



# Ensuring education systems for equality, inclusion and justice

Holds governments to account for commitments to education right

## WHAT IS RTEI?

The Rights Education Index (RTEI) is a new global index designed to drive accountability and progress towards realizing the right to education. RTEI works with civil society, research institution and governments to collect data on a wide variety of indicators of the rights to education as well as obstacles to it. RTEI will monitor progress, identify trends, and support efforts towards the rights to education. In partnership with in-country civil society coalitions and organizations, the project develops and administers a questionnaire to biennially track progress on key national-level right to education indicators in the areas of Governance and the 4 As (Availability, Accessibility, Acceptability, and Adaptability) as well as a number of subthemes and issue areas.

The RTEI is to be used to help civil society hold governments accountable to their commitments on the right to education, strengthen networks of education advocates, and increase public and political support to realize the right to education. It is a long-term objective of RTEI to benefit civil society's efforts to create positive change in the quality of education in countries and globally. RTEI initiative in Indonesia was carried out by Network for Education Watch (NEW) Indonesia<sup>1</sup> with support by RESULTS Education Fund. NEW Indonesia completed RTEI questionnaire, which was validated by two independent peer reviewers and made available for government. This RTEI case study literature was developed in consultation with members of the network and education experts.

## RTEI IN INDONESIA: INDEX SCORE 86%

Indonesia's overall Right to Education Index score generated is 86%, better than RTEI's score in 2016 (77%). While the scores for each theme are governance 90%, availability (insufficient data), accessibility 77%, acceptability 78%, and adaptability 60%, considered quite satisfactory. This describes that the Indonesia Government is quite committed in their efforts to ensure fulfillment the rights to education for its citizens. It was also showed in sub themes for both domestic law and plan of action are at 100.

This indicates that the country has a high commitment to the respect, protection and fulfillment of the right to education through making and developing comprehensive regulation aligned with international frameworks. The country's commitment has been stated in National Law No 20, 2013 regarding National Education System. But, how about the implementation of this regulation in Indonesia? Of course, there are many things should be asked further.

Score of themes of governance, accessibility and acceptability are high enough, but there is quite a low score in the sub theme free education in accessibility and learning environment in acceptability. Then the theme of adaptability is the lowest score. The government through National Law number 20 in 2003,

<b>Governance</b>	<b>90%</b>
International Framework	100%
National Law	100%
Plan of Action	100%
Monitoring and Reporting	100%
Financing	72%
Data Availability	71%
<b>Availability</b>	<b>Insufficient data</b>
Classroom	100%
Sanitation	Insufficient data
Teachers	77%
Textbooks	Insufficient data

<b>Accessibility</b>	<b>77%</b>
Free Education	63%
Discrimination	75%
Participation	94%
<b>Acceptability</b>	<b>78%</b>
Aims of Education	84%
Learning Environment	50%
Learning Outcomes	100%
<b>Adaptability</b>	<b>60%</b>
Children with Disabilities	67%
Children of Minorities	67%
Out-of-school Education	42%
Out-of-school Children	67%

<sup>1</sup> Network for Education Watch (NEW) Indonesia is coalition of 22 Non-Government Organizations that came together to advance education rights of all Indonesian. It is realizing a civil society to monitor education rights; building networking with multi stakeholder in Local, National and International; and advocacy for Education for All.

concerning National Education System article 34 paragraph 1 and 2 stated that, every citizen with the age of 6 years old is required to attend primary education and the central and local government are required to provide free education. But in the practice, the government did not provide enough public schools, so the limitation of public schools has required the community to be involved in providing primary education.

However, the government provided insufficient funds for private schools, and as a consequence the students are still required to pay for education. Practically, public schools are free but in private school, the student has to pay for tuition fees, uniforms, textbooks, and so forth. This condition didn't only happen in primary education, but also in secondary education (12-years basic education). We strongly believe that state is the duty-bearer for the right to education. The government should remain the duty bearers of public education, and the private sector must reinforce the role of state as an education provider.

