

Indonesia

The Government of Indonesia has established a policy and legislative framework to combat child labor, including integration of child labor issues into its current strategic development plan. Despite these efforts, children continue to engage in the worst forms of child labor in agriculture and domestic servitude, and there are gaps in the legal protections for child domestic workers.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Indonesia are exploited in the worst forms of child labor,²⁴²⁰ many of them in agriculture. Children work on rubber, palm oil, and tobacco farms.²⁴²¹ Children who work in agriculture may be exposed to extreme weather, carry heavy loads, use pesticides, work long hours, exposed to sharp objects, fall from tall heights, and suffer respiratory problems.²⁴²² Children, primarily girls, also work as domestic servants, some as young as age 11, and may be mentally, physically, and sexually abused and they can be subject to debt bondage.²⁴²³ Children work in the informal sector, including those living on the street, providing services, selling small items, begging, scavenging, and working beside their parents in family businesses, or cottage industries.²⁴²⁴

Children also work in fishing where they are exposed to injury from fishing nets, snake bites, and drowning.²⁴²⁵ Additionally, children work in the production and manufacture of goods such as footwear, food, and woodwork.²⁴²⁶ Such children face long working hours, lower pay, and unsafe working conditions.²⁴²⁷ Children also work in the small-scale mining sector, including in gold mines,²⁴²⁸ as well as in construction.²⁴²⁹







Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of cigarettes, cloves, cacao, coconuts, coffee, furniture, kapok (silk cotton tree), stones, sugarcane, tea, and textiles.²⁴³⁰

Indonesia is primarily a source country, and to a lesser extent a destination country, for child trafficking. Children, primarily girls, are trafficked from Indonesia to Malaysia, Saudi Arabia, Taiwan, Japan, and Singapore and are subject to forced prostitution and forced labor in domestic servitude and cottage industries.²⁴³¹ Children, mainly girls, are trafficked from China and Eastern Europe to Indonesia and are subject to commercial sexual exploitation.²⁴³² In Indonesia, children are also internally trafficked for the purpose of domestic servitude; sex tourism in Bali and Riau Island; production, transporting, and the sale of drugs; agriculture; mining; and fishing.²⁴³³

Laws and Regulations on the Worst Forms of Child Labor

The Manpower Act (2003) sets the minimum age of work at 15 and the minimum age for hazardous work at 18.²⁴³⁴ Act No. 1/2000 identifies 13 types of hazardous work including prostitution, mining, cottage industries, construction, and domestic

service.²⁴³⁵ Additionally, Decree No. 235 (2003), which implements Article 74 of the Manpower Act, identifies hazardous working conditions for children as exposure to heavy machinery, confined spaces, hazardous chemicals, heavy loads, isolated areas, and late-night hours, and it prohibits engagement in certain occupations.²⁴³⁶ Despite the above protections, the Manpower Act does not cover domestic work nor does it cover children who are self-employed.²⁴³⁷ In December 2009, the Government of Indonesia's Legislation Council placed a draft of the Domestic Worker's Law on the parliament's agenda for 2010 which would entitle domestic workers, including those between the ages of 15 and 17, the same rights as formal workers. However, the law has not yet been passed.²⁴³⁸

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	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	15
	Free Public Education	No

The Manpower Act also prohibits slavery, prostitution, and the production and use of illegal substances.²⁴³⁹ The Pornography Law (2008) specifically prohibits child pornography and establishes penalties for violators.²⁴⁴⁰ The Penal Code specifies penalties for a legal guardian that provides a child under 12 to another person for the purposes of begging, harmful work, or work that affects the child's health.²⁴⁴¹ The Child Protection Act prohibits the physical, economic, and sexual exploitation of children and sets strict penalties for violations.²⁴⁴²

In September 2009, Indonesia ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.²⁴⁴³ Law No. 21 on the Eradication of the Criminal Act of Trafficking in Persons (2007) defines and prohibits trafficking, including debt bondage and sexual exploitation, with increased penalties in cases where the victim is a child and where government officials are involved.²⁴⁴⁴ The Child Protection Act (2002) also criminalizes and prescribes penalties for child trafficking and sexual exploitation, and prohibits the use or involvement of children in the misuse, production, or distribution of narcotics.²⁴⁴⁵

