

Indonesia

Incidence and Nature of Child Labor

The ILO estimated that 7.1 percent of children ages 10 to 14 years in Indonesia were working in 2002.²⁰⁶⁵ Children work in agriculture and in the rattan and wood furniture, garment, footwear, food processing, toy, fishing, construction, and small-scale mining sectors.²⁰⁶⁶ Other children work in the informal sector selling newspapers, shining shoes, scavenging, and working beside their parents in family businesses or cottage industries.²⁰⁶⁷ The Indonesian government reports that 6 to 12 million Indonesian children are involved in the worst forms of child labor, identified as prostitution; child trafficking; fishing; woodworking; street vending; drug trafficking; domestic servitude; employment as porters; work on fishing platforms; in diamond, gold, coal, marble, and sand mines; in transportation; on plantations; at dumpsites; in the footwear industry; and in formal sectors (such as food, cigarette, and canned shrimp industries).²⁰⁶⁸ Considerable numbers of children work in these worst forms,²⁰⁶⁹ and are also used in the production of pornography.²⁰⁷⁰ Indonesia is a source, transit and destination country for a significant number of international and internal trafficking victims, including children.²⁰⁷¹ Children are also engaged in

²⁰⁶⁵ World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

²⁰⁶⁶ U.S. Department of State, *Country Reports on Human Rights Practices-2003: Indonesia*, Washington, D.C., May 18, 2004, Sections 5, 6c, and 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27771.htm>. See also End Child Labor, *Indonesia Child Labor by Industry or Occupation*, [online database] 2004 [cited May 26, 2004]; available from http://www.endchildlabor.org/db_infoBank.cfm?Action=View.

²⁰⁶⁷ Government of Indonesia, *The National Plan of Action for the Elimination of the Worst Forms of Child Labor*, August 13, 2002, 5.

²⁰⁶⁸ Embassy of the Republic of Indonesia, *Indonesia's Activities on the Elimination of Trafficking in Persons: 2003-2004*, Washington, DC, August 19, 2004, Embassy of the Republic of Indonesia [1], *Indonesia's Activities on the Elimination of Trafficking in Persons: 2003-2004*, Washington, DC, August 19, 2004, 3.3. The ILO has identified 21 areas exhibiting the worst forms of child labor as that in agriculture (especially on plantations); armed conflict; chemical industry; clay pottery; roof tiles and brick-making; construction; domestic work; rattan, garment, and textile industries; fireworks; fisheries; footwear; hat industry; fishing platforms; hand-rolled cigarettes; mining; mosquito coils industry; pearl diving; prostitution; scavengers; stone quarries; street vendors; and child trafficking. See U.S. Embassy- Jakarta, *unclassified telegram no. 8500*, September 8, 2004.

²⁰⁶⁹ Ruth Rosenberg, ed., *Trafficking of Women and Children in Indonesia*, 2003, 26; available from [www.http://www.icmc.net/files/traffreport.en.pdf](http://www.icmc.net/files/traffreport.en.pdf). See also U.S. Department of State, *Country Reports- 2003: Indonesia*, Section 6d.

²⁰⁷⁰ ECPAT International, *Indonesia*, ECPAT International, [online] [cited May 27, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=77&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=&Nationalplans=&orgWorkCSEC=&DisplayBy=optDisplayCountry. See U.S. Department of State, *Country Reports- 2003: Indonesia*, Section 6d.

²⁰⁷¹ U.S. Department of State, *Country Reports- 2003: Indonesia*, 6d and 6f. See also Rosenberg, *Trafficking of Women and Children in Indonesia*, 26.

the production, trafficking, and/or sale of drugs.²⁰⁷² In addition, paramilitary groups and civilian militias, such as The Free Aceh Movement, have recruited children to serve as child soldiers.²⁰⁷³

The December 26 tsunami left thousands of children in Indonesia orphaned or separated from their families and without access to schooling, increasing their vulnerability to trafficking and other forms of labor exploitation. However, the impact of the disaster on children's involvement in exploitive child labor has yet to be determined.

