

**Submission to the
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I. Educational issues concerning refugees and asylum-seekers

- Article 28E(1) of the 1945 Constitution of the Republic of Indonesia (“the Constitution”), ensures the right to freedom of thought, conscience, and religion: “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⁾ The Indonesian educational sector is, however, facing severe challenges, some related to human rights violations. Amongst these is the fact that many children of compulsory school age are currently out of school, particularly in Java.

- 2.** There are major concerns about the obstacles to and the quality of education. The previous Universal Periodic Review for Indonesia noted specific concerns regarding the inaccessibility to education by citizens not possessing a birth certificate, refugee children, and children of migrant workers. Building on its previous recommendation (CRC/C/15/Add.223, para 63), the Committee on the Rights of the Child urged the State party to take prompt measures to ensure that quality education is accessible by all children in the State party. It further urged Indonesia to ensure that education becomes available to all asylum-seeking and refugee children, children of migrant workers and children who do not have a birth certificate, and to accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.
- 3.** The lack of national laws specifically regulating refugees' right to education in Indonesia amounts to a serious breach of the right to education under treaty and customary international law. As of 2020, Indonesia has not yet ratified the 1951 Refugee Convention, and, as a result, violates article 2 of the Universal Declaration of Human Rights. In Indonesia, the right to education is a fundamental right safeguarded by Article 31(1) of the 1945 Constitution, along the lines of "every citizen has the right to education".(2)
- 4.** As of December 2019, nearly 13.657 refugees from 45 countries resided in Indonesia, with almost half of them coming from Afghanistan.(3) In order to enter a public primary school, there are administrative requirements in place which prevent refugee children or asylum seekers from being registered.(4) Obstacles to registration include the language barriers and lack of access to some of the required documents.
- 5.** Indonesia has ratified the Convention on the Rights of the Child and, as such, must be committed to carry out its duties and obligations. In this regard, Broken Chalk urges the Indonesian government to address the administrative processes that are currently preventing refugees from attaining an education. It is of utmost importance that Indonesia tackles the absence of regulations that guide the administrative matters related to asylum-seekers and refugees' status.

II. Educational challenges regarding internal migrants

6. Although nearly one in every four urban residents has migrated from rural areas, many of them still do not have identity cards for their current residential location and do not receive any public services (such as education and health). Internal migrants are particularly vulnerable to the consequences of forced evictions. In the absence of identification cards, they are denied compensation or relocation. In many cases, the Special Rapporteur heard testimonies that the only solution offered to them is relocation back to their place of origin. However, such an option is not a sustainable solution, given the concentration of economic and employment opportunities – as well as services like education and health – in urban centres, particularly in Java.
7. The National Commission of Human Rights (Komnas HAM) Commissioner Beka Ulung Hapsara assessed the government under President Joko Widodo, most commonly known as “Jokowi”. The Commissioner concluded that, as of 2018, the high number of cases related to human rights abuses in the education sector amounted to a failure in creating a better educational atmosphere as previously designed in the Nawacita program. The violations include the right to education, access to justice, self-development, and the right to life.⁽⁵⁾
8. **The International Centre for Research on Women (ICRW) stated that 84% of children in Indonesia experience violence in school.⁽⁶⁾ In addition, Komnas HAM’s Sub-Commission of Education and Counseling coordinator confirmed the data gathered by the United Nations Children’s Fund (UNICEF), suggesting that one in three girls and one in four boys throughout the country suffered abuse.⁽⁷⁾**
9. **Broken Chalk recognises how challenging it might be for the Indonesian government to monitor and eliminate human rights abuses throughout the 17,000+ islands the country is comprised of. While it condemns these abuses and recommends Indonesia to out measures in place aiming to address these issues, it praises the current efforts in place, namely, that the Komnas HAM has urged the government to form a task force to handle**

human rights violations in schools and universities,including the HAM Friendly School Program (SRHAM).(8)

III. Educational challenges resulting from the COVID-19 pandemic

- 10.** The COVID-19 pandemic affected 62.5 million students and exposed the vast geographic and socio-economic inequalities across the nation.(9) Over the last twenty years,Indonesia has made great progress in increasing school enrolment; however,children’s learning has not improved at the same pace. When the COVID-19 pandemic reached Indonesia,the government’s first priority was to keep children safe. Their response was to initiate hygienic behaviour and social distancing measures in schools,and to close schools once the virus began to spread throughout the nation’s communities. To prevent students from disengaging in learning,the Ministry of Education,Culture,Research and Technology (MOECRT),in collaboration with the Ministry of Religious Affairs (MORA) and other stakeholders,began the ambitious target of introducing remote learning for all 60 million children,spread across more than 12,000 islands. The result was the Learning from Home programme.
- 11.** The lockdown has come at a cost to the long-term well-being of children as learning was disrupted,vaccinations were put on hold,school feeding suspended,and child marriages increased. The economic crisis has resulted in many children feeling added levels of stress as families struggle to cope.(10)

