the mandate of the constitution and Law No. 36 of 2009 on Health, the Government is obliged to give recognition and guarantee the right of health as fairly as possible for everyone, not only Indonesian citizens, but every people in its jurisdiction

²⁵ Based on our interviews with two families of Refugee who are living in Ciputat, South Tangerang