Law No. 20 of 2003 on National Education provides for free, compulsory, basic education for children ages 7 to 15.²⁰⁷⁴ However, many families cannot afford education costs—such as entrance fees, uniforms, supplies, and fees for parent-teacher associations.²⁰⁷⁵ Other obstacles to education also exist, such as distance to schools²⁰⁷⁶ and the destruction of schools in conflict areas.²⁰⁷⁷ In 2001, the gross primary enrollment rate was 110.9 percent and the net primary enrollment rate was 92.1 percent. Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance rates are not available for Indonesia. As of 2000, 89.3 percent of children who started primary school were likely to reach grade 5.²⁰⁷⁸ There is a much higher rate of completion of lower secondary school among youths from urban areas as compared to rural areas.²⁰⁷⁹

²⁰⁷² 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. U.S. Department of State, *Trafficking in Persons Report-2003: Indonesia*, Washington, D.C., June 11, 2003, 6d; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm>.

²⁰⁷³ The Free Aceh Movement is known in Indonesia as Gerakan Aceh Merdeka. Both voluntary and forcible recruitment measures are reportedly used by the group. In addition, the Indonesian armed forces have allegedly begun recruiting children although no children are said to serve in government forces. See Coalition to Stop the Use of Child Soldiers, *Child Soldier Use 2003: A Briefing for the 4th UN Security Council Open Debate on Children and Armed Conflict*, 2004 [cited May 10, 2004]; available from [http://www.child-soldiers.org/cs/childsoldiers.nsf/569f78984729860e80256ad4005595e6/ee4c6158b8892d6e80256e2e005d1c7b/\\$FILE/2004-01-28-CSC-ChildSoldiersUse2003-Indonesia.doc](http://www.child-soldiers.org/cs/childsoldiers.nsf/569f78984729860e80256ad4005595e6/ee4c6158b8892d6e80256e2e005d1c7b/$FILE/2004-01-28-CSC-ChildSoldiersUse2003-Indonesia.doc). See also U.S. Embassy- Jakarta, *unclassified telegram no. 8500*.

²⁰⁷⁴ While the government does provide some scholarships for poor children, as of 2003 the 9 years of compulsory education are not fully funded. See U.S. Embassy- Jakarta, *unclassified telegram no. 9517*, August 19, 2003. The UN estimates that up to a quarter of all Indonesian children are educated in religious 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.

²⁰⁷⁵ Peter Stalker, *Beyond Krismon: The Social Legacy of Indonesia's Financial Crisis*, UNICEF Innocenti Research Centre, Florence, 2000, 19.

²⁰⁷⁶ Tomasevski, *The Right to Education: Report submitted by Katarina Tomasevski*, Point 23.

²⁰⁷⁷ Many children in the conflict zones cannot attend school because the schools were destroyed and their teachers fled. In the first four days of resumed conflict in May 2003, more than 280 schools were destroyed, affecting about 60,000 children. See Commission on Human Rights, *Rights of the Child: Annual Report of the Special Representative of the Secretary-General for Children and Armed Conflict, Olara Otunnu*, E/CN.4/2004/70, Geneva, January 28, 2004.

²⁰⁷⁸ World Bank, *World Development Indicators 2004*.

²⁰⁷⁹ 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.

Child Labor Laws and Enforcement

The Manpower Development and Protection Act No. 13 of 2003 establishes 18 years as the minimum age for employment. The same law permits children ages 13 to 15 years to engage in a maximum of 3 hours of light work per day.²⁰⁸⁰ The Act also establishes criminal sanctions of imprisonment from 2 to 5 years for those employing children in the worst forms of child labor.²⁰⁸¹ Former President Megawati signed the National Child Protection Act into law on October 22, 2002. This law provides a strong legal basis for protecting children under age 18 from a variety of abuses and prohibits the employment of children in the worst forms of child labor.²⁰⁸² 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 10,778). Articles 81 to 83 stipulate that persons involving 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 6,467 to USD 32,334). 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 21,556). 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 21,556). 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 5,389 to USD 53,890).²⁰⁸³

Ministry of Home Affairs and Regional Autonomy 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.²⁰⁸⁴ The Penal Code makes it illegal for anyone exercising legal custody of a child under 12 years of age 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.²⁰⁸⁵

The Penal Code prohibits engaging in an obscene act with a person below 15 years of age. The penalty for violations is up to 7 years in prison. The use of force or threats increases the penalties.²⁰⁸⁶ The Penal Code also prohibits trafficking of women and younger boys, with a maximum penalty of 6 years imprisonment

²⁰⁸⁰ U.S. Department of State, *Country Reports- 2003: Indonesia*, Section 6d.

