

AMNESTY INTERNATIONAL PUBLIC STATEMENT

25 November 2011
Index: ASA 21/035/2011

Indonesia: Domestic workers continue to face abuse and exploitation due to lack of legal protection

To mark International Day for the Elimination of Violence against Women, Amnesty International reiterates its calls to the Indonesian government to enact specific legislation regulating the labour rights of domestic workers in Indonesia. The continued failure to pass a domestic workers' law places domestic workers in Indonesia at continued risk of economic exploitation, gender-based discrimination as well as physical, psychological and sexual violence.

Although Indonesia has taken concrete steps toward eliminating violence against women by passing Law No. 23 Regarding Elimination of Violence in the Household in 2004, reports of domestic violence continue. According to a 2011 report by the National Commission on Violence against Women (Komnas Perempuan), an estimated 105,000 cases of domestic violence were reported last year.

The lack of legal recognition means that many domestic workers who face violence often remain silent for fear of losing their jobs or of being unable to find future employment if they speak out. Many domestic workers who work in conditions of isolation are not aware that domestic violence is a crime, or of the existence of the 2004 domestic violence law. Cases of violence and other abuses against domestic workers reported to the police are rarely prosecuted in the courts. Most are instead settled through "mediation", outside the scope of the legal system.

Amnesty International urges the Indonesian government to meet its 2011 legislative commitment to enact a domestic workers law in accordance with international law and standards. The failure to do so for a second successive year would call in to question Indonesia's commitment to the protection of domestic workers. The law should explicitly include legal provisions pertaining to the specific needs of women, including ensuring sexual and reproductive rights for domestic workers, in particular during and after pregnancy.

The failure to pass this law is also at odds with Indonesia's support for the International Labour Organization (ILO) Convention on Decent Work for Domestic Workers.

In June 2011 Indonesian President Susilo Bambang Yudhoyono attended the 100th session of the International Labour Conference (ILC) in Geneva where he gave a speech urging delegates to support a proposed Convention on Decent Work for Domestic Workers. He also expressed Indonesia's intention to vote in favour of the Convention. The Convention, described as a landmark treaty, was adopted on 16 June 2011.

Almost six months later, Indonesia has yet to take any concrete steps to commit to the protection of domestic workers – either at the national or at the international level.

Amnesty International also calls on the Indonesian government to take a leadership role by ratifying the new ILO Convention on Decent Work for Domestic Workers at the earliest opportunity, incorporate its provisions into domestic law and implement it in policy and practice.

Amnesty International and civil society organizations in Indonesia have long called for the enactment of specific legislation to guarantee and protect the labour rights of domestic workers in Indonesia. Without adequate legal protection, domestic workers are often exploited economically and denied their rights to fair conditions of work, health, education, an adequate standard of living and freedom of movement. Women and girl domestic workers also face significant barriers in accessing the sexual and reproductive health care they need, including information and services on family planning, contraceptives and the prevention of HIV/AIDS and other sexually transmitted diseases.

A Domestic Workers Protection Bill was placed on the national legislative agenda (Prolegnas) in 2010, and again in 2011, however differences between political parties have prevented progress on the bill. In April 2011 162 domestic workers 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 trial began in May 2011 and is ongoing.