

# NATIONAL LEGISLATION ON HAZARDOUS CHILD LABOUR

Minimum Age Convention, 1973 (No. 138)  
and  
Worst Forms of Child Labour Convention, 1999 (No.182)

## INDONESIA

### RATIFICATIONS

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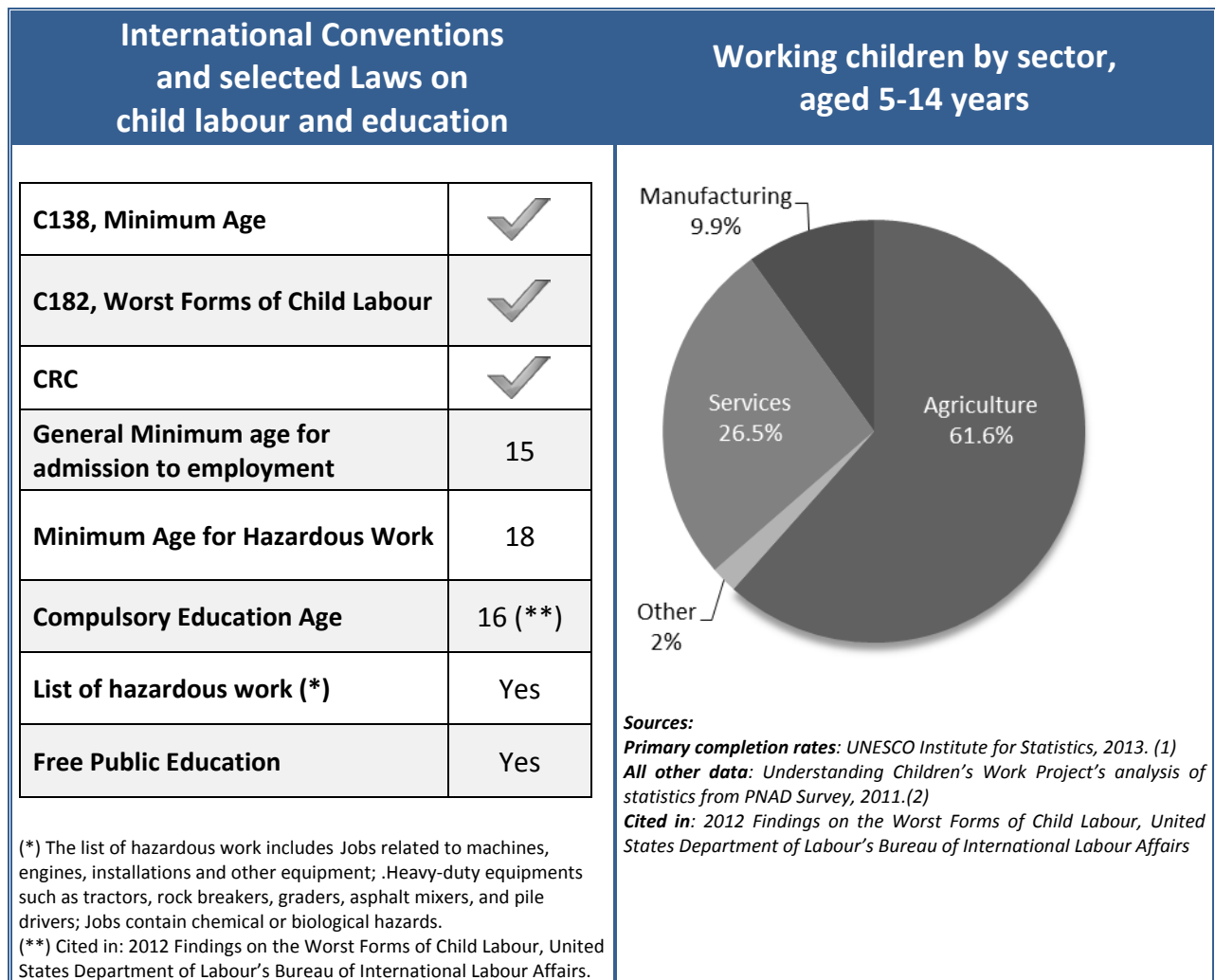
Convention No. 138	7 June 1999
Convention No. 182	28 March 2000

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- 1) *Country Overview*
- 2) *The Decision of the Minister of Manpower and Transmigration of the Republic of Indonesia Number: KEP. 235/MEN/2003 of 31 October 2003, concerning jobs that jeopardize the health, safety or morals of children*  
  
*Original language:* Bahasa Indonesia – ILO Summary.  
  
