



Board of Directors

Ray Marshall  
President

Owen Bieber  
Jack A. Blum  
Seth Bodner  
Holly Burkhalter  
John Cavanagh  
Marilyn Clement  
Patricia M. Derian  
Bishop Jesse DeWitt  
Father Robert Drinan  
Paul Freundlich  
William Goold  
Joy Ann Grune  
Senator Tom Harkin  
Judith Hertz  
Jim Hightower  
Virginia Leary  
William Lucy  
Roger Majak  
Atherton Martin  
Rep. Donald J. Pease  
Jack Sheehan  
Elwood Taub  
Lynn Williams  
Amy Young

Advisory Council

William Alberger  
Peggy Billings  
Barry Bluestone  
Robin Broad  
Jack Buchanek  
William H. Bywater  
Cesar Chavez  
Steve Charnovitz  
Keith Geiger  
Jane Hull Harvey  
James Herman  
Msgr. George C. Higgins  
John H. Hovis  
Elizabeth Jager  
Sr. Mary Evelyn Jeger  
Arthur Keys  
Coretta Scott King  
Arthur Larson  
Jay Mazur  
Frank McCulloch  
Walter Mead  
Joyce D. Miller  
George E. Ogle  
Jack Sheinkman  
Arthur Simon  
Audrey Smock  
Paula Stern  
Most Rev. Walter Sullivan  
Dale Frederick Swartz  
John J. Sweeney  
George L. P. Weaver  
Peter Weiss  
Robert White  
David Williams  
William F. Winpisinger  
Raul Yzaguirre

Congressional Working  
Group on International  
Labor Rights  
Rep. Don J. Pease  
Chairperson

Pharis J. Harvey  
Executive Director

(Pho) (202) 544-7198  
(Fax) (202) 544-7213  
Box 74  
100 Maryland Avenue, N.E.  
Washington, DC 20002

KN  
850 19922

REV 1  
OUT 2

007-CP-92  
Indonesia -  
FLREF

June 2, 1992

U.S. Inter-Agency Trade Policy Committee  
c/o Office of Generalized System of Preferences  
United States Trade Representative  
600 17th Street, Room 517  
Washington, DC 20506

Dear Members of the Trade Policy Committee:

Herewith are enclosed fifteen copies each of two petitions submitted by the International Labor Rights Education and Research Fund, requesting review of GSP beneficiary status for Guatemala and Indonesia. 007-CP-92  
005-CP-92↑

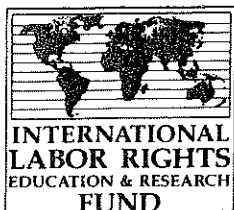
We look forward to cooperating with your committee to conduct reviews of each of these countries over the next several months. I will be sending you from time to time additional information on each of these countries to update the submissions and provide additional information for the committee in making its determinations.

As you will note from the petition on Indonesia, we have been unsuccessfully trying for several weeks to get from the GSP office or the USTR Reading Room a copy of the 1991 subcommittee determination regarding Indonesia in response to the petition from AFL-CIO. We have been told variously that it has not been written yet, or that it has been misfiled. I want to assure you in writing that even though we have been unable to make reference to this document in the preparation of the 1992 petition, we are nonetheless interested in seeing it if it is ever produced, or located. We would appreciate your informing us when this document is available, as the GSP office indicated it would do during our last conversation.

Sincerely,

Pharis J. Harvey  
Executive Director

enclosed: 15 copies each of petitions on Guatemala and Indonesia



**Board of Directors**

- Ray Marshall  
*President*
- Owen Bieber  
Jack A. Blum  
Seth Bodner  
Holly Burkhalter  
John Cavanagh  
Marilyn Clement  
Patricia M. Derian  
Bishop Jesse DeWitt  
Father Robert Drinan  
Paul Freundlich  
William Goold  
Joy Ann Grune  
Senator Tom Harkin  
Judith Hertz  
Jim Hightower  
Virginia Leary  
William Lucy  
Roger Majak  
Atherton Martin  
Rep. Donald J. Pease  
Jack Sheehan  
Elwood Taub  
Lynn Williams  
Amy Young

**Advisory Council**

- William Alberger  
Peggy Billings  
Barry Bluestone  
Robin Broad  
Jack Buchanek  
William H. Bywater  
Cesar Chavez  
Steve Charnovitz  
Keith Geiger  
Jane Hull Harvey  
James Herman  
Msgr. George C. Higgins  
John H. Hovis  
Elizabeth Jager  
Sr. Mary Evelyn Jeger  
Arthur Keys  
Coretta Scott King  
Arthur Larson  
Jay Mazur  
Frank McCulloch  
Walter Mead  
Joyce D. Miller  
George E. Ogle  
Jack Sheinkman  
Arthur Simon  
Audrey Smock  
Paula Stern  
Most Rev. Walter Sullivan  
Dale Frederick Swartz  
John J. Sweeney  
George L. P. Weaver  
Peter Weiss  
Robert White  
David Williams  
William F. Winpisinger  
Raul Yzaguirre

**Congressional Working Group on International Labor Rights**

- Rep. Don J. Pease  
*Chairperson*

- Pharis J. Harvey  
*Executive Director*

(Pho) (202) 544-7198  
(Fax) (202) 544-7213  
Box 74  
100 Maryland Avenue, N.E.  
Washington, DC 20002

**PETITION**

Before the Inter-Agency Trade Policy Committee  
Subcommittee on the Generalized System of Preferences

Requesting the Review of the

Beneficiary Status

of

**INDONESIA**

Submitted by the

**International Labor Rights Education and Research Fund**

100 Maryland Avenue, N.E.

Washington, D. C. 20002

June 1, 1992

The International Labor Rights Education and Research Fund (ILRERF) submits this petition for review of the beneficiary status of Indonesia in the Generalized System of Preferences program, in pursuance of section 502(b)(7) of the Trade Act of 1974, as amended,

" . . . the President shall not designate any country a beneficiary developing country under this section--if such country has not taken or is not taking steps to afford internationally recognized worker rights to workers in the country. . . ."

For the purposes of this petition, the term internationally recognized worker rights was defined as detailed in section 502(a)(4) of the Trade Act of 1974, as amended.

In filing this petition, the ILRERF is cognizant that petitions have been filed on Indonesia unsuccessfully almost every year since the GSP program was amended in 1985 to include labor rights considerations. We have reviewed the extensive documentation produced by earlier petitions, the State Department Country Reports, the AFL-CIO, the ICFTU, the International Labor Organization, international human rights monitoring organizations such as Asia Watch and Amnesty International, and domestic non-governmental organizations in Indonesia. We have concluded that, despite the abysmal prospect such weighty evidence of labor rights abuse has of being taken seriously by the U.S. Trade Representative, conscience and the facts dictate no other course under present law but to file yet another petition.

The filing of a petition this year is further complicated by the fact that, despite repeated requests by ILRERF staff in the weeks before the 1992 petition deadline for a copy of the rationale for the decision to reject the petition of the AFL-CIO for review of Indonesia in 1991, as of June 1, 1992, the GSP Subcommittee of the Inter-Agency Trade Policy Committee had not yet made public the rationale for the decision, said to have been made in August, 1991. While our researchers were told by the staff of the GSP office that a confidential version of the government's rationale existed, no public version was made available for examination. We can, therefore, only surmise that whatever reasons the government had for refusing to review Indonesia's beneficiary status in 1991, those reasons bear so slender a relationship to the actual requirements of the law as to make it embarrassing to list them publicly. This mockery of the law by its administrators must be corrected by legal reform, when the GSP program is subject to renewal in 1993. In the interim, the only course of useful action is to detail, once again, the serious and systematic means by which the Indonesian government continues to deprive workers of their rights, and to request the U.S. government to subject that evidence to a formal review.

