



# **REPORT on the Implementation of NAP WFCL Stage One (2002-2007) and the National Action Plan on WFCL Stage Two (2008-2012)**



SECRETARIAT OF THE NATIONAL ACTION  
COMMITTEE ON THE ELIMINATION OF THE WORST  
FORMS OF CHILD LABOUR

**REPORT on the  
Implementation of NAP WFCL  
Stage One (2002-2007)  
and the National Action Plan on  
WFCL Stage Two (2008-2012)**

Publish by:

**SECRETARIAT OF THE NATIONAL ACTION  
COMMITTEE ON THE ELIMINATION OF THE WORST  
FORMS OF CHILD LABOUR**

Jl. Gatot Subroto Kav. 51 Jakarta Selatan

Phone: 021– 5228441 Fax : 021 - 5276687

Email : sekretariat\_kanpbpta@yahoo.co.id



# FOREWORD

Indonesia has ratified the ILO convention No. 182 Year 1999 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour with Act Number 1 of the year 2000. Since the ratification, Indonesia – as a state and a nation – has morally and legally bound itself to comply with it and to put it into practice. Any governments that have ratified the convention are obliged to take immediate and effective actions to prohibit and eliminate the worst forms of child labour.

To comply with the ILO convention No. 182, the government of Indonesia has taken several actions that include: formulating a National Action Plan to eliminate the Worst Forms of Child Labour (NAP-WFCL) and establishing the National Action Committee to Eliminate the Worst Forms of Child Labour (NAC-WFCL). The NAC-WFCL is an institution responsible for the implementation of all programs aimed to eliminate of the worst forms of child labour in Indonesia, whereas NAP-WFCL is a guideline for all parties in their efforts to eliminate the worst forms of child labour.

In order to achieve its goals and objectives – that is the elimination of the worst of child labour – NAP-WFCL has implemented several action programs. So as to ensure that they are implemented properly, NAP-WFCL is divided into 3 (three) stages, each of which tries to achieve certain predetermined objectives – the first one in 5 (five) years, the second in 10 (ten) years; and third after 20 years.

At the moment, NAP-WFCL has been implemented to the second stage. For this reason, NAC-WFCL has to make a report on the implementation of the first stage. This report is essential as an account for the implantation of NAP-WFCL to the ILO and public. This report is also intended to provide information and reference that can be used in designing future action programs of the second stage of NAP-WFCL.

NAC-WFCL had made a preliminary report on the implementation of NAP-WFCL for the period of 2002-2004, and this one is the complete report for the period between 2002 and 2007. The report contains information on all the efforts to eliminate the worst forms of child labour in Indonesia, which have been made by the Central,

Provincial, District and Municipal Governments as well as other stakeholders and the public.

The report is based on the results of monitoring and evaluation made by the work group of NAC-WFCL, reports from the governments at provincial, district and municipality levels, and other related information compiled from all stakeholders in the elimination of the worst forms of child labour. The final draft has been discussed and deliberated among members of the Work Group of NAC-WFCL.

In this occasion, I would like to express my appreciation to all parties who have contributed to this report. I am also grateful to ILO Jakarta that has provided supporting programs in the implementation of the national action program to eliminate the worst forms of child labour in Indonesia, as well as facilitation in the publication of this report.

Thankyou

The Minister of Man Power and Transmigration  
of the Republic of Indonesia  
The Chairperson of the NAC-WFCL

A handwritten signature in black ink, consisting of a stylized 'S' followed by a horizontal line and a small upward stroke.

**Dr. Ir. Erman Suparno, MBA., M.Si**

# TABLE OF CONTENTS

Foreword by the Chairman of NAC	iii
Table of Contents	v
Executive Summary	vii
<b>Chapter I : Introduction</b>	<b>1</b>
A. Background	1
B. Objectives	3
C. Methodology	4
D. Parameters	5
<b>Chapter II : Implementation of the Program</b>	<b>7</b>
A. Increased Public Awareness	7
1. Awareness Raising	7
2. Capacity Building	17
B. Mapping the Problems and the Elimination of WFCL	25
1. Research and Documentation	25
2. Studies on WFCL	29
3. Harmonization of the Laws	33
C. Action Programs on five prioritized sectors	34
1. Developing direct programs	34
2. Integrating the programs	37
<b>Chapter III: Analysis of the Achievement</b>	<b>41</b>
A. Increased Public Awareness	41
B. Mapping of the Problems and the Elimination of WFCL	43
C. Action Programs on five prioritized sectors	44
<b>Chapter IV: Constraints and Challenges</b>	<b>47</b>
A. Policies and Programs	47
B. Technical aspects of the Implementation	48
C. Development of Pilot Project	49
D. Technical problems in Implementation	50

<b>Chapter V: Conclusion</b>	<b>53</b>
A. Conclusion	53
B. Recommendation	55
 <b>Appendix</b>	 <b>61</b>
National Action Program Stage Two	61

# EXECUTIVE SUMMARY

On 12 August 2002, the Government of the Republic of Indonesia established the National Plan of Action for the Elimination of the Worst Forms of Child Labour (NAP-WFCL) with the decision of the President No. 59 of the Year 2002. The NAP-WFCL is a guideline for all stakeholders in the elimination of WFCL. The implementation of first phase of NAP-WFCL (2002-2007) for five years has given valuable experiences and lessons to everyone. The National Action Committee (NAC-WFCL) as the institution assigned to coordinate and facilitate the implementation of NAP WFCL considers it important to inform the progress and achievement in the form of five year report. The report is an institutional account to the government and public. At the same time, it is intended to facilitate the achievement of the objectives of NAP-WFCL in the future.

Within the first five year, the program was aimed at increasing people's awareness to eliminate WFCL; mapping the problems and the efforts to eliminate WFCL; and implementing action programs to eliminate WFCL, particularly the elimination child labour in offshore sea fishing, deep water diving, trafficking for prostitution, mining, footwear industry, and trafficking of drugs. The government, non government organisations and international agencies have worked on the elimination of WFCL according to their roles, using preventive approaches that focus on the provision of education and empowerment of child labour families; protection of children working in non hazardous sectors, and rehabilitation and social reintegration of children involved in WFCL.

In order to measure the achievement and to which extent NAP-WFCL has been implemented, NAC-WFCL have formulated indicators of achievement for the implementation of NAP-WFCL. These indicators have been developed as instruments to measure the progress and development of the implementation. Thus, they are significant to clarify and to elucidate the objectives and priorities of the first five year program. All stakeholders can utilise them as supporting instruments in their participation in the implementation of action programs to eliminate WFCL.

Within the five year period between 2002- 2007, the government, employers organisations, trade unions, NGOs, universities, social organisations and other agencies had undertaken a wide range of activities with various target groups, strategies, work



partners, and forms. In general, the activities are aimed at 1) increasing people's awareness so that they are encouraged to take part in the elimination and prevention of WFCL; 2) developing policies that protect children from WFCL and provide rehabilitation and reintegration for children involved in WFCL; 3) strengthening the capacity of stakeholders; 4) withdrawing children from WFCL through educational and vocational programs.

The implementation of NAC-WFCL involving stakeholders at national, provincial and district/ municipality levels has shown significant progress. Some of the programs that have been developed include 1) awareness raising campaign through talk shows on media, press releases, publication of information, discussions in various forums etc.; 2) direct assistance to 45,111 children; of whom 3,656 were withdrawn and 41,453 prevented from WFCL through the provision of non formal, vocational education programs, rehabilitation etc.; 3) capacity building (developing local institutions, program development trainings, etc.); 4) provision of family empowerment services such as skills and entrepreneurship training, business groups, and access to micro financial institutions, etc.

One of the strategies and approaches that the central government developed is the policy of institutionalising the coordination among stakeholders involved in the activities to eliminate WFCL at provincial and district/municipality levels. This coordinating institution is very crucial so that the provincial and district/municipality government can give effective contribution to the efforts to eliminate WFCL. In its development, 2 provinces have enacted Provincial Regulations on WFCL, and 21 provinces have established Provincial Action Committee and 72 districts/municipalities have established District/Municipality Action Committee.

In spite of all these efforts, there are some complicated challenges that still stand in the way of total elimination of WFCL. Some of the constraints and challenges that need immediate responses include updating data on child labours, developing coordination and cooperation at national and regional levels, strengthening capacity, and budget allocation on WFCL. Other important issues to consider are developing integrated sustainable programs and mainstreaming child labour issue in education programs, as well as poverty alleviation programs, so as to prevent and withdraw children from poverty as well as to inspire them to adopt new way of thinking.

After completing the first phase, activities are continued to the second phase. It is important to withdraw lessons from the first phase and focus the activities on 1) Improving and strengthening coordination among stakeholders; 2) Improving access to education and family economic empowerment; 3) withdrawing child labours through Program Keluarga Harapan (PKH). Initiatives undertaken for the period 2008-2012 should be able to reduce incidents of WFCL in Indonesia and remain focused on 1)

educating children withdrawn or prevented from WFCL; 2) strengthening framework of the programs, policies and legislations on child labour; 3) strengthening the capacity of stakeholders in implementing action programs on the elimination of child labour; 4) increasing people's awareness of WFCL and the importance of education for all children.

Finally, in spite of the fact that the progress and the achievement made on the implementation of NAP-WFCL have given valuable learning experience to eliminate WFCL, commitment is crucial in the efforts to eliminate WFCL. This report is expected to improve our sensitivity and concerns, as well as to expand professional skills to bring about what we all try to achieve: better life for child labours, their family and the people in general. May this report contribute to the accomplishment of our vision "The Future without Child Labour." Thank you.

Jakarta, 31 December 2008

The Writers





# CHAPTER 1

## INTRODUCTION

# Chapter I

# INTRODUCTION

## A. Background

The 1945 Constitution of the Republic of Indonesia, as written in the Preamble, states that the goals of the founding the state of Indonesia are to protect all the people of Indonesia and all the independence and the land, and to improve public welfare, to educate the life of the people and to participate toward the establishment of a world order based on freedom, perpetual peace and social justice. The Article No 28 B (2) of the Constitution stipulates that every child shall have the right to live, to grow and to develop, and shall have the right to protection from violence and discrimination and Article No 28 C (2) states that “Every person shall have the right to develop him/herself through the fulfilment of his/her basic needs.” The Law No.23 2002 on the Protection of the Rights of the Child, in line with the UN Convention on the Rights of the Child, stipulates the fulfilment of the rights of child and their protection. All of these recognize the distinctive characteristics of children and their strategic role as the nation’s continuing generations to ensure the existence of the nation state in the future.

The global community has bound themselves to the commitment stipulated in the ILO Declaration on the Fundamental Principles and Rights at Work, made during the 86<sup>th</sup> General Conference of ILO in Swiss – Geneva, on May 1998 to effective measures to eliminate child labour. Indonesia as a member of the global community has ratified all conventions on “Decent Work, including ILO Convention No 138 concerning Minimum Age for Admission to Employment by Act No 20 of 1999 and ILO Convention No 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour by Act No 1 of the Year 2000.

With the ratifications, the Government of Indonesia pledges to implement the provisions of Article 7 of ILO Convention No 182: (1) “each member shall take necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions; (2) each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound

measures to:

1. prevent the engagement of children in the worst forms of child labour;
2. provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
3. ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;
4. identify and reach out to children at special risk; and
5. take account of the special situation of girls.

In order to comply with ILO Convention No 182 and to ensure effective enforcement of Act No.1/2000, the Government of the Republic of Indonesia has established National Action Committee for the Elimination of the Worst Forms of Child Labour (NAC-WFCL) with the Decision of the President No.12 of the Year 2001. The Committee, with stakeholders from government institutions, trade unions, employers associations, and NGOs as its members, undertakes three tasks: 1) identify child labour issues, 2) formulate National Action Plan for the Elimination of the Worst Forms of Child Labour and 3) monitor and evaluate the implementation of NAC-WFCL. In carrying out its mandate, the Committee formulated the National Action Plan for the Elimination of the Worst Forms of Child Labour and had it promulgated by Presidential Decree No. 59 of the Year 2002.

The NAP-WFCL is a guideline for the implementation of action programs to eliminate WFCL in Indonesia that focus on prevention and removal of children from WFCL. The main vision is to free children from the worst forms of child labour so that they can grow up and develop normally and optimally, physically, mentally, socially and intellectually. The implementation of NAP-WFCL is divided into three phases, each of which takes a certain period of time: The first phase takes 5 years, the second phase 10 years, and the third phase 20 years, respectively. The first phase aims at reaching three objectives :

1. increased awareness of the people that the worst forms of child labour must be eliminated.
2. Mapping of problems concerning the worst forms of child labour as well as mapping of efforts that have been made to eliminate them; and
3. Realization of the programs for the elimination of the worst forms of child labour, giving priority to the elimination of the use of children for:
  - a. offshore fishing and deep water diving
  - b. trafficking for prostitution
  - c. work in mines

- d. in footwear industry,
- e. in the industry and trafficking of drugs, including narcotics, psychotropic, precursor and other addictive substances.

In order to reach the three priority objective, action programs in the fields of education, labour, health, legal enforcement, harmonization of laws and regulations, socio-culture and economy, and media are developed into 7 categories:

- 1) Research and documentation
- 2) Campaigns for the Elimination of the Worst Forms of Child Labour
- 3) Studying and Developing Models for the Elimination of the Worst Forms of Child Labour
- 4) Harmonization of Laws and Regulations
- 5) Awareness raising and advocacy
- 6) Strengthening capacity
- 7) Integrating the Program for the Elimination of Child Labour in Related Institutions.

One of the mandates of NAC-WFCL, as stipulated in the President Decree No. 12 Year 2001, is to evaluate the implementation of NAP-WFCL. The result of the evaluation for the first five year period is presented in the Report on the Implementation of NAP-WFCL. This report is an institutional account to the government, people and international community. In addition to this, the report can be used as parameters to see the progress of the implementation of the programs developed for the elimination of WFCL, particularly those in prioritised sectors, and as a reference based on which the second phase of the program should be developed.

## **B. Objectives**

The Report on the Implementation of NAP-WFCL is written with the following objectives:

1. To collect data and information concerning the progress of the implementation of National Action Plan for the Elimination of the Worst Forms of Child Labour for the period of 2002-2007
2. To give account on the achievement of the implementation of the Nation Action Plan fro the Elimination of the Worst Forms of Child Labour for the period of 2002-2007
3. To provide a guideline/strategic direction to stakeholders in developing priority programs for the period of 2007-20012

## C. Methodology

In order to write this report, NAC –WFCL has taken several methods to collect data and information from various parties. The activities include:

1. At the end of 2004, NAC-WFCL organised a workshop in to formulate National Indicators of Achievement of NAP-WFCL that consists of National Indicators on the Increase of People's Awareness, Mapping of Problems and Existing Efforts to eliminate WFCL, and Programs of the Elimination of five prioritised sectors. The details can be seen on Appendix 1
2. To collect data and information from related sectors at national, provincial and district/ municipality levels, the Committee sent letters to the related government institutions to obtain data related to the issues of WFCL. Although, not all of them responded to the letters, significant amount of data and information were obtained for this report.
3. Direct Visits to the pilot programs financed by ILO and developed by regional governments were made to collect data and information from stake holders in the provinces. The first series of visits were made to the Provinces of North Sumatra, DKI Jakarta, West Java, East Java, and East Kalimantan. The second series were made to the Provinces of Riau, Yogyakarta, East Java, West Kalimantan, and Central Kalimantan.
4. A workshop attended by work groups of NAC WFCL was designed and organised to obtain overall information on the progress of the programs and to evaluate the achievement of the implementation for the period of 2002-2007. The output of the workshop was an overall view of achievements of the implementation of NAP WFCL (achievements and challenges) and strategic recommendation for the second phase of NAP WFCL. To follow up the workshop, a small team was made to complete the draft and develop Report on the Implementation of NAP WFCL.
5. A team assigned to write the Report was given two months to complete the following : 1) obtain supporting information from different sectors and non government agencies; 2) writing the Draft of Preliminary Report, 3) reporting the Draft to NAC-WFCL in the committee meeting; and 5) finalising the Report on the Implementation of NAP-WFCL.



## **D. Parameters**

The Report on the Implementation of NAP-WFCL was made based on the following parameters:

1. The report covers the implementation of the first phase NAP-WFCL since its establishment on 13 August 2002 until 31 August 2007.
2. The report was developed based on data and information obtained and collected by the Secretariat of NAC WFCL from implementing partners and related sectors.
3. The report was written based on the data and information from stakeholders at national level and from Provincial / District Action Committees reporting to the Secretariat.





## CHAPTER 2

# IMPLEMENTATION OF THE PROGRAM

## **Chapter II**

# **IMPLEMENTATION OF THE PROGRAM**

### **A. INCREASING PEOPLE'S AWARENESS**

#### **1. Awareness Raising**

The President's Decision No 59 of the year 2002 on the National Plan of Action for the Elimination of the Worst Forms of Child Labour (NAP WFCL) is a guideline for all stakeholders in implementing programs to eliminate the worst forms of child labour. All stakeholders implementing action programs need and should refer to NAP-WFCL so that all programs are implemented effectively in coordinated and synergised way to give the best results. One of the objectives of NAP WFCL to achieve in the first five years is to increase people's awareness. In order to achieve this, NAP WFCL is socialized to the governments at national, provincial, district/municipality levels as well as to the public and all concerned parties.

Socialization of NAP WFCL is made to increase the awareness of the governments, stakeholders and the people that it is necessary to work together and make effective use of available resources to eliminate child labour, particularly the worst forms. A wide range of methods and models have been used in the campaign, including dissemination of information by bulletins, brochures, posters, leaflets, provision of technical assistance, workshops, seminars, future search, discussions and interactive dialogues with all concerned parties or people expected to be involved in the efforts to eliminate the worst forms of child labour. All of these are implemented simultaneously, involving the governments, employers associations, trade unions, mass media, NGOs and community organisations at national, provincial, and district/municipality levels.

