

Indonesia

Government Policies and Programs to Eliminate the Worst Forms of Child Labor

In 1992, the Government of Indonesia became one of the six original countries to participate in ILO-IPEC.¹⁸²⁸ By presidential decree, a National Action Committee to Eliminate the Worst Forms of Child Labor was established in 2001, and the president signed the National Program of Action on the Elimination of the Worst Forms of Child Labor in August 2002.¹⁸²⁹ The committee is tasked with creating national child labor policies, establishing priorities and coordinating programs.¹⁸³⁰ The national program lists the worst forms of child labor in Indonesia and outlines a process to eradicate them.¹⁸³¹ A regional conference on trafficking and transnational crimes, which gathered representatives of 52 countries affected by trafficking, was convened by the Governments of Indonesia and Australia in February 2002.¹⁸³²

In 1999, the USDOL funded two ILO-IPEC projects in Indonesia to combat child labor in the fishing and footwear industries.¹⁸³³ USAID provides support for capacity building to strengthen the efforts of the Ministry of Women's Empowerment to combat trafficking and to advocate for anti-trafficking laws and policies.¹⁸³⁴ The government works with UNDP, ILO, UNICEF, and other NGOs to create programs for working children and street children, such as open houses that provide basic and vocational education to street children.¹⁸³⁵

¹⁸²⁸ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited August 30, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

¹⁸²⁹ Soemadi D.M. Brotodiningrat, Ambassador, Embassy of the Republic of Indonesia, letter to USDOL official, September 6, 2002.

¹⁸³⁰ The committee was established by Presidential Decree No. 12, 2001, and the action plan established under Presidential Decree No. 59, 2002. See "Cooperation Against the Trafficking of Children for Labor and Sexual Exploitation in Indonesia" (paper presented at the ILO-Japan Asian Meeting on the Trafficking of Children for Labour and Sexual Exploitation, Manila, October 10-12 2001), 4.

¹⁸³¹ Thirteen worst forms of child labor are listed, including commercial sexual exploitation, mining, work on *jermals*, scavenging, domestic help, and the use of children in work involving hazardous chemicals. Government of Indonesia, *The National Plan of Action for the Elimination of the Worst Forms of Child Labor*, August 13, 2002, 4-5.

¹⁸³² U.S. Department of State, *Trafficking in Persons Report- 2002: Indonesia*, Washington, D.C., June 5, 2002, 61 [cited December 20, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10680.htm>.

¹⁸³³ ILO-IPEC, *Programme to Combat Child Labor in the Fishing Sector in Indonesia and the Philippines (Phase I)*, RAS/99/05/050, Geneva, 1999, cover. See also ILO-IPEC, *Programme to Combat Child Labor in the Footwear Industry in Indonesia and the Philippines (Phase I)*, RAS/99/05/060, Geneva, 1999, cover. A second phase of both Indonesia projects was funded by USDOL in September 2002. See ILO-IPEC, *Fishing and Footwear Sectors Program to Combat Hazardous Child Labor in Indonesia (Phase II)*, INS/02/Pxx/USA, Geneva, 2002, cover.

¹⁸³⁴ U.S. Embassy- Jakarta, *unclassified telegram no. 0649*, February 25, 2002.

¹⁸³⁵ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Indonesia*, Washington, D.C., March 4, 2002, 985-96, Section 5 [cited December 20, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8314.htm>.

Beginning with the 1998-1999 school year, the World Bank, the Asian Development Bank, UNICEF, and other donors funded the Scholarship and Grants Program. The program is intended to support schools and keep children of impoverished families and families affected by the current economic crisis in school. Approximately USD 654 million in government and donor funds has been dedicated to project activities that provide block grants to schools and scholarships to children at the primary and secondary levels.¹⁸³⁶

The World Bank has six active education projects in Indonesia that aim to improve the quality of basic education and junior secondary education, as well as one project focusing on secondary school teachers.¹⁸³⁷ The World Bank also funds the Urban Poverty Project in selected areas of Indonesia, which includes the provision of grants to communities or local governments for projects to improve education, among other goals.¹⁸³⁸ The Australian Government supports government efforts to improve school quality, promote universal access to schooling, and strengthen the links between schooling and employment.¹⁸³⁹