²⁰⁸¹ U.S. Embassy- Jakarta, *unclassified telegram no. 8500*. See 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.

²⁰⁸² 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.

²⁰⁸³ 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. For currency conversions see FXConverter, in Oanda.com, [online] [cited September 10, 2003]; available from <http://www.carosta.de/frames/convert.htm>.

²⁰⁸⁴ 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>.

²⁰⁸⁵ *Penal Code*; available from <http://209.190.246.239/protectionproject/statutesPDF/IndonesiaF.pdf>.

²⁰⁸⁶ *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- 2003: Indonesia*.

for violations.²⁰⁸⁷ The Law on National Defense of 1982 sets the minimum age for voluntary recruitment into the armed forces at 18 years.²⁰⁸⁸

Ministry of Manpower authorities at the provincial and district levels have the responsibility for enforcing child labor laws.²⁰⁸⁹ 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.²⁰⁹⁰ The national police's anti-trafficking unit and other law enforcement bodies have increased efforts to combat trafficking of children. The government reported the conviction of 27 traffickers in 2003.²⁰⁹¹ An additional 25 cases involving 57 suspects are pending prosecution.²⁰⁹²

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

The Ministry of Manpower and Transmigration issued a decree in 2003 regulating child labor that poses a risk to the health, safety, and morals of the children, and a second decree in 2004 designed to protect the development of working children's talents and interests.²⁰⁹³ The National Program of Action on the Elimination of the Worst Forms of Child Labor was established in 2002.²⁰⁹⁴ This program focuses on efforts to eliminate five worst forms of child labor: commercial sexual exploitation, drug trafficking, footwear production, fishing, and mining.²⁰⁹⁵ In July 2003 the government initiated a national campaign against commercial sexual exploitation of children, focusing on the link to tourism.²⁰⁹⁶ Local governments of Batam and Bali have followed up with funding for the program, including two new shelters for trafficking victims in Batam.²⁰⁹⁷

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/07/1999	✓
Ratified Convention 182	3/28/2000	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		✓
Sector Action Plan (economic and commercial sexual exploitation)		✓

²⁰⁸⁷ *Penal Code*, Article 297.

²⁰⁸⁸ 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>.

²⁰⁸⁹ U.S. Embassy- Jakarta, *unclassified telegram no. 8500*.

²⁰⁹⁰ The number of labor inspectors has reportedly decreased in recent years due to the government's decentralization. See U.S. Embassy- Jakarta, *unclassified telegram no. 9517*.

²⁰⁹¹ U.S. Embassy- Jakarta, *unclassified telegram no. 8500*. For details see Embassy of the Republic of Indonesia, *Activities 2003-2004*.

²⁰⁹² Embassy of the Republic of Indonesia, *Activities 2003-2004*.

²⁰⁹³ *Ibid*, Embassy of the Republic of Indonesia [1], *Activities 2003-2004*, 1. The official decrees are numbers Kep-235/Men/2003 of October 31, 2003 and Kep-115/Men/VII/2004 of July 7, 2004.

²⁰⁹⁴ Presidential Decree No. 59 established this Action Plan. See Embassy of the Republic of Indonesia [1], *Activities 2003-2004*, 2.

²⁰⁹⁵ U.S. Embassy- Jakarta, *unclassified telegram no. 8500*.

²⁰⁹⁶ U.S. Embassy- Jakarta, *unclassified telegram no. 9517*.

²⁰⁹⁷ U.S. Embassy- Jakarta, *unclassified telegram no. 8500*.