Apart from the Ministry of Manpower and Transmigration as the focal point of the awareness raising program, the socialization of NAP WFCL was also undertaken by other government agencies, including the Ministry of Internal Affairs, the Department of National Education, The Department of Social Welfare, Department of Public Health, The Ministry of Women Empowerment, and the Police Force. Direct socialization of NAP WFCL was made by disseminating information on the contents of WFCL, including the stages of implementation. Indirect Socialization was made by disseminating

information on action programs or activities relevant to the implementation of NAP WFCL. In socializing NAP WFCL, the government has worked together with a lot of partners, including non government organizations concerned with the elimination of WFCL (JARAK and its networks, YKAI), international organizations (ILO, UNICEF), universities, employers association (APINDO) and trade unions (L-SPSI, K-SBSI).

The activities to increase people's awareness of the worst forms of child labour and their elimination, include :

## **1.1 Education**

Increasing people's awareness of education is made by disseminating information on the importance of education for children to prepare educated continuing generations that have good morality and quality. The right for the best education is the right of all children in Indonesia, regardless their socio economic conditions – rich or poor and their residence – in cities or remote areas. Children from poor families are often denied of their right for education. They have to do economic activities to meet their own needs and their families' and they sometimes work in hazardous environment. These children need to be prioritised for assistance and access to the best education available and their families have to be empowered so that they are capable of solving their financial problems themselves.

The government has implemented 9 year compulsory education program that allow and require every Indonesian child to have 9 year basic education, consisting of 6 year study in primary school and 3 year junior high school. The education has to be relevant to their age so that the process suits their development stages, and thus it is not only educational but also enjoyable. This kind of teaching learning process will increase children's understanding of the material being taught and develop their potentials fully.

In order to provide the best education for poor children, it is necessary to develop special approaches that suit their condition and limited capacity. The government has developed various programs that include formal, non formal and informal education. These programs should play a crucial role in increasing people's awareness of the importance of education, preventing children from dropping out of school, and thus preventing them from child labour.

## **1.2 Labour**

In order to increase people awareness in the field of labour, some programs have been implemented to disseminate information on child labour, negative impacts of work to the development of children, protection for child labours, the need for

immediate actions to eliminate the worst forms of child labour, and the steps that the government and the people need to eliminate the worst forms of child labour.

It is an undeniable fact that there are Indonesian children who work in cities and villages, in formal and informal sectors, or in safe or hazardous environment. For most of them, poverty and economic conditions are the main reasons. Poverty has forced all members of families, including their children, to do various activities to get enough income to meet their needs.

Children who do economic activities, regardless of their background, can be categorised into 2 groups: 1) working children, and 2) child labours. Working children are those who take up certain tasks for training and improving their sense of responsibility. The work is done only occasionally outside school hour, and the work hours are relatively short. Working children still enjoy their rights so that they can grow and develop optimally. Child labours are children who work continuously for long hours on permanent basis, both in terms of place and time. These children are usually denied of their rights so they do not develop well. Child labours can be categorised into two 1) children who do safe work, and 2) children who work in the worst forms of child labour. Children who do safe or non hazardous work such as light work, practices to develop their talents and interests, assignments and practices required by education curricula are usually given legal protection through regulations on the work hour, minimum age, and work conditions. The regulations are meant to reduce the negative impacts so that they can still grow and develop optimally.

Working in the worst forms of child labour has very negative impacts on the development of children. These negative impacts may come from the condition and environment, such as working at night, working using hazardous tools, equipment and chemicals, hazardous workplace, morally hazardous environment etc. For this reason, all efforts must be made to prevent children from the worst forms of child labour, and those who have engaged must be immediately removed and taken back to their own world – the world of play and school.

The elimination of the worst forms of child labour is complex, as it is more than just labour issue. It is related to economic, education, health, social issues, and thus requires the participation of all stakeholders and empowerment of the people. The phases of the program to eliminate WFCL must consider the potentials and resources available in each area.

### **1.3 Health**

In relation to the elimination of the worst forms of child labour, awareness raising effort is also made in the field of health by disseminating information on children

development process into mature adults. The process begins from embryo, so pregnant women have to take care of themselves and the babies they carry in accordance with the instructions of their doctors or midwives. By so doing, it is expected that expecting mothers can have safe delivery and healthy babies. The level of knowledge and understanding regarding children's development process determines the mothers' attitude and behaviours in taking care of, raising and educating their children through their childhood to adulthood. Combined with care and love from all members of the families, children can grow up and develop normally physically, mentally, socially and intellectually.

During the development period, children have their own specific needs that have to be fulfilled and cannot be substituted by anything else – the needs to play, to study, to have enough rest, and to live in environments conducive to grow up.

The global community has agreed that the worst forms of child labours deny children of their rights to fulfil their specific needs. Children engaged in WFCL will lose their childhood and will not grow up optimally to become mature highly functioning adults. For this reason, in order to ensure educated and qualified continuing generations, all Indonesian children must be freed from the worst forms of child labour.

## **1.4 Law Enforcement**

Awareness raising campaign has also been made in the field of law enforcement by disseminating laws and regulations concerning the worst forms of child labour, as well as the sanctions for employing children in WFCL. Employing children in the worst forms of child labour is a crime, despite the fact that employers of those children are the parents, siblings, relatives, brokers, business people and even companies.

Apart from dissemination of information, awareness raising campaign has also been made by publicising cases of crimes related to WFCL, such as cases of children employed on fishing platforms (jermals) in the North Sumatra and children trafficked for prostitution in the District of Jepara, Central Java. In spite of the fact that the cases were not brought into court for trials, their publication have been effective to raise people awareness of the seriousness of the sanctions – that offenders are punishable by a prison sentence of a minimum period of 2 (two) years and a maximum of 5 (five) years and/or a fine amounting to a minimum of Rp. 200,000,000,- (two hundred million rupiah) and a maximum of Rp. 500,000,000,- (five million rupiahs).

Generally speaking, law enforcement and punishment to people who employ or engage children in the worst forms of child labour have not been implemented firmly for the best interests of the children involved.

Law enforcement should go along with other measures to free children from WFCL, to give them opportunities for better life, and to discourage further violations. For this reason, law enforcement should be preceded by preparation and development of integrated programs that accommodate the interests of child labours and their families, and thus create conducive situation to firm law enforcement.

## **1.5 Harmonisation of Laws and Regulations**

Awareness raising campaign in the harmonisation of the laws and regulations has been done by disseminating information on what the government has done to prepare and enact laws and regulations which are children friendly. Indonesia, as a member of the global community, embodied by the government has actively endorsed many international agreements to create a new world order free of child labour. Some of them are UN and ILO conventions that the government of the Republic of Indonesia has ratified. They are, among others; UN Convention on the Rights of the Child which was ratified with the Decision of the President No. 36 of 1990, ILO Convention No 138 of 1973 concerning Minimum Age for Admission to Employment ratified with Act No. 20 of 1999, ILO Convention No 182 of 1999 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour with Act No 1 of 2000.

As the consequences of the ratification of the above mentioned conventions, the Government of Indonesia pledge to implement the principles of the conventions in national law. The Law No 23 of 2002 on Protection of Children was adopted from the principles of UN Convention on the Rights of the Child. Protection of children's rights at work is regulated Act No 13 of 2003 adopting the principles of ILO Convention NO 138 of 1973 concerning Minimum Age for Admission to Employment and ILO Convention No 182 of 1999 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The Act No 23 of 2002 on Protection of Children has been harmonised with the Act No 13 of 2003 as both of them define the term "child" as persons under the age of 18. The only discrepancy is the scope of the definition of "child" in Act No 23 of 2002 on Protection of Children that includes children before birth (foetus).

The government, by means of the Decision of the Ministry of Manpower and Transmigration No KEP-235/MEN/2003 concerning the Worst Forms of Child Labour that endanger health, safety and moral of the child, has also determined the types of work which are categorised as the worst forms of child labour. This step is required by ILO Convention No 182 of 1999 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and the Act No 13 of 2003 on Labour. The Act no 1 of 2000 on the Ratification of ILO Convention No 182 of 1999 concerning the Prohibition and Immediate Action for the Elimination of the Worst



Forms of Child Labour, Act No 13 of 2003 on Labour, and The Decision of the Minister of Manpower and Transmigration No Kep-235/MEN/2003 on the Worst Forms of Child Labour that endanger health, safety and moral of the child are the legal basis to give protection to children engaged in the worst forms of child labour.

ILO Convention No 182 of 1999 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour also requires member states that have ratified this convention to establish national action committee and national action plan for the elimination of the worst forms of child labour. Based on this, the Government of Indonesia established the National Action Committee for the Elimination of the Worst Forms of Child Labour by Presidential Decree No 123 of 2001. By Presidential Decree No 59 of 2002, the government also established National Action Plan for the Elimination of Worst Forms of Child Labour as the operational basis for all parties in implementing action programs to eliminate the worst forms of child labour.

## **1.6 Socio-Culture and Economy**

Awareness raising campaign in the field of socio-culture and economy has been done by disseminating information on the wide range of socio-cultural aspects of Indonesian people, and the steps to empower people's economy, particularly that of the poor. Not all values, norms and views held by the people can support the efforts to eliminate the worst forms of child labour. Some values are even unfavourable for the general condition of children in the future because they focus on short term benefits. Such values, norms and values need to be changed gradually into ones that support various efforts to eliminate the worst forms of child labours. In order to change the unfavourable values, norms and views of the people, religious leaders and local community leaders should be involved to take part actively.

Poverty is the biggest factor that triggers child labour in Indonesia. Poor families with all sorts of limitations in financial resources and education are often compelled to involve all members of their families, including their children, to do economic activities. Children engaged in economic activities are often deprived of their rights so that they cannot develop optimally into qualified and highly functioning adults. For this reason, intervention, supports, guidance and special services should be given to them so that they can empower themselves and their families. The government has developed various programs with the objectives of empowering poor families, including Social Safety Net, Direct Cash Fund, scholarship for poor children, School Operational Fund, Program Kartu Sehat, Conditional Cash Funds, Micro Credit for Small and Medium Scale Enterprises and so on. In addition to this, poor families are given wider access to educational and health services, loans, business skills training, management training, consultation and business development.

## 1.7 Media

Awareness raising campaign has been done through media to disseminate information on the policies for the elimination of the worst forms of child labour, as well as programs and activities undertaken by government and non government agencies. Media have been encouraged to present both personal and collective opinion on the issue of the worst forms of child labour and the efforts to tackle it, evaluation and analysis of various policies, programs and activities being implemented by government and non government agencies.

Media can be utilised as an effective instrument of communication between the government and the people. The government can effectively inform the people about the policies, programs, activities and efforts that have been and are going to be implemented to eliminate the worst forms of child labour. On the other hand, the people also have the opportunity to give responses, opinion, suggestions and even criticism to those policies, programs and activities. Good communication between the government and the people will ensure public support crucial for effective implementation of any policies, programs and activities made by the government. In this respect, the media play a very important role in building public opinion favourable for the elimination of the worst forms of child labour.

The awareness raising campaign has been implemented by government and non government agencies in a series of activities:

### a. Publication of Public Information Media

NO	M E D I A	YEAR					
		2002	2003	2004	2005	2006	2007
1.	Posters, leaflet and brochures on protection of child labours	-	5.000 exp	22.000 exp	25.000 exp	-	-
2.	Child labour bulletin "Generasi"	-	-	1.000 exp	1.000 exp	-	-
3.	Documentaries of Child Labour						
	a. In footwear sector	-	-	1 title	-	-	-
	b. in offshore fishing platform	-	-	1 title	-	-	-
4.	Books NAP-WFCL	-	5.000 exp	2.500 exp	500 exp	500 exp	500 exp

## b. Sensitising People to the Issue of Child Labour

NO	FORUM	YEAR					
		2002	2003	2004	2005	2006	2007
1.	<b>Seminar</b>	2 times	3 times	3 times	3 times	3 times	4 times
2.	<b>Workshop</b>	-	10 times	10 times	10 times	15 times	15 times
3.	<b>Public Dialogue</b>	-	-	2 times	4 times	5 times	5 times
4.	<b>Talk Show</b>	-	2 times	5 times	5 times	8 times	6 times

In addition to the publication of public information media and programs to sensitise people to the issue of child labour, other activities have been developed to fit local situation and conditions. More effective approaches suitable for local conditions - such as community radio programs, plays and cultural activities that local communities are familiar with - have been used for this purpose.

Government and non government agencies undertaking the awareness raising campaign include the Department of Manpower and Transmigration (as the focal point, Department of Home Affairs, Department of National Education, Department of Social Welfare, Department of Public Health, Ministry of Women's Empowerment, Police Force, APINDO, K-SPSI/K-SBSI, ILO, UNICEF, JARAK, and YKAI.

The area covered by this awareness raising campaign is as follows:

NO	PROVINCE	INSTITUTION/AGENCY *												
		1	2	3	4	5	6	7	8	9	10	11	12	13
1.	Nanggroe Aceh Darussalam													
2.	North Sumatera													
3.	Jambi													
4.	Riau													
5.	Kepulauan Riau													
6.	Bangka Belitung													
7.	West Sumatera													
8.	South Sumatera													
9.	Bengkulu													
10.	Lampung													
11.	Banten													
12.	DKI Jakarta													
13.	West Java													
14.	Central Java													
15.	DI Yogyakarta													
16.	East Java													
17.	Bali													
18.	West Nusa Tenggara													
19.	East Nusa Tenggara													
20.	West Kalimantan													
21.	South Kalimantan													
22.	Central Kalimantan													
23.	East Kalimantan													
24.	South Sulawesi													
25.	North Sulawesi													
26.	West Sulawesi													
27.	Central Sulawesi													
28.	South East Sulawesi													
29.	Gorontalo													
30.	Maluku													
31.	North Maluku													
32.	West Irian Jaya													
33.	Papua													

- |  |                            |
|--|----------------------------|
| • Institution/Agency :                       | 7. Indonesian Police Force |
| 1. Department of Manpower and Transmigration | 8. APINDO                  |
| 2. Departemnt of Internal Affairs            | 9. K-SPSI                  |
| 3. Departemnt of National Education          | 10. JARAK                  |
| 4. Department of Social Welfare              | 11. YKAI                   |
| 5. Department of Public Health               | 12. ILO                    |
| 6. Ministry of Women's Empowerment           | 13. UNICEF                 |

The target group of this awareness raising campaign are all stakeholders, including all related offices/agencies, employers association, trade unions, universities NGOs, community leaders, religious leaders and the people. Related offices in the provinces and districts/municipalities which are specifically targeted for this campaign are government offices in charge of public welfare, labour, education, public health, planning

agencies, empowerment of women and communities. In general, the activities to raise awareness of the people are:

NO	MEDIA/ KEGIATAN	SASARAN /PESERTA *							
		1	2	3	4	5	6	7	8
1.	Brosur, Leaflet tentang Pekerja Anak								
2.	Poster tentang Pekerja Anak								
3.	Bulletin Pekerja Anak								
4.	Film Pekerja Anak								
5.	Buku RAN -PBPTA								
6.	Seminar								
7.	Lokakarya								
8.	Dialog Publik								
9.	Talk Show								
10.	Radio Komunitas								
11.	Aktivitas Budaya								

\* Sasaran/Peserta :

- |                             |                                 |
|-----------------------------|---------------------------------|
| 1. Instansi terkait         | 5. Lembaga Swadaya Masyarakat   |
| 2. Asosiasi Pengusaha       | 6. Tokoh Masyarakat/Tokoh Agama |
| 3. Organisasi Pekerja/Buruh | 7. Orang Tua Pekerja Anak       |
| 4. Perguruan Tinggi         | 8. Masyarakat Umum              |

In addition to the various publications mentioned above, awareness raising campaign has been supported by law enforcement, including investigating and prosecuting people who employ children in hazardous sectors. An owner of fishing platforms in North Sumatra has been investigated for using children to work in jermals. Despite the fact that this case was not brought to court for trial, its publication has given a significant effect to warn owners of fishing platform about the risks of employing children on offshore fishing platforms. Another case worth mentioning is the one that took place in the District of Jepara, Central Java. On Thursday, 20 July 2005, Jepara Police Force made a search of Café 14 in Ujungbatu Village, Jepara. The search was made based on a report that Café 14 did not have any permit from the local authority and had disturbed the neighbourhood. In the search, the owner was found to have employed children. They were Mila Susiyani binti Sopik (15), born in Demak, on 21 June 1991 and Mariyana Dwi Ningsih binti Amar (17), born in Jakarta, on 26 April 1989. Mila Susiyanti Binti Sopik worked in Café 14 serving guests and pouring drinks into glasses. Mariyani Dwi Ningsih Binti Amar did the same tasks, but sometimes had to served guests as a dancing partner. Jepara police force investigated the case and prosecuted the owner of the café for engaging children in the worst forms of child labour. On 1 November 2006, the case was tried in Jepara Court and the defendant was proven guilty for the crime of “employing children in the worst forms of child labour” and was sentenced 7 month imprisonment. The prosecution, trial and the punishment should be seen as a significant progress in the efforts to eliminate the worst forms of child labour.

The awareness raising campaign and law enforcement have been made possible by the increasing number of people who have become more aware of the rights of children for their unique needs – to play, to study, and to have enough rest. Fulfilling these needs will enable Indonesian children to grow optimally physically, mentally, intellectually and socially. This awareness raising campaign is expected to encourage all parties and communities to take part actively in every effort to eliminate the worst forms of child labour undertaken by the government and other agencies. Furthermore, concerned individuals and groups are expected to give advocacy and control to the implementation of programs for the elimination of the worst forms of child labour so that each course of action always takes ***the best interests of children*** as the main consideration.

