

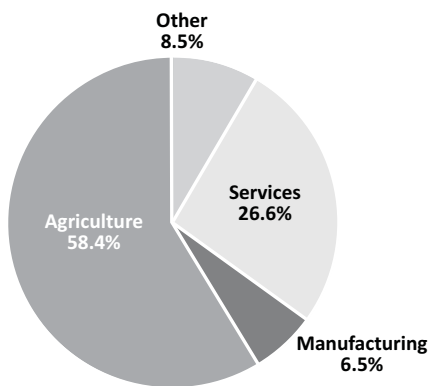
Indonesia

In 2011, Indonesia made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government strengthened its legislative framework through the adoption of national- and provincial- level regulations to protect street children. It also expanded many of its social protection programs. These include its conditional cash transfer program, which encourages school attendance and covered more than 1.1 million households during the year. The Government likewise expanded the *Bantuan Operasional Sekolah (BOS)* or education block grants program, which reduces school fees and aims to ensure that primary and junior secondary school students are provided free education. However, children continue to engage in dangerous activities in the agriculture and domestic service sectors.

Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	5.5 (2,404,626)
Attending School	5-14 yrs.	84.0
Combining Work and School	7-14 yrs.	5.9
Primary Completion Rate		104.9

Working Children by Sector, ages 5-14



Sources:

Primary completion rate: Data from 2009, published by UNESCO Institute for Statistics, 2012.(1)

All other data: Understanding Children's Work Project's analysis of statistics from SIMPOC Survey, 2009.(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 agriculture and domestic service.(3-6) Children work on rubber, palm oil and tobacco farms.(5, 7-9)



Evidence from Indonesia suggests they may be exposed to extreme weather, the use of sharp objects, falls from tall heights and respiratory problems.(7-9) There is limited evidence that children are engaged in dangerous activities in what appears to be the worst forms of child labor in the production of clove, coconut, coffee, *kapok* (silk cotton), *melinjo* fruit, sugarcane and tea.(7, 10-15). Children who work in agriculture often carry heavy loads, use pesticides and work long hours.(16)

Children, primarily girls, also work as domestic servants.(3) These girls often work long hours, sometimes without rest days or holidays. Child domestics may also be at risk of mental, physical and sexual abuse.(3, 17)

Children also work on the streets, providing services, selling small items, begging and scavenging.(18) Children working on the streets may be exposed to many dangers, including severe weather, traffic accidents and crime.(19) They may also fall victim to child trafficking.(18)

Boys and girls are exploited in prostitution.(20, 21) One recent report revealed that the nature of commercial sexual exploitation in some areas has changed from children living and working out of brothels to children living with their families and working out of hotels and other locations.(21)

Children work in the fishing industry; some children engage in offshore fishing platforms known as *jermals*, for long periods of time. These children are unable to access schools and are often vulnerable to occupational accidents.(4, 22, 23) Children also work in the production of footwear and woodworking.(12, 13, 24) Such children face long working hours, low pay and unsafe working conditions.(13)

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,(4, 12) including in gold mines.(24, 25) Children also work in construction.(11) There is limited evidence that children are engaged in the worst forms of child labor in the asphalt, oil, brick, cigarette, floor covering, furniture, marble, stone, textile and tin industries.(7, 10-15) Children working in the production of these goods may be vulnerable to working long hours, carrying heavy loads and inhaling toxic fumes.(13, 14)

Indonesia is primarily a source country for child trafficking. Children, mostly girls, are trafficked to Malaysia, Taiwan and the Middle East; they are subject to forced prostitution and forced labor in domestic servitude.(26-29) Children are also trafficked internally for the purpose of domestic servitude, commercial sexual exploitation (including sex tourism in Bali and Riau Island) and fishing.(30, 31)

The majority of children in Indonesia are able to access school; however, access declines as children get older. World Bank Educational Statistics (2008) note that 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.(32)