#### A. The Right of Association

In its 1991 *Country Reports on Human Rights Practices*, published in February 1992, the U.S. State Department noted the following about Indonesia:

*Private sector workers, including those in export-processing zones, are free to form or join unions without previous authorization, but in order to bargain on behalf of employees a union must meet the requirements for legal recognition and register with the Ministry of Manpower. The requirements for legal recognition are representation in at least 20 of the 27 provinces, branch offices in at least 100 districts, and 1,000 local units at plant level.<sup>1</sup>*

FOA  
The fact that workers are free to join unions without previous authorization is virtually irrelevant to the right of association, if the unions they are free to join are not free to represent them or to carry out the functions of a union. That is the dilemma faced by workers in Indonesia. The requirement that workers, in order to form an association that can carry out the most basic function of representing its members in negotiations with employers, must first be able to organize units in 1,000 workplaces across 20 different provinces, is a massive affront to the very concept of freedom of association. This requirement has been the subject of repeated rulings against the Indonesian government by the ILO over the years, most recently in 1991. Despite this longstanding challenge, the Indonesian Government continues to place this impossibly high hurdle in the path of freedom of association.

The only two organizations for workers in Indonesia which have been able to transcend this barrier of numbers of units and geographical spread are the government-sponsored, government-funded and government-controlled SPSI (All Indonesian Workers Union) and, since early 1990, the government-sponsored, government-funded and government-controlled Teachers Association (PGRI), in which Indonesia's 1.3 million teachers are enlisted. Both of these organizations, in fact, were formed on government initiative, in the first instance to counter independent trade unions during an earlier period, and in the second, as a means to mobilize members of the teaching profession to support the government's political party, GOLKAR.

In this regard, the 1991 DOS country report on Indonesia description of the relation between the Government and the SBSI is instructive:

*"The Government and employers have considerable influence over SPSI affairs; a retired military lieutenant colonel and GOLKAR district chairman with some prior union experience is chairman of the largest provincial branch of the SPSI, primarily due to government backing. The Minister of Manpower is a member of the SPSI Consultative Council. SPSI officials are pressured to join GOLKAR, and GOLKAR members dominate the SPSI leadership. Several SPSI leaders are in the DPR and are members of the GOLKAR faction."<sup>2</sup>*

---

<sup>1</sup>Country Reports on Human Rights Practices for 1991, U.S. Department of State, February, 1992, p. 870.

<sup>2</sup>Ibid., p. 871.

In 1990, as the 1991 State Department report notes: "the Teachers' Association (PGRI) was allowed to register as a trade union *with exclusive jurisdiction for this sector.*"<sup>3</sup> (emphasis added)

When a state-dominated organization is given *exclusive* jurisdiction to organize workers in a state sector, the result can hardly be described as freedom of association. This becomes particularly acute when, as the Country Report also notes, "some PGRI officials are employees of the Ministry of Education." This "some" includes the PGRI Secretary General, Rindorindo, as well as the President, Basyuni. Basyuni is also a member of the National Education Board and a GOLKAR member of Parliament.

In 1988, the ILO's Freedom of Association Committee criticized the Indonesian government's ban on the right to organize for public servants, state employees and teachers, by ruling that Convention 98, which Indonesia has ratified, specifies "that all workers, without distinction whatsoever, should enjoy the right to establish organizations to further and defend their interests." The Freedom of Association Committee further ruled that "a situation in which an individual is denied any possibility of choice between different organizations by reason of the fact that the legislation permits the existence of only one organization in the area in which he carries on his occupation, is incompatible with the principles of freedom of association."<sup>4</sup>

The Indonesian Government's response, to designate PGRI as a trade union with "exclusive" rights among teachers in 1990, but without allowing that organization to function independently of the government, is completely unresponsive to the ILO's decision. As the Department of State's 1991 report notes, moreover, "It has not ... attempted to bargain over wages and working conditions, preferring its traditional role of working with the Government to pursue the interests of its members."<sup>5</sup>

Regarding the longstanding ban on the right of freedom of association for public workers in Indonesia, the State Department notes only that:

*State enterprise employees and civil servants, including public school teachers, must belong to KORPRI, a nonunion association whose Central Development Council is chaired by the Minister of Home Affairs. In 1990, for the first time, a KORPRI subunit successfully negotiated four collective bargaining agreements with the state-owned coal company.*<sup>6</sup>

---

<sup>3</sup>Ibid., p. 871.

<sup>4</sup>259th Report of the Committee on Freedom of Association, International Labor Organization, November, 1988, paragraphs 699 - 701.

<sup>5</sup>DOS Country Reports, 1991, p. 871.

<sup>6</sup>Ibid., p. 871.

It is perhaps necessary to point out in this context, since the point is not made in the DOS report, that the fact that a state-dominated, state controlled non-union which has taken the place of a trade union to negotiate, on behalf of its members, a contract with a state-employer is irrelevant to the question of respect for internationally-recognized rights of workers. It is also a specific violation of ILO Convention 98, which Indonesia has ratified.<sup>7</sup>

In the private sector, attempts were made in 1990 to form two independent, autonomous trade unions, the Serikat Buruh Merdeka Setia Kawan (Solidarity Free Trade Union) (henceforth Setia Kawan) and the Transportation Trade Union, which is primarily composed of taxi drivers. At first, the government indicated that Setia Kawan would not be allowed to exist because it infringed upon the government's single trade union policy.

A Reuters dispatch dated April 5, 1991 documented this. Because it adds significantly to what is detailed in the Country Report, it shall be quoted in full:

"The Indonesian government has declared Indonesia's new-born independent trade union Solidarity illegal and ordered that steps be taken against it. Solidarity secretary general Saut Aritonang, in a letter to President Suharto, repeated the contents of a classified letter from the Interior Department to local officials in the Tangerang industrial area.

"We do not, repeat do not, recognize the organization which calls itself the Solidarity free trade union because it goes against Law No. 8, 1985 [Social Organizations Law]," the letter said, referring to a law that requires mass organizations to register with the Interior Minister.

"We will give them no services or facilities at all, because they are not legal," said the letter which passed on the contents of a message from Home Affairs Minister Rudini dated January 31 to local officials throughout Indonesia.

Solidarity, listed with the United Nations' International Labor Organization in Geneva, has tried to register with Rudini but has been consistently stonewalled, union leaders say.

The union, which claims some 5,000 members, has not been publicly banned. But several members, including 10 in Tangerang, were arrested after demonstrating at parliament [DPR] because their factory wanted to drop wages from 2,100 to 1,800 rupiah a day (1.05 dollars to 80 cents a day).

---

<sup>7</sup>Article 2 of Convention 98 reads:

1. Workers' and employers' organizations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.
2. In particular, acts which are designed to promote the establishment of workers' organizations under the domination of employers or employers' organizations, or to support workers' organizations by financial or other means, with the object of placing such organizations under the control of employers or employers' organizations, shall be deemed to constitute acts of interference within the meaning of this Article.

The arrests, two days after the Interior Department letter was sent to Tangerang local officials, were described by police at the time as "for preventive questioning."

"What is surprising is that the letter recognizes the union is supported by international labor laws and by our national constitution but declares us illegal anyway," Saut told Reuter.

Indonesia's constitution guarantees the right to organize labor and Jakarta, its trade privileges with the United States threatened because of its poor labor record, has been at pains to be seen to be promoting workers' rights.

Solidarity's Saut, in his letter to Suharto, asked that the President revoke Rudini's orders.