## **2. Strengthening Capacity**

It is well understood that the elimination of the worst forms of child labour requires integrated actions and involvement of all parties in all lines and levels of the governments and people. In order to take part actively in this effort, all parties are required to have the capacity and commitment according to their own tasks, responsibility, position and function. With adequate commitment and capacity of all Indonesian citizens, it is expected that all potentials of resources of the government and the people can be tapped and utilized to the utmost. Common visions, understanding, commitment and ideals to bring about intelligent and high quality continuing generation with high moral standards need to be continuously built and developed to create synergy and harmony among participants. Strengthened capacity of the government and the people will enable everyone to contribute according to their roles and make the most of the knowledge, technology and information available as cases of child labour have become increasingly complicated.

Under this program, the policies, institutional capacity and personnel of the government and the civil society are enhanced by:

### **a. Strengthening the Policies**

In order to strengthen the capacity of the people and to increase their participation, several laws, regulations, guidelines and instructions have been made to support the efforts to eliminate the worst forms of child labour. The availability of supporting policies will encourage and accommodate people's participation in accordance with their tasks and functions. The regulations not only function as the legal basis but also as the operational basis for the people to take part in the efforts to eliminate the worst forms of child labour.

The laws, regulations, guidelines and instructions that support the efforts to eliminate the worst forms of child labour are:

NO	POLICIES	YEAR					
		2002	2003	2004	2005	2006	2007
1.	Act No 23 of 2002 concerning Protection to Children						
	Presidential Decree No. 59 of 2002 on the National Plan of Action for the Elimination of the Worst Forms of Child Labour (NAP-WFCL)						
	Presidential Decree No. 87 of 2002 on the National Action Plan for the Elimination of Commercial Sexual Exploitation of Children						
	Presidential Decree No. 88 of 2002 on the National Action Plan for the Elimination of Trafficking in Persons						
2.	Act No. 13 of 2003 on Labour						
3.	The decree of the Minister of Manpower and Transmigration No. KEP-235/MEN/2003 on The types of work hazardous to the health, safety and morality of children.						
	The Decree of the Minister of Home Affairs No. 560/1134/PMD of 7 August 2003 on Protection to Children						
	Provincial Regulation of North Sumatera No. 5 of 2004 on Prevention and Elimination of the Worst Forms of Child Labour						
	Regulation of the District of Kutai Kartanegara No. 9 of 2004 on Child Labour Free Zone in the District of Kutai Kartanegara						
3.	Guidelines for Labour Inspectors in Tackling Child Labour						
	Letter of the Minister of Home Affairs No. 410/2032/SJ of 11 August 2005 concerning the Efforts to Tackle child labour issues						
	Modules on Tackling Child Labour						
4.	Guidelines for Mapping and Collecting Data on Child Labours						
	Guidelines for Community Empowerment and Tackling Child Labour						

NO	POLICIES	YEAR					
		2002	2003	2004	2005	2006	2007
	Letter of the Minister of Manpower and Transmigration No.: B.109 /MEN/PPK-NKP/III/2006 of 6 March 2006 on the Implementation of NAP-WFCL in the Provinces and Districts/Municipalities Presidential Decree No. 59/2002)						
5.	Guidelines for the Establishment of Provincial, District/Municipality Committee						
6.	Advocacy Guidelines for Protection to Woman and Child Workers						

## b. Strengthening Institutional Capacity

Strengthening institutional capacity in the Ministry of Manpower and Transmigration was made by raising the rank of the work unit tackling child labour issues from Echelon III to Echelon II. The work unit is equal to sub directorate, known as Directorate of Labour Norm Inspection for Women and Children. The decision to raise the rank of this particular work unit has increased the capacity and achievement of the Department of Manpower and Transmigration in tackling issues on women and children, including those engaged in the worst forms of child labour.

At national level, another significant step to strengthen capacity was the establishment of the Secretariat and Work Unit of the National Action Committee for the Elimination of the Worst Forms of Child Labour (PKJA KAN-PBTA) with the Decree of the Minister of Manpower and Transmigration No. KEP-240.A/MEN/V/2006. This work unit is the extension or the executive of the National Action Committee for the Elimination of Child Labour, which was established earlier by the Presidential Decree No. 12 of 2006. The chair person of the work unit is the Director General of Labour Inspection, and the Secretary is the Director of Work Standards Inspection for Women and children. The members are from related offices and non government agencies representing all members of KAN-BPTA (NAC-WFCL). In order to enhance coordination, the Secretariat of KAN-BPTA is located in Gedung Tenaga Kerja dan Transmigrasi Level VII-A, Jl. Jenderal Gatot Subroto Kav.51 South Jakarta.

Another step to strengthen institutional capacity was making technical cooperation and joint efforts to develop programmes with local, national and international institutions. At provincial and district/municipality levels, capacity building was facilitated by funds from various sources to improve their performance to eliminate the worst forms of child labour. Awards were given to the governors and heads of districts / mayors for their achievement in tackling the issue with the resources available in their areas and



for their commitment to the elimination of the worst forms of child labour in their respected territories. Cooperation with international institutions, particularly ILO, was focused on developing and preparing support programmes for the implementation of the national Action Plan for the Elimination of the Worst Forms of Child Labour.

At provincial and district/municipality levels, strengthening institutional capacity was made by developing structures. Provincial Action Committees were established to support the Provincial governments in implementing programmes to eliminate the worst forms of child labour in their respected territory. Similar committees were also developed in the districts and municipalities to do the same task.

During the implementation of the first phase of the programme, Regional committees for the Elimination of the Worst Forms of Child Labour were established in the following areas:

NO	YEAR	PROVINCE (PAC)	DISTRICT/ MUNICIPALITY (DAC)
1.	2002	1. North Sumatra	-
2.	2003	2. East Java	1. Kab. Bojonegoro
3.	2004	3. Riau 4. West Kalimantan 5. East Kalimantan 6. West Java	2. Kab. Mojokerto 3. Kab. Tuban 4. Kab. Bondowoso 5. Kab. Tulung Agung 6. Kab. Pacitan 7. Kab. Jember 8. Kab. Gresik 9. Kab. Sampang 10. Kab. Sidoarjo 11. Kab. Lamongan
4.	2005	7. Central Kalimantan	12. Kab. Asahan 13. Kab. Bangkalan 14. Kab. Ponorogo 15. Kab. Madiun 16. Kab. Nganjuk 17. Kab. Banyuwangi 18. Kab. Blitar 19. Kota Malang
5.	2006	8. Central Java 9. D.I. Yogyakarta 10. North Sulawesi 11. West Nusa Tenggara	20. Kab. Klaten 21. Kab. Tegal 22. Kab. Situbondo 23. Kota Pare-pare 24. Kab. Temanggung

NO	YEAR	PROVINCE (PAC)	DISTRICT/ MUNICIPALITY (DAC)
6.	2007	12. Jambi 13. Lampung 14. Sulawesi Tengah 15. Sulawesi Selatan	25. Kab. Tanjung Balai 26. Kota Pekanbaru 27. Kota Pontianak 28. Kab. Pasir 29. Kab. Cirebon 30. Kab. Bogor 31. Kab. Sumedang 32. Kab. Bandung 33. Kab. Cilacap 34. Kab. Banjarnegara 35. Kota Surakarta 36. Kab. Jepara 37. Kota Pati 38. Kab. Lumajang 39. Kota Mojokerto 40. Kab. Malang 41. Jombang 42. Kab. Kediri 43. Kab. Probolinggo 44. Kab. Pasuruan 45. Kab. Trenggalek 46. Kab. Kediri 47. Kab. Batu 48. Kab. Sumenep 49. Kota Surabaya 50. Kota Pasuruan 51. Kab. Ngawi 52. Kab. Magetan 53. Kab. Madiun 54. Kab. Blitar 55. Kota Tomohon 56. Kota Manado 57. Minahasa 58. Kota Makassar 59. Kota Bone 60. Kupang 61. Kota Samarinda 62. Kota Waringin Barat

In general, the membership of the action committee for the elimination of the worst forms of child labour in the provinces and districts/municipalities is similar to that of the National Action Committee. The members come from related government agencies, employers associations, trade unions, universities, media, NGOs, religious and community leaders. However, the position of the committee in the hierarchy of the government varies from one area to the other. In general, the committee may take the following positions in the hierarchy of the provincial or district/municipality government:

1. Provincial Action Committee or District/Municipality Action Committee reporting directly to the head of the local government.
2. Provincial Action Committee or District/Municipality Action Committee as a part of Children Protection Commission
3. Provincial Action Committee or District/Municipality Action Committee as a part of another agency, for example a part of Pusat Pelayanan Terpadu (Integrated Service Centre)

### **c. Strengthening the Capacity of the Personnel**

Strengthening the capacity of the personnel of the provincial and district/municipality government is achieved through the provision of training and technical supervision for officials assigned to the task of tackling child labour issues, particularly Labour Inspectors. Comparative studies in other areas were conducted to learn and adopt good practices in the implementation of the program to eliminate the worst forms of child labour.

#### **1.1. The Department of Internal Affairs :**

The Department has taken several measures to strengthen the capacity of regional governments and stakeholders, particularly in relation with planning and development of programs, budget and activities for tackling child labour. To tackle the issue, the department has launched a program known as Program Penanggulangan Pekerja Anak. In the implementation, however, the program should consider several factors such as gender equality, networking with community and religious leaders, community organisations such as PKK and LPA (Lembaga Pemerhati Anak) In addition to this, the program should encourage the people and spark off a movement to combat exploitative practices to children, including engaging children in the worst forms of child labour that prevents children to develop optimally.

In order to improve and accelerate the efforts to tackle child labour, the Department has made several policies for that purpose, including the Decision of the Minister of Internal Affairs and Regional Autonomy No. 5 of 2001 on Program to Tackle Child

Labour, Circular letter of the Ministry of Internal Affairs No. 560/1134/PMD on Protection to Children, Circular letter of the Minister of Internal Affairs No. 410/2023/SJ on Measures to Improve Protection to Children and Guidelines to Empower the Community in Tackling Child Labour.

### **1.2. Department of National Education :**

The Department of National Education has undertaken several activities aimed at empowering the people, particularly those in the middle and lower income brackets. Non formal and informal education programs have provided attractive alternatives to this group because the procedures, mechanism and teaching learning process are simple and economical. Several groups or forums have been given support so that they can develop and provide these programs. Some of them are Kelompok Belajar Usaha (Business Study Groups), Pusat Kegiatan Belajar Masyarakat (Community Learning Centres) and Radio Komunitas (Community Radio). The easy access to their widespread services over various areas has facilitated the people to benefit from the education programs and given them the opportunity to empower themselves. Good implementation of these programs will empower the people to become more independent, and thus give their children the opportunity to enjoy their childhood happily and to fulfil their rights to play, study and rest.

### **1.3. Department of Social Welfare:**

The Department of Social Welfare has built and operated a Trauma Centre in Bambu Apus, East Jakarta, as a rehabilitation centre for children who have various traumatic experiences, including those engaged in the worst forms of child labour. The Centre functions as a referral point providing more comprehensive treatment for any organisations or NGOs that need such services for the children they take care of. The development of network in treating children suffering from trauma is everyone's desire, including the government and those concerned with the welfare of children.

### **1.4. Department of Public Health :**

The Community Health Centres (Pusat Kesehatan Masyarakat) established in almost every area of the country, from cities to villages, have given the people easy access to relatively cheap health care services. In addition to this, the Department of Health has made an effort to strengthen the capacity of medical and health care cadres through the provision of continuous training so that they have adequate knowledge and technical skills to give the best health care services to the people. Doctors, paramedics, nurses and midwives are assigned to provide services in pos pelayanan terpadu (POSYANDU/ mobile centres providing free medical check-up and

consultation). The available services are expected to give benefit to women from the lowest income group so that they can take care of their children well and help them develop optimally.

### **1.5. Ministry of Women's Empowerment:**

The Ministry of Women's Empowerment as the government agency responsible for the empowerment of Indonesian women has launched several programs for that purpose. The programs incorporate gender equality issue so that men and women have equal rights and opportunities to benefit from all services provided by the government and public. By strengthening the capacity of women, it is expected that they can manage their families well and assist their children to develop optimally by providing the conducive facilities to fulfil their needs.

### **1.6. The Police Force of the Republic of Indonesia :**

In order to provide friendly service to women and children, the Police Force of the Republic of Indonesia enacted Regulation No: POL-10 of the Year 2007 concerning the Organisation and Guidelines of the Service Unit for Women and Children in the Police Force. The unit, known as Unit PPA, is a new structure within the Police Force from the Headquarters to the Regional and District Units. The Unit is intended to give protection to women and children who are victims of crimes and to prosecute the perpetrators. The service is provided in Special Service Room specially prepared for this purpose. With the establishment of this unit, it is expected that Indonesian Police can give better and friendlier service to women and children who are victims of crimes. Personnel of the Unit are given special training on technical skills to handle cases involving women and children.

### **1.7. APINDO (Employers Association):**

In strengthening the capacity of its members, APINDO disseminated information on relevant labour laws and regulations, including protection standards for child workers and the elimination of the worst forms of child labours. Apart from this, APINDO has discussed and developed Code of Conduct for its members. One of the provisions requires that each member has to create a workplace free of child labour. The Code is a reference based on with members should take part in the efforts to create decent work without child labour by mainstreaming child labour issues, including trafficking in persons, among the members.

APINDO has initiated apprenticeship programs for ex child labours. The first step in the program was identifying companies willing to take ex child labours as apprentices. Members were encouraged to take part in this program through workshops to design

the framework and appoint a steering committee. Three big companies agreed to take part in this program as a pilot project to devise an alternative approach to tackle child labour issue. Lessons from this apprenticeship program will be developed and replicated by other members in a wider scope and area.

### **1.8. TRADE UNIONS :**

Capacity building within Konfederasi Serikat Pekerja Seluruh Indonesia was made by establishing Lembaga Wanita, Remaja dan Anak (LWRA / Women, Teenagers and Children Section) in the headquarter, and Biro Wanita, Remaja dan Anak (Women, Teenagers and Children section) in the branches. This department was intended to improve services in providing protection to women and children workers. Different approaches taken to strengthen the capacity of unions include: incorporating child labour issues in the training and instruction curricula for the staff of trade unions; networking with various parties, including employers, to make joint efforts to find solutions for child labour issues at plant, local, regional and national levels.

### **1.9. JARAK :**

Various approaches have been used to strengthen the capacity of NGOs. As an example, JARAK and its network have conducted several trainings on DME (Design Management and Evaluation) training, policy advocacy and institutional capacity building. As many as 180 representatives of various NGOs, universities, government agencies, employers association, and trade unions took part in the 6 trainings organised by JARAK. DME training is intended to strengthen the capacity of participants in designing and developing action programs. It also trained the participants to evaluate the programs to measure to what extent the objectives have been achieved. Policy advocacy training was given to 60 members of JARAK with the objective to increase their capacity and audacity to conduct advocacy for policies that take the best interests of children into account. Several measures have been taken to strengthen institutional capacity to eliminate the worst forms of child labour in 4 provinces, i.e. North Sumatra, West Java, East Java, and North Kalimantan.

## **B. Mapping of Problems concerning WFCL and Efforts to eliminate them**

### **1. Research and Documentation**

Researches and studies on the elimination of the worst forms of child labour are still very small in number and partial in nature. Some universities in Central Java, in cooperation with several agencies such as Bela Negara, have conducted several studies

on the issue and made efforts to increase the students' awareness of the issue. Those universities have encouraged their students to conduct researches and collect data on this issue for their theses.

Prohibition and immediate action to eliminate the worst forms of child labour requires accurate database on the magnitude of the problem and the locations where child labour can be found, as well as detailed statistical data on child labours, the types of work engaged and the threats faced by children involved in the worst forms of child labour. Within the first 5 years of the implementation of NAP WFCL, statistical data were developed on three categories: statistical data on child labours aged 10 years old and older, statistical data on child labours less than 18 years old who are involved in the worst forms of child labour, and statistical data on crimes committed by children, including the number and types of cases, their victims, as well as their perpetrators, the modus, the location and the times at which the crimes were committed.

At the beginning of the implementation of NAP-WFCL in 2002, statistical data show that the number of child labours aged 10-17 was 3.388.805, consisting of 2.094.218 boys and 1.294.578 girls<sup>1</sup>. These children worked in various sectors – agriculture (57, 81 percent), mining (0,69 percent), manufacture (16,76 percent), power plants (2,76 percent), construction (12,27 percent), trade ( 2,21 percent), transport (7,50 percent), finance ( percent) and social ( percent). The work hour ranges from 20 to 54 hours per week. The biggest percentage (percent) finished Primary School (percent), and the rest finished Junior High School / SLPT or did not finished Elementary School SD. The percentage of those who did not go to school was still very high (percent) and only a very small percentage finished Senior High School SMA ( percent).

According to the Report of Sakernas 2006 National Bureau of Statistics, by the end of 2006, the number of child labours aged 10-17 reached 3.2 million. They worked in various sectors such as agriculture, manufacture, construction etc. The average work hour was quite long, more than 3 hour/day. The number of Child Labours (10-17 years old) between 2005-2006 is illustrated in the table below.

WORK HOUR	FEB 2005	NOV 2005	FEB 2006	AUG 2006
0 )	82.326	48.041	37.506	95.362
1 – 14	625.058	350.509	273.376	376.368
15 – 34	1.182.602	968.481	803.901	927.738
1 - 34	1.389.986	1.367.031	1.114.783	
35+	1.379.561	1.186.638	1.107.405	1.284.792
TOTAL	3.268.547	2.553.669	2.222.188	2.684.792

Source: Sakernas 2005-2006

<sup>1</sup> Sakernas Report 2002, Badan Statistik Nasional (National Bureau of Statistic).