Article 2 and Attachment, establishing hazardous **work prohibited to persons under 18 years of age**.
- 3) *Manpower, Labour. Act of the Republic of Indonesia Number 13 Year 2003. Published at the State Gazette of the Republic of Indonesia No. 39, 2003.*  
  
*Original language:* Indonesian – [Full Text in English \(📄 on line\) \(Unofficial ILO translation\)](#) – ILO Summary.  
  
**Articles 74 prohibiting the employment of children (persons under 18 years old) in the worst forms of child labour.** Article 1(26) defines a “child” as every person under eighteen years old.
- 4) *CEACR, 2012 Observation and 2011 Direct Request, Convention No. 182*
- 5) *CRC, Concluding Observations of the Committee on the Rights of the Child, Feb. 2004*

# INDONESIA

## Country Overview



# INDONESIA

## **The Decision of the Minister of Manpower and Transmigration of the Republic of Indonesia Number: KEP. 235/MEN/2003 of 31 October 2003, concerning jobs that jeopardize the health, safety or morals of children.**

### **Original language**

Bahasa Indonesia

Official English translation by ILO Jakarta Office in collaboration with Ministry of Manpower and Transmigration of Indonesia (available at ILO).

### **Abstract**

**Article 2 and Attachment**, establishing hazardous **work prohibited to persons under 18 years of age**.

### **Text of legal provisions**

#### ➤ **Article 2**

“(1) Children under 18 (eighteen years) of age) shall be prohibited from taking up a job and or being employed in a job that jeopardize the children’s health, safety or morals.

(2) Types of jobs that jeopardize the health, safety or morals of children are listed under the Attachment to this Ministerial Decision. ...”

➤ **Attachment**

**“JOBS THAT ENDANGER THE HEALTH AND SAFETY OF CHILDREN ARE:**

**A. Jobs related to machines, engines, installations and other equipment including:**

1. Machines

- a. Machine tools such as drilling machines, grinding machines, cutting machines, lathes, scraping machines.
- b. Production machines such as knitting machines, sewing machines, weaving machines, packaging machines, bottling machines

2. Engines

- a. Steam engines such as boilers, steam vessels;
- b. Hot fluid engines such as water heaters, oil heaters;
- c. Cooling engines, engines for generating carbide gas (carbide gas generators);
- d. Hoisting and loading engines such as hoist cranes, conveyor belts, escalators, gondolas, forklifts, loaders
- e. Power engines such as diesel engines, turbines, gas-fired power engines, engines for generating electricity (electricity generators)

3. Heavy-duty equipments such as tractors, rock breakers, graders, asphalt mixers, and pile drivers;

4. Installations such as pressure pipe installations, electricity installations, fire-extinguisher installations, electricity transmission lines;

5. Other equipment such as furnaces, blast furnaces, lifts and scaffoldings;

6. Pressure vessels, steel bottles, dump vessels, loading vessels and the like.

**B. Jobs conducted in a hazardous working environment, including:**

1. Jobs contain physical hazards:

- a. Underground work, underwater or in a narrow, enclosed and confined space with limited ventilation such as a well, a tank;
- b. Jobs at a height of more than two meters above the ground;
- c. Jobs in a working environment in which electricity at voltages of more than 50 volts is present;
- d. Jobs that use electric welding machines and or gas [argon] welding machines;

- e. Jobs in a working environment with extreme temperature and moisture or high-speed wind;
- f. Jobs in a working environment with noise or vibration whose intensity exceeds the acceptable exposure limits [threshold limit values];
- g. Jobs to handle, store, transport and use radioactive substances/materials;
- h. Jobs which produce ionizing radiation or jobs in a working environment with ionizing radiation;
- i. Jobs in a dusty working environment;
- j. Jobs which may lead to electrocution, fire and or explosion.