However, after considering the international impact of denying this new trade union legal existence, the government adopted a policy of allowing the organization to exist, but not as a trade union, and thereby not legally permitted to represent workers in collective bargaining or in disputes with employers. Operating in this no-man's land of "tolerance", Setia Kawan has been hampered from the start in carrying out its purposes as an organization representing workers. The Department of State report is instructive:

*The Government has made no formal move to ban Setia Kawan. However, the Setia Kawan is not able to function as a labor union since it does not meet the requirement for legal recognition referred to above. Setia Kawan organizers have been harassed, and in June Secretary General Saut Aritonang reported he was abducted by armed men and detained for several days. Prior to this incident, Aritonang had indicated he would be going to Geneva to bring Setia Kawan's case before the International Labor Organization (ILO) during the ILO's annual International Labor Conference at which the Indonesian Minister of Manpower would be president of the conference. The Indonesian Government has denied responsibility for Aritonang's disappearance, and Aritonang has not publicly speculated on the identity of his abductors.<sup>8</sup>*

In April, 1991, the International NGO Forum on Indonesia meeting in Washington, DC, characterized the problem of freedom of association in Indonesia as follows:

The right to organize is different from the right to be organized: in Indonesia there are two aspects of violation of the freedom of association. One is to limit the freedom of association, the other is to force people to be members of an association.<sup>9</sup>

---

<sup>8</sup>DOS Country Reports, 1991, p. 871. It should be noted, however, that at the time of the abduction, Reuters Press reported that it had been informed by Indonesian government intelligence sources that Aritonang was in government custody.

<sup>9</sup>Report on the Seventh INGI Conference, 29 - 30 April - 1 May, 1991, Washington, D.C., p. 13.



In the case of Setia Kawan, the freedom to organize is violated, while in the case of the PGRI, the freedom not to belong is violated, along with the freedom to choose which organization to join. In the case of SPSI, the freedom to associate is offended by the government domination of the only organization allowed legal existence as the representative of workers.

The only conclusion we can draw from these developments is that, while the Government of Indonesia has paid attention to the complaints of the ILO and earlier GSP petitions, its responses have not advanced the freedom of association and should therefore not be interpreted as "taking steps to afford workers internationally-recognized worker rights." The ILO appears to have reached a similar conclusion. In June, 1991, The ILO Conference "again regretted that Indonesian law was still not in conformity with the requirements of ILO Convention 98, which Indonesia has ratified."<sup>10</sup>

## **B. The Right to Organize and Bargain Collectively**

The NGO Forum on Indonesia has characterized accurately the basic problem facing workers trying to exercise the right to organize and bargain collectively in Indonesia:

"...first of all the constitution does guarantee the right to organize. But because of the paradigm of political stability as a prerequisite for development, the Indonesian Government has issued an enormous range of laws, regulations and decrees etc. which actually limit the freedom granted in the constitution."<sup>11</sup>

One of the fruits of this panorama of regulatory activity is, as the DOS country report notes, the fact that not a single factory in Indonesia's Export Processing Zones has completed a collective bargaining agreement.<sup>12</sup>

Among the less than 6 percent of Indonesia's workforce which is organized, collective bargaining is generally practiced in a non-adversarial way, when it is practiced at all. However, more than half of the local units of SPSI have *no* collective agreement, a fact which results both from a low level of awareness of rights among organized workers in the official unions and the high level of informal and regulatory barriers put in place by the government and employers.

Attempts by unions to negotiate have long been suppressed by a combination of employer and state actions. A government ban on the right to strike long enabled the military to intervene at will in any effort at collective action. However, in August, 1990 that ban was reportedly

---

<sup>10</sup>DOS Country Reports, 1991, p. 873.

<sup>11</sup>Ibid., p. 13.

<sup>12</sup>Ibid., p. 872.



relaxed. As a result, there was an upsurge of strikes, more than double the number of strikes in the previous year (20 strikes in 1989, 61 in 1990, 112 during the first 11 months of 1991).<sup>13</sup> Most of these strikes were called to protest the arrest or illegal firing of union leaders by employers seeking to thwart the formation of labor unions or to prevent collective bargaining, or to protest the refusal of employers to pay the required minimum wage. Despite the reported lifting of a ban, several of the strikes were violently suppressed by military action and the threat of military intervention was present in almost all the actions.

Press reports of the largest of the strikes provide vivid evidence of the nature of the suppression of worker rights against which the workers were protesting, as well as the difficulty workers faced in trying to negotiate improvements, or even bare compliance with the terms of labor law. Several examples follow.

1. On March 14, 1991, the *Jakarta Post* reported the strike of some 700 workers in a tire factory in Tangerang, industrial suburb of Jakarta.

ca  
Around 700 workers of PT Arga Mira, a tire factory in Batuaceper, Tangerang, went on strike Tuesday to demand better wages, the right to take annual leave, and starting a workers' association within the company.

Until yesterday talks were still going on between the company owner and representatives of the workers under the supervision of Tangerang [government] manpower officials.

The workers, mostly women, began the strike at 10 a.m. by turning off all the machinery. Then they all sat in front of the company's office, yelling, "Care about our fate, don't treat us cruelly!" Shortly after the strike began, a group of policemen and military police arrived there, but the workers refused to end the strike.

"I have a right to go on strike. The government has lifted the ban on strikes," said one worker.

PT Arga Mira, according to the workers, had not paid any attention to human resources there. "The company only gives Rp 200 for working overtime, which is supposed to be for a meal allowance. The money is provided only for those working extra hours on Sundays and other holidays," another worker said.

They also said that the factory, which produces car and bicycle tires, did not give them food or drink even though they had to work from 7 a.m. to 7 p.m. The workers had to provide their drinks themselves by boiling water using the hot steam coming from the boilers, they said.

Worse, said the workers, the company paid them below the minimum wage set by the government, which is Rp 1,600 per day, excluding meal and transport allowances. They received only between Rp 1,200 and Rp 1,600 a day, said the workers.

---

<sup>13</sup>Cf. Andrew J. Klein, "Indonesian Industrial Labor Relations and the Case of the Sneaker Industry", MIT Sloan School of Management, January, 1992, p. 8. Klein notes that "for every reported strike in the official figures there are at least four to five additional strikes."

"I have been working here for eight years and I still receive Rp 1,600 per day," they said. The money includes the payment for their meal and transport allowances.<sup>14</sup>

3  
2. In April, 1991, about 2,800 women workers at a Korean joint-venture shoe firm in the Tangerang export zone wrecked factory offices in anger at poor pay and conditions. According to a Reuters report,

The riot began when workers at PT Spartan Indah Shoes Manufacturer found their annual holiday bonus had been cut to less than half the month's salary they received last year. That was the spark. But it is just the culmination of other complaints about low pay, forced overtime and zero health and safety provisions. . . . The firm pays most workers 1,250 rupiah (65 cents) a day. The rioters smashed windows, computers and furniture in the offices of the sports-shoe firm but were unable to break into the factory, witnesses said.

(An) activist from a labor rights foundation said workers had been threatened for trying to set up a branch of the government-backed union in the factory in the Tangerang industrial district west of Jakarta.<sup>15</sup>

4  
3. On June 18, 1991, Reuters reported another incident:

More than 200 Indonesian factory workers, among the world's lowest paid, demonstrated in front of the Indonesian Manpower Ministry on Tuesday demanding the government help improve their working conditions.

The workers, mainly women from garment and shoe factories near the capital, called for higher wages and chanted songs. "I eat propaganda, with a side dish of promises. Guess who am I? That's me, the Indonesian worker," they sang.

The workers also protested against a ministry decree which allows military involvement in settling industrial disputes. "We want the ministry to get rid of the rule. The military is supposed to protect us, not repress us," said Muchsin, a garment worker. He said six of his colleagues were arrested by the military after a recent strike in protest against poor working conditions and forced to resign. Others said they were paid less than the official minimum wage of a little over one dollar a day and forced to work more than eight hours a day without proper health care. "We urge the minister to take action against companies which violate rules on labour," another worker said.<sup>16</sup>

A month before this incident, the same newspaper reported, Indonesia's abuse of labor rights had triggered a protest from the country's primary donor nation, the Netherlands. Dutch Minister of Development Cooperation Johannes Pronk, chairman of Indonesia's aid donor group, urged

---

<sup>14</sup>"Women Workers Strike," *Jakarta Post*, March 14, 1991, p. 2.

