

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.²²⁰⁹ 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 2002.²²¹⁰ The committee is tasked with creating national child labor policies, establishing priorities, and coordinating programs.²²¹¹ The National Program of Action lists the worst forms of child labor in Indonesia and outlines a process to eradicate them.²²¹² The Ministry of Manpower established a Directorate for Women and Child Workers in November 2002 that has oversight of all child labor issues.²²¹³ In December 2002 President Megawati signed two additional national action plans related to children, one on the trafficking of women and children, and another focusing on the commercial sexual exploitation of children.²²¹⁴ In July 2003 the government initiated a national campaign against commercial sexual exploitation of children, focusing on the link to tourism.²²¹⁵

In 2002, The Government of Indonesia committed to participate in a USDOL supported ILO-IPEC Timebound Program to progressively eliminate the worst forms of child labor.²²¹⁶ USDOL continues to support two additional ILO-IPEC projects in Indonesia to combat child labor in the fishing and footwear industries.²²¹⁷ 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.²²¹⁸

The World Bank has six active education projects in Indonesia that aim to improve the quality of basic education and junior secondary education.²²¹⁹ The World Bank also funds the Urban Poverty Project in selected areas of

²²⁰⁹ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited July 30, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

²²¹⁰ Ambassador Soemadi D.M. Brotodiningrat, letter to USDOL official, September 6, 2002, 1.

²²¹¹ The committee was established by Presidential Decree No. 12, 2001, and the action plan established under Presidential Decree No. 59, 2002. See *Ibid.* Committees are also being set up at the provincial level. By August 2003, committees had been established in N. Sumatra, E. Java, W. Java and W. Kalimantan. All 30 provinces have established non-governmental local Child Protection Agencies at the district level. See U.S. Embassy- Jakarta, *unclassified telegram no. 9517*, August 19, 2003.

²²¹² Thirteen worst forms of child labor are listed, including commercial sexual exploitation, mining, work on *jermals* (offshore fishing platforms), scavenging, domestic work, and the use of children in work involving hazardous chemicals. See Government of Indonesia, *The National Plan of Action for the Elimination of the Worst Forms of Child Labor*, August 13, 2002, 4 and 5.

²²¹³ U.S. Embassy- Jakarta, *unclassified telegram no. 9517*.

²²¹⁴ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Indonesia*, Washington, D.C., March 31, 2003, Sections 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18245.htm>. 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. See U.S. Department of State, *Trafficking in Persons Report- 2002: Indonesia*, Washington, D.C., June 5, 2002; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10680.htm>.

²²¹⁵ U.S. Embassy- Jakarta, *unclassified telegram no. 9517*.

²²¹⁶ Embassy of the Republic of Indonesia Deputy Chief of Mission, Indonesian Efforts to Eliminate the Worst Forms of Child Labor, letter to USDOL official, August 1, 2003.

²²¹⁷ Initial phases of each project were funded in 1999. See ILO-IPEC, *Programme to Combat Child Labor in the Footwear Sector in Southeast Asia (Phase 1)*, RAS/99/05/060, Geneva, 1999. See also ILO-IPEC, *Programme to Combat Child Labor in the Footwear Industry (Phase 1)*, 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.

²²¹⁸ U.S. Embassy- Jakarta, *unclassified telegram no. 0649*, February 25, 2002.

²²¹⁹ 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). See World Bank, *Spreadsheet on Active Education Projects in Indonesia*, [online] [cited July 2, 2003]; available from <http://www.worldbank.org>.

Indonesia, which includes the provision of grants to communities or local governments for projects to improve education, among other goals.²²²⁰ AusAID supports government efforts to improve school quality, promote universal access to schooling, and strengthen the links between schooling and employment.²²²¹ The ADB supports two projects undertaking decentralization of education, one focusing on basic education in 21 districts in three provinces,²²²² and the other aiming to assess overall decentralization with a focus on technical and vocational education, girls' education, and open schooling for dropouts.²²²³ An ADB grant also targets the basic education of disadvantaged children and those living in the remote areas of the Nusa Tenggara Barat province.²²²⁴

USAID funded a pilot project to construct schools in areas of the Maluku affected by conflict,²²²⁵ and UNICEF works to support schools and in parts of Aceh and the Maluku to address the effects of the civil conflict.²²²⁶ Beginning with the 1998-1999 school year, the World Bank, the ABD, 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 economic crisis in school.²²²⁷

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 7.5 percent of children ages 10 to 14 years in Indonesia were working.²²²⁸ 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.²²²⁹ In addition to being exploited as prostitutes, children are used in the

²²²⁰ World Bank, *Indonesia - Urban Poverty Project (02)*, project document, IDPE72852, May 28, 2002.