IV. Quality of education

- 12.** In 2002,a change in constitutional law stipulated that 20% of the annual budget be allocated to education. Broken Chalk recognises that this target has been achieved annually since 2009. In 2019,government spending on education amounted to 3.9% of the country’s GDP,and for 2020,there were plans in place to put \$35.5bn into the education system.(11)
- 13.** Primary school enrolment in Indonesia is high. As of 2018,over 29 million children were registered in the country’s primary education system. Enrollment in secondary education has seen a huge rise from 15 million in 2002 to nearly 25 million in 2018.

Despite the enrolment increase, the levels of achievement have remained the same, an issue that has led to Widodo calling for the reconfiguration of Indonesia's education system.⁽¹²⁾ According to the 2018 Programme for International Student Assessment results, Indonesia's student development levels ranked in the bottom 10 globally. This can be partly attributed to decentralisation, as the absence of a standardized national curriculum has posed challenges to delivering a uniform standard of education and has heightened national disparities.⁽¹³⁾ The best-quality institutions are segregated in the island of Java – which leads to the number of educated people being contained in one of the many Indonesian islands.

- 14.** In December 2019 the government announced the creation of the National Talent Management body, a public agency designed to gather data on Indonesia's brightest individuals. Broken Chalk acknowledges and praises the government's commencement of initiatives aimed at facilitating student attainment to address the country's skills deficit.⁽¹⁴⁾
- 15.** Politics and education in Indonesia are in some instances intertwined, and it is reported that some head teachers may at times be appointed for political reasons at the local level, rather than based on the merit of their qualifications and relevant experience. Lack of transparency has historically also been an issue in some cases, with reports including bills for unnecessary extracurricular fees and the misallocation of school budgets.⁽¹⁵⁾
- 16.** Broken Chalk points to the December 2019 reform package, Freedom to Learn, containing fundamental changes to Indonesia's education policies such as the reshaping of school examination and assessment procedures and a reduction in teachers' administrative duties and changes to the current school zoning and admissions framework. In regard to the latter, the proportion of places reserved for pupils who live within a school's catchment area was lowered from 80% to 50%, while the proportion reserved for high academic achievers was doubled to 30%.⁽¹⁶⁾
- 17.** Teacher Law has not improved overall student attainment and achievement in line with the costs incurred in its implementation. Indeed, in spite of the law's constituent reforms, the 2015 compulsory teachers test suggests that teaching quality has not yet

improved sufficiently. The examination, issued by the central government, suggested that over 50% of participants lacked basic competencies pertaining to subject knowledge and pedagogical capabilities. During late 2019, local media reported the heavy burden teachers faced regarding their administrative duties.

18. The World Bank is assisting Indonesia in meeting its education goals through several initiatives aimed at enhancing teaching and learning outcomes by creating more cohesive, efficient, and modern methodologies. In addition, the Kiat Guru programme, a regional World Bank pilot initiative that began in 2019, enables teachers to use a digital application to tailor tests for students and streamline administrative procedures. The digital platform monitors teacher performance to improve professional standards and accountability. Teacher absenteeism – though slightly improved – is a long-standing problem in Indonesia, particularly in rural communities. This is attributed in part to low salaries, which lead many teachers to work more than one job. Broken Chalk congratulates Indonesia for setting up schemes and reforms in educational policies. However, it recognises the challenge the government faces with regards to securing the level of funding and physical support required to comprehensively implement those initiatives and eliminate the root causes of the issues they face.

19. In March 2020, the local firm Ruangguru launched the Ruangguru Online School Programme, which allowed users of all grades to subscribe for free and participate in virtual classes delivered by the platform's master teachers every weekday from 8.00am until 12.00pm. Thanks to a partnership struck with the country's biggest cellular operator, Telkomsel, students were offered a free 30-GB internet package to allow them to study online without incurring any costs. (17)

20. Early in his first term President Jokowi launched the Smart Indonesia Programme (PIP), aimed at giving young, disadvantaged Indonesians access to funding for school supplies and daily travel expenses, thus increasing the prospect of obtaining a full and proper education. PIP is part of the Welfare Family Savings Programme, a comprehensive social reform package that comprises three social benefit card systems – the Prosperous Family Card, the Healthy Indonesia Card and the Smart Indonesia Card. The number of

Smart Indonesia Card recipients has increased markedly since the programme's inception, rising from 7.9m in 2014 to 17.9m in 2019. Part of this expansion is due to a widened eligibility of the Smart Card initiative to include higher education students; previously this was available only to primary and secondary school children. This reconfiguration and subsequent expansion should see the number of recipients more than double from 398,000 to 818,000 by end-2020.(18)

21. While the PIP may have enabled the government to follow through on its promise to make education more accessible, particularly to those from rural communities, higher enrolment rates have not yet stimulated higher attainment levels, calling into question the quality of teaching and education in Indonesia and the methods used to monitor student progress.

