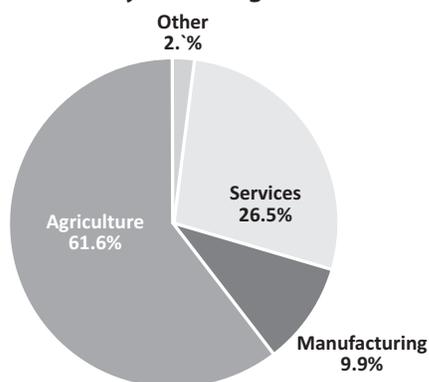


In 2012, Indonesia made a significant advancement in efforts to eliminate the worst forms of child labor. The Government ratified the two Optional Protocols to the Convention on the Rights of the Child. The Government also increased funding for services to assist the withdrawal of children from hazardous child labor, approved a new program specifically for child domestic workers, and continued to expand social protection programs such as conditional cash transfer programs and educational scholarships for poor children. Indonesia also strengthened its provincial, district, and municipal-level efforts to combat child labor and trafficking in persons by adopting and implementing local-level regulations, coordinating mechanisms, policies, and action plans. However, self-employed children and those in domestic service are unprotected under the labor law. Children continue to engage in the worst forms of child labor including in dangerous activities in agriculture and domestic work.

Statistics on Working Children and Education

Children	Age	Percent
Working	10-14 yrs.	3.7 (816,363)
Attending School	10-14 yrs.	92.4
Combining Work and School	7-14 yrs.	2.1
Primary Completion Rate		108.8

Working Children by Sector, Ages 5-14



Sources:

Primary completion rate: Data from 2010, published by UNESCO Institute for Statistics, 2013.(1)

All other data: Understanding Children's Work Project's analysis of statistics from LFS (Sakernas) Survey, 2010.(2)



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Indonesia are engaged in the worst forms of child labor, many in dangerous activities in agriculture and domestic work.(3-5) Children work on rubber, palm oil, and tobacco farms.(4, 6-9) Evidence suggests that they may be exposed to extreme weather, the use of sharp objects, falls from dangerous heights, and harmful chemicals.(6-8) There is limited evidence that children are engaged in dangerous activities in the production of cloves, coconuts, coffee, *kapok* (silk cotton), *melinjo* fruit, sugarcane, and tea.(6, 10-13) Children who work in agriculture may use dangerous tools, carry heavy loads, and apply harmful pesticides.(14, 15)

Children, primarily girls, work as domestic servants.(16) They may be required to work long hours, performing strenuous tasks, without sufficient food or shelter. These children may be isolated in private homes and are susceptible to physical and sexual abuse.(17, 18)

Boys and girls are exploited in commercial sexual exploitation.(20, 21) A 2010 report revealed that the nature of commercial sexual exploitation in some areas has changed from children living in and working out of brothels to children living with their families and working out of hotels and other locations through arrangements facilitated by social media.(21)

Children work in the fishing industry, including for long periods of time on offshore fishing platforms known as *jermal*.(9, 22) These children do not attend schools and they perform physically demanding tasks, may be subjected to physical and verbal abuse, work for long hours, often work in confined spaces, and may work with explosives.(9, 22) Children also work in the production of footwear and woodwork.(9, 23, 24) Such children face long working hours, low pay and unsafe working conditions.(23)

Limited evidence suggests that children are engaged in the small-scale mining sector, including gold mines.(9, 24, 25) Children also work in construction.(11, 26) There is limited evidence indicating that children engage in the worst

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forms of child labor in the asphalt, oil, brick, cigarette, floor covering, furniture, marble, stone, textile, and tin industries.(11-13, 23, 27) Children working in the production of these goods may be vulnerable to working long hours, carrying heavy loads, and inhaling toxic fumes.(23, 27)

Indonesia is primarily a source country for child trafficking. Children, mostly girls, are trafficked to Malaysia, Taiwan, and the Middle East where they are subjected to forced labor in prostitution and domestic servitude.(28-31) Children are also trafficked internally for the purpose of commercial sexual exploitation at mining operations in Maluku, Papua, and Jambi provinces and in the urban areas of Batam District, Riau Island, and West Papua province. In addition, children are trafficked for sex tourism in Bali.(32, 33) Although information is limited, children are reported to also be trafficked internally for domestic service and fishing. Children have reportedly been abducted from their homes and trafficked for drug trafficking.(34)