2. Jobs contain chemical hazards:

- a. Jobs in a working environment with harmful chemical substances;
- b. Jobs to handle, store, transport and use chemical substances that are toxic, explosive, combustible, flammable, oxidizing (oxidizer), corrosive, irritating, carcinogenic, mutagenic, and/or teratogenic;
- c. Jobs which use asbestos;
- d. Jobs to handle, store, use and/ or transport pesticides

3. Jobs contain biological hazards:

- a. Jobs related to germs, bacteria, viruses, fungi, parasites and the like; such as jobs in clinical laboratories, leather tanning establishments (tanneries), and the job of washing rubber sap/ rubber;
- b. Jobs in places where animals are slaughtered and their meat is processed and packaged;
- c. Jobs associated with animal husbandry such as milking cows, feeding cattle and cleaning stables/stalls/pens;
- d. Jobs in a silo or storage for storing crops;
- e. The job of breeding beasts

**C. Jobs contain certain hazardous nature and condition:**

- 1. Construction works of buildings, bridges, roads or irrigation projects
- 2. Jobs in timber processing companies such as cutting down trees, transporting and unloading;
- 3. Jobs to manually lift up and carry loads that are heavier than 12 kilograms (if the child is a boy) or 10 kilograms (if the child is a girl);
- 4. Jobs inside a locked workplace/ building;
- 5. Jobs in offshore fishing activities or in fishing in deep/pelagic waters;
- 6. Jobs in isolated and remote areas;

7. Jobs in ships;
8. Jobs in sites where garbage/waste is dumped, processed or recycled;
9. Jobs conducted between 6pm to 6am.

#### **JOBS THAT HARM THE MORAL OF THE CHILD**

1. Jobs in bars, discotheques, karaoke, billiards/ pool, cinemas, massage parlors or places that may be used for prostitution;
2. Jobs as a model for promoting alcoholic drinks, drugs to arouse sexual desire and/or cigarettes”.

# INDONESIA

## Act of the Republic of Indonesia Number 13 Year 2003. Published at the State Gazette of the Republic of Indonesia No. 39, 2003

### Original language

Bahasa Indonesia

Unofficial translation prepared by ILO Jakarta Office.

### Abstract

**Articles 74 prohibiting the employment of children (persons under 18 years old) in the worst forms of child labour.** Article 1(26) defines a “child” as every person under eighteen years old.

### Text of legal provisions

➤ **Article 74 (3)**

“The types of jobs that damage the health, safety or moral of the child as referred to under point d of subsection (2) shall be determined and specified with a Ministerial Decision.”

# INDONESIA

## COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS (CEACR) - Worst Forms of Child Labour Convention, 1999 (No.182)

### ➤ 2012 Observation, Convention No. 182

- **Article 3 - Worst forms of child labour.**  
**Clause (d) - Hazardous work. Child domestic workers.**

The Committee previously noted the allegations of the International Trade Union Confederation (ITUC) that child domestic workers in Indonesia often suffered sexual, physical or psychological abuse. The Committee also noted the information from the 2010 report entitled *Recognizing domestic work as work*, published by the ILO country office in Jakarta that approximately 35 per cent of domestic workers are under the age of 18. This report also indicated that 81 per cent of domestic workers work 11 hours or more a day, and that being hidden from public scrutiny made these workers particularly vulnerable to exploitation and abuse. This report further indicated that 68 per cent of domestic worker respondents indicated that they had experienced mental abuse, 93 per cent had experienced physical violence, and 42 per cent had experienced some form of sexual harassment or abuse while at work. However, the Committee noted the Government's statement that a draft Act on domestic workers' protection had been formulated, and would be discussed in the Indonesian House of Representatives. The Government further indicated that it was making serious efforts to provide physical, psychological, economic and legal protection to domestic workers, including through the creation of guidelines and the provision of training to prevent children from entering domestic work.

The Committee notes the Government's indication that it has continued to take measures, in cooperation with non-governmental organizations, to protect domestic workers through activities such as mentoring, training, data collection and the dissemination of information, and that national and local governments have conducted trainings on the subject. The Government indicates that it has made efforts to prevent children from becoming domestic workers, including measures taken by the Ministry of Social Affairs to reduce the vulnerability of children, and the Child Social Welfare Programme, which aims to protect children