On the other hand, the government has also done well in making a policy for the provision of education institutions, educational facilities and infrastructure, and protection of children's rights. Unfortunately, in fact, there are many discriminations for access to education and case of violence in schools.

Interrelation of all themes and sub-themes suggest that there exists an implementation gap between policy and practice. Although there are policies and laws established, they have not translated into programs and budgets that will ensure the promotion, protection and fulfillment of the right to education.

### **ISSUE AREA 1: SCHOOL NOT GUARANTEED AS A SAFE PLACE**



In this RTEI case study paper, the learning environment had a lower score than others sub-theme, which is 50%. This score is still same with RTEI 2016. These indicate that schools are still unsecured places for students. As the Indonesia Children Protection Commission noted in early 2018, 72% of children experience violence school, with 13% being sexually abused by teachers. There is a new trend of sexual abuse which saw girls being the majority of victims in the past, whereas now the data shows that boys are most commonly victims.

Based on data from the Executive Summary of the National Strategy for the Elimination of Violence Against Children 2016-2020 by the Ministry of Women's Empowerment and Child Protection, it can be

seen that the trend of violence in education is still quite high, both for teachers and students, perpetuated both by teachers and other students. The data shows that 84 percent of students have experienced violence in school, with 45 percent of male students saying that teachers or school officers are perpetrators of violence. Then, 40 percent of students aged 13-15 years reported having experienced physical violence by peers, and 75 percent of students admitted to having committed violence in school. This condition is one high factor of student dropout.

Schools that are not child-friendly are still one of the problems of education. This is due to the prevalence of violence in schools, both physical and non-physical. Cases of bullying, physical violence, and also sexual violence are still frequently reported as headlines in the media, such as: teacher abuse to students, student abuse to teachers, student abuse to students, abuse of guardians to teachers, sexual abuse, and brawls between schools. Indonesia has a number of laws and regulations that protect children from acts of violence, such as Law Number 35 of 2014 concerning Child Protection. However, the application of these legal instruments still faces various obstacles such as ignorance of the community and the lack of commitment of the local government. This lack of implementation has made children in Indonesia not yet fully protected.

### **ISSUE AREA 2: 'SOMEONE' LEFT BEHIND ON EDUCATION**

Out of school education in Indonesia has low rank, with a score of 55%. This category includes education for refugee children and children who are in prison. Children in prison are linked to legal cases, whereas refugee children are based on different backgrounds, namely caused by natural disasters, conflicts, and so on. They also usually come from within and outside the country.

Although Indonesia has not ratified the 1951 Convention on Refugees, Indonesia has long accepted refugees for humanitarian reasons. In fact, President Joko Widodo issued Presidential Regulation (Perpres) Number 125 of 2016 concerning Refugees from Abroad. Based on data from UNHCR, or UN agencies that manage refugees, there are more than 14,000 refugees currently in Indonesia. They are mostly from Afghanistan, reaching 930 people, the rest from Iraq, Iran, Palestine, Sudan, Rohingya Myanmar, Somalia, Pakistan, Sri Lanka, Bangladesh, and from Jordan and Syria.



Education for refugee children is still limited, because more is done voluntarily by fellow refugees who have a background in the world of education or teachers, using one of the rooms in the community house as a class, facilitated by IOM (International Organization for Migration).

Similarly, education for children in prisons. The government is considered not to have taken seriously. In fact, the Correctional Law No.12 of 1995 article 14 emphasizes the rights of children in prison to obtain education. But unfortunately, during serving a sentence, many children lost various rights, such as the right to freedom, the right to growth and development, including the right to education.

If children in prisons do not receive adequate education, they cannot have good knowledge after breathing free air to face the competitive world outside of prison. They will be isolated, unable to actualize themselves in the life of the nation and state, become ignorant and left behind so that they are likely to be ostracized and unacceptable upon their return to society.

