CHILD LABOUR IN TOBACCO CULTIVATION IN THE ASEAN REGION

SOUTHEAST ASIA TOBACCO CONTROL ALLIANCE
2018
Child Labour in Tobacco Cultivation in the ASEAN Region

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Indonesia: A Case Study from the Districts of Sampang and Probolinggo, East Java
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Cover Design and Layout
Wendell Balderas

Cover Photo Credit
Human Rights Watch (HRW)

Acknowledgement
The Child Labour in Tobacco Cultivation in the ASEAN Region is made possible through the cooperation of the National Commission for Child Protection (KOMNAS ANAK), Southeast Asia Tobacco Control Alliance (SEATCA), Total Ban Alliance of East Java, and Child Protective Services, East Java.

Reasonable efforts have been made to ensure the accuracy of information presented in this report. If there are unintentional errors or omissions, please contact the authors.

Suggested Citation

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About SEATCA
SEATCA is a multi-sectoral non-governmental alliance promoting health and saving lives by assisting ASEAN countries to accelerate and effectively implement the evidence-based tobacco control measures contained in the WHO FCTC. Acknowledged by governments, academic institutions, and civil society for its advancement of tobacco control movements in Southeast Asia, the WHO bestowed on SEATCA the World No Tobacco Day Award in 2004 and the WHO Director-General’s Special Recognition Award in 2014.

For more information, visit: www.seatca.org
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CHILD LABOUR IN TOBACCO CULTIVATION IN THE ASEAN REGION

I. Background

Child labour persists in many countries, in different industries, and can be found at all stages of agricultural supply chains, which accounts for the largest sector (108 million, 70.9%) where child labourers can be found (ILO, 2017). Child labour is a violation of fundamental human rights and perpetuates the cycle of poverty by inhibiting children from attending school; thus, they miss out on opportunities for education, decent work, and upward social mobility in the future. Nonetheless, child labour remains widespread in tobacco cultivation including in the ASEAN region, where all countries grow tobacco with the exception of Brunei Darussalam and Singapore.

The 2030 Sustainable Development Goals (SDGs) reintroduced a global commitment to eliminate child labour by being explicit in its target 8.7 to end child labour by 2025. The SDGs ultimately contribute to the implementation of both the United Nations Convention on the Rights of the Child (CRC) and the International Labour Organization (ILO) Convention on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention 182), which came into force in 1990 and 2000, respectively. The employment of child labourers in the tobacco industry infringes upon the guarantee of protection from hazardous work and commercial exploitation, and impedes their ability to get an education. The hazards of nicotine poisoning, exposure to highly dangerous agrochemicals and at times oppressive working conditions threaten the child’s right to health, physical and social development, including education (WHO, 2001).

This report will provide an update on the Child Labour in Tobacco Cultivation in the ASEAN Region (SEATCA, 2013) and present an overview of the problem within this context. It will discuss what international instruments and legal frameworks govern State Parties to adopt laws and implement programs to prohibit and eliminate child labour, how the international community and different businesses have dealt with child labour issues, and how the tobacco industry continues to perpetuate and profit from the problem. A case study on child labour in tobacco cultivation in Indonesia is also presented. Indonesia is the largest tobacco producer in the region and it exports leaves to the international markets, which makes it important to address the problem. Countries that import leaves should know if child labour is involved in their imports and address them. The report will also provide policy recommendations on what needs to be done and best practices to eradicate child labour in tobacco cultivation.

II. Regional Status of Tobacco Cultivation and Child Labour in ASEAN

Cultivation of tobacco generates many challenges including health hazards for farmers, environmental pollution and degradation, and child labour issues. Eight of the ten (10) Member States of the Association of Southeast Asian Nations (ASEAN) are engaged in different scales of tobacco growing that are primarily cultivated in smallholding farms. Tobacco cultivation is highly labour-intensive and farming households often rely on family labour including work performed by children. These small, family-run farms are also home to majority of people living in absolute poverty (FAO, 2015). Table 1 provides a summary of the current status of tobacco cultivation in ASEAN including the number of tobacco farmers, which however, does not reflect child labourers.

The United States’ Department of Labor (DOL) has been documenting a list of goods produced using child labour or forced labour since 2009. Tobacco is one of the agricultural products identified in this report, produced in at least 16 countries including four from the ASEAN region—Cambodia, Indonesia, Philippines, and Vietnam (DOL, 2016). However, the list of countries is not comprehensive (Wurth, 2014).

The ILO considers agriculture as among the three most dangerous sectors in terms of work-related fatalities, non-fatal accidents, and occupational diseases. Agricultural workers especially children are vulnerable to hazards not limited to pesticides and chemical exposures, work under severe weather conditions, and arduous physical exertions. Table 2 provides a composite data on the status of child labourers working in this sector.
Indonesia generates the largest production of tobacco leaf in the region and supplies its domestic market dominated by three Indonesia tobacco manufacturers (i.e., Sampoerna, Gudang Garam, and Djarum) and two that are owned by transnational tobacco companies (TTCs) (i.e., British American Tobacco (BAT) and Philip Morris International (PMI)). Large quantities of Indonesia’s leaf production are also exported to supply the global demand. Main export destinations include the US, Belgium, Malaysia, and the Philippines. According to the Central Bureau of Statistics, Indonesia exported about a quarter of the tobacco it produced in 2013. (Human Rights Watch, 2016)

Table 1: Tobacco Cultivation in Selected ASEAN Countries (2013-2017)