²²²¹ AusAID, *Country Brief Indonesia*, [online] [cited July 2, 2003]; available from <http://www.usaid.gov.au/country/default.cfm>.

²²²² ADB, *Decentralized Basic Education*, (LOAN: INO 31137-01), [online] January 27, 2003 [cited June 25, 2003]; available from <http://www.adb.org/Documents/Profiles/LOAN/31137013.ASP>.

²²²³ ADB, *Decentralized Education*, (PPTA: INO 33409-01), [online] June 14, 2003 [cited June 25, 2003]; available from <http://www.adb.org/Documents/Profiles/PPTA/33409012.ASP>.

²²²⁴ ADB, *Community Based Basic Education for the Poor*, (Grant: INO 35178-01), [online] August 15, 2002 [cited June 25, 2003]; available from <http://www.adb.org/Documents/Profiles/GRNT/35178012.ASP>. In addition, the ADB is currently providing technical assistance through the National Development Planning Agency to review Indonesia's social protection services and develop a policy framework. See ADB, *Sustainable Social Protection*, (PPTA: INO 35140-01), [online] June 14, 2003 [cited June 25, 2003]; available from <http://www.adb.org/Documents/Profiles/PPTA/35140012.ASP>.

²²²⁵ USAID, *USAID Assistance to Indonesia*, Jakarta, [cited August 22, 2002]; available from www.usaid.gov/id/overview032002.pdf.

²²²⁶ UNICEF provides education supplies nationwide, and conducts primary school assessments to determine schooling needs. See UNICEF, *UNICEF Humanitarian Action Donor Update - Indonesia*, May 29, 2002, 2; available from <http://www.unicef.org/emerg/Country/Indonesia/020529.PDF>.

²²²⁷ WARTA Central Independent Monitoring Unit (CIMU), *Special Issue: History and Overview of the Scholarships and Grants Program*, September 2000; available from http://www.cimu.or.id/full_text_reports/Cimu-SpIssue1-Engl.pdf. Almost 4 million scholarships were distributed, and 132,000 schools received block grants; the dropout rate for scholarship recipients was only 2 percent. In November 2002, additional funds were made available by the Government of the Netherlands to support the project, focusing in part on improving quality in poor schools. See World Bank, *Indonesia: Country Brief*, World Bank, Jakarta, November 27, 2002, 3-4; available from [http://lnweb18.worldbank.org/eap/eap.nsf/Attachments/IndBrief/\\$File/IndonesiaBrief.pdf](http://lnweb18.worldbank.org/eap/eap.nsf/Attachments/IndBrief/$File/IndonesiaBrief.pdf). 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; available from <http://econ.worldbank.org/view.php?type=5&id=13160>.

²²²⁸ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. 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, 20.

²²²⁹ Government of Indonesia and UNICEF, *Challenges for a New Generation: The Situation of Children and Women in Indonesia, 2000*, Jakarta, 2000, vi.

production of pornography, and are the victims of sex tourists.²²³⁰ Children are also engaged in the production, trafficking, and/or sale of drugs, such as methamphetamines.²²³¹ In North Sumatra, boys work on fishing platforms called jermals for 12 to 13 hours per day, often in dangerous conditions.²²³² 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.²²³³ Trafficking is a problem in Indonesia. Children are trafficked both within Indonesia and to international locations, and girls are trafficked internationally into arranged marriages.²²³⁴

Children work in commercial agriculture on tea, chocolate, rubber, and coffee farms.²²³⁵ They also work in various industries, including the rattan and wood furniture, garments, footwear, food processing, toy-making, fishing, construction and small-scale mining sectors.²²³⁶ Other children work in the informal sector selling newspapers, shining shoes, scavenging, begging, trafficking drugs, engaging in commercial sexual exploitation, working as domestic servants, and working beside their parents in family businesses or cottage industries.²²³⁷

