

Is forced chemical castration the answer to protecting children from sexual abuse in Indonesia?

Written by Asmin Fransiska, Lecturer in Human Rights, Atma Jaya Catholic University of Indonesia

A Balinese Court last week sentenced 70-year-old Australian Robert Ellis to 15 years in prison for sexually abusing 11 girls in his home in Denpasar, Bali.

He escaped newly introduced punishments such as chemical castration, electronic chip implants and the death penalty for sexual abuse against minors, recently adopted by Indonesia under [a new law amending the 2002 child protection law](#). The punishments can be applied once the government passes regulations to implement the new law.

The introduction of these harsh measures is controversial. [Rights activists](#) and [doctors](#) in particular object to forced chemical castration.

The Indonesian government argues that forced chemical castration for perpetrators of sexual violence against children would not only create a powerful deterrent, but also help paedophiles regulate their sexual urges.

Indonesia's social affairs minister Khofifah Indarparawansa said they adopted the punishment based on other countries' experiences. In [Nottingham, England](#), ["people line up to get castrated,"](#) she was quoted saying.

However, Indonesia's implementation of chemical castration for sex offenders differs from the UK and other countries. Additionally, the adoption of these harsh punishments is not supported by proper data and analysis of the problem of child sexual abuse in Indonesia.

Forced VS voluntary intervention

Indonesia's adoption of chemical castration is harsher than the implementation in the countries it learned from, such as the UK.

In the UK, chemical castration is a voluntary option for offenders. In Indonesia it is forced upon

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offenders. Under the new law, judges can mandate that chemical castration to be administered to the offender in addition to his prison time.

Indeed, most European countries, except for Poland, implement chemical castration only as a voluntary intervention. Finland, Czech Republic and some states in the US offer chemical castration as an alternative to longer prison time.

In Denmark, Germany and Texas in the United States, it must only be given with informed consent from the wrongdoer. This means medical practitioners must give complete information about the procedure as well as the risk and benefits of the treatment to the wrongdoer, who have the right to refuse treatment.

In Sweden, the wrongdoer must be over 23 years old, and in Germany they must be over 25 years old. In Sweden and also in Finland it's administered in confidence, so this information could not be publicly disclosed.

Most countries use this punishment only for repeat offenders. In Indonesia, it can be given to first time offenders. Any male above the age of 18 sentenced to chemical castration would have the treatment forced upon him, even if it's his first wrongful act.

Blind move

Indonesia [legalised forced chemical castration](#) for perpetrators of sexual violence against minors without a clear understanding of the extent of the problem of child sexual abuse in the country.

The move to introduce chemical castration came [as a response to a spate of horrifying news](#) of rapes and murders of women and girls last year.

But while the media document cases of sexual abuse against children, the government doesn't have a clear understanding on how bad the problem is. That's one of the problems Indonesia faces in developing a good policy to address the problem of sexual abuse of children in

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Indonesia. According to UNICEF, Indonesia [does not have data on a national situational analysis on child sexual abuse](#). The country also does not have data on paedophile cases. Information on cases of violence against children has never been systematically collected and analysed using sound research methods.

A [study by UNICEF](#) quoted data from The National Commission on Child Protection, claiming that between 2010 and 2014, more than 10 million children had been victims of sexual violence in Indonesia. UNICEF however doubts the validity of how these figure were determined.

What we do know is that child victims of sexual abuse lack proper medical care, psycho-social support, legal advice and child-sensitive investigative services.

This means that the introduction of chemical castration, the tagging of released offenders, and the death penalty as punishments seem to not be based on analysis of situation and impacts, but on a reaction to horrifying news of child sexual abuse.

New problems

Chemical castration as punishment ignites a debate on the balance between human rights of perpetrators of sexual violence and the protection of women and children against sexual violence.

Rights activist argue that forced chemical castration is a degrading punishment and violates the human rights of the offender.

Others argue that castration, when used as alternative punishment, is just, as long as the perpetrator's right to privacy is ensured and there is no torture or ill treatment of him or negative impact on his health. There must also be informed consent, so that it does not violate human rights.

In any case, any policy should be made with an clear understanding of the problem, which in Indonesia's case is lacking.

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Victims of sexual abuse in Indonesia often experience re-victimisation through “shaming and naming”. In a lot of child sexual abuse cases, the media and public share detailed information, including victims’ names and faces, before cases are properly investigated.

To create a safe environment for children free from sexual violence, the government must create programs that effectively prevent these crimes and protect victims. To do so, it must have a clear and comprehensive understanding of the problems of child sexual abuse and exploitation in a national level.

Introducing harsher punishments without a clear basis will only lead to new problems such as human rights violations and re-victimising children without any progressive solution.

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