<sup>15</sup>Reuters dispatch, April 15, 1991.

<sup>16</sup>"Workers Demo at Manpower Department", *Jakarta Post*, June 18, 1991.

the West to speak out about labor abuse and encourage Jakarta to allow free trade unions.

CS 4. In July 1991, the *Jakarta Post* reported military intervention was used to prevent worker unrest. "The City Military Command (Kodam V/Jaya) has threatened to take action against workers demonstrating in the streets or in the compounds of offices and factories in the capital", the report stated. A command leader was then quoted as saying:

"We will not tolerate this. Any worker or workers found demonstrating will be arrested and brought to trial." Major Gen. K. Harseno, the City Military Commander, said when observing social work by the military command officers in the Sukapura district, North Jakarta, Thursday.

Harseno said if workers wanted to protest against their low salaries or working conditions, they should approach the House of Representatives (DPR). "We will only allow workers to go to the DPR and leave the problem with the legislature," he said.

Harseno also warned that a new labor union headed by Princen, a city lawyer, called Serikat Buruh Merdeka, was operating illegally. "This labor union has no permit. I would like to call on the community not to go to the organization but instead contact the Indonesian Labor Union (SPSI)," Harseno said.<sup>17</sup>

CS 5. In August 1991, another massive labor strike occurred in Tangerang. On August 20, 13,000 workers struck. According to Indonesian sources, this action was the most significant in recent years. The workers were demanding that their wages be increased from Rp 1600 per day (about \$1) to the legal minimum wage of Rp 2100. Coordinating minister for political and security affairs Sudomo responded to the strike by saying he would ask the armed forces to intervene.

The strike lasted more than a month. In mid-September, Indonesian human rights and labor leaders protested to parliament over military interference in the strike. According to Reuters, the secretary-general of Setia Kawan said they met members of the armed forces faction in parliament to ask that the military be kept out of industrial disputes.

"We want the government to stop any military involvement in such cases," secretary-general Saut Aritonang told reporters. Johnson Panjaitan of the Jakarta Social Institute, a human rights group, said some workers had been arrested and beaten by members of the armed forces last week following a series of demonstrations involving 14,000 people in factories belonging to Gadjah Tunggal, a major Indonesian company, near Jakarta. . . . About 200 soldiers and police were sent to guard the factories though workers had already gone back to their jobs. Politicians and even an official of the government-backed All Indonesian Workers Union (SPSI) have criticized the action as heavy-handed and unlikely to solve anything.<sup>18</sup>

---

<sup>17</sup>"Workers Warned: NO Demonstrations!", *Jakarta Post*, July 20, 1991.

<sup>18</sup>Reuters dispatch, Sept. 11, 1991.

These incidents illustrate the systemic problems confronting workers attempting to exercise their right to organize and bargain collectively. The overall lack of rights is exacerbated in many of the export industries in zones such as Tangerang, where the majority of factories are small to medium sized companies, often without legal status. According to one study, "It has been estimated that 98% of companies in Indonesia have no legal status and the majority of the industrial workforce are employed by such concerns."<sup>19</sup> This same study points out that, whereas such companies often go to great lengths to avoid detection, "in reality their presence would not be possible without the passive consent of government officials." "Thus," it concludes, "while there is much discussion of workers rights under existing labor laws, it needs to be remembered that the majority of workers are effectively alienated from any form of regulation and enforcement."

It can be conclusively stated that the right to organize and bargain collectively remains compromised severely in Indonesia by a combination of regulatory complications and regulatory neglect, military involvement in labor union activity and government domination of the bargaining process. The ability of companies to ignore labor laws with impunity and the inability of workers to take legal collective action when bargaining proves impossible or ineffective exacerbates the situation further. While there may be little that is "new information" during 1991-92 about this situation, the fact that there has been no effective progress constitutes a sufficient reason for undertaking a formal review of Indonesia's status.

#### C. Prohibition of Forced or Compulsory Labor

The State Department has indicated the seriousness of allegations of forced labor in Indonesia in its 1991 Country Report:

*Forced labor is prohibited by law. However, in 1990 credible reports asserted that military and civilian officials in Irian Jaya cooperate with Jakarta-based timber companies to compel Asmat tribespeople to cut down trees and transport them downstream to waiting ships, and that the Government resettlement program raises serious questions of informed consent. There are also documented reports of labor contractors in Jakarta selling girls as domestic servants or to brothels near plantations, and of men sold as agricultural workers. The Government responded that it was investigating the allegations. The Government did not release the results of this investigation, however, in 1990 or 1991.<sup>20</sup>*

In addition to these allegations, recent reports have surfaced of compulsory labor by hundreds of young workers from East Timor who were recruited to work for Rp250,000 (\$125) per month

---

<sup>19</sup>Edward Simanjuntak and Mick Blowfield, "Tangerang: An Industrial Center", 1991, p. 4.

<sup>20</sup>DOS Country Reports, 1991, p. 874.

in electronics factories in Bantam, a new and relatively advanced industrial zone, who have instead been forced to labor for companies owned by relatives of President Suharto in Java for wages equal to less than Rp33,000 per month (US\$16.50) from which Rp15,000 (US\$7.50) is deducted for transportation and from which other deductions are made for food and board, leaving them with no income. These youths have protested to the governor of East Timor and to Indonesian human rights groups regarding their situation, which came to light only because some of them were able to escape from their factories and contact organizations in Jakarta.

Apparently because of the involvement of the president's family, a virtual news blackout was enforced by the military, who also were involved in the abduction and deception of the youths from East Timor, according to the testimony of the youths and the reports of human rights monitors.

It is estimated that thousands more may be incarcerated under forced labor conditions in more remote areas of the country such as Irian Jaya, where access to human rights advocates is virtually non-existent. (For further details on the case of the East Timorese youth, see Appendix I.)

The credible reports of these workers and others, as mentioned in the Department of State report, make it necessary for a complete review of forced labor in Indonesia to be conducted prior to determining whether beneficiary status under the GSP program should be retained. For, as the Country Report Appendix B notes:

*No flexibility is permitted concerning the acceptance of the basic principles contained in human rights standards, i.e., freedom of association, the right to organize and bargain collectively, the prohibition of forced labor, and the absence of discrimination.<sup>21</sup>*

#### *CHILD* D. Minimum Age for Employment of Children

In January, 1992, The Department of State reported that:

*Child labor continues to be a major problem. The Ministry of Manpower acknowledges that there is a class of children under age 14 who, for socioeconomic reasons, must work and notes that the child labor laws, which provide detailed safeguards, have not been fully enforced.*

Describing the scope of the problem, and the nature of the child labor force, the report continued:

*Observers claim that over 2 million children under the age of 14 are working half- to*

---

<sup>21</sup>DOS Country Reports, 1991, Appendix B "Reporting on Worker Rights."

*full-time, mostly in family-run businesses in the informal sector and at agricultural sites, where enforcement is difficult.*<sup>22</sup>

Other observers, however, have suggested that as many as 2.8 million children are working under conditions of virtual bonded servitude in the factories and mines of Indonesia, including its major cities, such as Jakarta, Bandung, Surabaya and Medan. As the *Jakarta Post* noted in an important article on the scope of child labor in Indonesia in mid-1991,

"The figure does not include teenagers working a few hours to earn additional pocket-money, nor children working in the fields, nor youngsters doing household chores, but children (according to the ILO definition) prematurely leading adult lives, working long hours for low wages which damage their health and physical and mental development. Children falling in this category are those who work in industrial enterprises, underground in mines, or children employed as seasonal and cheap labor in factories."<sup>23</sup>

While it is true that child labor is a product of generalized poverty, and that the most important efforts to combat it relate to education and decent employment for the parents of children, it is also true that in Indonesia the government has been extraordinarily lax in enforcing the child labor laws it has enacted and that the laws themselves provide entirely inadequate sanctions, including a limit on fines for infractions of at most Rp 100,000 (less than \$50) or three months imprisonment. There are only a few cases on record of employers having been sentenced to any time in prison for child labor violations.