USAID funded a pilot project to construct schools in areas of the Maluku affected by conflict,¹⁸⁴⁰ and UNICEF works with government counterparts on education issues in parts of Aceh and the Maluku to address the effects of the civil conflict.¹⁸⁴¹

¹⁸³⁶ WARTA Central Independent Monitoring Unit (CIMU), *Special Issue: History and Overview of the Scholarships and Grants Program*, September 2000, [cited September 17, 2002]; available from http://www.cimu.or.id/full_text_reports/Cimu-SpIssue1-Engl.pdf. See Minister for Health, His Excellency Dr. Achmad Sujudi, Statement at United Nations Special Session on Children, May 10, 2002, [cited August 15, 2002]; available from <http://www.un.org/ga/children/indonesiaE.htm>. See also a discussion of the impact of the scholarships during the first four months of implementation in Lisa A. Cameron, *Did Social Safety Net Scholarships Reduce Drop-Out Rates During the Indonesian Economic Crisis?*, Report No. 2800, World Bank, Washington, D.C., March 2002, [cited December 20, 2002]; available from <http://econ.worldbank.org/view.php?type=5&id=13160>.

¹⁸³⁷ Three junior secondary education projects focus on Central Indonesia (no. P003987), East Java/East Nusa Tenggara (no. P037097), and Sumatra (no. P041894). Three basic education projects focus on Sulawesi/Eastern Islands (no. P041895), Sumatera (no. P040196), and West Java (no. P039644). The Secondary School Teacher Development Project (no. P004003) was approved 2/96 and ends 12/02. World Bank, *Spreadsheet on Active Education Projects in Indonesia*, [online] [cited December 18, 2002]; available from <http://www.worldbank.org>.

¹⁸³⁸ World Bank, *Indonesia - Urban Poverty Project (02)*, IDPE72852, May 28, 2002, [cited August 30, 2002], 2; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P072852>.

¹⁸³⁹ AusAID, *Country Brief Indonesia*, [online] [cited September 5, 2002]; available from <http://www.ausaid.gov.au/country/default.cfm>.

¹⁸⁴⁰ USAID, *USAID Assistance to Indonesia*, Jakarta, [cited August 22, 2002]; available from www.usaid.gov/id/overview032002.pdf.

¹⁸⁴¹ UNICEF provides education supplies nationwide, and conducts primary school assessments to determine schooling needs. Many children in the conflict zones cannot attend school because the schools were destroyed and their teachers fled. UNICEF, *UNICEF Humanitarian Action Donor Update - Indonesia*, May 29, 2002, [cited October 3, 2002], 2; available from <http://www.unicef.org/emerg/Country/Indonesia/020529.PDF>.

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 7.8 percent of children ages 10 to 14 years in Indonesia were working.¹⁸⁴² A 2000 report by the Government of Indonesia and UNICEF found that children were increasingly working in exploitative and hazardous activities such as garbage scavenging, street peddling, domestic servitude, and commercial sexual exploitation.¹⁸⁴³ Children are exploited in prostitution, are used in the production of pornography and are the victims of sex tourists.¹⁸⁴⁴ Children are also engaged in the production, transportation and sale of drugs, such as methamphetamines.¹⁸⁴⁵ In North Sumatra, boys work on fishing platforms called *jermals* for 12 to 13 hours per day, often in dangerous conditions.¹⁸⁴⁶ In addition, paramilitary groups and civilian militias, such as The Free Aceh Movement, have allegedly recruited children to serve in some capacity in armed conflicts.¹⁸⁴⁷ Trafficking is a significant problem in Indonesia. Children, primarily girls, are trafficked for sexual exploitation and labor both within Indonesia and to international locations.¹⁸⁴⁸

¹⁸⁴² World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. In 1996, a Labor Force Survey by the Indonesian Central Bureau of Statistics estimated that 8.5 percent (1.9 million) of children between ages 10 and 14 in Indonesia were working. See Nafsiah Mboi and Irwanto, *Indonesian Experience With Child Labor: Looking for Best Practices*, ILO-IPEC, Jakarta, 1998, 20, 21. A 1999 National Socioeconomic Survey found that 10 percent of children between ages 10 and 14 worked. See P. Irwan, H. Hendriati, and Y. Hestyani, *Alternative Education Strategies for the Young Disadvantaged Groups in Indonesia*, UNESCO, Jakarta, 1999, as cited in Peter Stalker, *Beyond Krismon: The Social Legacy of Indonesia's Financial Crisis*, UNICEF Innocenti Research Centre, Florence, 2000, 2.