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. The NAC is chaired by the Ministry of Manpower and Training (MOMT) and is comprised of other government agencies, employers, NGOs, and unions. A recent in-depth evaluation of child labor programs in Indonesia uncovered that there is widespread confusion about the role, responsibilities, and function of the committee, particularly the role of coordination beyond sharing of information.²⁴⁴⁶ There are also action committees at the provincial level; in 2009, there were Child Labor Action Committees in 26 of 33 provinces and 116 of 458 districts.²⁴⁴⁷ More generally, the National Commission on Child Protection monitors and reports on child protection issues.²⁴⁴⁸ In October 2009, the Government renamed the Ministry of Women Empowerment to the Ministry of Women Empowerment and Child Protection, and tasked them with coordinating all child protection efforts in the country.²⁴⁴⁹

The National Task Force to Combat Trafficking in Persons, established in 2008, is responsible for coordinating anti-trafficking efforts, including child trafficking at the national level.²⁴⁵⁰ During the reporting period, the coordination of the committee was transferred from the Ministry of Social Welfare to the Ministry of Women's Empowerment and Child Protection, and is carried out in collaboration with the Coordinating Ministry for Peoples Welfare.²⁴⁵¹ The Ministries of Peoples Welfare, Women's Empowerment, Social Affairs, and Education all have received

budgetary allocations to combat trafficking.²⁴⁵² There are numerous anti-trafficking task forces at the local level that coordinate action between NGOs, police, prosecutors, and courts.²⁴⁵³

MOMT at the provincial and district levels is responsible for enforcing child labor laws.²⁴⁵⁴ In 2009, the MOMT hired an additional 231 labor inspectors, for a total of 2,200. Of these 2,200 labor inspectors, 600 are in Jakarta and 1,600 are dispersed throughout the rest of the country.²⁴⁵⁵ Labor inspectors are tasked with the responsibility of enforcing child labor protections and also for withdrawing children from work and returning them to school.²⁴⁵⁶ Information was not available on the number of inspections or the number of child labor violations during the reporting period.

The National Police have the right to conduct inspections and raids as well as attain arrests in all crimes. It is common for the police to conduct joint inspections with the MOMT, the National Commission for Child Protection, and other government agencies.²⁴⁵⁷ The national and local trafficking task forces work together to enforce the anti-trafficking law.²⁴⁵⁸ The Government routinely trains law enforcement officials and has increased the number of prosecutors. In 2009, there were 139 trafficking prosecutions, an increase from 129 prosecutions in 2008.²⁴⁵⁹

The Government has investigated cases of government officials' complicity in trafficking cases. Such cases include two civil servants falsifying identity documents, as well as a police officer collecting "protection money" from a brothel owner. These cases were under prosecution in the reporting period.²⁴⁶⁰

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 Plan of Action (NPA) for the Elimination of the Worst Forms of Child Labor (2002-2022).²⁴⁶¹ The NPA is in its second 5-year phase and is focusing on continued development of national and local policies to combat child labor, as well as providing direct assistance to child laborers and at risk children.²⁴⁶² During the reporting period, the Minister of Home Affairs issued guidelines on the formation of

regional child labor action committees, regional action plans, and empowerment of communities to combat child labor.²⁴⁶³ Approximately \$23 million has been allocated by the Government for the 2010-2014 period to combat child labor.²⁴⁶⁴

During the reporting period, the Government enacted a new National Plan of Action (NAP) on Trafficking and Child Sexual Exploitation (2009-2014) after an extensive evaluation of their previous plan of action.²⁴⁶⁵