The table above only shows overall data of child labours aged 10 – 17, but more specific statistical data on the worst forms of child labour are not available. International Labour Organization (ILO) in collaboration with tripartite plus (NGOs and universities PT) has initiated several rapid assessment to obtain data on the situation of WFCL in 5 sectors in Indonesia, as follows :

- ♦ **Children procured and offered for prostitution in Surabaya – East Java, Jepara- Central Java, DI Yogyakarta and DKI Jakarta;** The report of the rapid assessment on children procured and offered for prostitution shows that there were children involved in prostitution on the streets, localised and disguised prostitution areas such as beauty salons, discos, hotels, pool halls, massage parlours, karaoke bars and saunas. The assessment estimated that there were about 7,452 children involved in prostitution in Surabaya, Yogyakarta, Semarang and other cities being assessed. It is estimated that in this period as many as 21,000 children in Java became victims of trafficking for prostitution.
- ♦ **Children involved in the production and trafficking of drugs in DKI Jakarta.** The rapid assessment on children involved in the trafficking of drugs identified 74 drug trafficking zones in DKI Jakarta. Many children were involved in drug trafficking at a very young age, some as early as elementary school age. These children generally started their involvement in drug trafficking as users, although some percentage started trafficking before becoming users. Most of them started using marijuana before selling it, together with psychotropic drugs such as *ecstasy* and *shabu-shabu*.
- ♦ **Child labours in footwear sector in Ciomas-Bogor and Tasikmalaya, West Java;** The rapid assessment on child labours in footwear sector identified 2 areas in West Java with child labour. The assessment estimated that there were 5,000 children in Ciomas-Bogor and 4,000 children in Tasikmalaya worked in footwear industry. In Ciomas, these children worked at the age of 13 to 15, but they usually worked part time and still went to school. The profile of child labours in Taskimalaya is slightly different. They were at the age of 16 until 18, but they worked full time and no longer went to school
- ♦ **Child labours in the offshore fishing sector in North Sumatra.** The rapid assessment on the offshore fishing sector estimated that there were about 1,622 to 7,157 children working on fishing ships (weighing more than 5DWT) in North Sumatra. Most of these children were between 14 and 16 years old, but some children were found to start work at the age of 10. Most of these children only had primary school education or did not finish it. The wages, ranging from Rp.200,200,- to rp.500,000,- per month, were given after the sale of the catch and calculated based on percentage.



- ♦ **Child labour in the mining sector in the District of West Kutai and the District of Pasir, East Kalimantan.** The rapid assessment on child labour in the mining sector was conducted in the village of Kelian Dalam, Sub District Long Iram, the District of West Kutai, East Kalimantan. The assessment found 223 children working in traditional mining sites. They worked in units doing all sorts of adult tasks, such as excavating, diving and panning. When they worked individually, they usually spent about one to 6 hours working in the site, but when working in units they could spend eight to fourteen hours a day working in the sites. However, about one third of the total number worked individually and spent about one to two hours a day. The risks mine workers face are, among others, the collapse of the excavation sites and illness due to prolonged diving.

Other studies to collect detailed information on child labour in Indonesia include

- ♦ Study on Children working as Domestic Workers. It is estimated that the number of children working as domestic workers has reached 688.132 (26 % of the total domestic workers). The program has not reached these children because they are hidden and difficult to reach. The conditions of child domestic workers depend very much on the employers. Despite the fact that many employers treat them well, there are some who treat them in exploitative and discriminative ways.
- ♦ Study on child labour in the Districts of Probolinggo and Tulungagung. This participatory research involved child labours their parents and other stakeholders. Funded by Unicef, it was intended to collect data on the family background, environment where they live, factors compelling them to work, work environment, education for child labours and their daily activities. The study found 1,315 child labours, 540 in Tulungagung and 775 in Probolinggo. It also reveals the complexity of the problem such as the attitudes of the parents and the communities towards education and work, peer pressure, access to quality education etc.
- ♦ Study on the Policy and Prohibition of the Worst Forms of Child Labour. The study was conducted by The Department of Law and Basic Human Rights in North Sumatra, West Nusa Tenggara and East in 2006. It revealed that the implementation of policies on the elimination of the worst forms of child labour still had many constraints due to the fact that stakeholders had inadequate understanding of the worst forms of child labour. Only those who were directly involved in programs for the elimination of child labour had adequate understanding of the issue. Programs are not well integrated and thus each institution works individually according to its function. Lack of understanding and synergised implementation of programs has an impact on budget allocation, in which only limited amount is allotted for the elimination of the worst forms of child labour.

Successful elimination of the worst forms of child labour requires the availability of accurate data on child labour and the map of the locations of the problems. In order to provide accurate maps and data at provincial, districts and cities levels in Indonesia, the Department of Manpower and Transmigration has sent Governors, Heads of Districts, and Mayors all over Indonesia letters requesting them to collect data on child labour in both formal and informal sectors in their respective territories. This effort has not brought satisfactory results as not every area has the capability of collecting data. Some provinces, districts and cities have sent data on child labour in both formal and informal sectors, but several challenges still stood on the way of the mapping process. The data were mostly collected from formal sectors (companies), whereas most child labour was in the informal sectors.

The provincial government of East Java, in collaboration with the Manpower Office of East Java and Lembaga Pengabdian Masyarakat Universitas Negeri Malang, collected data on child labour in 2005. The mapping covered information on the age of the children, types of work, underlying factors, occupational safety and health aspects, and characteristics of child labours. The Province of South Sulawesi has also collected data on child labour as a part of the program for the elimination of the worst forms of child labour in South Sulawesi.

Facilitated by ILO-IPEC, The Manpower Office of East Java has developed a manual on the procedures of mapping child labour in the respected area. In 2006, the Department of Manpower and Transmigration published a manual containing guidelines for mapping and collecting data on child labour in provinces, districts and cities.

## **2. Studies and Development of Models for the Elimination of WFCL**

Studies on the worst forms of child labour as stated in NAP WFCL include documentation and development of models for the elimination of the worst forms of child labours. It is expected that the studies facilitate the implementation of the program so that the program is not based on mere assumptions.

In the implementation of NAP-WFCL, studies and development of models were intended to produce the following: 1) information about institutions or agencies involved in or handling child labour issues; 2) information on the characteristics of the worst forms of child labour; 3) models for the elimination of the worst forms of child labour, which include, among others, advocacy, the provision of direct assistance, recovery and reintegration on the basis of the society; 4) guidelines for replication of models; 5)

guidelines for monitoring and evaluation to measure the effectiveness of the implementation of NAP-WFCL.

With respect to the studies and development of models, there have been some steps forward that still need further improvement, such as:

- a. *Database of institutions handling child labour issue.* During the five year implementation of NAP-WFCL, the NAC-WFCL noticed that information regarding institutions/agencies handling child labour issue was scattered in many different places. Due to limitation of resources, collecting and documenting the information in a systematic way was not possible. In other words, NAC-WFCL considers that database of institutions handling child labour issue should be developed immediately.
- b. *Characteristics of the Worst Forms of Child Labour.* In the period between 2002 and 2007, NAC-WFCL noted that information on the characteristics of seven worst forms of child labour had been compiled<sup>2</sup>. Five of the seven categories were prioritised for elimination in the first phase of NAP WFCL. The seven categories are:
  - ♦ children engaged in prostitution;
  - ♦ children involved in production, sale, and distribution of illegal drugs;
  - ♦ children working in mines;
  - ♦ children working in informal footwear industry;
  - ♦ children in offshore fishing platforms and for deep sea diving;
  - ♦ children employed as domestic helps;
  - ♦ children working in plantations, especially oil palm plantations.

The information on the characteristics of the worst forms of child labour covers:

- ♦ the production process in the sectors;
- ♦ the production processes in which children are involved;
- ♦ the origin of the children;
- ♦ education background of the children in each sector;
- ♦ the hazards the children are exposed to;
- ♦ illnesses and health problems the children often have in those sectors;
- ♦ characteristics of their families; and so on.

<sup>2</sup> Karakteristik BPTA dalam sektor-sektor ini diprakarsai oleh triparit plus. Data karakteristik ini kemudian diperoleh melalui kajian cepat (*rapid assessment*). Ketujuh Kajian cepat tersebut secara langsung dilakukan oleh ILO bekerja sama dengan perguruan tinggi (Atmajaya-Jakarta, UGM-Yogyakarta, UI-Jakarta, dan USU-Medan) serta beberapa LSM (SKEPO-Bandung dan YKAI-Jakarta) dan Pemerintah (Depnakertrans).

The information that gives details of child labours and their conditions can be used as an important reference for the implementation any action programs, including the ones facilitated by ILO.

a. *Integrated Models for the Elimination of the Worst Forms of Child Labour.*

- NAC-WFCL documented that some provincial governments in Indonesia have developed models for the elimination of the worst forms of child labour, especially trafficking of children for prostitution. To some extent, they can be considered as integrated models, as they include advocacy, provision of direct assistance, recovery and reintegration as their components. Some examples of these models are illustrated in the section on the provision of direct assistance. To mention a few, the Province of East Java has developed Pusat Pelayanan Terpadu (Integrated Service Centre), while DKI Jakarta has developed Pusat Pelayanan Terpadu Penguatan Perempuan dan Anak (Integrated Service Centre for the Empowerment of Women and Children). In spite of this, these models are relatively new, and thus need to be studied further for their effectiveness.
- Another model for the elimination of the worst forms of child labour has been used by the Province of North Sumatra to withdraw child labours from their work on jermals (offshore fishing platforms) since 1998. This model can be illustrated as follows:
- Children who have been withdrawn from jermals are taken to shelters for medical check-up and psychological test to find out their talents and interests and to determine whether they should go to formal or vocational school. In the shelters, they are given medical treatment for physical recovery and also mental spiritual lessons by religious teachers (ustad pondok pesantren) and psychologists. After the selection process, they are grouped according to their interests. Those who want to go to formal school are referred to the local education office, while the ones interested in vocational training are referred to vocational training centres. After completing the training, they are given assistance to find safer jobs, such as working in rattan industry. In order to make effective efforts to handle child labour in jermals, the program includes preventive approaches to prevent children from working in jermals. Monitoring teams were sent to the enclaves where these children come from to socialise the prohibition of employing children in jermals.
- The provincial government has also involved many different parties in tackling the issue of child labour in jermals. To mention a few, they are Biro Bina Sosial Sekretariat Daerah Provinsi Sumatera Utara (Social Development Bureau of North Sumatra Province), Dinas Ketenagakerjaan (Manpower Regional Office), Dinas Sosial (Social Welfare Office), Dinas Kesehatan (Public

Health Office), Dinas Perikanan (Fishery Office), Bappeda (Regional Planning Council), LSM (NGOs), Koperasi (Cooperatives), Pengusaha (Business people), Pondok Pesantren (Islamic Boarding School) and psychologists.

- ♦ Another model for the elimination of the worst forms of child labour has been developed in the form of intervention program. The program tries to deal directly with poverty as the main factor that gives rise to child labour. This program tries to empower poor families by providing a range of trainings such as vocational skill training for children, entrepreneurship for the parents of child labours, as well as providing micro credit for the parents to start their own business. This model was developed in the Province of East Java in 2003, North Sumatra in 2005, South Sulawesi and West Nusa Tenggara in 2007.
- ♦ Some regional (provincial and district/municipality) action committees have observed and conducted studies on other integrative models for the elimination of the worst forms of child labour. In addition, another study on NAP-WFCL was commissioned by ILO.
- ♦ Development of Apprenticeship Model. APINDO initiated an apprenticeship model with the objective of developing the talents of vulnerable children so that they are capable of working in safer sectors or starting their own business. The target groups were children aged 15-17 who had been removed from WFCL in two sectors (footwear in Bogor and children vulnerable to drug trafficking). As many as 30 children worked as apprentices in a garment factory (PT Unitex), food factory (Bogasari) and automotive industry (Astra International). Some of ex child labours taking this apprenticeship program have started their home based food and garment business. Other apprentices have worked in the companies under this program. This pilot program was reported to have very good results, so APINDO is expected to develop this program further.

b. *Replication of Models.* Some activities in the previous years have been documented. The Department of Social Welfare has developed Guideline to Handle the Issue of Child Domestic Workers, a model for handling street children, and a model for handling victims of trafficking have been replicated in twelve provinces<sup>3</sup>. In order to make effective replication, studies on the effectiveness of these models are needed.

<sup>3</sup> The model for handling victims of trafficking was developed in collaboration with International Organization on Migration (IOM). It contains guidelines to handle victims of trafficking and several training modules for handling and preventing trafficking.

### 3. Harmonisation of Laws and Regulations

The founding fathers of Indonesia declared that one of the goals of the founding of the republic was **“to educate the life of the people”**. The policies on the elimination of the worst forms of child labour have been established and become a national commitment. Several international conventions have been ratified by the government of Indonesia as a commitment to the elimination of the worst forms of child labour.

As follow up, the government established the national action plan for the elimination of the worst forms of child labour (NAP-WFCL). The implementation of NAP-WFCL requires Harmonisation of Laws and Regulations, including:

- a. Determining types of work that endanger the safety, health and moral of the child as the worst forms of child labour;
- b. Declaring that involving children in the worst forms of child labour is a crime;
- c. Formulating policies and determining efforts and action for preventing and tackling the worst forms of child labour in a pre-emptive, preventive and repressive manner.

In the implementation of the first phase of NAP-WFCL, particularly in the harmonisation of laws and regulation, some types of works that endanger the safety, health and moral of the child have been declared as the worst forms of child labour. The Decision of the Minister of Manpower and Transmigration No: KEP-235/MEN/2003 determines the types of work that endanger the safety, health and moral of children as:

1. Work involving the production, assembly, operation, maintenance and repair of machineries, engines, and power tools;
2. Work performed in an environment with physical, chemical and biological hazards;
3. Work with hazardous processes;
4. Work that is hazardous to the moral of children.

Act No.: 23 of 2002 concerning Protection of the Rights of Children and Act No.: 13 of 2003 on Labour stipulate that involving children in the worst forms of child labour is an act of crime. Article 78 of Act No.: 23 of the year 2002 prohibits economic and sexual exploitation of children. Violation of this article is punishable by a prison sentence of a maximum period of 5 (five) years and/or a fine amounting to a maximum of one hundred million rupiahs. Article 74 of Act No.: 13 of 2003 on Labour prohibit anyone to employ and involve children in the worst forms of child labour. Violation of this article is punishable by a prison sentence of a minimum period of 2 years and a maximum of 5 years and/or a fine amounting to a minimum of Rp. 200.000.000,- and a maximum of Rp. 500.000.000,-.

Act No. 13 of 2003 indicates some progress from Act No. 23 of 2002, as it stipulates more severe punishment to those employing children in the worst forms of child labour, and thus law enforcers are expected to refer to Act No. 13 of 2003.

The central and regional governments have made some policies for the prevention and elimination of child labour. Those policies are :

1. Presidential Decree No : 12 of the year 2001 on NAC-WFCL
2. Presidential Decree No : 59 of the year 2002 on NAP-WFCL
3. Presidential Decree No: 87 of the year 2002 on RAN PESKA
4. Presidential Decree No: 88 of the year 2002 on RAN P3A
5. Circular of the Minister of Internal Affairs No. 560/1134/PMD/2003
6. Decision of the Minister of Manpower and Transmigration No: KEP-240.A/MEN/V/2006 on the establishment of Work Unit and Secretariat of NAC-WFCL.
7. Decision of the Governor of North Sumatra No. 463/1211/K/2002 on the establishment of Provincial Action Committee in North Sumatra
8. Decision of the District Head of Kutai Kartanegara No. 180/HK-350/2003 on the establishment of Child Labour Free Zone.
9. Decision of the Governor of East Kalimantan No. 463/K.215/2004 on the establishment of the Provincial Action Committee for the Elimination of the Worst Forms of Child Labour in the Province of East Kalimantan.
10. Decision of the Governor of East Java. No.188/145/KPTS/013/2003 on the establishment of regional Action Committees in the Districts of Bondowoso, Gresik, Tuban, Sampang, Mojokerto

## **C. Action Programs in the Five Prioritised Sectors**

### **1. Direct Programs**

Direct programs are provisions of direct assistance to child labours and children involved in the worst forms of child labour. The target group of these programs are children and their families. The objective is to withdraw and prevent children from the worst forms of child labour. The programs cover a range of services, including formal education, non formal education, counselling, health care services, family empowerment program, and improvement of workplace condition.

The model was initiated and developed by various stakeholders in some areas in Indonesia.

Generally speaking, the education approach, either formal or non formal, was used to prevent and withdraw children from the worst forms of child labour. To reinforce

the prevention and withdrawal process, non education programs were developed as supports to ensure synergy and sustainability of the whole program. Stakeholders

No	Strategies	Services	Implementing agencies
1	Prevention and withdrawal by means of formal education	Scholarship, Grant, Open Junior High School, etc.	YKAI, YDI, Pelita Ilmu, PGRI, BMS,
2	Prevention and withdrawal by means of non formal education	Package A, B and C,(non formal education equal to Primary School, Junior and Senior High)	YPSI, PKBM, YDI, Format, PKBI, SKB-Local offices of Dept. of Education, etc.
3	Prevention and withdrawal by means of life skill training	Automotive, Sewing, Salon, Computer, etc	Paramitra, Abdi Asih, Bandungwangi
4	Prevention and withdrawal by means of Counselling	Carrier Counselling, Victims Assistance, etc.	Pelita Ilmu, Sekam, RPK, PPT, P2TP2A
5	Prevention and withdrawal by means of health care services	Check up, routine treatment, Training, etc.	Regional Office of Dept. of Health, Yas Ulil Albab, etc
6	Prevention and withdrawal by means of workplace improvement	Safe and Healthy Model Workshops.	LPM-ITB, Bogor Regional Office of Dept. of Health

implementing direct programs are:

Some of the direct programs in the five prioritised sectors are illustrated below:

### 1.1. Children Working in Offshore Fishing

The rapid assessment conducted by ILO in 2004 in the east coast of North Sumatra found 7.157 children working in offshore fishing sector. Most of them started work at the age of 14 – 16, and a few even started at the age of 10. The majority of these children did not finish primary school. Their wages ranging from 200 thousand to 500 thousand rupiahs per month were calculated based on the catch and paid after the catch had been sold.

