

Pandemic and The Prevalence of Children's Rights Violation: Challenges on Combating Increased Exploitation of Children During The COVID-19 Outbreak in Indonesia

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The COVID-19 pandemic has produced and will continue to amplify vulnerabilities among children who are poor, invisible, and stigmatized, as well as those who have limited access to services and who are suffering from discrimination as a result of their poverty and social status. The increase of poverty due to the pandemic had become one of many problems in Indonesia. Statistics Indonesia said that the pandemic has pushed 2.76 million more Indonesians into poverty and driven the poverty rate to its highest level since March 2017. While rising poverty is indicative of more being pushed into child labour. The relation between swelling poverty and a surge in child labor appears clear, ILO and UNICEF report said, pointing to studies from some countries indicating that a one-percent increase in poverty leads to at least a 0.7-percent rise in child labor. Around 11 million Indonesian children are now vulnerable to be economically exploited as child labourers. In Lombok, West Nusa Tenggara, NGO Tunas Alam Indonesia Foundation (Santai) found that some children had taken heavier and physically demanding jobs, such as operating tractors and carrying agricultural produce. Such reports are in line with the observation by the National Child Protection Commission (KPAI) across 20 cities and regencies across the country, including Batam, Medan and Tangerang. Meanwhile children are often among those most at risk during emergency condition that impacting on children's mental health, who are more likely to experience post-traumatic stress disorder, behavioural problems and depression. The paper focuses on children's vulnerability and inequality due to being child labour during the crisis of covid-19 pandemic in Indonesia. Some of the proposed measures, among others, include more comprehensive social protection, easier access to credit for poor households and measures to get children back into school. The need to develop educative programmes for children so that they can play and learn and to support mobile teacher programme in order to maintain school activities. The government needs to continue raising the public awareness, especially at rural areas, about the elimination of child labour, children's rights and the negative impacts of child labour to lives of children to emphasize the importance of child labour elimination programme at the village levels, including the development of child labour free villages and strengthen the coordination among village authorities. As previously stated, despite the current crisis, the government needs need to focus on reaching the future without child labour in Indonesia by 2022 and need to strengthen the coordination and involvement of all relevant stakeholders.

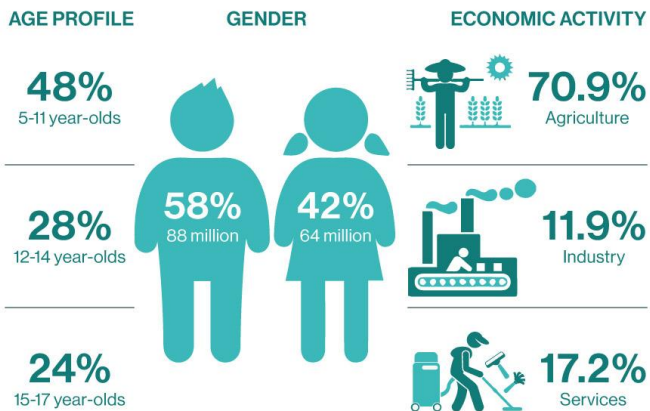
Keywords: children's rights, covid-19, family responsibilities, labour, poverty

INTRODUCTION

The pandemic has severely affected livelihoods, local industries and the global economy in general. The pandemic and its accompanying economic crisis, including massive global job losses, will put poor children at even greater risk and greatly exacerbate existing inequalities. According to the World Bank, the world economy is expected to contract by 5.2 percent this year, the worst recession in 80 years. Millions have already lost their jobs and the current crisis has resulted in increased stress and an economic slump. The World Bank has projected that the depth of the crisis will drive 70 to 100 million people into extreme poverty. (Nortajuddin, 2020) UN officials estimate that at least 24 million children will drop out and that millions could be sucked into work. (The Straits Times, 2020) Moreover, the ILO and UNICEF recently warned that the current coronavirus outbreak could create the first increase in child labour in more than 20 years. Non-profit organisation Save The Children and UNICEF stated that if urgent action was not taken, the number of impoverished children in low- and middle-income countries could rise by 15 percent to 672 million by the end of 2020. (Nortajuddin, 2020)