Law No. 20 of 2003 on National Education provides for free, compulsory, basic education for children ages 7 through 15.²²³⁸ However, education is not free in Indonesia. Families often must cover the cost of tuition, uniforms, supplies, and fees for parent-teacher associations.²²³⁹ Schools, particularly middle and high schools, are often far from home, and the language of instruction often differs from the language spoken at home.²²⁴⁰ Access to education for children in conflict areas was also restricted by school burnings.²²⁴¹ In 2000, the gross primary enrollment rate was 110.0 percent. The net primary enrollment rate was 92.2 percent, with 91.6 percent of girls

²²³⁰ ECPAT International, *Indonesia*, ECPAT International, [database online] [cited June 6, 2003]; available from <http://www.ecpat/eng/>. The government estimates that 49,500 children are engaged in commercial sexual exploitation. See U.S. Department of State, *Country Reports- 2002: Indonesia*, Section 5.

²²³¹ 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.

²²³² ILO-IPEC, *Programme to Combat Child Labor in the Fishing Sector in Indonesia and the Philippines (Phase 1)*, RAS/99/05/050, Geneva, 1999, 2-3. The number has been declining in recent years. See U.S. Department of State, *Country Reports- 2002: Indonesia*, Section 6c.

²²³³ 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 government forces. Coalition to Stop the Use of Child Soldiers, "Indonesia," in *Global Report 2001* London, 2003; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/3f922f75125fc21980256b20003951fc/be348f024b045c8680256b1e003d268d?OpenDocument>.

²²³⁴ U.S. Department of State, *Country Reports- 2002: Indonesia*, Section 6f.

²²³⁵ UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000; available from http://www2.unesco.org/wef/countryreports/indonesia/rapport_1.htm.

²²³⁶ U.S. Department of State, *Country Reports- 2002: Indonesia*, Sections 5, 6c and d.

²²³⁷ Government of Indonesia, *The National Plan of Action*, 1.

²²³⁸ While the government does provide some scholarships for poor children, as of 2003 the nine years of compulsory education are not fully funded. The government has also initiated pilot activities on EFA in two provinces. See U.S. Embassy- Jakarta, *unclassified telegram no. 9517*. The UN estimates that up to a quarter of all Indonesian children are educated in Islamic schools. See Katarina Tomasevski, *The Right to Education: Report submitted by Katarina Tomasevski, Special Rapporteur, in accordance with Commission resolution 2002/23: Addendum, Mission to Indonesia, 1-7 July 2002*, UN Document E/CN.4/2003/9/Add.1, 59th Session, Item 10 of the Commission on Human Rights, Geneva, October 18, 2002, Point 18.

²²³⁹ Stalker, *Beyond Krismon*, 19.

²²⁴⁰ Tomasevski, *The Right to Education: Report submitted by Katarina Tomasevski*, Point 23.

²²⁴¹ Many children in the conflict zones cannot attend school because the schools were destroyed and their teachers fled. See UNICEF, *UNICEF Humanitarian Action Donor Update*. UNICEF reported that 425 schools were burned in Aceh in May 2003 alone. See Human Rights Watch, *Aceh Under Martial Law: Human Rights Under Fire*, Human Rights Watch Briefing Paper, June 2003, Section 2; available from <http://hrw.org/backgrounder/asia/aceh060503bck.htm>.

enrolled as opposed to 92.7 percent of boys. In 1999, 96.6 percent of children enrolled in primary school reached grade 5.²²⁴² There is a much higher rate of completion of lower secondary school among youths from urban areas as compared to rural areas, and the likelihood of dropout is much higher for children from rural areas.²²⁴³ 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.²²⁴⁴ 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.²²⁴⁵

Child Labor Laws and Enforcement

President Megawati signed the National Child Protection Act into law on October 22, 2002. The law provides a strong legal basis for protecting children under age 18 from a variety of abuses. The Act specifically addresses economic and sexual exploitation of children, including child prostitution, child trafficking, and the involvement of children in narcotics distribution and production, and in armed conflict.²²⁴⁶ Under Article 78 of the Act, persons who expose children to such hazardous activities are liable to terms of up to 5 years imprisonment and/or a possible maximum fine of 100 million rupiah (USD 11,875). Articles 81 – 83 provide that persons who engage a child in commercial sexual exploitation or traffic a child could face stiff prison sentences and fines ranging from 60 million to 300 million rupiah (USD 7,125 – 35,623). Persons involving children in various forms of armed conflict are subject to imprisonment under Article 87 for up to 5 years and/or a fine of 200 million rupiah (USD 23,749). Persons economically or sexually exploiting children can be imprisoned for up to 10 years according to Article 88, or face fines of up to 200 million rupiah (USD 23,749). Per Article 89, those involving children in the production or distribution of narcotics face prison terms of 5 years to life or the death penalty, and fines of between 50 million and 500 million rupiah (USD 5,937 – 59,371).²²⁴⁷