One of the direct programs was the provision of education activities in “Sanggar Kegiatan” (Learning Centres). These Sanggars provided thematic learning focusing on reading, counting and skill development, which was intended to withdraw children from working in offshore fishing sector. These centres were developed as media for anti child labour campaign, information centres for WFCL, and developing network of volunteers concerned with WFCL.

During the implementation of the program, as many as 711 children were



withdrawn and 6.283 were prevented from working by involving them in the educational activities under the supervision of assistants. Children of fishermen who were at risk of dropping out of school were involved in the activities and given motivational counselling so that they could finish their education.

## **1.2. Children trafficked for Prostitution**

Procuring and offering children for prostitution or commercial sexual exploitation is one of the worst forms of child labour that needs direct interventions. A report by Unicef in 2000 indicated that 30% of the total sex workers were children under the age of 18. An assessment by ILO demonstrated that in 2002 as many as 21 thousand children in Java had become victims of trafficking for prostitution. These children were exploited for commercial sex on the streets, localization sites for prostitutions or disguised prostitution centres – prostitution sites disguised as other business, such as beauty salons, discotheques, hotels, billiard halls, massage parlours, karaoke bars and saunas.

Direct programs were implemented in both sending and receiving areas. In the sending areas, interventions were made to prevent children from becoming victims of trafficking for prostitution. The programs were developed to give children better access to education and to provide non formal education for school drop outs. Withdrawal programs implemented in the receiving areas covered psychosocial therapy, skill training, individual counselling, life planning and provision of vocational education. During the withdrawal process, children were assisted and monitored by social workers to ensure that behavioural changes take place.

In 2007, as many as 177 children who were victims of trafficking for prostitution had been withdrawn and 6.709 children at risk were prevented from trafficking by means of formal and non formal education programs. Coordination for withdrawal was strengthened by developing community based monitoring units that involve local community networks. A system of referral service was developed to provide rehabilitation and reintegration service for the victims.

## **1.3. Child Labours in Footwear sector**

The assessment of child labour in footwear sector indicated that there were about 9,000 child labours in Ciomas, Bogor and Tasikmalaya –West Java. In Ciomas, children aged between 13 and 15 worked part time in footwear industry, but they still went to school. The child labours in Tasikmalaya were between 16 and 18 years old, but most of them worked full time and no longer went to school.

Direct programs in footwear sectors targeted school drop outs as the beneficiaries. Children Creativity Centres were developed to provide non formal education. Children

who were at risk of getting into work were assisted to take regular formal education by means of direct funds, such as BOS and scholarship (free tuition cards)

The Creativity Centres provided non formal education services as a medium of transition in which children were guided to go back to formal school. When children returned to regular school, they were given additional lessons (remedial courses) to help them adjust and catch up with the normal lessons.

During the implementation of the programs, as many as 1,830 had been withdrawn from work and 6,399 had been prevented from getting into work in footwear sector. The withdrawal was strengthened with some other actions, such as - developing of model workshops that meet OSH standards and involving the community to intensively monitor the children. In order to ensure the sustainability of the withdrawal program, teachers, skill workers associations, and educators were involved in the effort to withdraw and prevent children from working in footwear sector.

#### **1.4. Child Labours in the Mining Sector**

Initial data prior to the implementation of the program indicated that there were 535 children working in informal/illegal mining sites in East Kalimantan – 275 in the District of West Kutai and 260 in the District of Paser. The withdrawal program implemented from April 2004 to /d Augusts 2007 targeted 100 children withdrawn from, 3.000 children prevented and 1.000 families involved in action programs in 2 districts. This action programs in the District of Paser was implemented by PKBI Kaltim and Yayasan and the ones in the District of West Kutai by Yayasan Sendawar Sakti.

Education, health services and productive economic activities were used as the approaches of this action program. By the end of August 2007, the program managed to withdraw 421 children and prevented 2.539 from work in 2 districts, and as many as 2.460 families took part in the program. In this program, school drop outs were referred back to formal school; those at risk of dropping out were motivated to stay, and teenagers were invited to take part in non formal skill development activities. The program also aims at increasing people's awareness of the value of education, rights of children, the urgency of preserving the environment from destruction due to mining process, and the needs for gradually finding different lines of work.

#### **1.5. Children exploited for drug trafficking.**

In 2002, ILO conducted a rapid assessment on a community in Jakarta. The assessment found 254 children involved in the trafficking of drugs and identified 74 spots where drug trafficking took place. Children started to be involved at a very young age, and many still went to school. They usually started as users, usually

marijuana, and as a result of the addiction, they were compelled to sell various drugs ranging from marijuana to psychotropic substances such as *ekstasi* and *shabu-shabu*.

Direct programs to tackle this involved several approaches – involving the community, school and rehabilitation centres. Poor urban communities were targeted for assistance. The activities included the provision of children creativity development services, scholarship and health care. Campaigns were made at several schools to increase children's awareness of the danger of drugs and to prevent them from dropping out of school and becoming victims of drug dealers. The rehabilitation centre provided psychological consultation and non formal education to facilitate these children to return to the society.

By the end of the implementation, as many as 517 children were withdrawn and 8, 298 were prevented from getting involved in drug trafficking. To support the withdrawal program, another action program was developed with the aim of improving parents' financial condition and strengthening the role of the community in monitoring children's activities so that they did not become victims of drug trafficking.

## **2. Integration of the Programs**

Integration of programs is a strategy to make the implementation of NAP-WFCL more effective. It is based on the fact that child labour and the worst forms of child labour is a complex multi- sector problem. Ideas and efforts of all parties should be integrated into a synergised endeavour so that every stakeholder can work effectively according to their functions. Some of the models of integration that have been developed are:

### **2.1. Integration of Programs in the Regional Action Plan :**

Action Committee is an institution to coordinate all efforts made by stakeholders to eliminate WFCL. All resources available for the government, NGOs, trade unions, and employers association should be synergised to achieve the required policies, strengthened capacity, increased awareness and effective implementation of action programs. Coordination is crucial to strengthen the commitment to and cooperation for the elimination of the worst forms of child labour.

The provincial government of East Java has developed an integrative model for tackling the issue of protection to children - in which the elimination of WFCL is an integral component, and established Komisi Perlindungan Anak Jawa Timur (KPA-Jatim) to coordinate various efforts and resources. The East Java Provincial Action Plan for Protection of Children established by the Head of KPA-Jatim by the letter of decision No. 13/SKEP/IV/201.4/2004 illustrated the integration of various programs, including

the elimination of WFCL, exploitation of children for prostitution, and trafficking of Women and Children. The provincial government of North Sumatra has also initiated an integrative policy on the elimination of WFCL. The provincial regulation No.5 of the year 2004 concerning the elimination of WFCL establishes an immediate action program involving all stakeholders. With this regulation as a legal basis immediate actions to eliminate WFCL could be taken in a planned, integrated, focused and sustainable manner, so that the available resources could be utilised optimally.

## **2.2. Integration of 9 Year Basic Compulsory Program:**

One of the articles of ILO Convention 182 requires countries that have ratified it to ensure access to free basic education, and, whenever possible and appropriate, vocational training, to all children removed from the worst forms of child labour. This obligation becomes the basis of direct assistance to children engaged in WFCL, and thus all prevention and removal programs should include education approaches, both formal and non formal.

The Program for the Elimination of WFCL is integrated with provision of various educational services. Children who show high motivation and have the potential are given scholarship or free access to Open Junior High School. Those who have problems getting into the formal schooling system are encouraged to take Kejar Paket A & B (non formal education equal to elementary and junior high school) and vocational training, such as sewing, automotive, computer etc.

## **2.3. Integration of Program into Regional programs:**

After Indonesia adopted regional autonomy, each regional government has the authority to manage its own territory, and thus to handle its own problems. In general, the issue of child labour is closely related to other regional issues that each respective government has to handle, such as poverty, low level of education, etc. Taking this into account, the National Action Committee for the Elimination of WFCL have developed programs for the elimination of the worst forms of child labour in conjunction with regional governments. These programs were integrated into strategic programmes of each individual government, such as programs to improve human resources and social welfare.

In this manner, regional regulations provide legal basis that can improve the effectiveness and ensure the sustainability of programs for the elimination of WFCL. It has a strong impact on the commitment to allocation of budget for this purpose. From year to year, the regional programs have benefited more children, and it is expected that the program for the elimination of WFCL can become a priority.

## **2.4. Integration with Program Keluarga Harapan :**

Program Keluarga Harapan (PKH) is a program that gives cash assistance to Very Poor Families, and in return of this, beneficiaries are required to comply with the requirements of improving human resource quality, i.e. education and health condition. The program which was launched on 23 July 2007 aims at reducing poverty and increasing the quality of human resources, particularly that of the poor families. In the first year, half a million poor families were targeted to receive direct assistance, and 6.5 million more in the following years.

NAC-WFCL took the initiative to integrate the program for the elimination of WFCL into PKH as both share some common goals. Child labours who are out of the formal education system should be targeted as beneficiaries, as most of them face dilemmatic choice between going to school and working. There is a common perception among these children and their families that schooling costs a lot. As they cannot afford it, sending children to work is considered as a solution to the financial problem. However, it is not a real solution because it is short term in nature and wastes the talents of the children to become competitive human resources in the future. This program is integrated into PKH because most all child labours come from poor families who do not send their children to school. In this program, child labours are targeted as beneficiaries of direct assistance.



## CHAPTER

# 3

## ANALYSIS OF THE ACHIEVEMENT OF THE OBJECTIVES

## **Chapter III**

# **ANALYSIS OF THE ACHIEVEMENT OF THE OBJECTIVES**

### **A. Increasing People's Awareness**

The first objective of the first phase of NAP-WFCL is to increase people's awareness of the necessity to eliminate the worst forms of child labour. It is an introduction to the worst forms of child labour to all stakeholders so that they become more aware of them, make necessary change of perception, behaviour, traditions and norms, and take actions to prevent and eliminate the worst forms of child labour. In order to determine the achievement of this objective, some indicators have been developed. NAC-WFCL measures the increase of people's awareness by the results of the activities and problems arising during the implementation.

In order to raise people's awareness to eliminate the worst forms of child labour, various government institutions, NGOs, business association, trade unions and universities have undertaken awareness raising campaign on the issue of the worst forms of child labour, policies and regulations on the worst forms of child labour, and the roles of stakeholders. Awareness raising campaign took place in many different forums – national, provincial, local. The government did it to government institutions, NGOs to their partners and the groups they assist, employers association to their members, trade unions to workers. All these efforts were the manifestation of stakeholders' commitment to the elimination of the worst forms of information. A variety of information media – leaflets, brochures, and bulletins – were made and distributed to disseminate information on the issue of child labour and its solutions.

Increased awareness is indicated by the emergence of groups of common interest that work together to raise the awareness of vulnerable children, to prevent them from child labour and to make interventions according to their capacity. Initiatives are carried out by interest groups in collective efforts. In spite of this, information on stakeholders that have developed and implemented action programs to eliminate the worst forms of child labour, the number of child labours, the number of children removed and/or prevented from WFCL, and other relevant information has not been recorded properly, and thus documentation has to be developed in the next phase.

NGOs as non-profit organisations that work directly among the people have initiated and implemented some action programs for the elimination of the worst forms of child labour in several sectors. Their programs covered awareness raising campaign, policy advocacy, capacity building, and direct assistance to child labours and their families. Their work has contributed to the improvement of policies, awareness of the people, education of child labours and their financial condition.

Mass media have also taken an important role in increasing people's awareness. Electronic and printed media have continuously disseminated information on the worst forms of child labour and their negative impact on the victims. In spite of this, they have not organised themselves into a monitoring group that actively monitor and control programs for the elimination of child labour. The same thing is true for employers association. This association has taken part actively in disseminating information on child labour, preventing their members from employing children and monitoring them, but their members have not had a code of conduct regarding the worst forms of child labour, which needs to be developed in the next phase.

The implementation of the first phase of the program has given some experiences and lessons on handling the issue of child labour. These lessons should become a reference to improve further interventions in tackling child labour, but they have not been developed into a systematic body of knowledge for tackling the worst forms of child labour. Such system is necessary and should be developed so that all stakeholders can exchange their experiences and benefit from them.

The challenge that still stands in the way is the issue of mainstreaming the worst forms of child labour in the policies of the government, the private sector and general public. The issue of child labour has been put into PRSP, the Strategic Plan of MOMT 2004 – 2009, and the program of APINDO National Council by the government, MOMT and employers association, respectively. In the future, mainstreaming the issue of child labour in national education system is indispensable.

The establishment of provincial and district/municipal action committees has effectively encouraged provinces and districts/cities to implement programs for the elimination of child labour. By August 2007, as many as 15 provinces and 60 districts/cities had established action committees. The achievement in this area is relatively low and it should become a priority in the next phase.

The participation of the people in monitoring the worst forms of child labour is indispensable. Community based monitoring units have been organised in footwear and offshore fishing sectors. These monitoring units are an expression of people's commitment to the elimination of the worst forms of child labour and make full use of the potentials of the people. As this model has been proven to be effective, it This



monitoring model needs to be developed in other areas. Monitoring of the worst forms of child labour, particularly in informal sector, should involve all stakeholders, such as trade unions, NGOs, and other community organisations.

## **B. The Mapping of Problems concerning WFCL and Efforts to Eliminate them**

The second objective of NAP-WFCL to achieve in the first five year of the implementation is the mapping of problems concerning WFCL and efforts made to eliminate them. Accurate information on WFCL is crucial for developing effective policies and programs for the elimination of WFCL.

The mapping should provide information on the problems concerning the worst forms of child labour, the magnitude, the scope, and types of work. This information becomes the basis on which policies and intervention programs are developed to assist children engaged in WFCL. Indicators of achievement are developed to measure to which extent the activities have reached this objective.

The NAC-WFCL analysed that the mapping of WFCL still relies heavily on the data of Sakernas, from which the number of child labours aged 10-17 was obtained. A series of rapid assessments were conducted to obtain more detailed information on children engaged in off shore fishing, prostitution, drug trafficking, footwear production and mining.

The correlation between the magnitude of WFCL and a range of factors that give rise to them has not been established, thus the mapping of WFCL has not given an overall picture of the problem. The existing data lack information that can be obtained from other sources, such as information on the number of school drop outs and children with social problems. It is crucial to develop a specific program for mapping the problems concerning WFCL, particularly those in the 5 prioritised sectors.

Several provinces, districts and cities have given data on WFCL in their respective areas. This initiative has been very useful in the efforts to eliminate the worst forms of child labour, particularly in better allocation of budget for this purpose.

The mapping has not produced integrated data on the issue because many stakeholders have not had thorough understanding of the child labour. In addition to this, many areas still have limitations in resources and capacity to collect data on child labour. In spite of this, the data of Sakernas National Bureau Statistics on children aged 10-17 engaged in work have given useful initial information. Provincial, district

and municipal offices of the Department of Manpower have collected data that contribute to the mapping of child labour.

## **C. Implementation of Action Programs in five prioritised sectors.**

Action programs in five prioritised sectors of WFCL are direct interventions to children engaged in WFCL and their families. The implementation of these programs is one of the objectives that NAC-WFCL intended to achieve in the first phase of NAP-WFCL. These action programs that have been integrated into other related programs involved all stakeholders and target groups. The initial implementation of the programs was a learning process for all stakeholders. Successful programs, after some adaptation to individual situation and target groups, were then replicated in other areas.

Details of the achievement of the third objective of NAP-WFCL during the period of 2002 – 2007 as analysed by the National Committee are as follows:

1. A number of action programs developed and implemented in five prioritised cover several activities focusing on prevention and removal from WFCL. These programs provided formal education, non formal education, counselling, health care services, activities to empower the families of child labours and improvement of workplace condition. As many as 3,658 were removed from the worst forms of child labour and sent back to educational institutions to prepare them for better jobs in the future.
2. Action programs for prevention have been implemented in areas where WFCL were found. The programs targeting children at risk and their families provided a range of services to ensure that these children complete their basic education. The services include scholarship, additional lessons (remedial school), etc. As many as 41, 453 have been given education assistance and prevented from the worst forms of child labour.
3. The families of children at risk of WFCL were also the target of direct interventions. The interventions focused on giving these families better access to economic resources by developing cooperatives and agro-forestry business, etc.
4. The framework of the programs to remove children from WFCL was basically providing direct assistance to them. Children who could not go back to regular schools were given life skill training, such as car repair, sewing, handicraft, and computer training.

5. Prosecution of those found to have employed children in the worst forms of child labour, particularly trafficking for prostitution, drug trafficking, and work in offshore fishing platforms, has not shown significant progress. Some cases were not taken to court because of various considerations.

In order to make the implementation of NAP-WFCL effective, action programs, particularly those in the five prioritised sectors, have been integrated into other related programs, such as: 1) Regional Action Plan for the Elimination of the Worst Forms of Child Labour; 2) 9 year compulsory basic education program; 3) priority programs of the areas where action programs were implemented and 4) Program keluarga harapan (PKH). Despite the fact that integration has not been made to cover all areas in Indonesia, the initial efforts have given valuable lessons for the development of more effective programs in the future.





# CHAPTER 4

## PROBLEMS AND CHALLENGES

## **Chapter IV**

# **PROBLEMS AND CHALLENGES**

One of the most important aspects in assessing the progress of the implementation of NAP WFCL is identifying the problems and challenges that stand in the way of the elimination of child labour and the worst forms of child labour. This step is crucial in developing effective programs for the elimination of WFCL. The issue of child labour and the worst forms of child labour is very complex, so the problems and challenges are interrelated. For this reason, detailed descriptions of the problems and challenges will give important lessons to everyone in tackling the issue of child labour and WFCL in the future.