The U.S. Department of Labor, in describing principles for assessing child labor violations for purposes of the GSP and related laws, has noted the following exception:

a. *Acceptable:* Where there are (a) special and substantial problems with applying a minimum age law, or (b) branches of economic activity or government undertakings with insufficiently developed economies and administrative facilities, the scope of application and the categories of employment of work may be somewhat limited.

b. *Restriction:* These limitations may NOT include work dangerous to health, safety or morals. Protective legislation must minimally exclude from child employment: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes.<sup>24</sup> (emphasis in original)

---

<sup>22</sup>DOS Country Reports, 1991, p. 874.

<sup>23</sup>Rita A. Widiadana, "More than 5 Million Child Workers!", *Jakarta Post*, July 23, 1991.

<sup>24</sup>*Worker Rights in U.S. Policy*, U.S. Department of Labor, Bureau of International Affairs, May, 1991, p. 28.

In sharp contrast to these restrictions, the Bangkok-based child advocacy organization, Child Workers in Asia (CWA), documented in July, 1991 the conditions faced by children working in the export processing zone of Tangerang: c8

At present about 1200 industrial establishments have been set up, ranging from home industries to capital intensive industries. According to an estimate by the local labor office, about 9,200<sup>25</sup> workers are employed in this area, of which 30-50 percent are female child workers.<sup>26</sup>

In a study of 180 of these child workers (173 girls and 7 boys), aged 10-16, working in six different kinds of factories, namely biscuit, mosquito coil, medicine, garments, electric bulb and glass factories, all but seven of whom were girls, CWA found that: c9

The child workers normally get up at dawn, about 4:30 a.m. to make the necessary preparations such as cooking breakfast, washing dishes, etc. 75.56% of the children had breakfast before leaving their houses, however 24.46% said they did not have breakfast because there was no time. The distance between their homes and their work place varies from 5 to 15 kilometers and their work begins at 7 am. For those who live far away it is necessary to leave home very early in the morning. They work 6 days a week and most of the or 78.89% work 8-10 hours a day. If there is overtime work, they have to work up to 13 hours a day.

... Working conditions for children in this area are extremely bad. Their work requires sitting or standing positions for the entire day. 31% of child workers in this study had to stand all the time while 23% had to sit all day, only 14.44% had moving working gestures that required walking back and forth. The remaining 30% had irregular positions. In the biscuit factory all the children had to stand the whole day long and if there was overtime each of them would have to stand for more than 8 hours a day. The children suffer from pain and fatigue in their limbs as a result of the excessive working hours and the unsuitable working gestures. 71.12% of the children interviewed said that they had been sick as a result of fatigue, excessive overtime work and a lack of rest. When they were sick, the company generally provided them with some pain-relief medicine or Rp.500 (US\$0.31) for treatment at the local public health center. None of the six factories in this study has its own clinic or health.<sup>27</sup>

---

<sup>25</sup>This figure is believed to be a typographical error, since the number of workers in Tangerang, according to other studies, is estimated to be 92,000. (Cf. Simanjuntak and Blowfield, p. 5.)

<sup>26</sup>Excerpts from a study on "The Problems of Child Workers at Tangerang" by KOMPAK-Indonesia, published in "Working Children in Tangerang Industrial District," Child Workers in Asia, Vol. 7, No. 2, April-June 1991, p. 2.

<sup>27</sup>Ibid., p. 2.



Indonesian law requires a maximum of 4 hours per day for workers under 14 years of age.

Regarding efforts by the government to inform child workers of their rights, the study noted that:

All the children in their study said that they did not know that Indonesia has a law prohibiting employment of children of their age. And they did not know that there is a provision to protect their rights if compelled to work. They said that there is no trade union organized in their work place. They had no idea if the labor officer visiting their work place is there to protect, supervise or defend the workers' rights. They said that when the labor officer came to the factory they were sent home half a day (51%), hidden in the shade or in a toilet (37.22%), given a day off (6.11%) and some of them continued working. (5.56%) It is clear that employment of children in most cases remains a secret business.<sup>28</sup>

The full article from Child Workers in Asia is included as Appendix II.

The vast scope of problems facing child labor in Indonesia are, of course, beyond simple remedy. But there is scant evidence that the government has begun to address the problem in any serious way, whether at the level of enforcement, or in providing educational and adult employment opportunities, or in limiting access by children to work that is dangerous to health, safety or morals.

#### *MNSTD* E. Acceptable Conditions of Work

Indonesia has no uniform minimum wage law. Instead, the Ministry of Manpower issues wage guidelines for each area. Over 600 different minimum wages are in place—27 regional, 68 sectoral, and over 500 sub-sectoral. However, according to a Ministry of Manpower report, in almost every province the minimum wage received by workers fails to cover the minimum physical needs of even a single worker, and in most industries, observance of these sub-minimal guidelines is infrequent.<sup>29</sup> According to a study concluded at Massachusetts Institute of Technology in January 1992,

"The average minimum wage in Jakarta is apparently Rp 2,600 per day, or \$1.30. This is among the lowest in Southeast Asia; it seems particularly low in light of the fact that it is substantially below a government determined "basic physical needs figure", Rp 3,313 for Jakarta. This is the amount a family needs to meet that basic needs of food, clothing, and shelter. The minimum wages are on average 63 percent of the basic needs figure."<sup>30</sup>

---

<sup>28</sup>Ibid., p. 4.

<sup>29</sup>The Economist, June 15, 1991.

<sup>30</sup>Klein, "Indonesian Industrial Labor Relations and the Case of the Sneaker Industry", p. 4.

In April, 1992, the Indonesian newspaper *Antara* reported on wage conditions in the garment industry:

An Indonesian labor leader has charged the local garment industry with making big profits at the expense of its workers, paying them below the minimum wage level. Saman Sitorus, deputy chairman of the All Indonesian Workers Union (SPSI) told *Antara* on Saturday that most of the Indonesian garment exports were "subsidized" by the workers. This is "because many garment industries still pay their workers below the minimum wage level," he said.

Sitorus said the government was also to blame for setting the labor wage at a low level to attract foreign investors to the country. Sitorus said the garment industry could actually pay its workers twice the minimum wage level because of the enormous profits it earned.

Sitorus quoted findings by the Economic Research and Development Center of the Indonesian Institute of Sciences (LIPI) as showing that Indonesian garment makers made between 60-70% profits compared with only 40-50% by the South Koreans. "Therefore Indonesian garment producers should have no problem raising the wage of their workers," he said.

Sitorus said Indonesian workers were not only underpaid, but also worked longer hours. "On an average, a garment worker works from 7 a.m. to 8 p.m., some up to 9 p.m., and only four days in a month is allowed to leave for home at 6 p.m.," Sitorus said, quoting the LIPI findings.

He said the labor law stipulated that a worker was supposed to work only seven hours a day, with overtime limited to two hours per day.<sup>31</sup>

The Department of State reports that "observance of minimum wage and other laws regulating benefits and labor standards varies from sector to sector and from region to region. Employer violations of the guarantees are considered to be fairly common and often the subject of strikes and employee protests. Government supervision and enforcement have been weak or nonexistent."<sup>32</sup>

Regarding health and safety regulations, the DOS report noted that enforcement of minimum standards is "hampered" by the lack of inspectors, less than 1,300 inspectors to cover over 100,000 larger, registered companies in the non-oil sector. The fact that, according to other reports, more than 80 percent of industrial companies operating in Indonesia are unregistered adds to the scope of the problem of enforcement.

