

Title of the project

Policy Review and Legal Document on the Children Affected by HIV and AIDS in Indonesia

Conducted by
Team

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Background

Up to June 2009, cumulative cases of AIDS reportedly was 17.699 (MOH, 2009). Although nationally the prevalence was still low, nevertheless in Papua it reached the figure of 2.5%, covering not only some high risk groups but also at the household level or in other word is nearly general population. Apparently, person living with HIV and AIDS (PLWHA) also live with their families, and in some it brings the chronic and catastrophic problem in the household. The children who live in the same household were estimated to have the effect as well. National strategy on HIV and AIDS written by National AIDS Commission for the year 2007-2010 has pointed this issue, in which mitigation especially in Papua is a need. Unicef has presented the paper which review the concept of children affected by HIV and AIDS, comprising the aspects of sociopsychology, education, economics and health.

Objective

To describe the policy related to child protection in corresponds to children affected by HIV and AIDS. The important focus are the child right to get information, services and protection.

Method

Data used was from the study of “family and children affected by HIV and AIDS in Indonesia, 2007”, conducted by CHRUI supported by UNICEF. Information on the policy and legal document collected from various sources, particularly which related to children as well as HIV and AIDS. Analysis of content and thematics was employed to describe the right of children affected by HIV and AIDS.

Result

Various definition of child was revealed. Bill on child protection No. 23/2002 (below 18 years), bill of general election No. 12/2003 (article 13) (below 17 years), bill of marriage No.1/1974 (below 16 years), and bill of civil (KUHPperdata, 1847) (below 21 years). Eventually, this studi utilized below 18 years of age as the definition. The child right on access to have information of health, social and education in general has already stated in bill of human right No. 39/1999 (article 14); bill of health No. 23/1992 (article 53); bill of education system No. 20/2003 (article 7). Child right to have services on health, social and education was written in some articles in bill of human right No. 39/1999 (articles 56, 60 and 62). Child right to have health services was also contained in the bill of health No.23/1992 in regard to accomodates the right to reach family health improvement. Child protection in health, social, education and psychology were obviously the responsibility of the government, community, family and parents. Those were arranged in bill of child protection No. 23/2002 with the target is child below 18 years. Coordinating ministry of social welfare decree No. 3/Per/Menko/Kesra/iii/2007 in regard to national strategy on AIDS in Indonesia 2007-2010, has appointed one of the target is orphan and vulnerable children caused by HIV. They must have support package.

Conclusion

Although regulation does not contain explicitly the child and family affected by HIV as the object, however the policy is fundamentally becoming the base for tackling the problem of HIV and AIDS, especially for children who live in family with PLWHA.

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