Many people are of the opinion that child labour and WFCL cannot be effectively eliminated if there is no adequate intervention to underlying factors that give rise to them. In general, the problems and challenges to the program for the elimination of WFCL are: the lack of commitment of the stakeholders, inadequate capacity of the implementing agencies, and limited access to the resources needed for implementing the program. Considering all the difficulties and the complexity of WFCL, an integrated approach is necessary to tackle the problems.

Basically, everyone is aware that the elimination of WFCL is everyone's obligation, but individual efforts are not adequate to tackle such a complex issue. The problems and challenges that have to be solved together are in the areas of policies and programs, cross sector coordination, capacity, limitations in the direct programs to remove children from WFCL, and technical aspects. Before developing strategic and effective actions to respond to the problems, stakeholders have to evaluate the previous action programs and learn from the best practices.

### **A. Policies and Programs**

Everyone agrees that the elimination of WFCL is everyone's concern and the problems are multidimensional. Thus far, a range of policies and programs have been made. They are, among others: 1) ratification of ILO Convention No.138 concerning Minimum Age for Admission to Employment with Act No.20 of 1999 and ratification

of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour with Act No.1 of 2000; 2) the enactment of Act No.23 of 2002 concerning Protection of the Rights of the Child and Act No.13 of 2003 concerning Labour; 3) National Program of 9 Year Compulsory Basic Education; 4) National Program for the Empowerment of the People, and soon. In spite of this, the elimination of WFCL that involves all stakeholders still face some problems and challenges, particularly the problems of implementing the regulations and action programs, both directly and indirectly targeting children engaged in WFCL.

Concerning policies and programs, some problems and challenges have been identified:

1. Inadequate awareness of the importance of the elimination of WFCL. Most stakeholders have not internalised the issue of protection to children in institutions. Proper understanding of the issue has not reached the lowest level of the government, and thus the elimination of WFCL has not become a priority in the development program at national as well as regional levels.
2. Policies and programs made by the authority have not been followed by operational activities. In spite of good policies and programs, there are many problems at operational level. Instructions to implement policies and programs should be replaced by coordination based on common interest.
4. The lack of data on child labour and WFCL. It is everyone's problem as data are crucial in implementing policies and programs. Data collection has been initiated but, thus far, a comprehensive result has not been obtained. Once accurate data are obtained, they should be continuously updated to ensure interventions are implemented effectively.
5. Inadequate participation of stakeholders. Stakeholders' participation gives a significant contribution to the effective implementation of policies and programs. Despite the fact that some stakeholders have actively taken part in tackling the issue, involvement of other stakeholders is still needed to make all programs effective..

## **B. Cross sector Coordination and Cooperation**

One of the strategies and approaches for the elimination of WFCL is institutionalisation of cross sector coordination among stakeholders in all levels, central, provincial, districts and cities. This policy is developed to integrate the program, allocate authority in accordance with regional autonomy, and to ensure the sustainability of the program. Lack of coordination among stakeholders will have a negative impact on stakeholders' participation in the elimination of WFCL. Stakeholders will work

individually, and as a result, many of their efforts will overlap with or even contradictory to the others’.

There are still several challenges standing on the way of effective coordination as some strategic stakeholders have not been involved. The policy of regional autonomy that gives full authority to district/municipal governments to manage their own resources has become a challenge in developing vertical coordination. Some activities, such as awareness raising campaign, could be implemented simultaneously.

Strong cooperation among stakeholders can make the program for the elimination of WFCL an effective national movement, but the present cooperation has not become a driving force for change. International, national and regional cooperation need to be developed far beyond cooperation / coordination meetings. The cooperation should take the form of joint efforts in increasing people’s awareness, advocacy, direct interventions, as well as strengthening the capacity of government institutions at all levels.

## **C. Development of Pilot Project**

The development of pilot projects is intended to develop direct intervention models to tackle child labour and WFCL, so that all stakeholders can learn from it. The program was designed by integrating assistance to fulfil the rights of children into governments’ priority programs (education, poverty alleviation, etc.) and implemented to target groups in need of direct assistance. Certain areas were prioritised as targets so that the project could be promoted and replicated in other areas. It is expected that the program becomes a strong foundation and gives valuable lessons for the elimination of child labour. Apart from this, it can also build a strong network and benefit the partners working in the target areas.

Concerning direct programs, many NGOs have actively taken part in developing pilot programs, that may contribute to the elimination of WFCL. Some of the programs that have been developed are 1) removing children from work and sending them back to school; 2) moving children from hazardous work to safer ones; 3) providing apprenticeship for certain kinds of work. In spite of this, after their development, the models have always been challenged when it comes to replication for bigger targets.

From this activity, information on stakeholders that developed programs for the elimination of WFCL was obtained. Another problem to overcome in the next phase is collecting data on the number of children removed or prevented from WFCL.



## **D. Technical problems in Implementation**

### **1. Geographical conditions**

Geographical conditions play an important part in determining the success of the implementation of National Action Plan for the Elimination of the Worst Forms of Child Labour. Indonesia has a vast territory, extending from Sabang to Merauke. It is an archipelago of thousands of islands separated by areas of sea and has a wide range of cultures, tradition, languages, ethnic groups and religions as reflected in our national motto “Bhineka Tunggal Ika”.

The vast area of Indonesia has made it difficult to implement the National Action Plan for the Elimination of the Worst Forms of Child Labour in every area. Each island has its own characteristics and resources. Each of the 33 provinces has unique characteristics and resources.

### **2. CULTURE**

Indonesia is well known for its vast variety of cultures, ethnic groups, traditions, religions and languages. The implementation of the National Action Plan for the Elimination of the Worst Forms of Child Labour is very much influenced by cultures and religions. One of the problems in the elimination of WFCL related to the tradition is the view held by some people that working is a necessary element in the education of children towards adulthood. Children are trained very early to work, and thus working is considered as normal. Another misleading view is the opinion that working is a manifestation of children’s devotion to parents. As a consequence, children who work hard to help their parents are considered as devoted dutiful children and who don’t are unfaithful. Children are often regarded as assets belonging to the family, so they have to work to make money. The adage “banyak anak banyak rejeki (more children more fortune)” is still strongly believed, particularly by agricultural communities in the villages. For them, having more children means having more workforce to till the fields without having to pay wages.

### **3. Implementation of Regional Policies**

Since the enactment of Act No : 22 of the year 1999 on Regional Autonomy – amended by Act No. 32 of 2004 – coordination between different sectors has become more difficult. Autonomous districts/ cities have the rights to manage their own territories. All aspects of administration – except five: defence, foreign affairs, finance, judiciary and religious affairs - have become the responsibility of each regional government. In practice, autonomous regions do not seem to have the obligation to report to provincial or central government.

The National Action Plan for the Elimination of the Worst Forms of Child Labour determines five worst forms of child labour to be prioritised for elimination:

- 1) Employment of children in off shore fishing platforms and for deep sea diving
- 2) Employment of Children for prostitution
- 3) Employment of children in mines
- 4) Employment of children in footwear industry kaki
- 5) Employment of children for trafficking of drugs, psychotropic, and other addictive substances.

As the five prioritised forms of child labour are only found in certain areas, other areas do not find it necessary to have programs for the elimination of the worst forms of child labour in their areas.

#### **4. Limitations of Resources**

Generally speaking, human resources in Indonesia, regardless of their positions (government officials, executives, management, military personnel) and work environments (in education, private sector, social institutions) have a relatively low quality. The implementation of the program for the elimination of the worst forms of child labour requires adequate human resources. The existing natural and human resources to be mobilised to bring about the elimination of child labour.

Strengthening capacity is a crucial factor in the effort to eliminate WFCL. This program should aim at strengthening the capacity of stakeholders, so that they are able to make necessary interventions. Some activities undertaken for this purpose include training to handle cases, development of local institutions, development of referral system, design and management, training for program development, etc. However the scope of these activities is still limited and needs to be broadened to cover government and non government institutions.

Another challenge to the efforts to tackle WFCL is improving the capacity of stakeholders in implementing strategic and sustainable action programs. It is necessary to implement integrated programs to reduce WFCL, including 1) removing and preventing children from WFCL; 2) developing policies and legislations concerning WFCL; 3) strengthening the capacity of stakeholders in implementing action programs for the elimination of child labour; and 4) increasing people's awareness about WFCL and the importance of education for all children.

Not all available resources have been utilised well. Not all stakeholders have proper understanding of child labour issue, and only a few regions have special budget allocation for child labour issue.





# CHAPTER 5

## CONCLUSIONS AND RECOMENDATIONS

## **A. CONCLUSIONS**

### **1. Increasing People's Awareness**

In order to increase people's awareness that the worst forms of child labour must be eliminated, stakeholders – related government institutions, NGOs, employers associations, trade unions, and universities – have undertaken a range of awareness raising activities in national, provincial, and regional forums. The government did it to institutions under the hierarchy, NGOs to their partners and the people they assisted, employers associations to their members, trade unions to the workers. Various information media such as leaflets, brochures and bulletins were produced to disseminate information on the issue of child labour and the solutions.

The increasing number of interventions to prevent and remove children from WFCL shows that people have become more increasingly aware of the issue. Many interest groups have taken initiatives to collaborate in tackling child labour. NGOs as non profit organisations that work directly among the people have pioneered some programs for the elimination of WFCL in several sectors, including awareness raising campaign, advocacy, capacity building, and direct assistance for children engaged in WFCL and their families. These efforts have given positive results. Dissemination of information by publication of printed material, socialisation and direct assistance has significantly increased people's awareness. Advocacy has initiated several changes in the policies at central and regional levels that support programs to provide assistance, education, counselling and economic empowerment of the families of child labours.

The increasing awareness of the people was the result of the efforts made by many parties, such as 1) mass media, both printed and electronic, that have actively and continuously disseminated information about the negative impacts of WFCL on children and the necessity to eliminate them; 2) business /employers association, that has taken part actively in monitoring and preventing its members from employing children. The association is studying and developing a Code of conduct for its members.

The establishment of Provincial Action Committee and district/municipal action committee has made provincial and district/city governments develop institutional coordination in the efforts to eliminate WFCL. Until December 2007, provincial/district action committees had been established in 21 provinces and 60 districts/cities. Despite the fact that not every area has an action committee, this achievement has shown the commitment of some provinces to the elimination of WFCL.

Monitoring of WFCL has been conducted by community based monitoring teams. This activity was initiated by the people as their commitment to the elimination of WFCL. Monitoring teams have been developed in footwear and offshore fishing sectors. Despite this initiative, participation of other stakeholders, such as trade unions, NGOs and other community organisations, is still needed, particularly in monitoring WFCL in informal sector.

## **2. The Mapping of Problems concerning WFCL and Efforts to Eliminate them**

Mapping of WFCL, the magnitude and the distribution is a crucial step in the tackling the issue of WFCL, as data on child labour and WFCL are still limited. Accurate data are necessary for developing effective policies and programs for the elimination of WFCL.

Some surveys, rapid assessments and other methods of collecting data have been conducted to obtain data on the magnitude and distribution of WFCL in Indonesia. Data from Sakernas (National Survey on Labour Force) that contain information about the number of working children aged 10-17 have been used as main reference by NAC-WFCL. Other data on WFCL in the prioritised sectors – offshore fishing, prostitution, trafficking of drugs, footwear and mining – were obtained from rapid assessments.

In order to get the whole picture of the issue, data on the factors that give rise to WFCL – the number of school drop outs, children with social problems, exploitation – were obtained from various sources. However, it is considered necessary to obtain further data to find out if WFCL in the 5 prioritised sectors also exist in areas where interventions have not been made.

A Guideline for Mapping Child labour and WFCL in the provinces and districts/cities is being developed. This guideline will help all stakeholders to obtain accurate data and information that eventually accelerate the elimination of WFCL. In short, the data will become a strong foundation on which deliberation of policies and budget allocation for the elimination of WFCL is made.

### 3. Action Programs in Five Prioritised Sectors.

Action programs in five prioritised sectors implemented during the first phase of NAP-WFCL between 2002 and 2007 are as follow:

- 1) As many as 3,658 children were removed from WFCL, referred to formal education system and prepared for better jobs. Direct programs, both prevention and removal of children from WFCL, took several forms: provision of formal and non formal education services, counselling, health care services, empowerment of families economy, and improvement of workplace condition / environment.
- 2) As many as 41,453 were prevented from WFCL and given education services. Direct programs focusing on prevention were implemented in areas identified to have WFCL. The programs targeting children at risk of WFCL and their families focused on maintaining them to complete basic education by providing scholarship and extra lessons (remedial courses) etc.
- 3) Intervention to the families of children engaged in the worst forms of child labour is an inseparable component of the whole program. The intervention aimed at giving better access to economic resources and providing services to strengthen the capacity of those families. The activities included development of cooperatives, agro-forestry business, and micro credit.
- 4) Investigation and prosecution of people who employ children in the worst forms of child labour - particularly trafficking for prostitution, trafficking of drugs, and offshore fishing platforms – should be made more effective. Many cases of violation were closed just after the investigation and never brought to court because of the inadequate capacity of law enforcers.
- 5) Program integration to make the implementation of NAP-WFCL has been made, for example: 1) integration of the program into Regional Action Plan for the elimination of WFCL; 2) integration into the program of 9 year compulsory basic education; 3) integration into the most prominent regional programs and 4) integration into *program keluarga harapan* (PKH).

### B. RECOMMENDATION

Considering the above mentioned situation and analysis, the NAC-WFCL has identified several steps to take to improve the program for the elimination of WFCL. It is expected that strategic measures will accelerate the elimination of WFCL. The National Committee are of the opinion that the number of children engaged in the worst forms of child labour can be reduced if these steps are taken immediately.

## 1. Increasing Awareness of the People

### ***Empowerment of families, improvement of education, transformation of unconstructive culture***

Most people still hold the view that children have to take part in handling the problems of the family, including economic/financial problems, and thus children are obliged to work to earn income for the family. As a result, education is neglected and more children are involved in child labour. The Committee are of the view that empowerment of families should include services to strengthen the economic capacity. The unconstructive view about children should also be transformed into a new paradigm that can prevent children from child labour and have a better future.

The Committee recommend that awareness raising campaign on the prohibition of the worst forms of child labour should be done continuously and the program of twelve year compulsory education should become an instrument to transform unconstructive paradigm about children into more positive one.

Promoting active participation of trade unions and media in the monitoring of child labour

Monitoring child labour is the most economical way to prevent and remove children under 18 from WFCL. Monitoring can be done by anyone in any work place. This kind of program is necessary because everyone, particularly groups or individual who are directly in contact with working children, can do it effectively.

The committee noted that thus far only a few monitoring groups have been established. The committee also noticed that child labour monitoring is still considered as a separate activity which is not directly related to other government and community programs, such data collection by census or surveys. As a matter of fact, child labour monitoring can be done without additional workload.

Responding to this situation, the committee recommend that the government, together with all stakeholders, work to increase the quantity and quality of child labour monitoring groups. Trade unions and media are specific groups that the committee expect to organise WFCL monitoring groups.

## 2. Mapping the Worst Forms of Child Labour and Efforts to Eliminate them.

### ***NAP-WFCL as the main reference for tackling WFCL in Indonesia***

During the five year period of the implementation of WFCL, a range of action programs had been implemented by various implementing agencies (both domestic and foreign). In spite of this, the committee are of the opinion that some implementing agencies had not used the National Action Plan as reference



for the action programs they implemented.

The committee realise that socialisation of the National Action Plan is a continuing process. However, in order to accelerate the desired condition, the committee recommend that all concerned parties, domestic and international, should constantly use the NAP as the main reference.

Increasing the quantity, quality and creativity of direct programs

Most direct programs, particularly vocational and life skill training, focused on improving the skills that might help children to improve their living standards in the future. Computer, sewing, automotive trainings are the most common programs that have been implemented to prevent and remove children from child labour. The Committee considers that those trainings are necessary. However, it is important to increase the quantity, quality and variety of the training and to explore new alternatives that can be taken to increase the number of children removed and prevented from the worst forms of child labour.

The committee are of the opinion that implementing agencies need to expand and increase the variety, quantity and quality of the training. The training should take into account the local material and the area where it is given, such as swimming and climbing trees should be given as often as possible. All training should aim at providing children with constructive activities other than work.

### **3. Action Programs in Five Prioritised Sectors**

#### ***Mainstreaming the elimination of WFCL as a part of an integrated system in tackling WFCL***

It is well understood that the elimination of child labour cannot be achieved with one or two uniform approaches. The Committee understand that up to now many policies and regulations have been formulated, approved and enacted by the government (national, provincial, as well as district/ municipal) and stated in the State Gazette.

The Committee also see several achievements after the implementation NAP. WFCL has been incorporated in the Act on Labour; compulsory basic education program in the Act on National Education System; protecting children from economic, sexual exploitation in the Act on the Protection of the Rights of the Child.

Regarding database, the Committee notice that there is a need to improve the data collection system. Information on the number of children (boys and girls) engaged in child labour, programs being implemented or developed, the number of children removed and prevented from child labour, the roles of stakeholders, etc. is still needed badly to develop programs for child labours and their families.

Considering the these facts, the Committee present three recommendations: *First*, all policies should give the opportunity for the development of systems for tackling WFCL from all aspects. All government agencies should develop the system based on the available model and in accordance with the condition of Indonesia.

*Second*, the Committee consider it important to mainstream the issue of child labour in the system of national education. As an example, the government and all stakeholders should increase the quantity and quality of Open Junior High School, the number of visiting teachers, and school facilities easily accessible by children at risk of WFCL, such as poor children living in remote areas.