In addition, Indonesia has incorporated child labor issues into relevant development agendas. For example, the National Mid-Term Development Plan (2010-2014) includes a focus on addressing the worst forms of child labor in domestic work, transportation, construction, and mining sectors and provides specific targets and budgetary allocations.²⁴⁶⁶ Also, the National Development Planning Agency's Strategic Guidelines for 2009 includes a focus on removing children from the worst forms of child labor.²⁴⁶⁷ The country's Poverty Reduction Strategy Plan (2005-2009) included objectives for preventing exploitation and the worst forms of child labor, and increasing protection for street children and child workers.²⁴⁶⁸ In addition, the National Plan of Action of Human Rights in Indonesia (2004-2009) had measures to protect children against the worst forms of child labor, including trafficking, sexual exploitation, and pornography.²⁴⁶⁹ While child labor has been incorporated into a number of larger development policies and plans, a recent in-depth evaluation of past and present USDOL funded projects in Indonesia indicates that child labor is still often treated as a stand-alone issue.²⁴⁷⁰

Aside from general child labor policy frameworks, the Government of Indonesia has made some progress towards sector-specific policy guidelines, specifically with child domestic workers. For example, in 2006, the Ministry of Women's Empowerment and Child Protection published guidelines for child domestic workers specifying the minimum age as 15 and working conditions for domestic workers between ages 15 and 17.²⁴⁷¹

In February 2010, the Government of Indonesia published the results of a National Child Labor Survey that gathered comprehensive data about work characteristics of children age 5-17 years and aims to assist the Government in prioritizing policy interventions to eliminate child labor. The report

revealed that there are at least 4 million children working, of which 1.7 million are working in violation of Indonesia's child labor legislation.²⁴⁷² It is unclear how this information has been used by the Government to inform its programming.

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

The Government of Indonesia has participated in a large number of programs to combat child labor since the 1990s. For example, between 1999 and 2009 USDOL provided \$26.3 million in funding directly to Indonesia, as well as an additional \$7.2 million regionally, in technical cooperation programs to combat child labor in Indonesia.²⁴⁷³ These projects have been geographically dispersed and have targeted children being exploited in fishing, footwear, domestic service, agriculture, drug trafficking, trafficking for commercial sexual exploitation and forced labor, as well as street work. Notable accomplishments of these projects include approximately 45,000 children rescued from exploitive labor through the provision of education and vocational training services, involvement in the drafting of the NPA and other social development policies, establishment of provincial and district child labor committees, and the Government's adoption and national implementation of the project's child trafficking prevention model.²⁴⁷⁴

Currently, the Government is participating in two USDOL-funded projects, totaling \$11.25 million which 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. In order to ensure that beneficiary children do not enter into or return to exploitive work, one of the projects also targets 10,000 children participating in the Government's Conditional Cash Transfer program in geographic areas that have high concentrations of child labor.²⁴⁷⁵ Both projects are expanding successful interventions started under earlier projects.²⁴⁷⁶

The Government is also participating in a Government of Netherlands-funded \$22.6 million project on child labor and youth employment project in six provinces in East Indonesia.²⁴⁷⁷

The Government has a large scale Conditional Cash Transfer (CCT) program which provides cash transfers to very poor families who meet a set of criteria, including enrollment in school. By targeting the poorest families, the CCT is reaching families most at risk of child labor. Additionally, a key performance indicator of the CCT is reducing child labor, making it one of the few CCT programs globally that specifically addresses child labor.²⁴⁷⁸ MOMT expanded the CCT to 13 provinces to reach over 500,000 impoverished households in 2009.²⁴⁷⁹ MOMT also provides supplemental programs for child laborers benefiting from the CCT, targeting their withdrawal from exploitive labor.²⁴⁸⁰ The Government also provided financial aid to an additional 1.5 million impoverished students and concentrated its Open School program on areas with large numbers of child laborers, providing them with the opportunity to attend school.²⁴⁸¹

During the reporting period, the Minister of Social Affairs made a declaration that there will be no more street children by 2011 and proposed a \$20 million program to reach the goal.²⁴⁸²

The Government is currently participating in anti-trafficking programs funded by USDOS to provide medical and psychosocial recovery services to trafficking victims and to strengthen law enforcement's response in trafficking cases.²⁴⁸³ Additionally, the Government has provided large numbers of anti-trafficking trainings to law enforcement and prosecutors.²⁴⁸⁴ GOI also has an anti-trafficking initiative called Operation Flower, which provides services for children trafficked for commercial sexual exploitation, and collaborates with NGOs on efforts to raise awareness on trafficking, provide assistance to law enforcement officials, and protect trafficking victims.²⁴⁸⁵

The Government of Indonesia has a range of social programs across the country to assist children vulnerable to or engaged in the worst forms of child labor in multiple sectors. However, given the large numbers of child laborers, the current allocation of resources by the Government is insufficient to address the problem in a sustainable manner.

