

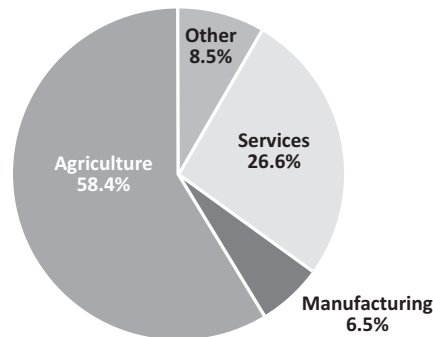
Indonesia

The Government of Indonesia enhanced institutional mechanisms for coordination at the local levels to combat exploitative child labor by creating provincial and district action committees and action plans to combat exploitative child labor. Despite these gains, some children who are self employed or lack clear wage relationships are not adequately protected by the law and continue to be vulnerable. As a result, children continue to engage in the worst forms of child labor in agriculture and domestic service.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	5.5*
Attending School	5-14 yrs.	84.0
Combining Work and School	7-14 yrs.	5.9

* Population of working children: 2,404,626



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Indonesia are engaged in the worst forms of child labor,²⁸¹⁹ many of them in agriculture²⁸²⁰ and domestic service.²⁸²¹ Children work on rubber, palm oil and tobacco farms.²⁸²² Children who work in agriculture often carry heavy loads, use pesticides and work long hours, and they may be exposed to extreme weather, sharp objects, falls from tall heights and respiratory problems.²⁸²³ Children, primarily girls, also work as domestic servants. These girls, typically ages 12 to 15, often work long hours, sometimes without days of rest or holidays. Child domestics may also be at risk of mental, physical and sexual abuse.²⁸²⁴

Children's work on the streets includes providing services, selling small items, begging and scavenging.²⁸²⁵ Children working on the streets may be exposed to many dangers, including severe weather, vehicle accidents and criminal elements. They may also fall victim to child trafficking.²⁸²⁶

Children work in fishing, including on offshore fishing platforms known as *jermals*. Children work at sea for long periods of time. These children are unable to access schools and are often vulnerable to occupational accidents.²⁸²⁷ Children work in the production and manufacturing of footwear and woodwork.²⁸²⁸ Such children face long working hours, low pay and unsafe working conditions.²⁸²⁹

Although evidence is limited, there is reason to believe that children are engaged in the worst forms of child labor in the small-scale mining sector,²⁸³⁰ including in gold mines²⁸³¹ and in construction.²⁸³² There is also limited evidence that children are engaged in the worst forms of child labor in the asphalt and oil, brick, cigarette, clove, coconut, coffee, floor covering, furniture, *kapok* (silk cotton), marble, *melinjo* fruit, stone, sugarcane, tea, textile and tin industries.²⁸³³

Indonesia is primarily a source country for child trafficking. Children, mostly girls, are trafficked to Malaysia, Taiwan and Singapore and are subject to forced prostitution and forced labor in

domestic servitude.²⁸³⁴ Children are also trafficked internally for the purposes of domestic servitude, commercial sexual exploitation (including sex tourism in Bali and Riau Island), drug trafficking, agriculture, mining and fishing.²⁸³⁵

The majority of children in Indonesia are able to access school; however, access declines as children get older. Net enrollment between primary and secondary levels drops from roughly 95 percent to 70 percent, potentially leaving older children more vulnerable to the worst forms of child labor.²⁸³⁶






Laws and Regulations on the Worst Forms of Child Labor

The Manpower Act sets the minimum age for work at 15 and the minimum age for hazardous work at 18.²⁸³⁷ The Manpower Act also permits light work for children between ages 13 and 15, as long the work does not disrupt their physical, mental and social development.²⁸³⁸ The Manpower Act specifically prohibits children from working in the worst forms of child labor in: slavery; prostitution; pornography; gambling; use, production, procurement and trade of alcohol and other illicit substances; and jobs deemed harmful to their safety, health and moral development.²⁸³⁹

Act No. 1 on the Ratification of ILO Convention 182 Concerning the Prohibition and Elimination of the Worst Forms of Child Labor identifies 13 types of hazardous work for children, including prostitution, mining, construction, fishing, street work, scavenging, domestic service and agriculture.²⁸⁴⁰ Ministerial Decree 235 outlines working conditions which are prohibited, including exposure to heavy machinery, confined spaces, hazardous chemicals, heavy loads, isolated areas and late-night hours.²⁸⁴¹

The Manpower Act contains sanctions for violations of the labor law.²⁸⁴² The Penal Code prescribes penalties for a legal guardian who provides a child younger than age 12 to another person for the purposes of begging, harmful work or work that affects the child's health.²⁸⁴³ Despite the above protections, the Manpower Act excludes

children who are self-employed and children who do not have clear wage relationships.²⁸⁴⁴ As a result, some children working in agriculture, domestic service and street work may not be adequately protected by the law and are particularly vulnerable.²⁸⁴⁵