<table>
<thead>
<tr>
<th></th>
<th>KH</th>
<th>ID</th>
<th>LA</th>
<th>MY</th>
<th>MM</th>
<th>PH</th>
<th>TH</th>
<th>VN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of tobacco farmers*a</td>
<td>19,174b</td>
<td>&gt;500,000c</td>
<td>No data</td>
<td>587d</td>
<td>No data</td>
<td>40,982e</td>
<td>22,075f</td>
<td>220,000h</td>
</tr>
<tr>
<td>Total area harvested (ha)a</td>
<td>7,973</td>
<td>206,337</td>
<td>6,880</td>
<td>538d</td>
<td>14,916</td>
<td>33,593</td>
<td>17,857.92f</td>
<td>14,651</td>
</tr>
<tr>
<td>Total yield (mt)a</td>
<td>14,362</td>
<td>196,154</td>
<td>66,800</td>
<td>453d</td>
<td>27,352</td>
<td>56,457</td>
<td>38,394.52f</td>
<td>29,215</td>
</tr>
<tr>
<td>Tobacco leaf exports (million USD)b</td>
<td>4.315</td>
<td>128.54</td>
<td>1.29</td>
<td>–</td>
<td>9.63</td>
<td>78.30</td>
<td>57.22</td>
<td>19.43</td>
</tr>
<tr>
<td>Average annual income (USD)i</td>
<td>870</td>
<td>2,921.19c</td>
<td>No data</td>
<td>1,550</td>
<td>No data</td>
<td>2,507.49i</td>
<td>2,209.03</td>
<td>No data</td>
</tr>
</tbody>
</table>

*a Espino, 2013; b Ministry of Agriculture Forestry and Fisheries (MAFF), 2018. Extrapolated from 9,587 households; c World Bank, 2017  
*d National Kenaf and Tobacco Board, 2015. Malaysia is successfully phasing out tobacco cultivation; e National Tobacco Administration (NTA), 2016  
*f Department of Agricultural Extension (DOAE), 2016; g Food and Agriculture Organization (FAO), 2016; h UN Comtrade, 2016; i Chavez J, 2016

The lack of comprehensive and up-to-date data on child labour is a primary constraint to address the issue. Where data is available, it is especially prone to under-reporting because children particularly in lower and middle-income countries (LMICS) often contribute to household labour including agricultural work to a certain extent. The under-reporting can also be due to the social stigma attributed to exploiting children and the double burden of working with a deadly product such as tobacco that ultimately affects the children themselves (The Guardian, 2018).

A study conducted by Human Rights Watch in Indonesia corroborates that children working in tobacco cultivation take part in all farm activities and perform multiple tasks during planting, harvesting and post-harvest season. In general, during the planting season, children work by planting tobacco seedlings, watering, and applying fertilizer to the growing tobacco plants. At harvest, children pick tobacco leaves; and at post-harvest, children fold the leaves to prepare them for chopping, drying, and curing (SEATCA, 2013).

Children and adults working with tobacco often lack adequate protective clothing and equipment for the type of work entailed in cultivating and handling the plant, exposing them to potential injuries and intensive use...
Table 2: Status of Child Labour in Selected ASEAN Countries

<table>
<thead>
<tr>
<th>Country</th>
<th>Total children working (% and population)</th>
<th>Children working in agriculture (%)</th>
<th>Children working in tobacco cultivation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cambodia (5-14 years)</td>
<td>9.4 (276,583)</td>
<td>62.1</td>
<td>Yes</td>
</tr>
<tr>
<td>Indonesia (10-14 years)</td>
<td>3.7 (816,363)</td>
<td>61.6</td>
<td>Yes</td>
</tr>
<tr>
<td>Lao PDR (5-17 years)</td>
<td>10 (Unavailable)</td>
<td>Unavailable</td>
<td>No data</td>
</tr>
<tr>
<td>Myanmar (5-17 years)</td>
<td>Unavailable</td>
<td>Unavailable</td>
<td>No data</td>
</tr>
<tr>
<td>Philippines (5-14 years)</td>
<td>7.5 (1,549,677)</td>
<td>54.1</td>
<td>Yes</td>
</tr>
<tr>
<td>Thailand (5-14 years)</td>
<td>13.0 (1,302,267)</td>
<td>Unavailable</td>
<td>No data</td>
</tr>
<tr>
<td>Vietnam (5-17 years)</td>
<td>16 (Unavailable)</td>
<td>Unavailable</td>
<td>Yes</td>
</tr>
</tbody>
</table>

US Department of Labor, 2016

Children working on tobacco farms perform one or more of the following tasks:
- digging with hoes to prepare fields for planting
- planting tobacco seedlings
- watering fields
- applying fertilizers
- removing flowers and competing leaves from plants
- removing worms and insects by hand
- mixing and applying pesticides
- harvesting tobacco leaves by hand
- carrying bundles of harvested leaves
- wrapping or rolling leaves to prepare them for curing
- cutting tobacco leaves
- spreading tobacco in the sun to dry
- tying or piercing leaves to attach them to bamboo sticks for drying
- lifting sticks of tobacco leaves and loading them into curing barns
- climbing onto beams in curing barns to hang tobacco to dry
- maintaining fires to heat curing barns
- removing sticks of tobacco leaves from curing barns
- untying dried tobacco leaves from bamboo sticks
- sorting and classifying dried tobacco
- bundling dried tobacco into bales

Human Rights Watch, 2016

of toxic agro-chemicals. Workers are also at high risk for green tobacco sickness (GST) due to dermal absorption of nicotine from contact with wet tobacco leaves, which causes dizziness, nausea, vomiting, headache, and muscle weakness. The injuries and hazards related to tobacco cultivation, in addition to the significant amount of time working in the farm, limit the opportunity for children to attend school and seek education and other skills needed that could lift them out of poverty with better employment options in the future.
III. International Instruments and Frameworks on Child Rights

All Member States of the ASEAN are Parties to the CRC, and hence, are obligated to enforce the Convention and ensure children’s rights are protected. The CRC is the most widely endorsed human rights treaty in the world with 196 State Parties to date, which attests to the overwhelming international consensus towards the protection and empowerment of children. The CRC states that among others, children have the right to be protected from injury or exploitation (Article 19), right to highest attainable standard of health (Article 24), right to education (Article 28), right to leisure (Article 31) and the right to be protected from commercial exploitation (Article 32).

It points out that while not all work performed by children violates these rights, however, work that is hazardous, interferes with schooling or is harmful to the child’s physical, mental, and social development clearly does (UN CRC, 1989).