¹⁸⁴³ Government of Indonesia and UNICEF, *Challenges for a New Generation: The Situation of Children and Women in Indonesia, 2000*, Jakarta, 2000, vi. See also Mohammad Farid, "Sexual Abuse, Sexual Exploitation, and the Commercial Sexual Exploitation of Children," in Irwanto, Mohammad Farid, and Jeffry Anwar, *Situational Analysis of Children in Need of Special Protection in Indonesia*, CSDS Atma Jaya, Department of Social Affairs, and UNICEF, Jakarta, 1998, 96-97.

¹⁸⁴⁴ ECPAT International, *Indonesia*, ECPAT International, [database online] [cited March 10, 2003]; available from <http://www.ecpat.org/>. The Protection Project, *A Human Rights Report on Trafficking of Persons, Especially Women and Children: Indonesia*, Washington, DC, March 2002; available from <http://www.protectionproject.org>. A 1998 study found widespread involvement of children in prostitution in Indonesia, estimating that 30 percent of all sex workers are under the age of 18, or between 40,000 and 70,000 children. See G.W. Jones, E. Sulistyaningsih, and T.H. Hull, *Prostitution in Indonesia*, Canberra: Australian National University, 1995 as cited in Irwanto, Farid, and Anwar, *Situational Analysis of Children*.

¹⁸⁴⁵ ILO-IPEC, *Assessing the situation of children in the production, sales, and trafficking of drugs in Indonesia, the Philippines and Thailand, project document*, RAS/02/P52/USA, Geneva, September 2001.

¹⁸⁴⁶ ILO-IPEC, *Programme to Combat Child Labor in the Fishing Sector (Phase 1)*, 2-3.

¹⁸⁴⁷ The Free Aceh Movement is known in Indonesia as Gerakan Aceh Merdeka. Both voluntary and forcible recruitment measures are reportedly used by these groups. In addition, the Indonesian armed forces have allegedly begun recruiting children to act as informers, although no children are said to serve in the actual military. Coalition to Stop the Use of Child Soldiers, *Child Soldiers 1379 Report*, November 2, 2002, [cited November 8, 2002]; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/6be02e73d9f9cb8980256ad4005580ff/c560bb92d962c64c80256c69004b0797?OpenDocument>. See also John McBeth, "Children of War," *Far Eastern Economic Review*, May 2, 2002.

¹⁸⁴⁸ U.S. Department of State, *Trafficking in Persons Report: Indonesia*, 61. Police have detected trafficking syndicates bringing women and children to brothels in Java, Bali, Sumatra, the Maluku, Sulawesi, and Irian Jaya. U.S. Department of State, *Country Reports- 2001: Indonesia*, 996-1003, Section 6f.

Children work in agriculture on tea, chocolate, rubber, and coffee commercial farms.¹⁸⁴⁹ Children work in various industries, including the rattan and wood furniture, garments, footwear, food processing, toy-making, and small-scale mining sectors. Other children work in industrial sectors such as construction, quarrying, gold mining, and pearl diving.¹⁸⁵⁰ Children are also working in the informal sectors, selling newspapers, shining shoes, scavenging, or working beside their parents in family businesses or cottage industries.¹⁸⁵¹

Presidential Instruction No. 1 of 1994 provides for compulsory basic education for children ages 7 through 15.¹⁸⁵² Education is not free in Indonesia. Families must pay tuition, cover the cost of uniforms and supplies, and pay fees for parent-teacher associations.¹⁸⁵³ In 1997, the gross primary enrollment rate was 113.6 percent. The net primary enrollment rate was 95 percent, with 92.8 percent of girls enrolled as opposed to 97.1 percent of boys.¹⁸⁵⁴ Attendance rates are not available for Indonesia. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁸⁵⁵ In 2000, UNICEF reported that 20 percent of children fail to complete their primary education, and 30 percent of children ages 13 to 15 years old are not in school.¹⁸⁵⁶

Child Labor Laws and Enforcement

In April 1999, Indonesian law raised the minimum age for employment from 14 to 15 years.¹⁸⁵⁷ Decree No. 5 of January 2001 on the Control of Child Workers calls for programs to remove children from hazardous work and assist them in returning to school.¹⁸⁵⁸ The Protection of Children Forced to Work Regulation of 1987 allows children under the age of 14 to engage in certain types of work if they need to contribute to family income, and requires employers to report the number of children working.¹⁸⁵⁹ It is illegal, with a maximum sentence of four years

¹⁸⁴⁹ UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

¹⁸⁵⁰ U.S. Department of State, *Country Reports- 2001: Indonesia*, 996-1003, Section 6d.