against all forms of exploitation and abuse (including the prevention of child domestic labour). The Committee also notes the Government's statement that the draft Act on the protection of domestic workers has been included in the Register of the National Legislation Programme for 2010–14. The Committee further notes the Government's indication that sanctions may be imposed on persons who employ children under 18 in hazardous household work under the provisions in the Manpower Act prohibiting the employment of children in hazardous work as well as under the Child Protection Act which provides for the special protection of children against economic exploitation. However, the Committee notes the information from a document from ILO–IPEC concerning the Project of Support to the Indonesian Time-bound Programme on the elimination of the worst forms of child labour of September 2011 that the current legislation on child labour is not effective in tackling the problem of child domestic workers. Therefore, the Committee urges the Government to take the necessary steps to ensure that the draft Act for the protection of domestic workers is adopted as a matter of urgency, to ensure the protection of children under 18 from hazardous domestic work. It requests the Government to continue to take concrete measures to address the situation of child domestic workers, and to provide information on the results achieved, particularly in terms of the prevention and withdrawal of children from domestic work. The Committee encourages the Government to ratify the Domestic Workers Convention, 2011 (No. 189), which has key provisions for child protection.

➤ **2011 Direct request, Convention No. 182.**

- **Article 6 and part V of the report form - Programmes of action to eliminate the worst forms of child labour and application of the Convention in practice.**

The Committee previously noted that the National Action Plan on the Elimination of the Worst Forms of Child Labour (NAP on WFCL) prepared in 2002, was a three-stage programme over 20 years, with the second stage taking place from 2008 to 2012. It noted that under this umbrella, numerous vulnerable children had been prevented from engaging in the worst forms of child labour, and a significant number of children had been withdrawn. As of 2010, 26 districts had been reached through the NAP on WFCL. However, the Committee also noted that the Indonesia Child Labour Survey (2009) indicated that approximately 20.7 per cent of children between the ages of 5 and 17 worked for more than 40 hours a week. The Survey also highlighted that approximately 8 per cent of children between the ages of 5 and 17 worked at places such as street or market stalls and traffic lights, which were identified in the Survey as unsafe places to work.

The Committee notes the Government's statement that the outcomes achieved through the implementation of the NAP on WFCL include the withdrawal of more than 2,000 child labourers and the prevention of 5,000 child labourers in various sectors through a series of initiatives such as skills training, inclusive education and training on life skills. The Government also indicates that the NAP on WFCL resulted in the establishment of action committees on the elimination of the worst forms of child labour in the provinces of West Papua, Papua, Maluku and East Nusa Tenggara and the implementation of studies on occupational hazards in the manganese sector in East Nusa Tenggara. The Committee further notes Government's statement that it continues to take the necessary measures to ensure the protection of children from the worst forms of child labour, including by prioritizing the issue of children in the 2010–14 Medium Term National Development Plan, as well as through strengthening the relevant governmental institutions at the provincial and district/city levels. The Government indicates that the Family Hope Programme contributes to the reduction of child labour, by providing support to children from poor families through programmes of empowerment and strengthening of familial functioning to facilitate the ability of parents to meet the basic rights and protection of children.

Lastly, the Committee notes the Government's statement that the Child Social Welfare Programme has contributed significantly to the reduction of child labour. This Programme aims to protect children against all forms of exploitation and abuse (including the worst forms of child labour) and reached 14,437 persons between 2009 and 2012. The Committee requests the Government to continue to provide information on the results achieved through the implementation of these various initiatives, including the NAP on WFCL, particularly in terms of the number of children prevented from engaging in, or removed from, the worst forms of child labour. It also requests the Government to continue to provide information on the application of the Convention in practice, including any information available on the nature, extent and trends of the worst forms of child labour. To the extent possible, all information provided should be disaggregated by sex and age.

- **Article 7(2) - Effective and time-bound measures.**

- **Clause (a) - Preventing the engagement of children in the worst forms of child labour - Access to free basic education.**

The Committee previously noted that the Government had taken several measures to facilitate access to education to out-of-school children and vulnerable children. However, the Committee noted the Government's indication that in the 2008 school year, 437,608 children had dropped out of primary school and an additional 214,775 students dropped out of junior high school. The Committee expressed its concern at the number of children who had dropped out of school, and requested information on the measures taken to address this.