There are reports of children working on the streets, but specific information on hazards is unknown.(19)

Laws and Regulations on the Worst Forms of Child Labor

The Act of Republic of Indonesia No. 20 of 1999 on Ratification of ILO C. 138 sets the minimum age for work at 15, and the Manpower Act sets the minimum age for hazardous work at 18.(35, 36) The Manpower Act also permits light work for children between ages 13 and 15, as long as the work does not disrupt their physical, mental, and social development.(36) The Manpower Act specifically prohibits children from working in the following worst forms of child labor: slavery, prostitution, pornography, and gambling. It also bans children's involvement in the use, production, procurement, and trade of alcohol and other illicit substances and forbids the involvement of minors in jobs deemed harmful to their safety, health, and moral development.(36) The Manpower Act contains sanctions for violations of its provisions.(37)

The Ministry of Manpower and Transmigration's (MOMT) Decree 235 defines a list of hazardous work prohibited for children under the age of 18. The list prohibits children's exposure to heavy machinery, confined spaces, hazardous chemicals, heavy loads, isolated areas, and late-night hours.(38) The Child Protection Act and the Penal Code prescribe penalties for individuals who use children under age 18 for the purpose of economic or sexual exploitation, as well as for legal guardians who provide a child to another person for the purpose of begging, harmful work, or work that affects

the child's health.(9, 39, 40) However, during the reporting period, some provincial governments did not enforce the provisions of this act.(41) The Manpower Act excludes children who are self-employed and children who do not have clear wage relationships with an employer.(42) Therefore, many children working in agriculture, domestic service, and work on the streets are not protected under the law and are particularly vulnerable.

International Conventions and Selected Laws on Child Labor and Education

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

Presidential Decree 59 (2002) created the National Action Plan for the Elimination of the Worst Forms of Child Labor (NAP)—which identified 13 sectors that could be considered hazardous, including domestic service and street work—but the Plan does not have the force of law.(37) The Ministry for Women's Empowerment and Child Protection (MoWECP) employs a set of Ministerial Guidelines (operational directives) that do not have the force of law.(40, 43) The guidelines specify the minimum age for domestic work at 15 years and prohibit domestic workers ages 15 through 17 from engaging in hazardous activities.(44) During the reporting period, the Domestic Worker's Protection Draft Bill continued to be deliberated by the legislature.(45, 46) While the MoWECPS's guidelines provide protections for child domestic workers, the adoption of the Domestic Worker's Protection Bill would be a stronger source of protections for child domestic workers. In Indonesia, ministerial decrees are perceived as less powerful than legislative acts because a Minister can change ministerial

decrees but legislative acts, such as the Domestic Worker's Bill, can only be modified by the legislative branch.(47, 48)

During the reporting period, the Government ratified both the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography.(49, 50)

During the reporting period, the Yogyakarta provincial government developed Standard Operational Procedures and Guidelines for its regulation on Children Living on the Streets.(51) The regulation provides protections to children living and working on the street by facilitating reunification with their families or by providing alternative care, and by creating programs for parents, including 'good parenting' training and income-generation opportunities.(52) Additionally in 2012, the South Sulawesi Provincial Government enacted regulations to eliminate child labor in the province and the Bandung Municipal Government enacted regulations addressing child protection. In particular, the Bandung regulation requires government agencies to collaborate with civil society groups to reduce the risks faced by working children, give support to economically vulnerable families, and provide shelter to victims of child exploitation.(9)

Law No. 21(2007) on the Eradication of the Criminal Act of Trafficking in Persons prohibits the use of forced labor. It also defines and prohibits trafficking, including trafficking for sexual exploitation and debt bondage, with increased penalties in cases in which the victim is a child and when government officials and corporate entities are involved.(53) The minimum age for military recruitment is 18.(54)

Education is free and compulsory through age 16.(9, 41) Presidential Instruction No. 1 (1994) and Articles 48 and 53 of the Child Protection Act stipulate 9 years of compulsory education for all children.(39, 55) However, the Government does not universally enforce these requirements. In practice, most schools are not free and school-related costs may prevent children from attending school.(9, 41) Though the law provides children with disabilities the right to an education, they have little access to it. Some disabled children beg for a living.(41)