The unpredictable disruption for many children in Indonesia from Covid-19 extends further. As More than 1.2 million workers in both informal and formal sectors have been laid off. The pandemic has also pushed 2.76 million more Indonesians into poverty and driven the poverty rate to its highest level since March 2017. Some 27.55 million were living below the poverty line in September 2020, when the poverty rate surged to 10.19 per cent; the rate was 9.22 per cent a year before (Yulisman, 2021). To help their parents make ends meet, children may be drawn into forced labor. According to the International Labor Organization (ILO), the COVID-19 crisis could push millions of vulnerable children into child labor. The ILO has estimated that 152 million children are made to work globally, and 72 million of them do hazardous work (Jakarta Post, 2020). According to UNICEF, an estimated 2.7 million children are involved in some form of child labour in Indonesia, and around half of them are under age 13. Especially, during the pandemic, an estimated 4.05 million children work in Indonesia, the world's fourth-most populous nation of nearly 270 million. Of this figure, 1.76 million are deemed to be undertaking the worst forms of child labour, which are dangerous jobs, given that rising poverty is indicative of more being pushed into child labour. (Yulisman, 2021)

CHILDREN IN CHILD LABOUR



Source: Asean Post, Percentage of Children in Child Labor

METHOD

The research method used is a normative legal research method with descriptive analytical research specifications (Peter Mahmud Marzuki, 2014). This research includes literature studies so that this research emphasizes secondary data that is relevant to the topic raised namely the protection of children's rights in the "Challenges on Combating Increased Exploitation of Children During The COVID-19 Outbreak in Indonesia". The design of the study of literature studies is a series of activities to obtain secondary data such as primary, secondary, and tertiary legal material through literature study as a data collection technique, which is then read, recorded and analyzed qualitatively to get actual conclusions.

RESULTS AND DISCUSSION

Cases of Child Labor in Indonesia

Even before the covid-19 pandemic outbreak, children, mostly girls, are subjected to forced domestic work and commercial sexual exploitation abroad, primarily in Malaysia, Taiwan, and the Middle East; within the country, children are also subjected to forced domestic work and commercial sexual exploitation, particularly in Batam, Jakarta, Bali, Bandung, Bogor, Surabaya, and Medan. Children also work as horse jockeys and face a number of health and safety hazards, including risk of bone injuries and fatal falls. In addition to safety concerns, participation in horse racing may impact school attendance. Another than that, children working in tobacco farming, especially in the provinces of East Java, Central Java, and West Nusa Tenggara, are exposed to pesticides, work long hours, and work in extreme heat. Children working on agricultural

plantations, including palm oil, coffee, and rubber plantations, collect fallen palm fruitlets and plants, and spray toxic herbicides. Children are often recruited by family members to help adult palm oil laborers meet harvest quotas, which sometimes results in children working long hours into the night or dropping out of school. (Robin Mcdowell and Margie Mason, 2020)

Moreover, Indonesian government officials said that they do not know how many children work in the country's massive palm oil industry, either full or part time. But the U.N.'s International Labor Organization has estimated 1.5 million children between 10 and 17 years old labor in its agricultural sector. Palm oil is one of the largest crops, employing some 16 million people. (Robin Mcdowell and Margie Mason, 2020) Another industry where child labour is widespread is the powerful tobacco industry. A Human Rights Watch (HRW) report published in 2016 denounces the long-term impact of this work on the health and development of these children, owing to the toxins to which they are exposed. Child workers are being exposed to serious health and safety risks. The dangers include acute nicotine poisoning from contact with tobacco plants and leaves, and exposure to toxic pesticides and other chemicals. (Villadiego, 2018)

Several Factors That Playing A Role

Despite the roadmap published by the Indonesian government in 2015 to eradicate child labour by 2022, the presence of minors in the country's factories and plantations continues to be an everyday reality, with just a year to go to the deadline. According to the latest report of the United States Department of Labor, although Indonesia made a "moderate advancement" in the efforts to eliminate the worst forms of child labour in 2016, with the formation, for example, of local anti-trafficking task forces in the various provinces, or community-based monitoring inspectors to report incidences of child labour, minors are still performing hazardous tasks on oil palm and tobacco plantations, and are also present in the sex industry (Villadiego, 2018). There are several factors playing a role such as:

Lack of Awareness to Protect Children from Covid-19

One is that the Awareness to Protect Children is too lack, for example is that diagnosis of Covid-19 in children is coming too late, when children are already severely unwell and treatment is more difficult. There is a culture of 'there is no risk for children', so physicians don't think in terms of Covid-19. As well as low access to timely healthcare, there is also poverty and inequalities, and people living in areas and houses with difficulty in social distancing. In poor houses, there are more than four people per room. The Indonesian Paediatrician Association