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.(4) 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.(33) The Manpower Act specifically prohibits children from working in the worst forms of child labor: slavery; prostitution; pornography; gambling; use, production, procurement and trade of alcohol and other illicit substances; and in jobs deemed harmful to their safety, health and moral development.(33) Ministerial Decree 235 (2003) “Concerning Jobs That Jeopardize the Health, Safety or Morals of Children” serves as Indonesia’s list of hazardous work prohibited for children under 18. It prohibits exposure to heavy machinery, confined spaces, hazardous chemicals, heavy loads, isolated areas and late-night hours.(34) The Child Protection Act and Penal Code prescribe penalties for individuals who use children under age 18 for the purpose of economic or sexual exploitation, as well as legal guardians who provide a child younger than age 12 to another person for the purpose of begging, harmful work or work that affects the child’s health.(35, 36) The Manpower Act contains sanctions for violations of labor laws.(37)

Despite the above protections, the Manpower Act excludes children who are self-employed and children who do not have clear wage relationships.(38) Therefore, many children working in agriculture, domestic service and street work continue to be inadequately protected by the law and are particularly vulnerable. 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—but the Plan does not have the force of law.(37)

	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	16
	Free Public Education	Yes

To address the gap in regard to child domestic service, in 2006, the Ministry for Women’s Empowerment and Child Protection (MoWECP) created guidelines specifying that the minimum age for domestic work is 15 years and indicating that domestic workers ages 15 through 17 are prohibited from hazardous activities.(39) With support from various NGOs, the MoWECP disseminated the guidelines to employers.(38) These guidelines have the force of law. During the reporting period, the Government of Indonesia’s Legislation Council placed the Domestic Worker’s Protection Draft Bill on the Parliament’s agenda, which would entitle domestic workers, both adult and child, to stronger protections. However, the Bill was removed from the agenda and is currently undergoing review.(40) 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, because Indonesia’s legal framework enables ministerial decrees to be changed by a minister while acts such as the Domestic Worker’s Bill can only be modified by the legislative branch.(41)

The MoWECP issued the Ministerial Decree to Increase Family Resilience of Children in Need of Special Protection during the reporting period. This Decree targets vulnerable children, including self-employed children and their families, to receive education, health and livelihoods services.(24, 42) In addition, the Yogyakarta provincial government passed the Children Living on the Streets Regulation during the reporting period.(43) The regulation provides protections to children living and working on the street by facilitating their

reunification with their families, or by providing alternative care and creating programs including ‘good parenting’ training and income-generation opportunities for parents.(44)

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 debt bondage and sexual exploitation, with increased penalties in cases in which the victim is a child and when government officials and corporate entities are involved.(45) It appears that the law does not treat child victims of trafficking for sexual exploitation unless a third party is involved to facilitate a transaction.(41) The minimum age for military recruitment is 18.(46)

Presidential Instruction No. 1 (1994) stipulates 9 years of compulsory education for children between ages 7 until 16.(47) 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.(36)

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 comprises other government agencies, employers, NGOs and unions.(48) However, beyond the sharing of information, there is a lack of clarity regarding the responsibilities and functions of the committee, as well as the roles member agencies play.(48)

In addition to national coordination, Indonesia mandates the formation of provincial- and district-level committees and action plans. 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 were established to 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.(49) During the reporting period, the Government of Indonesia increased the number of child labor action committees to cover 31 provinces (from 29) and 148 districts/municipal areas (from 131).(24) 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.(50)

The MoWECF coordinates the development and implementation of policies related to child protection.(51) 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 on child labor legislation, receive child labor complaints, monitor and evaluate the implementation of child protection efforts, and provide feedback on child protection to the president of Indonesia.(51)

The National Task Force to Combat Trafficking in Persons is responsible for coordinating the country’s anti-trafficking efforts, including child trafficking.(52) 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.(53) In 2011, the Government of Indonesia increased the number of anti-trafficking task forces to 21 provinces and 73 districts, all of which coordinate among provincial and district governments (including police, prosecutors and courts), NGOs and the international community.(42) The MoWECF allocated \$133,000 for all anti-trafficking activities, including those that target children. It also led training programs to educate local law enforcement officials on the law for trafficking in persons.(53)