Similarly, all ASEAN Members States have also ratified ILO’s convention concerning the worst forms of child labour (Convention 182) that obligates them to ensure that children are protected from hazardous work, which by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children. The Convention is ratified by 181 State Parties, which are obligated to take immediate and effective steps to ascertain what forms and conditions of child labour violate the convention and then prohibit and eliminate them (ILO, 2000).

While the tobacco industry is not unique in its use of child labour in cultivation, however, the peculiar health and physical hazards of nicotine exposure at different stages of handling tobacco is inherently dangerous for children. Because of the health risks posed by nicotine, the particular vulnerability of children whose bodies and brains are still developing, and the externality of missing educational opportunities, the employment of children in tobacco cultivation threatens the child’s right to health, physical and social development, including education and clearly violates the UN CRC Articles 24, 19, 31, 32, and 28 and ILO’s Convention 182 on the worst forms of child labour.

The consumption and production of tobacco are also a threat to the achievement of the 2030 Sustainable Development Goals (SDG), which was formally adopted by the UN General Assembly in 2015. The SDGs call for the elimination of poverty and hunger, protection of the planet, and ensuring prosperity as a holistic approach to achieving sustainable development.
The SDGs cover issues such as tobacco and call for the strengthened implementation of the WHO Framework Convention on Tobacco Control (FCTC) (UNDP, 2017). Child labour in tobacco cultivation infringes on the achievement of different development goals and targets including health (SDG 3), quality education (SDG 4), decent working conditions (SDG 8), and elimination of poverty and hunger worldwide (SDGs 1 and 2). Consequently, the SDGs reintroduce a renewed global focus towards eliminating child labour by setting an explicit target (Target 8.7) to end all its forms by 2025.

IV. Corporate Responsibility

Under international law, governments have the primary responsibility to respect, protect, and fulfil human rights including the rights of children. But private entities, including businesses, also have global obligations to uphold these. The UN Global Compact, a voluntary initiative under the UN encourages businesses to adopt sustainable and socially responsible policies. The UNGC, through its Guiding Principles on Business and Human Rights endorsed by the UN Human Rights Council in 2011, seek to provide an authoritative global standard focused on human rights, labour rights, environmental protection, and anti-corruption and is tasked to support and promote the SDGs. The Guiding Principles specify that businesses should exercise human rights due diligence to identify human rights risks associated with their operations, take effective steps to prevent or mitigate those risks, and ensure that the victims of any abuses that occur despite those efforts have access to remedies. (UN Global Compact, 2011).

The Children’s Rights and Business Principles, developed by United Nations Children's Fund (UNICEF), the UN Global Compact, and Save the Children, and launched in March 2012, also encourage businesses to contribute to the elimination of child labour in all business activities and business relationships.

To accomplish this, businesses are encouraged not only to adopt child labour policies and human rights due diligence procedures, but also to work with governments, social partners, and others to promote education and sustainable solutions to the root causes of child labour (UNICEF, 2012).

Below are a few examples of how different businesses have dealt with child labour.

Samsung Electronics: Samsung has an explicit zero child labour policy (Samsung, 2014). In 2014 when China Labor Watch accused Samsung’s Chinese supplier, Dongguan Shinyang Electronics Co. Ltd of using child labour, it conducted an immediate investigation. Samsung then decided to temporarily suspend business with the factory in question when it found evidences of suspected child labour at the worksite. Samsung issued a statement stating Samsung will permanently halt business with the supplier in accordance with its zero-tolerance policy on child labour if the investigations conclude that the supplier indeed hired children illegally. Samsung also stated it will strengthen its hiring process at its production facilities and at its suppliers to prevent such case from reoccurring (Samsung, 2014).

Sherrin footballs: In 22 September 2012, the Sydney Morning Herald reported the findings of a 12-month investigation by the Herald that children in India are working, sometimes forced, in the painstaking and painful hand stitching of footballs, netballs and soccer balls. These included the Sherrin footballs, a well-known Australian brand, being hand-stitched by children as young as 10 years, for as little as AUD 0.12 a ball (Doherty, 2012). Within five days of this report, Sherrin announced that it had pulled all ball manufacturing from its Indian subcontractors, after admitting some of its balls were made using child labour. According to a Sydney Morning Herald report, Sherrin’s parent company, Russell Corporation, said it was “extremely grateful” the matter had been brought to its attention and that, with immediate effect, no balls would be allowed to be subcontracted out for stitching. The Australian managing director of the company went on to
SDG Target 8.7 calls on the global community to:

“Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour... and by 2025 end child labour in all its forms.” (ILO, 2017)

workers are now no longer being used, or are no longer underage: “In each of the three facilities, we required a review of all employment records for the year as well as a complete analysis of the hiring process to clarify how underage people had been able to gain employment,” Apple said, in an annual report on its suppliers (Moore, 2012).

Disney’s Cars: According to a 2011 investigative report, Disney’s best-selling Cars toys were being made in a factory in China that uses child labour and forces staff to do three times the amount of overtime allowed by law. The factory, called Sturdy Products, makes toys for Mattel Company, Disney Consumer Products’ partner for the Cars franchise. Disney responded, “We take these matters impacting our licensees and business partners very seriously and will continue to evaluate this situation based upon the information available to us.” Wal-Mart also issued a statement in which it said: “As soon as we learned of the allegations of human rights abuses at the Sturdy Products factory, we immediately launched an investigation” (Chamberlain, 2011).

Tobacco industry: The business model of the tobacco industry has been to seek out the cheapest labour costs and weakest due diligence and environmental standards it can find suitable for tobacco cultivation (IDRC, 2014). This has prompted a rapid shift in tobacco production in LMICs including most countries in ASEAN where tobacco is grown. The tobacco industry purchases and sources tobacco leaf that uses (unpaid) child labour and continues to profit from these leaves. Although the problem has been prevalent for many years, it appears nowhere near to being eliminated. The industry hides behind corporate social responsibility (CSR) activities by targeting the education sector directed at children and farming communities. These CSR activities include building schools, sponsoring books and uniforms and funding scholarships, among others, to promote the image of the tobacco companies. These have not ended the plight of child labourers, which remains entrenched in tobacco cultivation. Unlike other industries that terminate contracts or put in place a zero tolerance for child labour, the tobacco industry has set no such polices substantially reducing the problem or a
In June 2017, the UN Economic and Social Council (ECOSOC) adopted a resolution encouraging UN agencies to develop policies that would place a firewall between the UN and the tobacco industry. In September 2017, the UN Global Compact (UNGC) permanently banned the tobacco industry’s participation.

