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Indonesia: Parliament must make protection of domestic workers a priority in 2012

As domestic workers in Indonesia gather to mark National Domestic Workers Day, Amnesty International urges the Indonesian Parliament to take concrete steps to protect domestic workers in the country by enacting a Domestic Workers Protection law in 2012.

Amnesty International welcomes recent progress by a parliamentary working group to discuss the draft bill. However the ongoing failure to enact the law – which has been on the legislative agenda since 2010 – leaves millions of domestic workers in Indonesia, the vast majority of whom are women and girls, vulnerable to exploitation and abuse.

Domestic workers are not legally recognized as workers, and so do not enjoy the same protections and safeguards as other workers in Indonesia. Without adequate legal protection, they are often exploited economically, live and work in abusive conditions, and are subjected to physical, psychological and sexual violence on a regular basis. In addition women and girl domestic workers face significant barriers in obtaining the sexual and reproductive health care they need.

Amnesty International has received information that Parliamentary Commission IX, which is overseeing the drafting process, has formed a working group to discuss the draft law. The working group, set up last month, has already met with civil society organizations and other institutions to discuss the draft, and is currently reviewing the law article by article.

However, Amnesty International is concerned that, as it stands, the draft law does not meet international law and standards, in particular with regard to child domestic workers, hours of work, wages and dispute resolution. Parliament should ensure that the final draft complies with international law and standards, and explicitly contains provisions pertaining to the specific needs of women. Such provisions must include ensuring sexual and reproductive rights for domestic workers, in particular during and after pregnancy.

The Indonesian government should take further steps to protect domestic workers by ratifying the new International Labour Organization (ILO) Domestic Workers Convention (Convention 189) at the earliest opportunity, incorporating its provisions into domestic law and implementing it in policy and practice. The Convention, which has been open for signature since it was adopted on 16 June 2011, was supported by Indonesian President Susilo Bambang Yudhoyono during a speech to the International Labour Conference (ILC) in June 2011.

In its 2007 Concluding Comments to Indonesia's periodic report, the UN Committee on the Elimination of Discrimination against Women (CEDAW), raised concerns about the abuse and exploitation of women domestic workers in Indonesia. It recommended that the Indonesian government enact comprehensive laws and establish procedures to safeguard the rights of women domestic workers.

A 2002 study by the ILO estimated that there were 2.6 million domestic workers in Indonesia. However, according to information from Jala-PRT, the Indonesian Domestic Workers Advocacy Network, there are now up to 10 million domestic workers in the country.

A Domestic Workers Protection law was first placed on the national legislative agenda (Prolegnas) in 2010 after years of campaigning by national and international organizations. However differences between political parties have stalled progress on the bill. In April 2011 domestic workers' rights activists filed a citizen's lawsuit against the President, Vice President, three Ministers, the Head of the National Agency for the Placement and Protection of Indonesian Overseas Workers and the Indonesian House of Representatives for failing to pass the law. The lawsuit was dismissed on 7 February 2012 by the Central Jakarta District Court and the activists have stated they will appeal the decision.