The MOMT is responsible for monitoring and enforcing child labor laws.(50) During the reporting period, the MOMT employed 2,354 labor inspectors, who are tasked with enforcing all laws, including those related to child labor. Government officials and NGOs note that the number of labor inspectors is not sufficient to adequately enforce child labor laws.(24) 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.(50) The Government did not collect data on the number of child labor and trafficking inspections conducted, the number of violations identified or the number of children assisted as a result of inspections.

In addition to the 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.(50, 54) The National Police may also conduct joint inspections with the MOMT, other government agencies and the KPAI.(50) 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.(15) While the police issued guidance towards eliminating the worst forms of child labor, recent reports indicate that a lack of police training on child labor issues continues to hamper enforcement.(15, 24)

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 (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.(55) The Government allocated \$23 million to combat child labor for the period of 2010-2014.(56) There are five provincial action committees and seven district and municipal action committees that have finalized action plans to eliminate the worst forms of child labor.(24, 57) The Government also continues to operate the National Plan of Action on Trafficking and Child Sexual Exploitation (2009-2014).(54)

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; it also provides specific targets and budgetary allocations for action.(58) During the reporting period, the Government and the UN included child labor in the United Nations Partnership for Development Framework (UNPDF), an umbrella framework of UN Support to Indonesia from 2011 to 2015. The child labor component will increase the Government's capacity to effectively implement the NAP and ILO Conventions 182 and 138.(59)

The Ministry of National Education's minimum service standards of basic education program (2011-2013) defines the maximum distance that elementary and junior secondary schools can be from children's households, specifies minimum allowable teacher-student ratios, and identifies minimum teacher education qualifications.(59)

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

During the reporting period, the MOMT continued and expanded its child labor program with a budget of \$3 million. The program withdrew and prevented 3,360 children from exploitative child labor and returned them to school.(24) The Ministry of Social Affairs' street children program also withdrew and prevented street children from exploitative labor.(24, 42) In 2011, the Jakarta provincial government, with a budget of \$61,040, provided 364 street children with shelter care, which included counseling, skills training and education.(24, 60)

During the reporting period, the Government participated in two 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.(37, 61) From April to September 2011, one of the projects withdrew 788 children and prevented 342 children from exploitative labor and supported the establishment of several provincial and district action committees on the elimination of the worst forms of child labor.(59) The Government also participated in a \$22.7 million project funded by the Government of the Netherlands on child labor and youth employment in 33 districts within six provinces in East Indonesia.(62) Additionally, the MoWECp provided skills training to child domestic workers.(63)

The Government continued and 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.(64) In 2011, the program covered 1,116,000 households.(59)

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 and junior secondary school students are provided free education.(47) The Ministry of National Education's minimum service standards of basic education program will cover 216,000 schools from 2011 to 2013.(59) In 2011, the Government expanded its education scholarship program to more than 4 million underprivileged children, including 2.7 million elementary school students, 1.3 million junior secondary school students and 700,000 senior secondary school students.(59)

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	Enact laws to protect all 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.	2009, 2010, 2011
	Expand the law to protect child victims of trafficking for sexual exploitation, even if there was no third party to facilitate the transaction.	2011
	Approve the Domestic Worker's Law, thereby providing protection for child domestic workers.	2009, 2010
Coordination and Enforcement	Clarify the roles and responsibilities of the National Action Committee and better integrate that Committee with the Provincial and District Action Committees for the Elimination of the Worst Forms of Child Labor	2009, 2010, 2011
	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
	Increase the number of labor inspectors and adequately enforce child labor laws.	2010, 2011
	Provide child labor training to the police.	2010, 2011
Social Programs	Raise the awareness of parents about the changing nature of the commercial sexual exploitation of children.	2011

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