V. Tobacco Industry’s Whitewash on Child Labour

The ILO and the Food and Agriculture Organization (FAO) signed a Declaration of intent on cooperation on child labour in agriculture in 2007 to foster global efforts to eliminate child labour in agriculture as lead members of the International Partnership for Cooperation on Child Labour in Agriculture (IPCCLA). A roadmap to eliminate child labour was agreed upon in May 2010 that sets a 2016 global deadline and outlined action points for both government and non-government organisations. It recommended that a government responsibility should be assumed at the highest level and a government should put in place preventive and time-bound measures to fight the worst forms of child labour, including through international cooperation. The roadmap also recommended creating an environment that aims to combat child labour in the supply chain (ILO, 2010). The deadline has come and gone and global experience indicates that elimination of child labour in agriculture is nowhere near completion.

The ILO continues to engage in discussions on multi-partner initiatives (that includes the tobacco industry) to address child labour while contributing to the creation of livelihood initiatives in these sectors for adults whose definitive target date for complete elimination. They have been collecting detailed data about the extent of problem, as in the case of the Philippines and Indonesia, but continue to buy leaves manufactured using child labour.

In the Philippines, a Swiss NGO, Eliminating Child Labour in Tobacco Growing (ECLT) Foundation conducted a survey in 2008 in Alcala in Pangasinan, Balaoan in La Union, San Emilio and San Juan in Ilocos Sur, and Pinili in Ilocos Norte, which found:

- Nearly half of all the children (47%) in the survey areas are involved in an activity indicative of child labour. Specifically by age group, 66% of children aged 12 to 14, 44% of children aged 6 to 11, and 31% of 15 to 17 year olds are involved in activities indicative of child labour.

- The average weekly hours worked by children in tobacco-growing families are 14 hours in the low tobacco season and over 19 hours in the high season. 13-to-15-year-olds work on average of 27 hours a week in the high season.

- In the entire tobacco growing community:
  - 16% of 15 to 17 year old children work more than 43 hours a week
  - 2% of children were injured or sick because of work
  - 6.5% of the children are involved in hazardous activities (e.g., applying chemicals)

In Indonesia, ECLT approved an “Indonesia Country Plan” to analyse the tobacco market with regard to child labour and to expand stakeholder engagement to reduce child labour. The ECLT stated that it developed a strategy for the first two years of work (2016-2017), consisting of “two main elements: (1) [a] child labour survey in selected tobacco-growing areas of East Java and Lombok with key stakeholder engagement, and (2) targeted awareness-raising, relationship building and support to local government efforts to eliminate child labour in agriculture and in general” (Human Rights Watch, 2016).

It is extraordinary for an industry to continue purchasing and profiting from a product made with child labour without a definitive phase-out or zero tolerance policy in place. According to Prof. Stanton Glantz from the University of California, “If major tobacco companies were genuinely committed to improving the socio-economic conditions of child workers, they should rectify harmful business practices by enforcing a policy that they will not purchase any tobacco grown using child labour” (Palitza, 2011).
Eliminating Child Labour in Tobacco Growing (ECLT) Foundation

The ECLT Foundation was established in 2000 through the collaborative partnership of British American Tobacco (BAT), the International Tobacco Growers Association (ITGA) and International Union of Food. In October 2000 it expanded to include other top transnational tobacco companies including Philip Morris USA, Philip Morris International, Japan Tobacco International and Imperial Tobacco, and leaf merchants Alliance One International, Inc. and Universal Corporation (ECLT, 2018).

The ECLT is seen largely as a tobacco industry-funded “corporate social responsibility” initiative and criticized for propping up the industry (Global March Against Child Labour, 2013). The FCTC calls upon Parties to ban tobacco related CSR activities.

While publicly condemning child labour and running programmes in a few countries, the ECLT highlights how its programme has helped children away from child labour. However, its members have not addressed the following:

- set a systematic plan to end child labour across the industry;
- set a deadline to end child labour in its project countries;
- reject tobacco leaves produced with child labour; and
- provide a disincentive for its members who purchase tobacco leaves produced with child labour.

In the ASEAN region, the ECLT has supported projects in Indonesia and the Philippines but the problem of child labour has not been eliminated in both countries. Beyond some local success, the main purpose of ECLT is to steer the public discussion concerning child labour to its own advantage and thereby increase the social prestige of tobacco companies it is affiliated with (Otanez, 2006).

Interference from the tobacco industry prevents intergovernmental organizations like ILO and UNICEF from effectively addressing child labour in the tobacco supply chain. Partnerships with the tobacco industry will undermine human rights and other sustainable development agenda by standing in direct conflict with international standards (e.g., UN Global Compact) and obligations particularly the WHO Framework Convention on Tobacco Control.

Article 13 of the FCTC and its related guidelines require Parties to ban tobacco industry related CSR activities. The Parties should ban contributions from tobacco companies to any other entity for “socially responsible causes”, as this is a form of tobacco marketing. The guidelines for the implementation of Article 5.3 also clearly state that: There is a fundamental and irreconcilable conflict between the tobacco industry’s interests and public health policy interests” and calls upon Parties to de-normalize and regulate activities described as “socially responsible” (WHO, 2008).

While tobacco advertising, sponsorship and promotions (TAPS) are banned in most countries in the region, this ban is circumvented when tobacco-industry sponsored CSR activities are given positive coverage in the media. Tobacco companies continuously invest in CSR activities and spend to promote its business image and remain in the public eye. Philip Morris, for example, has been consistently spending about USD 6 million a year in Indonesia, its most profitable and important market in ASEAN.