*Third*, the Committee consider that integrated information on stakeholders developing programs for the elimination of WFCL, the number of children engaged in child labour, those removed and prevented from child labour and other relevant information is still needed. It should become the basis on which all programs are developed, whoever the implementing agencies (local, national and international)

### ***Balancing the direct programs and law enforcement***

Poverty is the one of the main reasons for child labour. It is undeniable that increasing number of poor families directly corresponds to the increasing number of children engaged in child labour.

The Committee are of the opinion that poverty alleviation programs implemented by the Government should include vulnerable children as their target.

Program Kompensasi Pengurangan Subsidi Bahan Bakar Minyak (Compensation for the Reduction of Fuel Subsidy), for example, should incorporate the mainstreaming of child labour issue. In this case, the allocation of cash compensation for the purpose of providing education for children from poor families should be supported by the people.

The Committee recommend that effective implementation of those programs as mentioned above should go together with effective enforcement of laws and regulations. The balance between direct programs for the poor and effective enforcement of laws and regulations will promote investment in Indonesia. It will increase the welfare of the people, confidence in law and eventually the elimination of WFCL..

### ***Allocation of special funds for tackling child labour***

In order to accelerate the implementation of the programs for the elimination of WFCL at national, provincial, and district/municipality levels should be supported by strong commitment and special budget allocation for this purpose. Having built strong commitment from all stakeholders, funds can be obtained from various

sources: National Budget, Regional Budget, *dana dekonsentrasi*<sup>4</sup>, *dana pembantuan*<sup>5</sup>, and other sources. The Committee recommend that the government and related organisations should make optimal use of these sources mentioned above.

---

4 Dana dekonsentrasi is the central government fund allocated for provincial programs.

5 Dana pembantuan is the central government fund allocated for district/city programs.



# **Annex**

**NATIONAL ACTION PLAN  
FOR THE ELIMINATION OF THE WORST FORMS  
OF CHILD LABOUR  
PHASE II FOR THE PERIOD 2008 - 2012**

NATIONAL ACTION COMMITTEE FOR THE  
ELIMINATION OF THE WORST FORMS OF CHILD  
LABOUR

2008 - 2012



# Chapter I

## INTRODUCTION

### A. Background

Child Labour, including the Worst Forms of Child Labour is one of the socio-economic problems in Indonesia, and it is the obligation of the government to protect and fulfil the rights of all children. To get an overview of the magnitude of child labour and WFCL in Indonesia, it is necessary to examine reliable data and information gathered by various parties, such as: 1) National Labour Survey – Central Bureau of Statistic (Sakernas-BPS) on labour force aged 10-14 and 15-17 and BPS data on poor families; 2) Data of school drop outs by The Ministry of National Education; 3) Data obtained from surveys, rapid assessments and relevant studies conducted by various parties.

The data above show that the number of child labours in the last five years has been fluctuating. BPS indicated that, the number of labour force aged 10-17 was of 2.8 million people<sup>1</sup> in 2004, 3.2 millions in 2005<sup>2</sup> and 2.6 millions in 2006<sup>3</sup>. In addition to this, the Ministry of National Education reported that between 2003 and 2005 as many as 4.6 million children at basic education age had dropped out of school<sup>4</sup>. It was estimated that 425 thousands preliminary school and MI (Islamic school equal to elementary school) did not continue their study to Junior High School and 211 Junior High School students dropped out of school<sup>5</sup>. BPS's data on the Very Poor Households Families (*Rumah Tangga Sangat Miskin/RTSM*) indicated that in 2007 every 500 thousands RTSM had 32 thousands children engaged in child labour.

In 2002, ILO conducted a rapid assessment on the situation of the worst forms of child labour. The assessment covered: 1) Child labour for prostitution in Surabaya-East Java, Jepara-Central Java, DI Yogyakarta and DKI Jakarta; 2) Child labour for the production, distribution and sale of illegal drugs (NARKOBA) in DKI Jakarta; 3) Child labour in footwear sector in Ciomas-Bogor dan Tasikmalaya, West Java; 5) Child labour

---

1 Sakernas BPS 2005

2 Sakernas BPS 2006

3 Sakernas BPS 2007

4 Centre on Data and Information of Education - *Pusat Data dan Informasi Pendidikan (PDIP)*, Ministry of National Education, 2006

5 Report of Ministry of National Education, 2008

in offshore fishing sector in North Sumatra; 6) Child labour in mining sector in the District of West Kutai and the District of Pasir, East Kalimantan; and 7) Child Labour in Domestic Sector (PRTA) in Jakarta. The result of the rapid assessment on WFCL is illustrated in Table 3.

**Table 3: The Results of the Rapid Assessments of Child Labour in 6 Sectors**<sup>6</sup>

No.	Types of Work	Number	Location	Condition of the Children
1.	Children engaged trafficking for prostitution	2.100	Java (DKI Jakarta: and Surabaya and Yogya)	Children engaged in sex business, such as prostitution on the streets, in localised areas, and in prostitution disguised as other businesses, beauty salons, discotheques, hotels, billiard halls, massage parlours, karaoke bars and saunas.
2.	Children engaged in drug trafficking	254	A community in DKI Jakarta (identified to have many locations)	Children involved very early, some started to get involved while in elementary school. They usually start as users, and then become sellers due to addiction. Beginners usually use and sell marijuana and psychotropic substances (non-narcotics) such as ecstasy and shabu-shabu.
3.	Children Labour in Offshore fishing	7.157	North Sumatera	The majority start working at the age of 14 to 16, but some even start working at the age of 10. Most of them only have primary school education and many do not finish it. The wages range from Rp 200 to 500 thousands per month, paid after the ships disembark and the catch sold. Wages are calculated based on the percentage of the catch.
4.	Child labour in Footwear Sector	9.000	Cibaduyut - Bandung Ciomas Bogor, and Tasikmalaya	In Ciomas, children start work at 13 to 15. Most of them work part time and still go to school. In Tasikmalaya, the children start work at 16 to 18, but

<sup>6</sup> ILO Jakarta's report 2003



No.	Types of Work	Number	Location	Condition of the Children
				most of them work full time and no longer go to school. In Cibaduyut the age ranges from 13 to16, and most of them work part time and no longer go to school.
5.	Child Labour in Mining Sector	233	The village of Kelian Dalam, Sub district of Long Iram, The District of Kutai Barat	Children work in units doing various tasks as done by adult workers, such as taking in, diving, panning etc. On their own, they work one to six hours a day, but as a members of a unit they spend up to fourteen hours a day. Most children work on their own for one or two hours a day. Working in mining sites is hazardous as the excavation sites may collapse, and children often get sick due to diving.
6.	Child Domestic Workers (PRTA)	688.132	National	Children working as domestic workers are often hidden from public are difficult to reach, so they have not benefited from Programmes. Their welfare depends very much on the employers' attitudes and generosity.

In a smaller scale, many NGOs have developed Programmes to eliminate child labour. Direct interventions have managed to identify the types of works done by children. Despite the fact that each programme only targeted 50 to 200 children in certain communities and limited areas, these Programmes have identified a range of works done by children, such as scavenging, begging and busking in the streets, working in fishing, mining, prostitution, agriculture and domestic sectors, etc. The data indicated that each type of child labour has unique and varied characteristics, very much influenced by the types of work, the duration, wages and risks on the children. In general, these children work long hours on regular basis, sometimes in unfavourable environment. Most of them do not have the opportunity to go to school and often have poor health. The work itself is often exploitative, although they work for or help their parents.

Factors that give rise to child labour and WFCL are complex and interrelated to various socio-economic problems, with poverty as the most prominent one. Difficult access to education – unaffordable fees, distance to educational facilities, and limited availability of educational services - is also a factor that drives children to work. These two factors have been identified to have driven children to work at early age, and eventually give rise to further poverty and uncompetitive human resource in the future.

Other significant factors that give rise to child labour and WFCL are: 1) **customs/culture**, people still see children as an asset belonging to the family, so they can be employed or are required to help their families, and thus they spend their childhood working and miss the opportunity to grow and enjoy proper education; 2) **gender discrimination**, people are of the opinion that males have higher status than females. Girls are often sacrificed to overcome urgent problems so that they lose the opportunity to develop optimally and to enjoy proper education/ training; 3) **high Demand**, every year, Primary and Junior High schools drop outs flood the labour market. Many employers prefer hiring children for many reasons: more obedient, subservient, undemanding, and cheap. They do not need maternity leave and are easy to be exploited than adults; and 4) **inadequate law enforcement**, despite the Acts on the Prohibition of Child Labour and WFCL, the economic situation often get in the way of strict law enforcement and thus children are still recruited by agents and employers seeking cheap labour.

International community has made a commitment to the elimination of child labour as manifested in the ILO Declaration on the Principles and Basic Rights in the workplace, ILO Convention No. 138 on the Minimum Age for the Admission to employment, and the Convention No. 182 on the Immediate Action to Prohibition and Elimination of the WFCL. As a member that has ratified the two conventions by Act No. 20 of 1999 and Act No. 1 of 2000, the government is obliged to take effective measures to implement the provisions of the two conventions.

To follow up the ratification, the Government has established the National Action Committee for the Elimination of WFCL by Presidential Decree No 12 of 2001 (NAC-WFCL). It has three mandates, i.e.: 1) designing the NAP for the Elimination of WFCL; 2) monitoring and evaluating the implementation of National Action Plan for the Elimination of the Worst Forms of Child Labour (NAP-WFCL); and 3) providing feedback regarding the Implementation of the NAP WFCL for the related institutions and authorities so that problems can be addressed according to the regulations. The Committee made the NAP WFCL that has been legalised by Presidential Decree No. 59 of 2002. The NAP-WFCL takes the role as the general guideline for the implementation of action programmes for the elimination of the WFCL in Indonesia.

Retrieving children from the WFCL is not an easy task because the problem is complicated and rooted in socio economic problems with poverty as the most prominent factor. Considering this fact, retrieving children from child labour should be done through time bound programmes as elucidated in the national action plan for the elimination of WFCL.

The NAP WFCL is to be implemented in 3 (three) phases. By the time this report was made, the first phase of NAP WFCL (for the period of 2002 to 2007) had been implemented and the second phase had commenced. In order to ensure optimal implementation of the Second Phase of the National Action Plan that involve related government and non government agencies, it was considered necessary to make the NAP for the Second Phase (for the period of 2008 to 2012).

The NAP WFCL is the main reference for all parties. The purpose and essence of NAP-WFCL is to prevent and eliminate WFCL in Indonesia. The vision is Indonesia without WFCL so that Indonesian children can develop physically, mentally, socially, mentally and intellectually. NAP-WFCL is a national agenda whose implementation requires the participation of all parties in an integrated, coordinated and continuous manner.

During the implementation of the first phase of NAP-WFCL, the government developed national Programmes and implementation of policies as follows:

- a. *Mainstreaming (and awareness raising of) the issue of child labour.* This programme aimed at increasing people's awareness of the prohibition of employing children in WFCL and the adverse consequences to children engaged in WFCL. The programme included a range of activities such as public dialogues, seminars, radio talk show, etc. Booklets, stickers, posters, leaflets on child labour issue were printed and disseminated as a part of the awareness raising campaign for the elimination of child labour and WFCL.
- b. *Cooperation and coordination.* This programme aimed at building the commitment of government agencies and the people to the elimination of WFCL. It consisted of various activities such as coordination meetings, joint activities, discussions on policies, distribution of roles among sectors; validation of (ILO) supported programmes, and strengthening the capacity of government agencies.
- c. *The development of Modules for Tackling Child Labour.* The modules were guidelines for strengthening the capacity of labour inspectors, as well as that of other stakeholders, in tackling child labour issues. They were also meant to encourage the involvement of all stakeholders at national and regional levels (government agencies, NGOs, universities, trade unions, employers associations, etc) in tackling the issue of child labour. These modules have been used for trial by stakeholders in six provinces.

- d. *Development of Guidelines for Collecting data and Mapping of Child Labour.* The guidelines were meant to encourage each area to obtain accurate data on child labour, the number of children engaged in it, and the types of work. Based on accurate data, it is expected that the efforts to prevent and retrieve children from child labour can be performed in systematic and sustainable manner.
- e. *Facilitating the establishment action committee and the development of action plan in the provinces, districts, and cities.* This step was intended to coordinate and to integrate all activities to prevent and retrieve children from WFCL within the NAC WFCL. It is essential to obtain support from each provincial, district/ municipal government in the form of budget allocation for this purpose. In spite of this, some regional governments still had some capacity and sensitivity constraints in the efforts to eliminate WFCL. For this reason, facilitation and assistance to establish action committees and action plan in each area was necessary. During the first phase, facilitation had been given to almost all provinces in Indonesia.
- f. *Programme to Withdraw Children from Child Labour through direct interventions by the Ministry of Manpower and Transmigration.* The programme was intended to withdraw and prevent children from WFCL by providing school drop outs aged 15-17 with skills trainings, their parents with entrepreneurship education, as well as work capital to empower their economy. Through these direct interventions, it was expected that parents no longer relied on their children for additional income. This kind of programme had been implemented by the Province of East Java, North Sumatra, NTB and South Sulawesi.
- g. *Preventing and withdrawing children from Child Labour through Child Labour Free Zone in the District of Kutai Kartanegara, the Province of East Kalimantan.* The objective of this Programme was to prevent children from WFCL, and to withdraw those who had been involved in WFCL by providing them with better access to education facilities so that they could complete 12 year compulsory basic education and providing the parents with micro credit with very low interest rate to enable them to start small business of their own.
- h. *Programmes supported by ILO-IPEC to prevent and withdraw children from child labour.* These programmes were intended to prevent children from WFCL and withdraw those who had been in WFCL by giving them life skills training in the following provinces: North Sumatra, West Java, DKI Jakarta, East Java, and East Kalimantan.
- i. *Programmes to reduce the number of children engaged in child labour through Program Keluarga Harapan (Conditional Cash Transfer).* The objective of the programmes was to withdraw children from work, provide them with assistance in shelters and motivate/prepare them to get back into education system. These programmes had been implemented in 48 districts/cities in seven provinces.

The government has implemented several programmes which do not directly address the issue of child labour and WFCL, but they have given significant contribution to the elimination of child labour and WFCL. Some of them are non formal education programme for school drop outs, cash compensation for fuel price increase given to poor families, *Program Bantuan Operasional Sekolah* (BOS/Funds for School Operations), *Bantuan Langsung Tunai* (BLT/Unconditional Cash Transfer), *Program Keluarga Harapan* (PKH/Conditional Cash Transfer), and *Jaminan Kesehatan Masyarakat Miskin* (Health Improvement Programme for Poor Families). Despite the fact that the direct beneficiaries of these programmes were not children involved in child labour, they have addressed some problems that have given rise to child labour.

During the implementation of the first phase of NAP-WFCL, 25 provinces and 90 districts/cities established regional action committees in their respective areas. The committee works as a coordinating institution that plans, coordinates, monitors and evaluates activities to eliminate WFCL in each area.

In order to make interventions to eliminate WFCL, provincial and district/municipal action programmes have been formulated. These regional action plans were guidelines for all stakeholders so that they can work according to their roles and functions. Having formulated the plan, these areas collected data on WFCL, conducting awareness raising campaign, developing guidelines and implementing direct action programmes for children engaged in child labour and their families such as providing skill training, work capital, and entrepreneurship assistance.

Apart from government agencies, some non government /civil society organizations (NGOs/CSOs) have developed programmes to eliminate child labour, such as:

- *Advocacy* to urge central and regional governments to be more committed in eliminating WFCL by establishing action committee, formulating action plan and enforcing regulations to eliminate WFCL.
- *Raising people's awareness.* In order to encourage people to support the elimination of child labour and WFCL, awareness raising campaign was made through various media, such as publishing and distributing information kits, bulletin, leaflets, posters etc. This step was intended as prevention to involve all parties.
- *Capacity building.* It was intended to strengthen the capacity of concerned parties – government and non government agencies – so that they had qualified human resources to eliminate child labour and WFCL. This activity included trainings on assisting children victims of exploitation, improvement of local institutions, development of referral, design and management system, and training on programme development, etc.
- *Facilitating children engaged in WFCL.* This direct intervention was intended to retrieve children from WTCL and give them less hazardous alternatives to work.

Under this programme, children were given scholarship and a range of trainings to improve their awareness, motivation and skills. Referral system to help victims was developed. Through this intervention, children engaged in WFCL were expected to quit working in WFCL and return to school to have their right for education.

- *Assisting children victims of exploitation.* Under this programme, *rumah singgah* (shelters) were built to give direct assistance to children engaged in WFCL. They were temporarily put up in the centres for initial treatment, identification of cases, medical treatment, and psychosocial rehabilitation, before they were referred to institutions with special facilities for rehabilitation and social reintegration.

Direct programmes for children engaged in child labour have contributed to the efforts to eliminate WFCL. In the period of five year, as many as 41,453 had been prevented from WFCL and 3,658 children had been withdrawn from WFCL, as show in the following data<sup>7</sup>

Sector	Withdrawn	Prevented	Total
Trafficking for prostitution	177	6,709	6,886
Drug trafficking	517	8,298	8,815
Child domestic workers	2	1,321	1,323
Footwear	1,830	6,399	8,229
Fishing	711	6,283	6,994
Gold mining	421	3,539	3,960
In disaster areas	-	8,904	8,904
<b>Total</b>	<b>3,658</b>	<b>41,453</b>	<b>45,111</b>

Eventually, everyone should understand that the elimination of WFCL is the duty and obligation of all. The problem is very complex and elimination needs sustainable efforts. Obstacles and constraints have to be overcome through joint efforts. The main problems that need to be addressed immediately are the lack of coordination and cooperation among sectors, inadequate resources, vast area, and the lack of effective programme models to eliminate WFCL. All stakeholders should take strategic and effective measures in the effort to eliminate WFCL.