The Government of Indonesia has taken some steps, with the aid of the ILO and other

---

<sup>31</sup>The *Antara* article was reprinted in abbreviated and translated form in the *Jakarta Post*, March 25, 1992, p. 10.

<sup>32</sup>DOS Country Reports, 1991, p. 874.

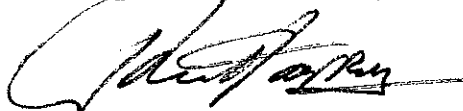
international organizations, to improve its provisions for and monitoring of workplace safety conditions. However, until it allows the basic rights of workers to organize autonomously, to bargain collectively and take collective actions to protect their rights without government interference, the most important monitoring of workplace conditions, by workers who are themselves educated and aware of their rights, will not occur.

## CONCLUSION

Because of the serious and systematic nature of the violations of labor rights which have been alleged in the reports cited above, we urge the Trade Policy Committee to subject Indonesia to a full review of its beneficiary status for the Generalized System of Preferences. It has been three years since such a review was conducted. There is scant evidence that the "steps" which were averred to having been taken in 1989 have in fact been taken, or that they have resulted to any significant degree in "affording workers their internationally-recognized rights." Furthermore, there are new allegations of serious violations including forced labor, suppression of trade union organization efforts and denial of freedom of association. These violations have resulted in widespread and serious violations of satisfactory workplace conditions, including sub-minimum wages, dangerous workplaces and illegally long work hours.

It is time, therefore, to conduct another full-scale review and, it is the petitioner's belief, it is also time to suspend beneficiary status until there is genuine improvement in the rights of workers in Indonesia.

Respectfully submitted,



Pharis J. Harvey  
Executive Director  
International Labor Rights  
Education and Research Fund

*not coded*

## ASIA WATCH REPORT

May 15, 1992

## DECEPTION AND HARASSMENT OF EAST TIMORESE WORKERS

In early September 1991, the Indonesian military forced the country's leading newsweekly, Tempo, to kill a story scheduled for the September 7 issue about the plight of young East Timorese workers who had been promised training and high-paying jobs by President Suharto's eldest daughter, Siti Hardijanti Hastuti, better known as Mbak Tutut. Instead of being trained and sent to an industrial development on Batam Island between Sumatra and Singapore, as they expected, they found themselves working as unskilled labor for far less than the minimum wage in factories in Semarang, Central Java; Bogor, West Java; Surabaya, East Java; and Jakarta. When some tried to protest, they were interrogated and in at least one case, detained and beaten, by military officers who accused them of being political activists. When they were unable to persuade the president's daughter to address their grievances, the young workers, many of them teenagers, tried to bring their case to the attention of members of the national parliament. It was when Tempo tried to cover the story of that appeal that two officers from the armed forces' Information Center stepped in and warned the editor.

Asia Watch has recently obtained documents, some of them written by the workers themselves, which set out their experience in detail. The documents are important because they reflect several factors which have fuelled the nationalist movement in East Timor. These factors include the lack of jobs and other opportunities for young East Timorese in East Timor (which made the initial offer of Mbak Tutut attractive); the tendency of many businesses in Jakarta and elsewhere in Indonesia to regard East Timorese as cheap labor that can be easily exploited, an attitude that may have racist overtones; and the way in which almost any East Timorese, inside or outside East Timor, is regarded as a potential political threat by the military, to be put under constant surveillance accordingly.

## The Offer

The documents obtained by Asia Watch describe what happened to the young people after they arrived in Jakarta. But the problem began in Dili, in December 1990 when Mbak Tutut visited East Timor on behalf of her private foundation called Yayasan Tiara. Over the radio, in public meetings, and in door-to-door recruiting, Yayasan Tiara offered to send East Timorese youth to the industrial development site of Batam Island at salaries of between Rp.250,000 and Rp.300,000 or US\$125 and US\$150 a month. In addition, they would be given three months training in Jakarta before heading out to Batam. With a high unemployment rate and few prospects in Dili, over 600 East Timorese youth signed up. There were reports, which Asia

Watch has not been able to verify, of Tiara officials together with the local military working from lists of young people who had been arrested in the course of political demonstrations from late 1989 on, and making a particular effort to recruit them as a way of getting "troublemakers" out of East Timor.

### The First Wave

When the first group of 132 left Dili on March 27, they were given a formal send-off with Governor Mario Carrascalao, Bishop Carlos Ximenes Belo and senior local officials in attendance. The Yayasan Tiara pledge of jobs in Batam was repeated in front of the youths and their parents.

When they arrived in Jakarta on March 29, they were housed in a complex on the grounds of a tourist site called Taman Mini Indah Indonesia, what in the United States would be called a "theme park." Officials from the central office of Yayasan Tiara came to meet them and explained that the Batam plans were canceled because the youths lacked the necessary skills. Instead, they could go to a site in the North Moluccas called Simanggole. The East Timorese refused; one said they felt "cheated and sick" at the deception.

The next day, Mbak Tutut came out to Taman Mini and met with the group. This time, she offered to send them to a textile factory in which the first family has an interest, PT Kanindotex in Bawan, outside Semarang, Central Java. Two East Timorese who have long collaborated with the Indonesian government, Francisco Lopes da Cruz and Clementino dos Reis Amaral came to Taman Mini as well to take part in a kind of welcoming ceremony, and the young people, thinking they might get a sympathetic ear from fellow East Timorese, poured out their grievances. Lopes da Cruz responded by telling them he did not want to get mixed up in their difficulties and had no authority to deal with the problem.

The group decided to make the best of a bad situation, and some agreed to go to Semarang while others went to a poultry farm near Bogor, West Java, where they were made to clean chicken cages. Five of the Bogor group returned to East Timor rather than stay on. Those who went to the textile factory were also given jobs as menial laborers, hauling things to place on trucks. Their salary was Rp.10,500 (US\$5.25) a month, for a nine-hour workday, 8 am to 5 pm. It was supplemented for the first three months by a subsidy from Yayasan Tiara of Rp.22,500 a month. The young people had been told that the total, Rp.33,000 (\$16.50), would include food and lodging provided by the factory, but as it turned out, the company deducted the expenses from their pay. Moreover, the lodging was some distance from the factory, so that each worker had to pay an estimated Rp.600 (30 cents) a day in transportation.

By May, there had been several "clashes" in the factory between the East Timorese and other workers and guards, the result, one worker said, of their "deep disappointment and frustration." Sometime that month, an official of Yayasan Tiara came to the factory with a prepared statement that he wanted the East Timorese to sign. The gist of the statement was that everything had proceeded according to plan, everyone was satisfied and there were no significant problems. The

official told the workers that their only chance of having their grievances addressed was to sign to statement, so most did. Later that month, however, 18 of the original group in Kanindotex resigned and went to Jakarta to seek redress. Later, another 65 signed a letter to Governor Carrascalao, protesting what had happened (see Appendices).

### The Second Wave

The second wave consisted of 283 young men and women ranging in age from 15 to 25. Their transportation and employment was arranged not by Yayasan Tiara but by the Ministry of Manpower, although they were given the same promise of jobs in Batam and salaries of Rp.200,000 and more. They arrived by boat in Surabaya, East Java, on June 6, 1991. About half stayed in Surabaya, 40 were assigned to Bali and 100 were sent to Jakarta.