British American Tobacco refers to its own CSR programme as “corporate social investment” (CSI) and even talks about aligning itself with SDG targets. But these CSR activities have been described as a form of “corporate political activity” used to expand access points across government to facilitate dialogue with policymakers and influence public and elected officials (Fooks, 2011).
A paper published in Paediatrics shows how UNICEF inadvertently became part of the tobacco industry strategy to improve its corporate image. In UNICEF Kazakhstan’s 2010 annual report, UNICEF engaged with Philip Morris, which resulted in a proposal for a USD 2 million investment (van der Eijk, 2018).

The UNICEF responded to the paper by stating their 2001 corporate engagement guidelines, codified a pre-existing, organization-wide policy of not accepting funding or entering into partnership with tobacco manufacturers (van der Eijk, 2018).

The ECLT has engaged with UNICEF on child labour since at least 2003. In the Philippines, between 2003 to 2005 the ECLT funded a program nominally to prevent child labour in tobacco growing in the Philippines, with UNICEF performing an advisory function.

In 2016, the UN Interagency Task Force (UNIATF) on Prevention and Control of NCDs adopted the draft model policy to prevent tobacco industry interference among UN agencies. UNICEF is a member of the UNIATF but has not indicated explicitly of adopting this model policy on its website. Efforts to obtain clarification from them were not responded to.

Table 4: Number and Value (US$) of PMI CSR activities in ASEAN Countries, 2012-2017

<table>
<thead>
<tr>
<th></th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>ID</td>
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<td>9</td>
<td>6.50 m</td>
<td>6</td>
<td>5.85 m</td>
<td>10</td>
</tr>
<tr>
<td>MY</td>
<td>7</td>
<td>759,000</td>
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<td>600,000</td>
<td>3</td>
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<td>4</td>
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<td>1.40 m</td>
<td>7</td>
</tr>
<tr>
<td>SG</td>
<td>2</td>
<td>50,000</td>
<td>2</td>
<td>60,000</td>
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<td>1</td>
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<td>TH</td>
<td>5</td>
<td>420,000</td>
<td>6</td>
<td>460,000</td>
<td>4</td>
<td>300,000</td>
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<tr>
<td>Total</td>
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<td>10.2 m</td>
<td>26</td>
<td>12.53 m</td>
<td>20</td>
<td>8.15 m</td>
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Jirathanapiwat, 2018
m = million

VI. Conclusion

The nature of child labour strongly links it with household poverty and the perpetuation of the cycle of poverty that needs to be broken. The employment of child labourers especially in tobacco cultivation infringes upon the guarantee of protection from hazardous work and commercial exploitation, and endangers the right to education. Education is needed to break the cycle of poverty and the dependence of smallholder families on tobacco companies. Thus, to invest in the elimination of child labour is to invest in a healthy, well-educated, and productive workforce. The Sustainable Development Goals are well suited to link these all as a holistic approach and reinforce existing international instruments on the protection and empowerment of children. Tobacco production (and consumption) undermines public health and sustainable development, and the business model of the tobacco industry is in conflict with almost all of the SDGs. Thus, the tobacco industry has no place in public policy development whether in local, national or global setting.
RECOMMENDATIONS

National governments in ASEAN to:
• Align national laws and policies to operationalize and mainstream the UN CRC and ILO Convention 182 to protect and empower children;
• Compile and update national data on children working in agriculture supply chains and particularly in tobacco cultivation for informed policymaking and immediate action;
• Develop a comprehensive strategy to eliminate hazardous child labour in tobacco by explicitly prohibiting children from working in direct contact with tobacco in any form; continuous monitoring and of implementation of strategy towards and beyond 2025;
• Regulate / control the tobacco leaf trading system and dis-incentivize the tobacco industry from manipulating tobacco leaf prices and in profiting from tobacco leaves produced with child labour (e.g., charge a bond to be managed by the government);
• Ban CSR activities conducted by the tobacco industry; implement FCTC Article 5.3 and Article 13; ratify the FCTC for Indonesia; and
• Utilize excise duties from tobacco to provide assistance on rural development projects, social safety nets (e.g., health insurance) and support alternative livelihoods for tobacco smallholders.

National governments in ASEAN to:
• Adopt the UN Interagency Task Force (UNIATF) on Prevention and Control of NCDs draft model policy to prevent tobacco industry interference among UN agencies; and
• End its public-private partnership with tobacco companies, tobacco industry-sponsored / affiliated groups such as the ECLT Foundation.

For UNICEF:
• Publicise an explicit policy reflecting the UN Interagency Task Force (UNIATF) on Prevention and Control of NCDs draft model policy to prevent tobacco industry interference among UN agencies
• Tobacco industry-sponsored affiliated groups such as the ECLT Foundation should not be allowed to use the UNICEF name/logo.

Decent work deficits in the tobacco sector must be addressed through an integrated strategy and we have been working with the office of ILO to join efforts in protecting the interests of tobacco growers and workers involved in the production chain. Child labor must be eliminated everywhere, including in tobacco growing areas. Nevertheless, the treaty does not recognize the tobacco industry having a legitimate role to play. The tobacco industry is part of the problem, not part of the solution.

-Dr Vera da Costa e Silva, Head of the Convention Secretariat
EXECUTIVE SUMMARY

A. Background

Previous studies in East Java have shown many children aged between 12-13 years, and even younger, are found to be actively working. In tobacco plantations, it is normal for children to work a 24-hour shift, i.e., from 7:00AM to 7:00AM the next day. In tobacco warehouses, women and children are often found working long hours, and at nights in enclosed physical settings with minimal facilities and being allowed only limited breaks.

Research conducted by ILO-IPEC on “Child Labour in Tobacco Industry in Jember” in 2007 found that 56% of child workers started working before the age of 15 years, 95% had dropped out of school, the majority work more than 7 hours per day and face a variety of occupational risks. In 2008 the Independent Governmental Initiatives Foundation (YPSM) a local NGO in Jember, interviewed 100 child-workers under the age of 18 years and 100 parents of working children using a written question and answer format. The results showed that 14% of the children interviewed were less than 15 years old, with the youngest being 9 years old, when entering the workforce. Overall 80% of child labour in the tobacco business comprise of girls. The children stopped attending school due to economic reasons and then entered the workforce.