(IDAI) said official figures that suggest 28 children have died from Covid are an underestimate, and the number is closer to 160 in June. It proves that it is not true that the under-18 age bracket is not susceptible to Covid-19. In low and lower-middle income countries, Covid-19 vaccine supply has not been enough to even immunise healthcare workers, and hospitals are being inundated with people that need lifesaving care urgently (Melissa, 2021)

The Rate of Poverty

Family circumstances can change quite quickly, and nobody knows what will happen tomorrow to the breadwinner. Middle class families may fall into poverty due to ripple effects of travel bans, a lack of savings and the absence of health insurance (Safitri, 2020). The International Labour Organisation said that some studies show that a one percentage point rise in poverty leads to at least a 0.7 per cent increase in child labour in certain countries. In Lombok, West Nusa Tenggara, NGO Tunas Alam Indonesia Foundation (Santai) found that some children had taken heavier and physically demanding jobs, such as operating tractors and carrying agricultural produce. Such reports are in line with the observation by the National Child Protection Commission (KPAI) across 20 cities and regencies across the country, including Batam, Medan and Tangerang. It found that the worst types of child labour had grown in form. Street children, for instance, who used to sell newspapers, snacks and mineral water, had after the pandemic become silver men, clowns and buskers. (Yulisman, 2021)

Indonesia's Education Gap

The pandemic has exacerbated educational inequality, particularly for children in poverty in remote areas. Not only do they lack access to the internet, they lack the devices necessary to participate in online classes. (Jakarta Post, 2020) This situation is having a devastating effect on children, with potentially far-reaching and long-term negative impacts, due to resulting in children being lured into labour to help their parents earn an additional income stream. More than 1.5 billion students are out of school, and widespread job and income loss and economic insecurity are likely to increase rates of child labor, sexual exploitation, teenage pregnancy, and child marriage. Stresses on families, particularly those living under quarantines, lockdowns and other restrictions on freedom of movement, may increase the incidence of violence in the home. As the global death toll from COVID-19 increases, large numbers of children will be orphaned and vulnerable to exploitation and abuse (HRW, 2020) Keumala Dewi, as an executive director of the Centre of Child Study and Protection (PKPA), which works in five provinces, including North Sumatra and

Aceh, some (children) worked after school prior to the pandemic. But during the pandemic, they must work from morning to evening to fulfil a target or to get extra cash for their families, as their parents lost their jobs. They don't separate their time to study and work anymore, as they have home-based learning during pandemic that is not well controlled and observed. (Yulisman, 2021)

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	10 to 14	3.7 (816,363)
Attending School (%)	10 to 14	92.4
Combining Work and School (%)	10 to 14	2.1
Primary Completion Rate (%)	10 to 14	102.3

Source for primary completion rate: Data from 2018, published by UNESCO Institute for Statistics, 2020.

Source for all other data: International Labor Organization's analysis of statistics from National Labor Force Survey (Sakernas), 2010.

While child labour have a negative effect on skills. Based on the Indonesia Family Life Survey show that a child worker experienced lower growth in mathematics skills over the long term by about 0.55 standard deviations. Research has shown that child labor is highly associated with financial shocks experienced by a family, such as illness, disability, or a parent's loss of employment. As many families do not have the credit or savings to withstand financial setbacks, including income loss, and without adequate governmental support, their children may be at higher risk of entering the workforce to help their families survive. The govenment need to develop early detection mechanism and to involve more stakeholders, including communities and families, in the fight against the exploitation of children

The Laws Not Be Enforced

One of the main problems is the lack of staff required to conduct inspections. A report by the US Department of Labor points out that its counterpart in Indonesia lacks the financial and the human resources required to adequately enforce the child labour laws in the country, especially in the informal sector. There are comprehensive laws regulating the world of work but, as is all too often the case, they are not applied on the ground. According to HRW, the laws on child labour

largely meet international standards, but inadequate regulations and poor enforcement of the law, particularly in the small-scale farming sector, leave children at risk. Under Indonesian law, the minimum working age is 15, although light work can be done as of age 13, as long as it does not stunt or disrupt the child's physical, mental or social development and is limited to no more than three hours a day. The minimum working age, however, rises to 18 for occupations considered to be hazardous, such as the fireworks factory (Villadiego, 2018). Moreover, another sector such as the domestic work sector, which employs an estimated 85,000 children aged under 18, is another hazardous occupation for minors. The 2017 report of the International Labour Organization (ILO) on child domestic labour in the country said that domestic workers in Indonesia lack basic labour rights protection as their – largely informal – work is not covered by the law for example the protection of domestic workers' bill, known as RUU PRT has not yet to be enacted. According to the ILO report, domestic workers in Indonesia are exposed to a wide range of abuses, such as extremely long working hours, unpaid wages, sexual and physical abuse, forced labour or trafficking.