The impact of this is that Indonesia will lack individuals and resources that are good, of good character, and capable of advancing civilization and prosperity because they are unable to expand the reach of their education to the child prison. The existence of teachers as teachers and curriculum integration is one of the important factors to note.

### **ISSUE AREA 3: 12-YEARS COMPULSORY EDUCATION IS STILL A RHETORIC**

Based on RTEI findings, the score for opportunity and indirect costs only reached 67%, the lowest compared to other cross-cutting theme scores. Many questions were asked in this cross-cutting theme, but for now we highlight the compulsory education, financing scheme and child labor.



NEW Indonesia has conducted research on 20 cities/regencies in Indonesia related to educational research on equitable education budget orientation in the 12-year compulsory education program (fair) in 2016. The results of the study stated that there were no local government priorities in this program. Most provincial governments only allocate 10% of local budget for education, only DKI allocated more than 20% for education. This seems very ironic.

Other findings, namely the implementation of education in the regions have not been oriented to the quality of teachers. The increase in welfare received by teachers is not directly proportional to the increase in quality. The results of teacher competency tests, the latest in 2016, the score has not moved from 53.05. This affects the quality of students as well.

Because the 12-years compulsory education program has not been well implemented, most Indonesian workers are elementary school graduates. Among the workers there were children aged 5-17 (around 58.8 million

children) categorized as child laborers. From the total of the child worker, about 1,76 million or 43,3% of them are categorized as a full-time child worker. From the total of the child worker at the age of 5-17, there are 48,1 million or 81,8% attend the school and about 24,3 million or 41,2% are involved in domestic work. Also, around 6,7 million or 11,4 % of them categorized as 'idle' which means they are not attending the school, assist the domestic work, and not working.

#### **DATA AVAILABILITY**

Most of the data are available online and this was useful to answer the questionnaires. The obstacle faced was up to date and the accuracy of the data. Most of the updated data mostly related to the education policies but the data on the outcome of the policies are still limited. Meanwhile, data regarding the sanitation, classroom, trained teacher textbook, in each level of education was unavailable. Moreover, the data regard to the learning environment, learning the outcome, and out of school education was not comprehensive and caused the existing degradation gap with the data on economic social, education condition in the villages and in the city, ethnicity etc.

The availability of data is vital to support education advocacy such as the education policy planning, assessment, monitoring, and the effectiveness of the education programs. The accessibility of comprehensive data will support the advocacy in education policy. However, based on the RTEI findings, the government should provide detailed and comprehensive data regarding the public expenditure per pupil as a percentage of GDP per capita, the percentage of the national education budget that comes from foreign aid, household spending in primary education, the minimum standard in place setting the number of pupils per toilets, the availability of portable water, etc.

#### **RECOMMENDATION**

Based on the findings of RTEI 2018, there are numerous recommendations that need to be done to improve the quality of education in Indonesia as follows;

1. In many cases, regulations and also government policies related to education are quite good, but this will have no impact if it is not accompanied by good implementation steps and monitoring and evaluation. Therefore, the government needs to improve the effectiveness of implementation and monitoring and evaluation.
2. To create a safe and child-friendly school, the school must make a complaint system that is in favor of the victim. Government, parents and the community involvement are also needed to monitor things that happen at school. There are clear and firm sanctions for the perpetrators of acts of violence, both physical and mental.
3. Access to quality education that is supported by facilities and infrastructure for minority and excluded groups is also important. Children in refugee camps and in prisons, as well as children with disabilities also need special attention from the government, both in terms of access and quality. The government must provide quality education with an integrative curriculum so that they grow like other children because getting decent education services is the right of all children guaranteed by law.
4. Encourage the government to implement the President regulation (Perpres) No. 125, 2016 for protecting the refugee to ensure the children receive their right on education.
5. The government must be serious in implementing the 12-years compulsory education program in terms of budget allocation, providing infrastructure, and improving teacher quality. The Ministry of Education should be strong in coordination with local governments to implement it, because the implementor of this policy is local government.