The Indonesian Government has ratified ILO Convention No. 138 by Act No. 20 of 1999, which sets the age limit for children who are forced to work, and ILO Convention 182 by Act No. 1 of 2000 on the elimination of the worst forms of child labour, prohibited for children. However, the problem now lies in the implementation of the legislation and regulations.

In principle, the children are prohibited to work; however, in the event of a family’s dire conditions and unfortunate economy, the child can work but it should not deviate from the provisions of the Act as provided in Law No. 13 of 2003 on Manpower. According to the law, their age should not be less than 15 years and children may only do light jobs that do not endanger their physical, mental and moral well-being, for not more than 3 hours, and with the permission of their parents. In addition, the child must continue attending school.

B. Scope of Research

This study will illustrate child labour problems in tobacco farming in two districts of Sampang and Probolinggo in East Java Province. This qualitative study will examine several issues as outlined below:

1. Children’s involvement in labour activities in the agricultural sector in the tobacco farming districts of Probolinggo and Sampang.
2. Types of jobs undertaken by children in the tobacco farming chain, number of hours they devote to work and how they are perceived.
3. Impacts and health risks experienced by children working in tobacco farming.
4. Impact of child labour on continuity of their education, use of children’s leisure time and their future expectations.
5. Local governments’ efforts in East Java province to eliminate child labour specifically in the tobacco sector.

C. Methodology

This research is descriptive in nature and is a qualitative study using a participatory approach by the researchers. Primary data was obtained through guided interviews combined with observation techniques, focus group discussion (FGD) with two - four children, and storytelling. Informed consent was obtained before interviews were conducted with the child informants.

In Sampang, data collection was conducted in Baruh village of the Sampang sub-district, Telambah village of the Karang Penang sub-district, Labuhan and Taman villages of the
Sreseh sub-district. While in Probolinggo the study was conducted in the sub-districts of Paiton, Kota Anyar and Pakuniran. These three sub-districts are the centre of tobacco plantations in the district of Probolinggo.

Primary data was collected in June and August 2012, while the secondary data was obtained between June and September 2012.

D. Overview of Tobacco Farming

During the tobacco planting season the seedlings need water and fertilizer to enable the plants to grow. After two months the tobacco plants no longer need water and if rain falls over the plants, they will be damaged. Growing tobacco plants need sun; hence, it is suitable to plant in the dry season. Harvesting or picking tobacco leaves is done in phases. The first tobacco picked is the “grosok” that is the dry leaves from the bottom-most part of the plant, followed by the “bottom” green leaves at the lower end. Then the “middle”, which is the leaves at the mid-stem and finally, the “upper” leaves near the top of the tobacco plant. The buds, shoots and flowers are not harvested, but left on the stem. Harvested tobacco stems that have been depleted will be uprooted for firewood. Time frame between harvesting the “grosok”, “bottom”, “middle” and “upper” could be about a week.

The tobacco leaf trade from the farmer to cigarette factory is a lengthy journey. According to the tobacco farmer respondents, they never sell their leaves directly to the cigarette factories. Instead, there are several tobacco commodity channels that farmers go through:

- The tobacco farmers sell chopped dried tobacco to collector merchants at the village. These collector merchants send the tobacco to the tobacco warehouse owned by middlemen. The middlemen will then supply to the cigarette factory’s warehouse.
- In Bucor Kulon village, the farmers sell their leaves to the merchants or middlemen in the tobacco market. The middlemen then sell to the cigarette manufacturing factory.
- The tobacco farmers sell the chopped dried tobacco to middlemen, who in turn sell to the cigarette manufacturing factory. These middlemen have warehouses to store the tobacco which they later sell to the cigarette factory warehouses.
D.1. Tobacco Farming in Sampang

In September 2012 tobacco products listed at the Plantation Office of East Java province for the District Sampang is 2,915 tons (2,915,000 kg) comprising entirely of Madura tobacco. Sampang district is one of the six tobacco producing areas in East Java, after Pamekasan, Sumenep, District of Probolinggo, Jember, and Bojonegoro.

According to the records of the Integrated Agricultural Development Plan in 2008, the distribution of commodity by the tobacco-farming sub-sector is dominated by tobacco plantations in the northern coastal region of the district of Sampang, i.e., the sub-districts of Banyuates, Ketapang, and Sokobanah. Tobacco productivity in the northern coastal region is 880 kilograms per hectare (kg/ha), while productivity in the District of Sampang is 877 kg/ha (Sampang district in Figures, 2009). As for the productive tobacco plantations, they are found in the northern coastal area as wide as 856 ha (96%) of 886 hectares in the District of Sampang with a production value of 657.04 tons (657,040 kg).

D.2. Tobacco Farming in Probolinggo

Probolinggo has seen a decline in the total area of tobacco farming. According to September 2012 data in the Plantation Office of East Java, the Probolinggo District has 13,240 hectares under tobacco farming. However, the data in 2011 has shown a larger tobacco farming area of 13,609 hectares. The Head of Production Division at the East Java Plantation Office, Edy Harianto, stated the data is not final for 2012, as new reports are being compiled.

The 2011 tobacco crops yields from the harvest in Probolinggo District showed 14,837 tons (14,837,00 kg) of tobacco from an area of 13,609 hectares. The data for the tobacco crops in 2012 is still being collected. Tobacco harvests are not spread evenly since the planting stage is not done simultaneously.

D.3. Tobacco Farming Issues

Tobacco harvesting is staggered due to different planting schedules. Some plantings were done ahead to reap early harvests, while others followed later. According to the farmers in both Sampang and Probolinggo districts, there can be only one crop cycle per year, and it is not possible to have two crop cycles. The reason for this is that tobacco plants grow well during the dry season. At the initial planting, a lot of water is required, however, after a month the plants no longer need water. If rain falls during this stage, it would damage the tobacco crops.