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Law No. 21 on the Eradication of the Criminal Act of Trafficking in Persons defines and prohibits trafficking, including trafficking for debt bondage and sexual exploitation, with increased penalties in cases where the victim is a child and where government officials and corporate entities are involved.²⁸⁴⁶

In 2009, the Government of Indonesia's Legislation Council placed a draft of the Domestic Worker's Protection Bill on the Parliament's agenda for 2010, which would entitle domestic workers, including those between ages 15 and 17, the same rights as formal sector workers.²⁸⁴⁷ In June 2010, the Parliamentary Commission on Manpower and Transmigration, Population Affairs and Health at the House of People's Representatives, which is in charge of drafting the bill, announced

that it is postponing discussion on the bill, citing unresolved disputes between the political parties. The bill has once again been placed on Parliament's Agenda for 2011.²⁸⁴⁸

Presidential Instruction No. 1 stipulates nine years of compulsory education for children between ages of seven and 15.²⁸⁴⁹ The Child Protection Act, Articles 48 and 53, also specify that the government must provide a minimum of nine years of basic education for all children and free education for disadvantaged children.²⁸⁵⁰ In addition, a recent government program, *Bantuan Operasional Sekolah* (BOS), ensures that children in government schools are provided free education.²⁸⁵¹

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. The NAC is chaired by the Ministry of Manpower and Transmigration (MOMT) and is comprised of other government agencies, employers, NGOs and unions.²⁸⁵² However, beyond the sharing of information, there is widespread confusion about the roles, responsibilities and functions of the committee.²⁸⁵³

In addition to national coordination, provincial- and district-level committees are mandated by the 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 provincial- and district-level committees are established to coordinate and monitor policy and program efforts and the development of action plans to eliminate the worst forms of child labor at local levels.²⁸⁵⁴ By the end of 2010, there were child labor action committees in 29 provinces and 131 districts/municipal areas.²⁸⁵⁵ However, the Government is still working to successfully integrate the various

entities responsible for working on child labor at the national, provincial and district levels.²⁸⁵⁶

The Ministry of Women's Empowerment and Child Protection (MoWECP) coordinates the development and implementation of policies related to child protection.²⁸⁵⁷ MoWECP 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 on child labor legislation, receive child protection complaints, monitor and evaluate the implementation of child protection efforts and provide feedback on child protection to the president.²⁸⁵⁸

The National Task Force to Combat Trafficking in Persons is responsible for coordinating the country's anti-trafficking efforts, including child trafficking.²⁸⁵⁹ MoWECP coordinates the Task Force between 19 ministries. The Task Force coordinates six working groups to develop action plans and budgets for trafficking in persons.²⁸⁶⁰ During the reporting period, the Government implemented 20 provincial and 72 district anti-trafficking task forces, all of which coordinate among provincial and district governments (including police, prosecutors and courts), NGOs and the international community. MoWECP allocated \$133,000 for all anti-trafficking activities, including those that target children. MoWECP also led training programs to educate local law enforcement officials on the law for trafficking in persons.²⁸⁶¹

MOMT is responsible for monitoring and enforcing child labor laws.²⁸⁶² During the reporting period, MOMT employed 2,354 labor inspectors, who are all tasked with enforcing laws including those related to child labor. Labor inspectors provide information to employers on child labor laws and regulations, issue inspection notices on child labor violations and work with law enforcement officials to prosecute any child

labor violations.²⁸⁶³ Research did not find the number of child labor inspections conducted, the number of violations identified or the number of children assisted as a result of the inspections.²⁸⁶⁴ Government officials and NGOs note that the number of labor inspectors available is not sufficient to adequately enforce child labor laws.²⁸⁶⁵

In addition to MOMT, the National Police has the right to conduct inspections and raids as well as make arrests in response to all crimes, including those related to child labor and child trafficking.²⁸⁶⁶ The police may also conduct joint inspections with MOMT, other government agencies and the independent child protection agency known as Indonesia Child Protection Commission (KPAI).²⁸⁶⁷ In early 2011, the National Police issued a letter to all provincial, district and sub-district police units to include the elimination of the worst forms of child labor as a priority in their jurisdictions. The letter tasked them with disseminating information on relevant laws and regulations to members of the business community and with taking action against violators of child labor laws.²⁸⁶⁸ While the police seem to prioritize eliminating the worst forms of child labor, recent reports indicate that a lack of police training on child labor issues continues to hamper enforcement.²⁸⁶⁹ Research found no information on the number of child trafficking inspections, violations, convictions and assistance.²⁸⁷⁰

Government Policies on the Worst Forms of Child Labor

The Government of Indonesia'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 (2002-2022).²⁸⁷¹ This national action plan 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.²⁸⁷² The Government allocated \$23 million to combat child labor for the period of 2010-2014.²⁸⁷³ During the reporting

period, five provincial action committees and seven district and municipal action committees finalized action plans to eliminate child labor.²⁸⁷⁴ The Government is currently operating the National Plan of Action on Trafficking and Child Sexual Exploitation (2009-2014).²⁸⁷⁵