Institutional Mechanisms for Coordination and Enforcement

The National Action Committee (NAC) for the Elimination of the Worst Forms of Child Labor coordinates and monitors policy and program efforts to eliminate the worst forms of child

labor at the national level.(9, 46) The NAC is chaired by the MOMT and includes other government agencies, employers, NGOs, and unions.(46, 56) During the reporting period, the NAC launched a national initiative on the worst forms of child labor and founded new district action committees in Tabalong Regency in South Kalimantan and Deli Serdang in Aceh.(46)

In addition to national coordination, Indonesia mandates the formation of provincial- and district-level committees and action plans to combat child labor. This is required under the Ministry of Home Affairs' Guidelines for the Formation of Regional Action Committees, the Establishment of Regional Action Plans and the Empowerment of Communities in the Elimination of the Worst Forms of Child Labor (2009). The committees coordinate and monitor policy and program efforts and the development of action plans to eliminate the worst forms of child labor at the local level.(57) During the reporting period, the Government increased the number of child labor action committees to cover 32 provinces (from 31) and 159 districts/municipal areas (from 148 in the previous year).(9) However, the various entities responsible for working on child labor at the national, provincial, district, and municipal levels sometimes do not successfully coordinate with one another.(58, 59)

The MoWECF coordinates the development and implementation of policies related to child protection.(60) Its child protection policies are subject to inquiry from an independent commission known as the Indonesian Child Protection Commission (KPAI). This commission was created under the mandate of the Child Protection Act and serves to disseminate information related to child protection, including child labor legislation, and to receive complaints, including those that pertain to child labor.(60) In addition, its mission is to monitor and evaluate the implementation of child protection efforts and provide feedback on child protection to the President of Indonesia.(60)

The National Task Force to Combat Trafficking in Persons is responsible for coordinating the country's anti-trafficking efforts, including child trafficking.(61) The MoWECF coordinates the Task Force across 19 ministries. The Task Force includes six working groups that develop action plans and budgets for programs to address trafficking in persons.(62) In 2012, the Government increased the number of anti-trafficking task forces to include 25 provinces (from 21) and 77 districts (from 73 in the previous year), all of which coordinate among provincial and district governments (including police, prosecutors and courts), NGOs, and the international community.(46, 63) The provincial task force groups focus on issues such as prevention, rehabilitation, reintegration, and

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the development and enforcement of relevant legislation. The MoWECP allocated \$752,577 for anti-trafficking activities, including those that target children. It also led training programs to educate local law enforcement officials on the law on trafficking in persons.(46, 62)

The MOMT is responsible for monitoring and enforcing child labor laws.(9) In addition to a budget allocation for enforcement at the federal level, each province and district head allocates a portion of funds for inspections and investigations.(9) The Minister of Manpower noted that regional officials did not always allocate sufficient funds for labor inspections, which hampered labor inspectors from adequately enforcing labor laws.(9) During the reporting period, MOMT and the ILO provided two months of training to labor inspectors, which included training on child labor laws and enforcement.(9)

In 2012, the MOMT employed 1,006 labor inspectors and 289 specialized inspectors who are tasked with enforcing the labor laws in specific industries such as medicine or engineering, including those related to child labor.(9, 40) Government officials have stated that there are not enough labor inspectors to enforce the laws against child labor.(9) Labor inspectors provide information to employers on child labor laws and regulations, report child labor violations, and work with law enforcement officials to prosecute any child labor violations.(9, 58) The Government did not collect data on the number of child labor inspections conducted, the number of violations identified, or the number of children assisted as a result of inspections.(9)

The National Police conducts inspections and raids and makes arrests in response to all crimes, including those related to child labor and child trafficking.(58, 64) The National Police may also conduct joint inspections with the MOMT, other government agencies, and the KPAI.(58) During 2012, the Police reported opening 138 new trafficking cases involving 214 victims, of which 74 were girls.(46) The Police received separate training for child labor and trafficking. However, there is no information of officers who received the training.(40)

During the reporting period, the Attorney General's Task Force on Terrorism and Trans National Crime created the first database to track trafficking-related convictions throughout Indonesia. From January to October 2012, there were 102 recorded trafficking convictions.(9) Information was not available on the number of prosecutions related to violations of laws on the worst forms of child labor.