In the months of May through to August, there is usually no rain. For fields without irrigation, no other crops can be cultivated except for tobacco. According to Mochtar, a tobacco farmer in Paiton Probolinggo, in the dry and hard soil during these months, only tobacco plants can grow, and no other plants can survive. In fact, in Probolinggo, some tobacco plants were planted on the banks of a river that has dried up and appears rocky. This is one reason why sometimes tobacco farmers persist in tobacco farming, even though they incur losses. They are workers who refuse to remain idle and plant the land with tobacco since it cannot be planted with other crops, even though it may lead to losses. To begin the work, the farmers often have to sell their belongings, such as gold jewellery, livestock or their motorcycles. It is common that they get trapped by loan sharks to obtain their initial start-up capital.

In the 2011 harvest season, chopped dried tobacco reached a price of IDR 47,000 (USD 4.80) per kg. However, tobacco price fell in 2012 and was only IDR 24,000 (USD 2.45) per kg. Many tobacco farmers ended with having low quality tobacco, which fetched a price of only IDR 20,000 (USD 2.00) per kg, while some were even priced at only IDR 11,000 per kg. This fluctuating condition is certainly difficult for farmer’s economy because the selling price is below the cost of production. Apparently the big tobacco companies are not able to help the farmers away from this difficulty.

E. Child Labour in Tobacco Farming

E.1. Child Labour Profile

Six children, three boys and three girls, provided information for this research from the Sampang district. Another six children, three boys and three girls, participated from Probolinggo. They are aged between 11 and 16 years, with a few still in school while others had already dropped out. Those still in school work in the afternoons and evenings, while those who have dropped out start work in the morning and continue through to the afternoon, evening and night. They work to help their parents and neighbours and they also work independently during off-season of tobacco growing.
Child labour is used in almost all aspects of tobacco growing and preparation of leaf for sales. In general, during the planting season, the children work by planting tobacco seedlings, watering and applying fertilizer to the new growing tobacco plants. During the harvest season, the children pick tobacco leaves, fold the leaves to prepare them for chopping and set the chopped tobacco leaves on bamboo shoots (nampangin) to dry in the sun (curing tobacco).

Parents and employers are fully aware that they utilize child labour and there is no resistance because it is accepted as a common and normal practice in the village. Naturally, the children who work, especially those who put in long hours, experience fatigue. However they do not want to stop working because not working when there is work would make them feel awkward since other children are working in their villages.

E.2. Child Education

Children working in the tobacco growing sector comprise of those still actively going to school and those who have dropped out. Those who are attending school are generally at the basic education level of primary and junior high school; although, we also found there were primary school drop-outs.

Child workers who are still schooling work after school either in the evenings or nights, or on holidays. During the planting season the child workers water the tobacco plants in the afternoon after school. During the harvest season, the working children fold the tobacco leaves and nampangin starts from around 4:00 until 7:00 or 8:00 at night. On a Saturday night or holiday evenings, they admit to working until 10:00PM.

Those who are still schooling remain in the school system, but those who have dropped out, work becomes their main activity. The money these dropout children earn is not enough to get them back to school. They usually end up in skills trainings and attend Catch-Up Program.

E.3. Child Health

In the course of their work child workers experience fatigue and other symptoms such as dizziness or nausea. Children are also exposed to occupational injuries such as accidents from the use of sickles.

During the harvest season, female children in Probolinggo are involved in folding leaves to prepare them for chopping.
The child workers are also exposed to green tobacco sickness (GTS), a disease associated with tobacco, although it is difficult to confirm if the children are indeed afflicted with this. GTS symptoms include headache, nausea and body weakness. Children working with tobacco claim to have experienced all of these symptoms at some time or other. It cannot be ascertained whether the children working in the tobacco farming sector are suffering from GTS because these symptoms are similar to that of a cold, flu or exhaustion from regular work, and not exclusive to tobacco farming.

GTS is rather difficult to trace because the medical personnel (doctors) at the Paiton Community Health Centre in Probolinggo who were contacted have never heard of this disease. According to the doctor on duty there, during the tobacco harvest season, the community health centre is deserted, as the local community is busy in various jobs in the tobacco sector. This means sick persons including those experiencing GTS symptoms are caught up in the hustle and bustle of harvesting tobacco that brings money in. Even if children or adults fall victim to GTS, chances are it will go undetected by the medical professionals in the midst of thousands of acres of tobacco plants.

E.4. Usage of Earnings

In general, the children admitted that the earnings they received from work supplemented the family income. People receiving the children's wages are the parents of working children however, the wages for the full-time child labourers are received by the children directly from the employers. These earnings are partly given to the parents and partly used for the children's own needs.

The children spend their earnings on themselves to buy snacks, including cigarettes. Children who smoke can finish a 12-sticks pack over two days. They smoke relatively cheap brands at IDR 5,000 - or IDR 6,000 per pack. Children who smoke do not use tobacco products produced from their own village.

None of the wages were saved for the children's long-term future. The wages received by the child workers are insufficient to get them to return to school.

E.5. Exploitation and Violence

The type of work that children do is the same as that of adults except for chopping tobacco, which is done only by skilled adults. Children's work in the tobacco farming sector are: planting tobacco seedlings, watering the growing seedlings, applying fertilizers, picking out caterpillars from the leaves, harvesting tobacco leaves, folding the leaves and arranging the chopped tobacco on bamboo shoots (nampangin) to cure it.

If the work is borongan (contract work) in nature, the wages of the child workers are valued the same as adult workers, where the wages depend on the quantity of work done by the child workers. The nature of the contract work ranges from folding and nampangin or curing the chopped tobacco leaves. If the child workers are aiming for more wages, they have to work until late hours in the evening when fatigue sets in and they become sleepy. In non-contract work, the wages for the child workers are less than that of the adults.

There were no reported acts of violence from the employers. However, a workplace without protection and safety, such as no face-masks or gloves available, or working under the hot sun, is common; therefore, the child workers often feel “tortured”.

E.6. Expectations of the Child Workers

For child workers who are still in school, there are expectations for continuing education to a higher level. Work is now considered a common activity done by children their age and does not affect their aspirations for the future. Those school children put more priority on continuing school and working outside school hours, even though it reduces their study time and play time. Sometimes, light work is even considered as part of play.