In 2004, the government established the Commission for the Protection of Indonesian Children (KPAI), which is responsible for receiving complaints and advising the government on issues of public education.²⁰⁹⁸ The government is currently finalizing the National Programme for Children through 2015, which will address issues such as the promotion of a healthy life, equal and quality education for all, combating HIV/AIDS and protecting children.²⁰⁹⁹

The Government of Indonesia participates in a USDOL supported ILO-IPEC Timebound Program to progressively eliminate the worst forms of child labor. The program is being implemented from 2004-2009 and focuses on five National Action priority sectors: offshore and deep sea fishing, child prostitution, mining, footwear industry and drug trafficking.²¹⁰⁰ The USDOL also launched a new 4-year USD 6 million project in September 2004 to combat child trafficking in Indonesia.²¹⁰¹ 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.²¹⁰² UNICEF also works to support schools and in parts of Aceh and the Malukus to address the effects of the civil conflict.²¹⁰³ President Bush has also included Indonesia in his new USD 50 million anti-trafficking-in-persons initiative.²¹⁰⁴

The World Bank has four active education projects in Indonesia that aim to improve the quality of early basic education and junior secondary education.²¹⁰⁵ 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.²¹⁰⁶ AusAID supports government efforts to improve basic education.²¹⁰⁷ The ADB supports two projects undertaking decentralization of education, one focusing on basic education in 21 districts in three provinces,²¹⁰⁸ and the other aiming to assess overall decentralization with a focus on technical and vocational education, girls' education, and open schooling

²⁰⁹⁸ Ibid.

²⁰⁹⁹ Committee on the Rights of the Child, *Second periodic report of Indonesia*, CRC/C/SR.920, United Nations, Geneva, January 19 2004.

²¹⁰⁰ Embassy of the Republic of Indonesia, *Indonesia's Activities on the Elimination of The Worst Forms of Child Labor 2003-2005*, Washington, D.C., August 19, 2004.

²¹⁰¹ U.S. Department of Labor, *Enable Program: Enabling Communities to Combat Child Trafficking through Education*, [ILAB Technical Cooperation Project Summary] 2004.

²¹⁰² U.S. Embassy- Jakarta, *unclassified telegram no. 0649*, February 25, 2002.

²¹⁰³ 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>.

²¹⁰⁴ U.S. Embassy- Jakarta, *unclassified telegram no. 4763*, May 21, 2004. The President's initiative will extend assistance to prosecutors as well as police to help enforce anti-trafficking laws in Indonesia.

²¹⁰⁵ The projects focus on early childhood development in West Java, Bali and South Sulawesi and basic education in West Java and 3 north Sumatran provinces (North Sumatra, Bengkulu and Riau.) See www.worldbank.org.

²¹⁰⁶ World Bank, *Indonesia - Urban Poverty Project (02)*, project document, IDPE72852, May 28, 2002.

²¹⁰⁷ AusAID, *Country Brief Indonesia*, [online] 2004 [cited May 24, 2004]; available from <http://www.ausaid.gov.au/country/country.cfm?CountryId=30>.

²¹⁰⁸ ADB, *Decentralized Basic Education*, (LOAN: INO 31137-01), [online] 2004 [cited May 24, 2004]; available from <http://www.adb.org/Documents/Profiles/LOAN/31137013.ASP>.

for dropouts.²¹⁰⁹ An ADB grant also targets the basic education of disadvantaged children and those living in the remote areas of the Nusa Tenggara Barat province.²¹¹⁰

After the December tsunami, Indonesian government officials took steps to protect children in Aceh from potential trafficking and exploitation of children by implementing a measure that bars adults from leaving the country with children under the age of 16.²¹¹¹

²¹⁰⁹ Ibid.

²¹¹⁰ ADB, *Community Based Basic Education for the Poor*, (Grant: INO 35178-01), [online] August 15, 2002 [cited May 26, 2004]; available from <http://www.adb.org/Documents/Profiles/GRNT/35178012.ASP>.

²¹¹¹ CNN.com, *Traffickers Threaten Aceh Orphans*, [online] 2005 [cited February 1 2005]; available from <http://www.cnn.com/2005/WORLD/asiapcf/01/04/indonesia.children/index.html>.