In April 1999, the Indonesian government established the minimum age for employment at 15 years.²²⁴⁸ Act No. 13 of 2003 on Manpower Development and Protection limits children aged 13 to 15 to a maximum of 3 hours of light work per day, prohibits the employment of children in the worst forms of child labor and specifies those forms. Those employing children in the worst forms of child labor face imprisonment for 2 to 5 years.²²⁴⁹ 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.²²⁵⁰ The Penal Code makes it illegal for anyone exercising legal

²²⁴²World Bank, *World Development Indicators 2003*.

²²⁴³ Sulistinah Achmad and Peter Xenos, "Notes on Youth and Education in Indonesia," *East-West Center Working Papers: Population Series No. 108-18* (November 2001), 8-9, 11.

²²⁴⁴ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²²⁴⁵ Stalker, *Beyond Krismon*, 19.

²²⁴⁶ Government of Indonesia, *Law No. 23 Year 2002 on Child Protection*, Articles 59-63; available from http://www.ri.go.id/produk_uu/uu-2002.htm.

²²⁴⁷ Article 89 also applies a lesser sentence to persons involving children in the production or distribution of alcohol or other addictive substances. See *Ibid.*, Articles 1, 78, 80-85, 87-89. Currency conversions by FXConverter, in Oanda.com, [online] [cited September 10, 2003]; available from <http://www.carosta.de/frames/convert.htm>.

²²⁴⁸ U.S. Embassy- Jakarta, *unclassified telegram no. 4679*, September 2000.

²²⁴⁹ U.S. Embassy- Jakarta, *unclassified telegram no. 9517*. The Act specifies as worst forms all types of slavery, commercial sexual exploitation of children, the use of children in pornography or gambling, work in the production or trade of drugs, and any work that harms the health, safety or morals of children. See Deputy Chief of Mission, letter to USDOL official, August 1, 2003.

²²⁵⁰ The Ministry of Home Affairs and Regional Autonomy is tasked with oversight. See 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); available from <http://natlex.ilo.org>.

custody of a child under 12 to provide 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. The Code imposes a maximum sentence of 4 years imprisonment for violations of this kind.²²⁵¹

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.²²⁵² The Penal Code also prohibits trafficking of women and younger boys, with a maximum penalty of six years imprisonment for violations.²²⁵³ The Law on National Defense of 1982 sets the minimum age for voluntary recruitment into the armed forces at 18 years.²²⁵⁴

Due in part to a lack of resources, corruption, and weak law enforcement, the government does not enforce child labor laws in an effective or thorough manner.²²⁵⁵

The Government of Indonesia ratified ILO Convention 138 on June 7, 1999 and ILO Convention 182 on March 28, 2000.²²⁵⁶

²²⁵¹ Government of Indonesia, *Penal Code*, Article 301; available from <http://209.190.246.239/protectionproject/statutesPDF/IndonesiaF.pdf>.

²²⁵² *Ibid.*, Articles 289-90. However, the U.S. State Department reported that some corrupt civil servants issued false ID cards to underage girls, thereby facilitating entry into commercial sexual exploitation. See U.S. Department of State, *Country Reports- 2002: Indonesia*, Section 5.

²²⁵³ *Penal Code*, Article 297.

²²⁵⁴ Coalition to Stop the Use of Child Soldiers, "Child Soldiers 1379 Report," 2002; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/6be02e73d9f9cb8980256ad4005580ff/c560bb92d962c64c80256c69004b0797?OpenDocument>.

²²⁵⁵ The number of labor inspectors has reportedly decreased in recent years due to decentralization. See U.S. Embassy- Jakarta, *unclassified telegram no. 9517*.

²²⁵⁶ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 4, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.