The Jakarta group was placed in the Balai Latihan Kerja, or Training Center, in Cijantung, West Java near a complex run by the army Special Forces (Kopassus). The Training Center itself was run by one Col. Sutrisno. For two weeks, the youths were given training, not vocational training, but what amounted to military drills: exercises, marching in formation, saluting and so on. They were then placed in factories without having received any preparation whatsoever. They received the Jakarta area minimum wage (Rp.2100 or \$1.05 a day) and the Ministry provided lodging for the first year in what the youths describe as a "pitiful" place.

Like the first group, the second felt cheated but were afraid to voice their complaints. Eventually, on August 3, two young men, Luis Maria Lopes, 22, and Nuno V. Pereira Saldanha, 19, confronted Col. Sutrisno with their grievances. Sutrisno said he would study the problem and told them he would meet with them again on August 9. But the day before the scheduled meeting, Luis and Nuno were picked up from their workplace and taken to the Training Center, together with a third youth, Armindo Goncalves. They were interrogated by two Kopassus officers, identified by the youths as Corporal Suyatman and Sergeant Iatkan. The next day, ten other Timorese were taken to Cijantung, and after seeing them depart, three others left of their own accord to go to Cijantung in a gesture of solidarity.

There were then 16 youths at the Training Center. Thirteen of them were lined up in the area used for flag-raising ceremonies and were beaten and kicked by three soldiers in front of many witnesses. (For some reason, Nuno and Luis were two of those who were spared the beating, despite the fact that they had brought the original complaint.) The soldiers included Sergeant Iatkan and Sergeant Marjoko from Kopassus as well as a Marine officer, Sergeant Nursansi. Then they were interrogated by Colonel Sutrisno, accused of being political activists, and threatened with electric shocks if they did not answer properly.

After the interrogation, according to the workers, Colonel Sutrisno decided that five of the group who had reported sick since August 1 would be sent back to East Timor: Armindo Goncalves, Latif Daeng, Erhan, Charles Batelo and Jelaso. They were ordered to remain at the Kopassus complex in Cijantung, but escaped and made it back to their lodging in North Jakarta on August 13. The same day, however, they were apprehended by Kopassus and taken back to Cijantung

where they were put in a single room, but not, apparently under heavy guard. Luis and Nuño went into hiding after hearing there was a search on for them.

On August 18, Armindo and Latif made a quick trip up to Jakarta from Cijantung to tell their friends they would be sent back to East Timor on August 20. When August 20 arrived, the departure was again postponed, and four of the five requested permission to visit their friends in North Jakarta again. The fifth, Erhan, had been released after relatives of an army officer took responsibility for him.

On August 30, 29 youths representing 355 of the East Timorese who had been lured from Dili by false promises of good work and high wages appealed to the national parliament for the promises to be met. Nine months later, some were still living, unemployed, in Jakarta.

### Conclusions

Economic conditions in East Timor ensure that there will be continue to be many volunteers for jobs in Indonesia. But when young East Timorese are lured away by false promises to work at menial jobs with substandard wages, it becomes tantamount to forced labor. Not a single worker freely chose to work cleaning chicken cages or hauling crates or any of the other unskilled jobs assigned them. All were deceived by a private foundation working in conjunction with a government ministry, and they faced intimidation, detention or destitution if they protested or walked out.

This group managed to get attention, in part because of Mbak Tutut's involvement in the deception, in part because of the courage of those willing to protest their treatment, and in part because many of the workers had access to Jakarta. Many other East Timorese are working in Kalimantan, Sulawesi and elsewhere; who knows what they were promised or what conditions they find themselves in.

When any workers are hired, in East Timor or anywhere in Indonesia, they should be given a contract containing all the relevant information about the work involved so they can make an informed decision about whether or not to take the job. The contract should specify the rate of pay, hours of work, benefits and the name of the factory to which the worker will be assigned. The workers should be guaranteed the minimum wage with additional compensation for work beyond eight hours. And if they are either unable or unwilling to continue the work, they should be allowed to return to East Timor at any time, without being penalized.

### APPENDIX I: STATEMENT OF EAST TIMORESE

We, the undersigned, are the youths brought from East Timor, and we hereby state that we wish to be returned immediately to our homes in East Timor if the following demands are not met:



1. Our salaries should be raised in accordance with a humane standard of living.
2. We should be moved to another workplace in accordance with our aspirations.
3. Force should not be used as a method of guidance.
4. We should not be accused of being political activists.
5. We should be in the hands of training professionals and not the military.

With this we list our names as follows without being forced to do so by any outside party and the list can be used as necessary.

Jakarta, August 21, 1991

NAME	PLACE AND DATE OF BIRTH
1. Luis Maria	Maubisse, 15.9.67
2. Nuno V.Pereira Saldanha	Dili, 25.11.71
3. Joao de Araujo	Aileu, 4.7.74
4. Agostinho D.A.	Ainaro, 15.8.69
5. Mario da Costa	Ermera, 6.1.70
6. Afonso D. Marafal	Lospalos, 13.2.67
7. Hermangildo Agapito	Balibo, 3.3.66
8. Jose da Costa	Same, 17.7.69
9. Marcos F.S.	Aileu, 20.3.69
10. Santina da Costa	Ainaro, 10.4.74
11. Adelino Saca	Aileu, 18.8.69
12. Zacarias Lau	Suai, 3.6.70
13. Joao Alves	Aileu, 15.6.70
14. Germano F.	Dili, 1.7.72
15. Aleixo Monteiro	Lospalos, 15.6.69
16. Marculin O	Aileu, 30.2.75
17. Daniela P.	Ainaro, 1.10.73
18. Amelia B.S.	Baucau, 10.10.69
19. Victor A. Pereira R.	Dili, 17.12.72
20. Fernando H. Barada	Dili, 3.5.72
21. Aniceto Bras	Oekusi [sic], 14.10.69
22. Aderito Mendonca dos Reis	Ainaro, 25.11.77
23. Marculino Augusto	Bazartete, 17.2.72
24. Duarte Freitas	Lospalos, 4.7.73
25. Alberto Bere	Laclubar, 20.4.73
26. Custodio Doutel Soares	Bazartete, 24.4.70

Drafters of this statement:  
 Head of the group  
 Luis Maria Lopes Saldhana

Deputy Head  
 Nuno V.Pereira

## Working Children in Tangerang Industrial District

Tangerang, a city with an area of 1396.95 square kilometers, is a major industrial district near Jakarta. Twenty years ago this district was an agricultural area. Since 1976 it has been rapidly industrialized. At present about 1200 industrial establishments have been set up, ranging from home industries to capital intensive industries. According to an estimate by the local labour office, about 9,200 workers are employed in this area, of which 30-50 percent are female child workers.

Since 1989 the Indonesian Committee on Creative Education for Child Workers (KOMPAK) has developed several support programs in form recreation, non-formal education & training, skill development etc. for children in the area. During the second year of its operation an indepth study on children's working conditions as well as their socio-economic background was conducted.

A total number of 180 children, aged 10-16, working in 6 different kinds of factories, namely biscuit, mosquito coil, medicine, garments, electric bulb and glass factories was studied. The majority of the children were girls; only 7 boys. All of them are residents of Tangerang. They come from very poor family background; peasants and workers. In general the fa-

ther of the family earns an average Rp. 5,000-15,000 per week (US\$ 2.8-9) while the mother earns an average Rp. 5,000 - 12,500 a week (US\$ 2.8-7). The children come from families of more than 6 children. In some cases their fathers or mothers had been married a number of times. Out of the total 180 child workers, 67% were aged 10-14 while 33% were 15-16 years old. The children started working at a very early age and 73% have been working for more than one year. Most of them have had very little education. Only 11% completed grade 6 and 37% completed grade 4. The rest are school drop-outs.

The major reasons for children taking up early employment are, the necessity of support to their families financially, the lack of motivation to continue schooling as they see it as being of no value, the influence of their peers etc. Some of them were forced to work by their parents. Also there were other reasons as shown in table 1.