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:

- Approve the Domestic Worker's Law which would create protections for child domestic workers.
- Create legal protections for children not covered by the law, including self employed children and those working on the street.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Clarify the roles and responsibilities of the National Action Committee (NAC) for the Elimination of the Worst Forms of Child Labor.
- Collect data on the number of inspections carried out and the number of child labor violations uncovered, and make the information publicly available.

IN THE AREA OF POLICIES:

- Utilize data from the national child labor survey to prioritize policy and programs to combat child labor.

IN THE AREA OF PROGRAMS:

- Dedicate additional resources to social programs to combat the worst forms of child labor, including the creation of new programs or through replication or expansion of successful donor-funded programs.

²⁴²⁰ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. 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. 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.

²⁴²¹ ILO-IPEC, *Support to the Indonesian Time-bound Program on the Elimination of the Worst Forms of Child Labor: Phase II*, project document, Geneva, 2008, 41, 45. See also End Child Labor, *Indonesia Child Labor by Industry or Occupation*, accessed March 1, 2010; available from http://www.endchildlabor.org/db_infoBank.cfm?Action=View. See also ILO-IPEC, *Support to the Indonesian National Plan of Action and the Development of the Timebound Programme on the Elimination of the Worst Forms of Child Labour (Phase II): Baseline Survey of Child Labour on Plantations Banyuwangi-East Java* Annex to the Technical Progress Report, September 2009. See also ILO-IPEC, *Support to the Indonesian National Plan of Action and the Development of the Timebound Programme on the Elimination of the Worst Forms of Child Labour (Phase II): Baseline Survey of Child Labour on Plantations-Lampung*, Annex to the Technical Progress Report, September 2009.

See also ILO-IPEC, *Support to the Indonesian National Plan of Action and the Development of the Timebound Programme on the Elimination of the Worst Forms of Child Labour (Phase II): Baseline Survey of Child Labour on Plantations-North Sumatera*, Annex to the Technical Progress Report, March 2009. See also U.S. Department of State, *Human Rights Report Indonesia 2009*, March 11, 2010.

²⁴²² ILO-IPEC, *Baseline Report Child Labor on Plantations Lampung, 2009*. See also ILO-IPEC, *Support to the Indonesian National Plan of Action and the Development of the Timebound Programme on the Elimination of the Worst Forms of Child Labour (Phase II): Baseline Survey of Child Labour on Plantations Banyuwangi-East Java*, Annex to the Technical Progress Report, September 2009. See also ILO-IPEC, *Baseline Report Child Labor on Plantations North Sumatera, 2009*.

²⁴²³ Human Rights Watch, *Workers in the Shadows: Abuse and Exploitation of Child Domestic Workers in Indonesia*, February 11, 2009; available from <http://www.hrw.org/en/reports/2009/02/10/workers-shadows-0>. See also "Swept Under the Rug: Abuses Against Domestic Workers Around the World," *Human Rights Watch* 18, no. 7(C) (2006), 53 and 54; available from http://www.hrw.org/legacy/campaigns/women/2006/domestic_workers/index.htm. See also "Always on Call: Abuse and Exploitation of Child Domestic Workers in Indonesia," *Human Rights Watch*

17, no. 7(C) (2005). See also U.S. Department of State, *Human Rights Report Indonesia 2009*. See also Inga Ting, “Government Urged to Protect Child Domestic Workers,” *Jakarta Post* (Jakarta), March 3, 2010.