Meanwhile, child workers who have dropped out generally find it harder to return to school. They expect to attend skills training programmes or Catch-Up Program. They have expectations of receiving a school certificate from the Catch-Up Program that will be used to apply for better jobs than becoming a labourer in the village or in the farms.

E.7. Efforts to Eliminate Child Labour

Child labour is an important issue that needs to be addressed thoroughly and in a sustained manner. This commitment to children is stated in the form of the aspiration “Future Without Child Labour” as a global effort to end child labour.
To prevent children from entering employment from an early age, laws have been passed, namely Law no. 13 of 2003 on Manpower, and Law no. 20 of 2003 on the National Education System. To provide protection for children in family settings, Law no. 23 of 2002 on the Child Protection was passed which protects children from economic exploitation.

The Province of East Java has formed a Provincial Action Committee on the Elimination of the Worst Forms of Work for Children (Bentuk-Bentuk Pekerjaan Terburuk untuk Anak – BPTA). The existence of the BPTA Committee is authorized by the East Java Governor Decree No. 188/573 / KPTS / 013/2011. The committee has completed a BPTA Plan of Action for the period of 2012 - 2016 which has been determined in the Decree of the Head of Manpower, Transmigration and Population in the East Java Province Number: 560/250 / KPTS / 106.05 / 2012. One of the programs on the reduction of child labour is the PPA-CCT (Reduction of Child Workers - Family Hope Program).

F. Conclusion

F.1. Child labour in tobacco farms was found in both the districts of Probolinggo and Sampang. The children were found to work during the planting as well as the harvesting seasons. Generally they enter the workforce before the age of 15 years, and some even before 13 years of age.

F.2. During the planting season, the child workers usually water the growing tobacco plants and fertilize them. During the harvest season, the children work in the fields picking tobacco leaves, bring rolls of leaves from the fields to the house, fold the leaves to be chopped and organize the chopped tobacco for curing in the sun (nampangin), then pack the dried tobacco into big rolls (ngepak) or (ngebal).

F.3. Child workers were found to work between 3 to over 7 hours a day. They earn around IDR 15,000,- to IDR 25,000, per day depending on the type of work, the amount of work that can be completed or the time taken to complete a task. The part time child workers do not receive their wages directly, and parents have control over it; while the full time child workers receive their earnings directly from the employers, and some would share with their parents.

F.4. Child workers who earned wages spend the money on themselves, which also includes cigarettes. No child smokes cigarettes from the tobacco harvests in their respective village. They prefer to buy branded manufactured cigarettes to smoke daily. One pack of cigarettes is usually smoked over 1 - 2 days.

F.5. The existence of child labour in tobacco farming violates the UN Convention on the Rights of the Child ratified by Indonesia and Law No. 23 of 2002 on Child Protection. It is also a violation of the ILO Convention No. 138 and Act No. 20 of 1999, which sets the age limit for children who are forced to work.

F.6. Child labourers experience fatigue and illness as a result of their work. The children working in the tobacco sector admitted they have experienced headaches, nausea, fevers or body weakness. However, the symptoms do not appear all at the same time. Therefore, it is uncertain whether these symptoms are related “green tobacco sickness” (GTS). Since GTS is new to the medical staff many do not understand this disease fully, therefore it is also difficult for them to ascertain whether this disease is present.

F.7. Children enter the workforce by leaving school or dropping out of school first. Then, rather than being idle, they enter the workforce full time.

F.8. Those still in school and living with parents will continue their education until they finish basic education or higher. Whereas, those children who have dropped out of school due to poor family economic conditions will find it difficult to re-enter school on the poor wages they receive.

F.9. The East Java provincial government has made efforts to tackle child labour by establishing a Provincial Action Committee (Komite Aksi Nasional - KAP) on the Elimination of child labour through the East Java Governor Decree No. 188/573 / KPTS / 013/2011. KAP has developed a Provincial Action Plan (RAP) through a Decree of the Head of the East Java Nakertransduk Number: 560/250 / KPTS / 106.05 / 2012.

F.10. The PPA-PKH program conducted by Disnakertransduk in 2012 covers 16 districts involving 2,010 children. In the district of Probolinggo, the program has established six shelters which are able to provide assistance up to 10 children. The Sampang district is not covered by this PPA - PKH program yet.
G. Recommendations

G.1. Tobacco has been declared as an addictive substance since it contains nicotine that is harmful to health. Aside from smoking a cigarette, nicotine from tobacco leaves can enter the human body through the pores of the skin. Children should not be working in this sector, especially in a job where there are no protective clothing or other occupational health and safety measures such as masks and gloves.

G.2. Poverty is apparent among the child workers and their homes. The children wear dirty clothes, live in small, dilapidated houses with minimal furnishings. This situation needs the attention of the government and all parties, especially to meet the child’s right to education, and continuing education needs to be sustained at least until they finish secondary or high school; this is to prevent drop-outs from entering employment at an early age.

G.3. The national and local government should make policies and provide for budgets to ensure that every child would not drop-out at the primary and secondary education to avoid them becoming child workers.

G.4. For those children who have dropped out of school for a few years and find it hard to return, skills and life skills training should be provide for their future. Parents and the community should be persuaded to not involve children and certainly not in dangerous and unhealthy conditions, including working at night, working hard or long hours that interfere with their development.

G.5. It is common for tobacco farmers to incur a loss, because the harvest is not good enough which results in prices to fall. Low yields and poor quality tobacco could be due to natural conditions, such as high winds or rain during the harvesting season and pest attacks such as caterpillars that damage the growing tobacco leaves.

G.6. The existence of middlemen in the supply chain of tobacco puts farmers in a more vulnerable position in determining the commodity prices. The farmers remain vulnerable to price assessment determined only by the middlemen who purchase tobacco leaves from them and supply to cigarette manufacturers.

G.7. In the months of May-August, the land becomes dry without irrigation making it suitable only for tobacco, even though there is the risk of inevitable loss to the farmers. The government should intervene to provide for the farmers in the countryside to overcome their numerous problems through alternative activities.
REFERENCES


A Healthy, Sustainable, Tobacco-Free ASEAN