<sup>7</sup> Report of NAC-WFCL First phase

## **B. Legal Bases**

1. Constitution 1945
2. Act No. 39 Year 1999 on Basic Human Rights;
3. Act No. 20 Year 1999 on the Ratification of ILO Convention No. 138 concerning the Minimum Age for Admission to Employment.
4. Act No. 1 Year 2000 on the Ratification of ILO Convention No. 182 on Prohibition and Immediate Actions to Eliminate the Worst Forms of Child Labour;
5. Act No. 23 Year 2002 on Protection of Children;
6. Act No. 13 Year 2003 on Labour;
7. Act No. 23 Year 2004 on Domestic Violence;
8. Presidential Decree No. 36 Year 1990 on the ratification of the Convention of the Rights of the Child;
9. Presidential Decree No. 12 Year 2001 on National Action Committee for the Elimination of the Worst Forms of Child Labour;
10. Presidential Decree No. 59 year 2002 on National Action Plan for the Elimination of the Worst Forms of Child Labour;

## **C. Definitions**

1. Children are people under the age of 18 (eighteen).
2. Children engaged in child labour are people under 18 (eighteen) engaged in all types of work with the characteristics or intensity that cause them to be exploited, prevent them from having education or are hazardous to their physical/mental health and development..
3. The Worst Forms of Child Labour (WFCL) are:
  - a. all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage, serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for the use in armed conflicts.
  - b. the use, the procuring or offering of children for prostitution, for the production of pornography, or for pornographic performances.
  - c. the use, the procuring or offering of children for illicit activities, in particular for the production and trafficking of drugs, as defined in the relevant international agreements.
  - d. work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of the children.
4. The National Action Committee for the Elimination of the Worst Forms of Child Labour (NAC-WFCL) is a coordinating institution, with governments' agencies,

trade unions, universities, NGOs and mass media as the members, in charge of implementing the national commitment to the elimination of WFCL.

5. The National Action Plan for the Elimination of the Worst Forms of Child Labour (NAP-WFCL) is the guidelines for the implementation of the National Action Programme for the Elimination of the Worst Forms of Child Labour.





## **Chapter II**

# **POLICIES**

### **A. Objectives**

1. Replicating models for the elimination of the worst forms of child labour implemented in the first phase.
2. Developing programmes to eliminate other worst forms of child labour.
3. Developing the policies and implementation instruments to eliminate the worst forms of child labour.

### **B. Targets**

Children engaged in WFCL

### **C. Strategies**

The Strategies for Implementing the Second Phase of the Action Plan WFCL are:

1. Building the commitment of all stakeholders to the prohibition and immediate actions to eliminate WFCL;
2. Integrating cross sector programmes to eliminate WFCL;
3. Strengthening the coordination and cooperation among all parties at all levels to encourage everyone participation in the efforts to prevent and retrieve children from WFCL;
4. Mainstreaming the elimination of WFCL in related policies, such as compulsory basic education, poverty alleviation programme, health care programme for poor families, and programmes for PNPM Mandiri<sup>8</sup> etc.
5. Strengthening the capacity of human resources of the committee at national, provincial, and district/municipal levels;
6. Optimising the potentials of each region in the elimination of WFCL.

---

8 National Programme for Empowerment of Community – Independent, it is one of Government programmes on poverty alleviation. This programme mainly relates to strengthen community organization

## **D. Indicators**

1. Models for the elimination of the worst forms of child labour implemented in the first phase are replicated in the Action Programme Phase II.
2. Programmes for the elimination of worst forms of child labour in other sectors are developed.
3. Policies and implementation instruments to optimise the efforts to prevent and eliminate the worst forms of child labour are available all over Indonesia.

## Chapter III

# ACTION PROGRAMMES FOR THE ELIMINATION OF WFCL, PHASE II

The Action Plan for the Elimination of WFCL Phase I (2002 to 2007) had been implemented, but some action programmes had not been completed due to obstacles and constraints related to policies and budget at national and regional levels. For this reason, all action programmes under Phase I that had not been completed would be continued in the Second Phase of the Action Programme for the Elimination of WFCL.

### Action Programme for the Elimination of WFCL, Phase II, includes:

#### A. Development of Institutions for the elimination of WFCL

**Objective: Encourage Provinces and Districts/Cities to establish Action Committee and develop Action Plan for the elimination of WFCL.**

Outputs	Activities	Targets	Indicator	Time
Action Committee for the elimination of WFCL are established in 8 Provinces and 358 Districts/Cities	1. Facilitating the establishment of Action Committees in 8 Provinces.	8 Provinces	1. Provincial action committees are established.	2008 - 2012
	2. Facilitating the establishment of Action Committees in 358 Districts/Cities	358 Districts / cities	2. District/municipal action committees are established	
	3. Advocacy for the formulation of action plan for the elimination of WFCL in 25 provinces.	25 Provinces	3. Provincial Action plans are formulated	
	4. Advocacy for the formulation of action plan for the elimination of WFCL in 428 districts/cities.	428 Districts/Cities	4. Districts/Municipal action plans are formulated	

## B. Replication of Models

### Objective: Replicating models of programmes for the elimination of the worst forms of child labour implemented during the first phase in other regions

Outputs	Activities	Targets	Indicator	Time
Various models of programmes for the elimination of the worst forms of child labour for the NAC-WFCL , Phase II	<ol style="list-style-type: none"> <li>1. Preventing and withdrawing children from WFCL using models of intervention programmes:               <ol style="list-style-type: none"> <li>a. withdrawing children aged 15-17 from work and giving them skill training to prevent them from WFCL and prepare them to work in better place;</li> <li>b. providing the parents with entrepreneurship training and work capital.</li> </ol> </li> <li>2. Preventing and withdrawing children from child labour through <b>ZBPA (Child Labour Free Zone)</b> model that include:               <ol style="list-style-type: none"> <li>a. Implementing compulsory 12 year basic education Programme for school age children.</li> <li>b. Providing parents (poor families) with work capital</li> <li>c. Providing low interest micro credit</li> </ol> </li> <li>3. Preventing and withdrawing children from child labour through CCT (PPA-PKH) that include:               <ol style="list-style-type: none"> <li>a. Using the data obtained from PKH</li> <li>b. Putting up school drop outs and children from poor families in shelters for assistance.</li> <li>c. In coordination with Education Office, facilitating school drop</li> </ol> </li> </ol>	Children engaged in WFCL and their parents.	The availability of Model for retrieving children from child labour, intervention model, model ZBPA, model PPA PKH, model of cooperation with ILO-IPEC and general models adjustable to the specific needs of each region.	2008 - 2012

Outputs	Activities	Targets	Indicator	Time
	<p>outs to return to school.</p> <p>4. Preventing and withdrawing children from child labour in cooperation with ILO/ IPEC:</p> <p>c. Providing life skill training for children at risk of WFCL;</p> <p>d. Providing assistance and care for children victims of commercial sex exploitation and drug trafficking;</p> <p>e. Providing counselling (extra lessons) for children at risk of dropping out;</p> <p>f. Providing education facilities.</p> <p>5. Preventing and withdrawing children from WFCL according to the condition in each region through:</p> <p>a. provision of better access to free education, (BOS etc);</p> <p>b. empowerment of the economy of the families of child labour (poverty alleviation programme, PNPM, UKM etc)</p> <p>c. improvement of the health condition of the children and their families (Community Health Social Security through free health care service etc.)</p>			

## C. Programme Development

### Objective: Developing programmes to eliminate the worst forms of child labour in other sectors

Outputs	Activities	Targets	Indicator	Time
Programme for the Elimination of WFCL is implemented, not only in the five prioritised sectors, but also in all sectors where WFCL are found.	1. Collecting and mapping data on children engaged in WFCL in each region (periodically updated)	Children engaged in WFCL	1. Availability of up to date data on children engaged in WFCL in each region.	2008 - 2012
	2. Increasing the commitment of all stakeholders to the elimination of WFCL in their respective area, as shown by allocation budget for this purpose.	All stakeholders	2. Availability of budget for the elimination of WFCL in each institution	
	3. Increasing the effectiveness of the existing Committee for the Elimination of WFCL in planning integrated cross sectors action programmes.	Provincial, District/ Municipal Action Committees for the Elimination of WFCL.	3. The availability of integrated programmes involving related institutions	
	4. Implementing integrated action programmes to eliminate WFCL.	Provincial, District/ Municipal Action Committees for the Elimination of WFCL	4. Children are prevented and withdrawn from WFCL.	
	5. Monitoring and evaluating the implementation of Programme for the Elimination of WFCL.		5. The availability of reports on the implementation of programme for the elimination of WFCL	

## D. Policies and Instruments of Implementation

### Objective: Developing the policies and instruments of implementation of programme to eliminate the worst forms of child labour

Outputs	Activities	Targets	Indicator	Time
Policies and instruments of implementation which are developed for the elimination of the worst forms of child labour	1. Reviewing rules and regulations on child labour and WFCL to evaluate their relevance to and effectiveness in the implementation of Programme for the elimination of WFCL.	Policies and Laws on Child Labour and WFCL	1. Recommendation for effective regulations and policies developed	2008 - 2012
	2. Developing Standard Operating Procedures for the Elimination of WFCL.	Central Government	2. The SOP for the elimination of WFCL developed	
	3. Developing an integrated referral system that provide facilities for complaints, consultation, assistance, legal service, rehabilitation, social integration related to the elimination of WFCL.	All stakeholders	3. the availability of an integrated referral system related to the elimination of WFCL	
	4. Integrating the Programme for the elimination of WFCL into prioritised national development programmes such as poverty alleviation, compulsory 9 year basic education, PNPM, small medium scale enterprises, development of remote poor areas, etc.	All stakeholders	4. The availability of policies integrated into the Programme for the elimination of WFCL	
	5. Encouraging active participation of the people, particularly private sector, in the Programme for the Elimination of WFCL, such as Corporate Social Responsibility;	Private sector, employers associations, as well as national and international agencies.	5. Participation of private sector	
	6. Fund raising from various sources, both domestic and international, to obtain funds for the elimination of WFCL;		6. The availability of funds for the elimination of WFCL other than that from National/ Regional Budget	







## **Chapter IV**

# **ROLES AND RESPONSIBILITIES**

The implementation of programmes to prevent and withdraw children from the WFCL requires the roles of all parties – the central government, regional government, NGOs trade unions, employers association, and the general public.

### **A. ROLES AND RESPONSIBILITIES OF EACH DIVISION**

#### **1. Labour**

- a. Disseminating information and Indonesian policies on the WFCL to all stakeholders;
- b. Establishing Provincial and District/Municipal Action Committees for the Elimination of WFCL and ensuring them to work effectively;
- c. Collecting and mapping the data on children engaged in child labour and WFCL;
- d. Developing coordinated and integrated Action Plans and Action Programmes for the Elimination of WFCL;
- e. Preventing and withdrawing children from WFCL according to the priorities;
- f. Disseminating information on training programmes and skill development courses to prepare children (young workers) to enter labour market;
- g. Organising regular coordination meetings with National, Provincial, and District/Municipal Committees for the elimination of WFCL;

#### **2. Education**

- a. Collecting and updating data on school age drop outs and poor families;
- b. Disseminating information on available educational programmes that can be utilised to withdrawn children from child labour and put them back into education system;
- c. Facilitating child labourers to return to education system through:
  - Compulsory 9 Year Basic Education Programme;
  - Special Service Education Programme (PLK);

- Non formal Education Programmes (Package A, B and C which are equal to elementary, junior high, and senior high school);
  - Formal Education Programme (elementary, junior high, senior high school and other equal education Programmes);
  - Life skills education programmes, courses, etc.
- d. Informing related education offices/agencies in the districts and cities so that they facilitate children engaged in WFCL to take to available programmes as mentioned in point c;
- e. Taking part in coordination meetings with the Provincial, District/Municipal Action Committees.

### **3. Health**

- a. Disseminating information on health improvement programmes to poor families so that their children, particularly those retrieved from work, can improve their health condition;
- b. Providing health care services to children engaged in work and their families (very poor families), such as Community Health Social Security (Jamkesmas);
- c. Taking part in coordination meetings with the Provincial, District/Municipal Action Committees.

### **4. Social, Economic and Public Welfare.**

- a. Disseminating information on socio economic and public welfare programmes to stakeholders so that they can be utilised to empower the economy of the families of child labourers;
- b. Facilitating and empowering the economy of the families of child labourers through available programmes, such as Program Keluarga Harapan (Conditional Cash Transfer), poverty alleviation, PNPM Mandiri, Work Capital Loan, and Micro Credit;
- c. Informing Social, Economic and Public Welfare Offices in the districts/cities so that they facilitate and empower the families of child labourers through available programmes as mentioned in point b;
- d. Taking part in coordination meetings with the Provincial, District/Municipal Action Committees.

### **5. Development Planning**

- a. Developing National Programme to Reduce the number of children engaged in work, particularly those engaged in WFCL, and put the issue in National Medium Term Development Plan (RPJMN) and Provincial/District/City Medium Term

Development Plan (PRJMD), as well as allocating the funds to address the issue in the National and Regional budgets;

- b. Taking part in coordination meetings with the Provincial, District/Municipal Action Committees.

## **6. Law Enforcement and harmonisation of laws and regulations**

- a. Evaluating the relevance of laws and regulations concerning child labour and WFCL to the present condition;
- b. Assessing the actual problems and suggesting necessary policies to address them;
- c. Overcoming the problems according to the laws and regulations;
- d. Harmonising laws and regulations on child labour and WFCL with their actual implementation;
- e. Receiving and responding to reports on violence, discrimination, and exploitation to child labourers.

## **7. Religion**

- a. Disseminating information on programmes related to religious affairs that can be utilised by children retrieved from work so that they can return to education system;
- b. Facilitating children engaged in work to go back to the education system through:
  - Mental spiritual guidance
  - *Pondok Pesantren* (Islamic Boarding Schools)
  - *Madrasah* (Islamic School) etc.

## **B. PARTICIPATION OF THE PEOPLE**

### **1. Employers' Association**

- a. Complying with the laws on the prohibition of employing children in the worst forms of child labour;
- b. Developing and disseminating information on Corporate Social Responsibility (CSR) Programmes that can be utilised by children retrieved from work so that they can be prepared to enter labour market at the proper age;
- c. Formulating *code of conduct* to prohibit its members to employ children;
- d. Providing children engaged in WFCL with education and training through apprenticeship Programmes.

## 2. Trade Unions

- a. Doing advocacy to companies so they do not employ children;
- b. Increasing the awareness of their members about the prohibition of employing children and the negative effects of working at early age to the development of children;
- c. Reporting to the authorities any cases of WFCL.

## 3. Non Government Organisations and Civil Society Organisations

- a. Socialising the policies on WFCL to the people;
- b. Educating children at risk of WFCL and their parents regarding the hazards of working at early age;
- c. Collecting data on children engaged in independent work without employers, particularly those categorised as WFCL;
- d. Preventing and retrieving children from WFCL;
- e. Assisting children retrieved from WFCL so that they can return to the education system;
- f. Developing cooperation and network with national and regional governments to prevent and retrieve children from work, particularly WFCL;
- g. Increasing awareness of the members and the community;

## 4. Indonesian Teachers Association (*Persatuan Guru Republik Indonesia/PGRI*)

- a. Taking part in awareness raising campaign so that parents do not require their children to work;
- b. Taking active roles to identify problems and educating people about the negative effects of working at early age;
- c. Taking part in advocacy for better policies, programmes and education budget.

## 5. Mass Media

- a. Disseminating information on policies regarding the Elimination of WFCL;
- b. Disseminating information on action programme for the Elimination of WFCL implemented by the central and provincial/municipality/district governments;
- c. Informing the government any cases of child labour and WFCL;
- d. Developing journalist sensitive to the issue of child labour and WFCL.

## **6. International Organisations/Agencies**

- a. Supporting the National Action Committee for the Elimination of WFCL in preventing and retrieving children from WFCL.
- b. Facilitating and providing technical assistance to eliminate WFCL.
- c. Strengthening the coordination and cooperation with international organisations/agencies in the effort to eliminate WFCL
- d. Doing advocacy to international community to provide unbinding financial assistance to support the implementation of Programme for the elimination of WFCL in Indonesia.

## **7. Families/Parents**

- a. Increasing the awareness of fellow parents about the negative effects of WFCL to the physical, mental and moral development of their children;
- b. Increasing the awareness of fellow parents about the importance of education for their children to free themselves from poverty;
- c. Increasing the awareness of their children about the importance of education to have better future.

## **8. Children/Peer groups**

- a. Increasing awareness of their peers so they are motivated to study.
- b. Developing reading interest among their peers.
- c. Developing creativity by taking part in trainings and courses according to their interests.
- d. Developing empathy to their peers to encourage them to go to school.





## **Chapter V**

# **CONCLUSION**

The NAP WFCL Phase II was developed by Working Group of the NAC for the Elimination of WFCL (*POKJA Komite Aksi Nasional PBPTA*) as a guideline for all parties in their effort to prevent and withdraw Indonesian children from child labour, particularly the worst forms.

Coordination and synchronisation among stakeholders in implementing programmes to eliminate WFCL is the key to successful implementation of the National Action Plan for the Elimination of the Worst Forms of Child Labour Phase II. In order to bring about qualified Generation through the elimination of WFCL, the commitment of the Central Government, Provincial, District and Municipal governments, and the people is essential.

Equipped with the NAC-WFCL Phase II, stakeholders are expected to be able to develop their programmes and activities in an integrated and sustainable manner so that children can be systematically and optimally retrieved from WFCL. Finally, supports to the NAC-WFCL Phase II are expected to come from all parties, including National and International Agencies concerned with the issue of child labour. With more supports, it is expected that WFCL can be eliminated faster than the target of the Time Bound Programme of RAN-PNPTA.

**Let us work hand in hand to create a Better Future without Child Labour.**