Table 1

Reasons for taking early employment		
Reasons	Frequency	%
Lack of educational funds	14	7.78
Need to support family	55	30.56
See no use in education	35	19.44
School is too far away	6	3.33
To join friends at work	34	18.89
Quit school, can't follow lessons	14	7.78
Forced to work by parents	22	12.22
Total	180	100.00

## Factory Children



Arriving at the work place

### Daily Life

The child workers normally get up at dawn, about 4.30 am, to make the necessary preparations such as cooking breakfast, washing dishes etc. 75.56 % of the children had breakfast before leaving their houses, however 24.46 % said that they did not have breakfast because there was no time. The distance between their homes and their work place varies from 5 to 15 kilometers and their work begins at 7 am. For those who live far away it is necessary to leave home very early in the morning. They work 6 days a week and most of them or 78.89 % work 8-10 hours a day. If there is overtime work, they have to work up to 13 hours a day.

The children are employed as daily workers. This means that they can be fired at any time. In case of absence, whatever the reason, their wages are cut by an amount that is greater than their daily wage. According to the manager of one biscuit factory, this is a measure to keep the children coming to work every day.

### Wages, Working Conditions and Welfare

The child workers receive their wages once a week, every Sunday. The amount they earn varies, from Rp. 5,000 - 15,000 (US\$ 2.8-9) depending on the amount of work done. They can receive an average of Rp. 8,000 a week for an average of 8 hours work a day. However if they do overtime work, which means that they have to work 8-13 hours a day, they can earn up to Rp. 12,000-15,000 a week. The majority of child workers in this study were earning between Rp.5,000 - 10,000. as shown in table 2.

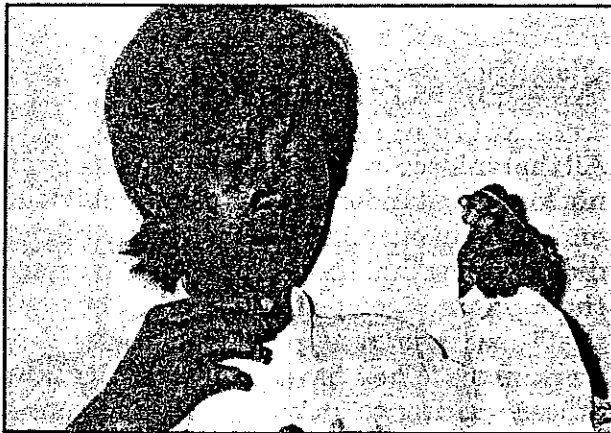
Table 2

Average Weekly Income		
Amount	Frequency	%
Less than Rp. 5,000	22	12.22
Rp. 5,000 - 7,950	62	34.44
Rp. 7,950 - 10,000	41	22.78
Rp. 10,000 - 15,100	24	13.33
More than Rp. 15,100	10	5.56
Uncertain	21	11.67
<b>Total</b>	<b>180</b>	<b>100.00</b>

In many cases child workers do the same work as the adult workers, however they receive lower wages. A child worker receives Rp. 7,950 per week without any allowance or welfare, for equal work, while an adult worker receives Rp. 9,850 plus meal allowance, bonus and premium. It is obvious that in this situation the employers employ children to cut the labour cost. This fact is supported by the fact that it is easier for children to find jobs in these factories, than adults. In other words the job is always available for children but not always for the adult.

From the weekly income the children have to spend at least Rp. 3,200 for their transportation which costs Rp 800 and for their lunches which cost Rp. 2400 a week. These two basic necessities take up 50 % or more of their average income. The remaining amount they normally give to their family. They hardly have any money left for other things they need such as clothes, sandals, and recreational or entertainment activities.

The working conditions for children in this area are extremely bad. Their work requires sitting or standing positions for the entire day. 31 % of child workers in this study had to stand all the time while 23 % had to sit all day, only 14.44 % had moving working gestures



that required walking back and forth. The remaining 30 % had irregular positions. In the biscuit factory all the children had to stand the whole day long and if there was overtime each of them would have to stand for more than 8 hours a day. The children suffer from pain and fatigue in their limbs as a result of the excessive working hours and the unsuitable working gestures. 71.12 % of the children interviewed said that they had been sick as a result of fatigue, excessive overtime work and a lack of rest. When they were sick, the company generally provided them with some pain-

relief medicine or Rp. 500 for treatment at the local public health center. None of the 6 factories in this study has its own clinic or health center.

The working environment itself is not suitable. The large working halls do not have sufficient light and are badly ventilated. The halls are cramped with hundreds of workers and machines. In the electric light bulb factory children have to work in a glass melting section with temperatures of 25-50 degrees Celsius. Children are not provided with any masks or any other safety equipment.

### The Working Atmosphere

65 % of the children said that they had no time for playing. Their one hour lunch break after standing for 5 continuous hours in the factory is spent eating lunch and stretching their strained legs.

Having to work in a depressive working place, the child workers developed negative attitudes about their work. They found their job tiresome (32.78%), threatening and frightening (27.78%), tedious (25 %). As shown in table 3, only 14.44 % felt satisfied with their job. Those who feel happy said that they have many friends they meet in the factories with whom they can share some jokes.

Table 3

Working Atmosphere Attitudes		
Description	Frequency	%
Frightening	50	27.78
Tiresome	59	32.78
Boring/tedious	45	25.00
Satisfying	26	14.44
Total	180	100

## Factory Children



The day's end

They feel frightened because of the foreman who always forces them to do the maximum work. The supervisors are always men and the children found them cruel and sadistic. The children are particularly frightened of them when they have to do overtime work at night because they like teasing female child workers.

Moreover, the working rules and regulations make the work rather depressing. For example if the children come to work late, make mistakes, are absent, refuse to do overtime work, etc. they are always punished. There are various forms of punishment, eg. cleaning the lavatory for one week, job transfer (normally to do heavier work). The child workers are not in a position to refuse these punishments.

### Awareness of Their Rights

All the children in this study said that they did not know that Indonesia has a law prohibiting employment of children of their age. And they did not know that there is provision to protect their rights if compelled to work. They said that there is no trade union organized in their work place. They have no idea if the labor officer visiting their work place is there to protect, supervise or defend the workers' rights. They said that when the labour officer came to the factory they were sent home half a day (51%), hidden in the shade or in a toilet (37.22%), given a day off (6.11%) and some of them continued working (5.56%). It is clear that employment of children in most cases remains a secret business.

### Activities After Work

After their work in factories 53.89 % of the children spend their time sleeping and taking

a rest. About 23.89 % of them have to help their parents doing housework such as cooking, cleaning, washing, looking after animals etc. Others spend their time playing, attending religious lectures, etc. It seems that for many children their work never ends.

### The Labour Law

In Indonesia the first law to protect the children from working was enacted in Employment Law no 12/1948, which prohibits the employment of children at the age of 14 and under. Moreover, there are some other regulations dealing with child workers. Regulation on the restriction of work for children and women working at night (State Gazette 1925 no. 647) does not allow employment of children in the industrial sector. Regulation on restriction of work for children and adults working on board ships (State Gazette) prohibits employment of children on board a ship. etc.

The employment of children in the industrial sector in Tangerang and many others districts indicates that the existing laws and regulations are not enforced and perhaps the current socio-economic realities make it inapplicable. However, the fact that children are poor and need income must not allow them to be forced into these slave like conditions. If the laws cannot prohibit their employment, they must at least prevent their exploitation or protect their rights to normal growth and development. This is a challenge to the legal system in the '90s. The employers will continue employing children for the sake of cheap labour. The law if it aims to protect the child workers, must realize this fact now.

*Excerpts from a study on "The Problems of Child Workers at Tangerang" by KOMPAK-Indonesia.*



(Photos do not show children in their work place due to inaccessibility)