The Government has incorporated child labor issues into relevant development agendas. The National Mid-Term Development Plan (2010-2014) addresses the worst forms of child labor in domestic work, transportation, construction and mining and provides specific targets and budgetary allocations for action.²⁸⁷⁶

During the reporting period, the Government published the results of a National Child Labor Survey. The survey report contained comprehensive information about work characteristics of children ages 5 to 17, which will help the Government prioritize policy interventions to eliminate child labor.²⁸⁷⁷

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

The Government of Indonesia participated in a large number of programs to combat child labor during 2010. During the reporting period, the Government participated in two ongoing USDOL-funded multiyear projects, totaling \$11.2 million, that target children exploited in or at risk of being exploited in domestic service, commercial agriculture, street work, drug trafficking and trafficking for commercial sexual exploitation.²⁸⁷⁸ From March to August 2010, one of the projects withdrew 1,495 children and prevented 3,123 children from exploitative child labor and supported the establishment of several provincial and district action committees on the elimination of the worst forms of child labor.²⁸⁷⁹ The Government also participated in an ongoing \$22.7 million project funded by the Government of Netherlands on child labor and youth employment in 33 districts within six provinces in East Indonesia.²⁸⁸⁰

The Government continued to implement 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.²⁸⁸¹ In addition, MOMT provided supplemental services to poor families and withdrew children from exploitative labor. MOMT coordinated with the Ministries of Education and Social Welfare, government schools, Islamic boarding schools and NGOs for this program. In 2010, MOMT implemented this program in 21 districts and municipalities.²⁸⁸²

During the reporting period, the Government participated in an anti-trafficking in persons research study, which included a study on the sexual exploitation of children.²⁸⁸³ The Government also continued to implement an anti-trafficking initiative called "Operation

Flower," which provides services to child victims of commercial sexual exploitation, including those who have been trafficked, and collaborates with NGOs on efforts to raise awareness on trafficking, provide assistance to law enforcement officials and protect trafficking victims.²⁸⁸⁴

The Government's BOS program, or School Operational Assistance program, created block grant disbursements for government and nongovernment schools, including private and religious, at the elementary and junior secondary levels.²⁸⁸⁵ In addition, the Government earmarked \$162 million in financial aid, including education scholarships, to more than three million underprivileged children from the elementary to university level, including 1.7 million elementary school students and 750,000 junior secondary school students.²⁸⁸⁶

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

IN THE AREA OF LAWS AND REGULATIONS:

- Enact laws to create protections for children who are self-employed or children who do not have clear wage relationships, including children who work in agriculture, domestic service and street work.
- Approve the Domestic Worker's Law, thereby providing protection for child domestic workers.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Clarify the roles and responsibilities of the National Action Committee as well as the Provincial and District Action Committees for the Elimination of the Worst Forms of Child Labor.
- Track the number of child labor inspections, violations and convictions and the number of children withdrawn and assisted.
- Increase the number of labor inspectors to adequately supervise the number of registered working establishments.
- Provide child labor training to the police.

²⁸¹⁹ Data provided in the chart to the left is based on UCW analysis if ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2009. Data on working children and schooling are from 2009. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported here, which may or may not include the worst forms of child labor. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

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²⁸²¹ Inga Ting, "Government Urged to Protect Child Domestic Workers", *The Jakarta Post*, [online], February 16, 2010 [cited January 31, 2011]; available from <http://www.thejakartapost.com/print/247969>. See also Human Rights Watch, *Always on Call: Abuse and Exploitation of Child Domestic Workers in Indonesia*, June 2005. See also Human Rights Watch, *Workers in the Shadows: Abuse and Exploitation of Child Domestic Workers in Indonesia*, 2009; available from <http://www.hrw.org/en/reports/2009/02/10/workers-shadows-0>. See also U.S. Department of State, "Indonesia" in *Country Reports on Human Rights Practices-2010*, Washington, DC, April 8, 2011; available from <http://www.state.gov/documents/organization/160460.pdf>. See also International Trade Union Confederation (ITUC), *Internationally Recognised Core Labour Standards in Indonesia*.

²⁸²² ILO-IPEC, *Project of Support to the Indonesian Time-Bound Program, Project Document (April 28, 2008)*. See also ILO-IPEC, *Project of Support to the Indonesian Time-Bound Program on the Elimination of the Worst Forms of Child Labor (WFCL) Baseline Survey, Lampung*, Lampung, September 2009. See also ILO-IPEC, *Project of Support to the Indonesian Time-Bound Program on the Elimination of the Worst Forms of Child Labor (WFCL) Baseline Survey, North*

Sumatera, September 2009. See also ILO-IPEC, *Project of Support to the Indonesian Time-Bound Program, Baseline Survey (Jember District)*. See also U.S. Department of State, "Country Reports- 2010: Indonesia."

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²⁸²⁴ Human Rights Watch, *Workers in the Shadows*. See also Human Rights Watch, *Always on Call*. See also U.S. Department of State, "Country Reports- 2010: Indonesia."

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