The Committee notes the Government's statement that it has an inclusive education programme that aims to help vulnerable groups, including child labourers, to return to school. The Government also indicates that it has taken measures to prevent the worst forms of child labour by providing free education and by providing scholarships to poor students. In this regard, the Committee notes the information from a document from ILO–IPEC concerning the "Project of Support to the Indonesian Time-bound Programme on the elimination of the worst forms of child labour" of September 2011 that the Government provides financial assistance to poor students by covering costs of uniforms, transportation, text books and other school supplies, and that the funds allocated for this purpose were increased in 2011 to reach 2.7 million poor students from elementary schools and 1.3 million poor students from junior secondary schools. Moreover, the Committee notes that the Government has been implementing a conditional cash transfer (CCT) programme entitled Keluarga Harapan or since 2007. One of the main objectives of the CCT programme is to improve the education level of children from very poor households, particularly by reaching children who are currently not in school, including those in child labour. By the end of 2011, the CCT programme was expected to cover 1.1 million households, with further expansion planned in 2012.

While welcoming the measures taken by the Government, the Committee notes the information in the 2011 UNESCO Global Monitoring Report on Education For All that there remained approximately 312,000 out of school children of primary school age, and 1,800,000 out of school children of secondary school age. Therefore, considering that education contributes to preventing the engagement of children in the worst forms of child labour, the Committee encourages the Government to strengthen its ongoing efforts to facilitate educational access to children from poorer families and vulnerable groups, including through the expansion of its conditional cash transfer programme. The Committee requests the Government to provide information on the concrete measures taken in this regard, and to provide statistical information on the results obtained, particularly with regard to reducing the number of out-of-school children at the primary and secondary levels.

**Clause (b) - Direct assistance for the removal of children from the worst forms of child labour - Child workers in the footwear industry.**

The Committee previously noted that various projects had been undertaken aimed at preventing children from engaging in hazardous work in the footwear industry.

Nonetheless, the Committee noted that it appeared that a significant number of children continued to work in the footwear industry, particularly in the Ciomas-Bogor Tasikmalaya areas of West Java.

The Committee notes the Government's statement that the regional government of the Bogor Regency (in West Java) has been, along with community leaders and teachers, taking measures to convey information to craftsmen on the dangers for children of working in footwear workshops. The regional government has also been performing health check-ups for families, especially for children who are exposed to footwear industry workshops. The Committee also notes the information from ILO-IPEC that, through the International Garment Training Centre in Bogor, a programme of vocational training for former child labourers has been inaugurated. These trainings are aimed at providing specific skills to child former labourers over the minimum age for admission to work to prevent them from engaging in hazardous work in the future and to assist in their integration. The Committee encourages the Government to pursue its efforts to prevent children from engaging in hazardous work in the footwear industry as well as to provide for their removal and social reintegration. It requests the Government to continue to provide information on measures taken in this regard, and on the results achieved.

# INDONESIA

## COMMITTEE ON THE RIGHTS OF THE CHILD Concluding observations 26 Feb. 2004

### ➤ Definition of the child

26. The Committee is concerned that:

- (a) Despite the Committee's previous recommendation, the legal age of marriage of females (16) and males (19) is still discriminatory;
- (b) A very large proportion of children, especially girls, are married by the age of 15, and that they are thereby legally considered to be adults, meaning that the Convention no longer applies to them.

### ➤ Education, leisure and cultural activities

60. The Committee welcomes the inclusion in the Constitution of the right to education as well as a minimum budget allocation for education. It is further encouraged by education reforms initiated by the State party in 1994, which raised the number of years of elementary education from six to nine and which tries to raise teaching standards. The Committee further welcomes the awarding of scholarships to children from poor families.

61. However, the Committee is very concerned:

- a. That education is not free, even at primary level, and that higher education is not affordable for many families;
- b. At the high dropout and repeat rates;

- c. That married children and pregnant teenagers do not generally continue their education;
- d. At the high teacher-pupil ratio and the low level of ability of teachers;
- e. At the high incidence of violence against children in the schools, including bullying and fighting among students, and that no specific law exists to regulate school discipline and protect children against violence and abuse in the school.

**62.** The Committee notes with appreciation the efforts by the State party to monitor the quality of education in madrasas and boarding schools. However, it is concerned about the narrow education provided in these schools and about the lack of supervision of their curricula.

➤ **Economic exploitation**

**84.** The Committee welcomes the establishment of the National Plan of Action on the Elimination of the Worst Forms of Child Labour as well as the State party's ratification of ILO Conventions No. 138 and No. 182 in 1999 and 2000, respectively. Nevertheless, it remains concerned at the high number of children, many of them under 15, still working in the informal sector, on fishing platforms, in factories, as domestic servants, on plantations, in the shoe, food and toy industries, in the mining and quarrying sector, and on the streets.