Actions of The Indonesian Government

Since 2008, the Government of Indonesia through the Ministry of Manpower (MOM) has engaged in Child Labor Reduction to support the Hoped Family Program (PPA-PKH). The program is in the form of withdrawal of CL to be returned to the world of education through assistance services. The priority is school drop-out child workers from Very Poor Households (RTSM). Activities have been carried out with the involvement of the relevant government agencies, NGOs, and the private sector at the national, provincial, and district/city level. The parties until 2012 were successful in attracting 32,663 child workers to be returned to the world of education with following area coverage and target groups. Based on the data from Deputy Assistant to Child Protection from Violence and Exploitation of the Ministry of Women's Empowerment and Child Protection, government have developed a strategy to eliminate exploitation of children as Indonesia has committed to end modern slavery, trafficking and child labour by 2030. This is to fulfil the Sustainable Development Goals (SDGs), particularly Goal 8.7 (International Labor Organisation, 2020)

Before the pandemic, there had been progress for children. Indonesia successfully reduced poverty in 2019 by more than 9% through targeted social protection, such as Bantuan Pangan Non-Tunai (BPNT, or non-cash food assistance) and Program Keluarga Harapan (PKH, or the Family

Welfare Program). Under PKH, poor families receive cash transfers on the condition that they have sent their children to school, pregnant mothers have regularly checked in for local health services posts (posyandu), or the family has elderly or disabled family members. However, implementing targeted social protection only benefits families listed as beneficiaries in the national database, which is subject to exclusion or inclusion error fuelled by migration, death, illness or unemployment. There are also incomplete data related to marginalised children, especially disabled children, due to fear of shame in the family. An estimated 49% of Indonesian children under the age of five do not have a birth certificate, putting them in danger of being excluded from registered social assistance. (Safitri, 2020)

In 2019, Indonesia also made a moderate advancement in efforts to eliminate the worst forms of child labor. The government published the Indonesian Children Profile report, which provides the most recent government source of publicly available child labor data. The government also substantially increased its labor inspectorate funding from \$10.2 million in 2018 to \$16.7 million in 2019, with specific funds allocated to enforcing child labor regulations. In addition, the Indonesian National Police investigated cases of child trafficking involving 28 child victims. However, The Ministry of Manpower continued to lack the financial resources and personnel necessary to fully enforce child labor laws throughout the country. In addition, the government did not publish criminal enforcement information on the number of investigations conducted, violations found, prosecutions initiated, and convictions for crimes relating to the worst forms of child labor. (Bureau of International Labor Affairs, 2020)

CONCLUSION

The pandemic has constrained some children's rights to play, get an education and access health services, while others have to work under pressure, while these rights are protected under the 2014 law on child protection. If these rights are ignored, the child could be neglected and the child's best interest of having a proper upbringing could be jeopardized. There are several factors playing a role such as lack of awareness to protect children from covid-19, the rate of poverty, Indonesia's education gap and The laws not be enforced. The government must also provide health services and spread COVID-19 awareness among children as they were among the most vulnerable age groups. Recommendation for the government firstly, Indonesian Governments should expand and strengthen child benefits and disability and social security benefits in the event of unemployment, sickness, or other lack of livelihood in circumstances beyond individuals'

control. Governments should increase information sharing on referral and other support services available for children at risk of exploitation, including child labor. Indonesia can seek to optimise the role of subnational government in spending Dana Desa (village fund transfer) for child-sensitive budgets.

The Indonesian government, through Law no. 6 of 2014, aims to empower villages by allocating some state budget to be managed directly by these villages. This Dana Desa is projected to increase every year. The subnational governments should pass a bill concerning child-sensitive budgets as political buy-in, followed by monitoring by village heads, government officials, faith-based leaders and civil society groups to ensure its transparency. For the second approach, the government needs to continue raising the public awareness, especially at rural areas, about the elimination of child labour, children's rights and the negative impacts of child labour to lives of children to emphasize the importance of child labour elimination programme at the village levels, including the development of child labour free villages and strengthen the coordination among village authorities. A third approach is leveraging public-private partnership, such as through corporate social responsibility programs. After all, today's children will be the citizens of tomorrow. The Indonesian government should display a strong political will and commitment to fulfil children's rights and potential. Until concrete measures are taken, thousands of Indonesian children will continue to be exposed to long working days and hazardous working conditions, placing their development and even their lives at risk.

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