Government Policies on the Worst Forms of Child Labor

The Government's general policy framework for the elimination of child labor is the 20-year National Action Plan for the Elimination of the Worst Forms of Child Labor (NAP) (2002-2022).(37) The NAP is in its second 5-year phase and is focused on continued development of national and local policies to combat child labor, as well as on providing direct assistance to child laborers and at-risk children.(65) There are six provincial action committees and seven district and municipal action committees that have finalized action plans to eliminate the worst forms of child labor.(24, 51, 66) During the reporting period, the East Java provincial government established its Provincial Action Plan to Eliminate the Worst Forms of Child Labor for the period of 2012-2016.(51)

The Government also continues to operate the National Plan of Action on the Elimination of Trafficking of Women and Children (2009-2014).(64) During the reporting period, Lampung District established its District Action Plan on trafficking and commercial sexual exploitation of children for the period of 2012-2013.(51)

The Government has incorporated child labor issues into relevant development agendas, including the National Mid-Term Development Plan (2010-2014) and the UN Partnership for Development Framework (UNPDF) (2011-2015).(67)

The Ministry of National Education's Minimum Service Standards of Basic Education Program (2011-2013) aims to improve access and quality of public education by limiting the distance that elementary and junior secondary schools can be located from children's households, specifying minimum allowable teacher-student ratios, and identifying minimum teacher education qualifications.(67)

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, the MOMT more than doubled its investment in its child labor program from a budget of \$3 million in 2011 to \$7.2 million in 2012.(46) The program withdrew and prevented 10,750 children from child labor and returned them to school.(9) The Ministry of Social Affairs' street children program undertook efforts to withdraw and prevent street children from exploitative labor.(9, 63)

Also during the reporting period, the Government approved a \$5 million, USDOL-funded project to support child domestics by promoting decent work for domestic workers, improving legal protection and enforcement of laws, and supporting

a reliable referral mechanism for cases of exploitation.(68) The Government also participated in a \$5.5 million, USDOL-funded project that targets children exploited or at risk of being exploited in domestic service, commercial agriculture, street work, and trafficking for commercial sexual exploitation.(37, 69) Between April and September 2012, the project withdrew 1,831 children and prevented 1,553 children from exploitative labor and supported the establishment of one provincial and one district action plan on the elimination of the worst forms of child labor.(51) Additionally, the MoWECF piloted economic assistance programs designed to combat child labor in six provinces. Each family received \$70 in initial capital to support economic activities in order to prevent their children from engaging in child labor.(9)

The Government expanded implementation of a large-scale conditional cash transfer program that provides cash transfers to poor families who meet a set of criteria, including children's enrollment and attendance in school.(46, 70) In 2012, the

program covered 1,516,000 households.(46) Research shows that conditional cash transfer programs have slightly reduced child labor in Indonesia.(71)

The Government's *Bantuan Operasional Sekolah* (BOS) Program continued to provide block grants to schools, which are intended to reduce fees and ensure that primary school (covering grades 1-6) students and junior secondary school (covering grades 7 to 9) students are provided free education.(55, 72) The Ministry of National Education's minimum service standards of basic education program will include 216,000 schools from 2011 to 2013.(67) In 2012, the Government expanded its education scholarship program to more than 6 million underprivileged children, including 3.5 million elementary school students, 1.7 million junior secondary school students, and 1.1 million senior secondary school students.(46, 67) Research shows that educational scholarships have a significant impact in reducing child labor in Indonesia.(73)

Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in Indonesia:

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Ensure self-employed children and children who do not have clear wage relationships, including children who work in agriculture, domestic service, and work on the street, are protected by the laws.	2009, 2010, 2011, 2012
Coordination and Enforcement	Track and report the number of child labor and trafficking inspections, violations, and convictions, as well as the number of children withdrawn and assisted, and analyze the effectiveness of enforcement.	2009, 2010, 2011, 2012
	Improve coordination between national, provincial, district, and municipal-level government officials responsible for addressing child labor concerns.	2012
	Provide sufficient funds for labor inspections so inspectors can adequately enforce child labor laws.	2010, 2011, 2012
	Track the number of police officers who have been provided child labor and trafficking training.	2010, 2011, 2012

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