¹⁸⁵¹ Government of Indonesia, *The National Plan of Action*, 1.

¹⁸⁵² *Ibid.*, 3.

¹⁸⁵³ Stalker, *Beyond Krismon*, 19.

¹⁸⁵⁴ UNESCO, *EFA: Year 2000 Assessment*.

¹⁸⁵⁵ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

¹⁸⁵⁶ Stalker, *Beyond Krismon*, 19. According to 1999 data from the Indonesian Ministry of Education and ILO, close to 12 million school age children did not attend school between 2000 and 2001. U.S. Department of State, *Country Reports- 2001: Indonesia*, 985-96, Section 5.

¹⁸⁵⁷ U.S. Embassy- Jakarta, *unclassified telegram no. 4679*, September 2000. Labor inspectors who received training on child labor in 2001 did not remove any children from work over the period. See U.S. Department of State, *Country Reports- 2001: Indonesia*, 996-1003, Section 6d.

¹⁸⁵⁸ The Ministry of Home Affairs and Regional Autonomy is tasked. Government of Indonesia, *Control of Child Workers Decree of the Minister of Home Affairs and Regional Autonomy, 1991*, No. 5 of 2001, (January 8, 2001), [cited September 20, 2002]; available from <http://natlex.ilo.org>.

¹⁸⁵⁹ U.S. Department of State, *Country Reports- 2001: Indonesia*, 996-1003, Section 6d.

imprisonment, for anyone exercising legal custody of a child under 12 to submit that child to another person, knowing that the child is going to be used for the purposes of begging, harmful work or work that affects the child's health.¹⁸⁶⁰

The Penal Code prohibits engaging in an obscene act with a person below 15 years of age. The penalty for violations is up to seven years in prison. The use of force or threats increases the penalties.¹⁸⁶¹ The Penal Code also prohibits trafficking of women and younger boys, with a maximum penalty of six years imprisonment for violations.¹⁸⁶² The Law on National Defense of 1982 sets the minimum age for voluntary recruitment into the armed forces at 18 years.¹⁸⁶³ President Megawati signed the National Child Protection Act into law on October 22, 2002. The law provides a stronger legal basis for protecting children from a variety of abuses. The Act specifically addresses economic and sexual exploitation, including child prostitution, child trafficking, and the involvement of children in narcotics and in armed conflict.¹⁸⁶⁴

Due in part to a lack of resources, the government does not enforce child labor laws in an effective or thorough manner.¹⁸⁶⁵

The Government of Indonesia ratified ILO Convention 138 on June 7, 1999 and ILO Convention 182 on March 28, 2000.¹⁸⁶⁶

¹⁸⁶⁰ Government of Indonesia, *Penal Code*, Article 130 [cited August 23, 2002]; available from <http://209.190.246.239/protectionproject/statutesPDF/IndonesiaF.pdf>.

¹⁸⁶¹ *Ibid.*, Articles 289-90.

¹⁸⁶² *Ibid.*, Article 297. Efforts to deal with trafficking are impeded by lack of funds, weak border controls, and official corruption. However, the government has increased the national budget for counter-trafficking efforts. U.S. Department of State, *Trafficking in Persons Report: Indonesia*, 61.

¹⁸⁶³ Coalition to Stop the Use of Child Soldiers, *Child Soldiers 1379 Report*.

¹⁸⁶⁴ The law provides criminal penalties and jail terms for persons who violate children's rights. See Government of Indonesia, *National Child Protection Act*; available from http://www.ri.go.id/produk_uu/uu-2002.htm. See also U.S. Department of State official, electronic communication to USDOL official, February 12, 2003.

¹⁸⁶⁵ U.S. Embassy- Jakarta, *unclassified telegram no. 4679*.

¹⁸⁶⁶ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 24, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.