²⁴²⁴ The Foundation of Action Research and Training Institute commission by the ILO-IPEC, *Baseline Study on Street Children in East Jakarta*, September 2008, 37-42. See also U.S. Department of State, *Human Rights Report Indonesia 2009*. See also ILO-IPEC, *Project of Support to the Indonesian Time-bound Program Phase II, project document*, 42. See also International Trade Union Confederation, *Internationally Recognized Core Labour Standards in Indonesia*, Geneva, June 2007, 15-16; available from http://www.ituc-csi.org/IMG/pdf/Indonesia_report_final_FINAL.pdf. See also U.S. Embassy- Jakarta, *reporting, January 20, 2009*. See also Child Rights Information Network, “Sex Abuse Exams Violates Child Rights,” *Jakarta Globe* (Jakarta), January 21, 2010.

²⁴²⁵ End Child Labor, *Child Labor by Industry or Occupation*.

²⁴²⁶ U.S. Department of State, *Human Rights Report Indonesia 2009*.

²⁴²⁷ U.S. Embassy- Jakarta, *reporting*, June 5, 2008.

²⁴²⁸ Ibid. See also U.S. Embassy- Jakarta, *reporting, January 20, 2009*. See also U.S. Department of State, *Human Rights Report Indonesia 2009*. See also International Trade Union Confederation, *Internationally Recognized Core Labour Standards in Indonesia*, 15-16. See also ILO-IPEC, *In Their Own words...Indonesia: A Boy from a Mining Family*, Jakarta, June, 2006; available from <http://www.ilo.org/ipecc/areas/Miningandquarrying/MoreaboutCLinmining/Intheirownwords.../lang--en/index.htm>. See also ILO-IPEC, *Child Labour in the informal Mining Sector in East Kalimantan: a Rapid Assessment*, August 2004; available from <http://www.ilo.org/ipeccinfo/product/viewProduct.do?productId=8533>.

²⁴²⁹ Rustam and Lamitur Tampubolon, *Child Labor and its Situation in Nias, North Sumatera*, ILO-IPEC, 2006. See also U.S. Embassy- Jakarta, *reporting, January 20, 2009*. See also U.S. Department of State, *Human Rights Report Indonesia 2009*.

²⁴³⁰ End Child Labor, *Child Labor by Industry or Occupation*. See also ILO-IPEC, *Baseline Child Labor on Plantations East Java, 2009*. See also ILO-IPEC, *Support to the Indonesian National Plan of Action and the Development of the Timebound Programme on the Elimination of the Worst Forms of Child Labour (Phase II): Baseline Survey of Child Labour on Plantations-North Sumatera Annex to the Technical Progress Report*, March 2009. See also U.S. Embassy- Jakarta, *reporting, January 20, 2009*. See also U.S. Department of State, *Human Rights Report Indonesia 2009*. See also U.S. Embassy- Jakarta,

reporting, June 5, 2008. See also Rustam and Tampubolon, *Child Labor and its Situation in Nias, North Sumatera*.

²⁴³¹ U.S. Department of State, “Indonesia (Tier 2),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>.

²⁴³² International Catholic Migration Commission and The Solidarity Center, *When They Were Sold: Trafficking of Women and Girls in 15 Provinces of Indonesia*, Jakarta, November 2006, 54. See also U.S. Department of State, *Human Rights Report Indonesia 2009*.

²⁴³³ ECPAT International CSEC Database, *Indonesia*, accessed March 5, 2010; available from http://www.ecpat.net/EI/CSEC_onlineDatabase.asp. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Indonesia.” See also ILO-IPEC, *Project of Support to the Indonesian Time-bound Program Phase II, project document*, 42. See also U.S. Department of State, *Human Rights Report Indonesia 2009*. See also International Catholic Migration Commission and The Solidarity Center, *When They Were Sold*.

²⁴³⁴ International Trade Union Confederation, *Internationally Recognized Core Labour Standards in Indonesia*.

²⁴³⁵ Ministry of Manpower and Transmigration, *The National Plan of Action for the Elimination of the Worst Forms of Child Labor*, Presidential Decree Number 59, (August 13, 2002).

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²⁴⁴² Government of Indonesia, *National Child Protection Act*, Law No. 23, (2002), articles 59-60, 78-89.

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²⁴⁸² ILO-IPEC, *Support to the Indonesian National Plan of Action, Technical Progress Report, March 2010*.

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