22. Various periodic international assessments have highlighted deficiencies in Indonesia's education system. To investigate the issue, researchers at the Centre for Indonesian Policy Studies in 2016 formulated a simple, paper-based toolkit, Pemantik, to assess student numeracy and literacy. Pemantik was administered in four regions of Indonesia – Batu, the Mentawai Islands, Probolinggo and Flores – during the 2016-19 period. The results found that approximately 25% of assessed fifth-grade students could not complete tests intended for third graders. Further investigation revealed that students were not undertaking personalised curricula or generally having their educational needs met. While the findings may be concerning, the results demonstrate the efficacy of such methods in assessing the development and progression of Indonesia's students, making a strong case for their wider implementation and also highlighting which aspects of teaching methodologies should be targeted for improvement.(19)

V. Review on Indonesia's previous national report

23. The national report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 on the 3rd of May 2017 established that, since 2015, the Ministry of Law and Human Rights had implemented programs on human rights education for 240 high school teachers.(20)

- 24.** USAID and the Indonesian Ministry of Education and Culture have goals for AWARE3 to meet by mid-2022. They hope to equip 250 or more teachers in Jakarta with resources to provide work readiness training for their students, and they aim for this training to reach areas all across Indonesia through distance-learning methods. The goal is to reach 4,500 students with the work-readiness curriculum via a remote learning platform.(21)
- 25.** Indonesia's Ministry of Education and Culture has worked with global organisations and foreign governments to implement several strategies and initiatives to broaden the reach and efficiency of its public education system.(22) Broken Chalk encourages Indonesia to upkeep the development of these programmes and strategies as means of reaching the country's full educational potential.

VI. Child poverty

- 26.** Children up to the age of 14 made up almost 26% of the population in Indonesia in 2020. According to UNICEF, as of 2021, about 2.1 million children across the nation endure child poverty.(23) The situation of child poverty is slowly improving, however, huge disparities remain. Although it is difficult to assist all demographical groups in the country due to its geographical differences, child poverty is a severe concern which encompasses several factors. This section will analyse three of them: secondary education, child labour, and child marriage.
- 27.** With regards to the former, it is noteworthy that Indonesia offers free education up until grade 9, which imposes a barrier to secondary school completion for lower-income or impoverished families that may not incur its costs. This is reflected in numbers: statistical data pertaining to 2019 highlighted the contrasting 93% net primary school enrolment rate as opposed to the 78% for secondary school.(24)
- 28.** Severe poverty is widespread throughout the country, and sometimes parents will require their children to work instead of attending school in order to aid the household income. This is often the case with young girls, since girls' education is seen as less valuable compared to boys' and so parents may prefer girls to assist with household chores. To ease the economic burden of the family, young girls are often withdrawn from education and pushed into a child marriage.(25) In 2020, the number of child labourers in Indonesia equated to 1.17 million, mostly in the agricultural sector.(26) This issue can be attributed

to poverty as well as to lack of access to education. Indonesia committed to eliminate all forms of child labour by 2022, and albeit not fully achieved, it is essential to acknowledge the significant progress Indonesia has made in terms of improving access to quality education and informing parents about the importance of children's education.(27)

29. Child marriage is a prevalent issue in Indonesia, especially in impoverished and rural communities. According to UNICEF, Indonesian girls from families “with the lowest levels of expenditure” are nearly “five times more likely” to enter a marriage or union before the age of 18. In addition, girls from rural Indonesia “are three times more likely to marry before age 18” in comparison to urban Indonesian girls. Over a span of 10 years, child marriage rates in Indonesia reduced by 3.5%, although this rate is still far from the goal of 8.74% for 2024. UNICEF also states that one in nine Indonesian girls enter into marriage before the age of 18, which equates to 375 girls marrying each day.(28)

VI. Recommendations & conclusions

- 30.** Broken Chalk encourages Indonesia to continue with its efforts in tackling child marriage through rules and regulations and set a stricter reprisal system for violations of such rules.
- 31.** Broken Chalk recommends Indonesia to tackle the gap between primary and secondary education access by removing the costs for public secondary schools.
- 32.** Broken Chalk acknowledges the country's efforts to provide more internet and mobile coverage across rural areas in order to expand educational opportunities more fairly and equitably throughout the nation.(29)
- 33.** Broken Chalk calls for the Indonesian government to ensure a fairer division of labour amongst school staff to free up space in teachers' agendas and thus facilitate the country's actual pedagogical capacity.