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Mr. Dede Yusuf M.E, ST, M.Si  
Chairperson, Parliamentary Commission IX on  
Population, Health, Manpower and Transmigration,  
House of People's Representatives,  
Kompleks Gedung Dewan Perwakilan Rakyat,  
Jl. Gatot Subroto  
Senayan, Jakarta 10270  
Indonesia

15 February 2016

Dear Chairperson,

### **OPEN LETTER TO THE CHAIR OF PARLIAMENTARY COMMISSION IX ON PROTECTION OF DOMESTIC WORKERS**

As people across Indonesia commemorate National Domestic Workers Day on 15 February, I am writing to highlight the plight of Indonesian domestic workers.

Firstly, Amnesty International welcomes the recent decision by the Indonesian House of Representatives (DPR RI) to include the Draft Law on Domestic Workers Protection on to the National Legislative Programme (*Prolegnas*) for 2016, having been left off the priority list last year. Since its inception, it has faced ongoing delays since it was first prioritised on the legislative agenda in 2010. As Chairperson of House Commission IX overseeing labour affairs, we urge you to ensure that the bill is debated, enacted and enforced in line with international law and standards that protect Indonesian domestic workers from economic exploitation, gender-based discrimination, physical, psychological and sexual violence and other human rights abuses. This international law includes treaties which Indonesia has ratified and is bound by such as the UN International Covenant on Economic, Social and Cultural Rights the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Convention on the Elimination of All Forms of Discrimination against Women, together with relevant ILO Conventions.

There are an estimated 2 million domestic workers in Indonesia, thousands of whom live and work in abusive conditions. They are often denied enjoyment of a range of rights including to fair and just conditions of, and in, work, adequate standard of living and housing, freedom of movement, education and access to sexual and reproductive healthcare. Their limited, or in many cases complete, lack of access to complaints mechanisms and effective remedies when their rights as workers are denied conceals the true scale and extent of the problems. The National Advocacy Network for Domestic Workers (Jala PRT), which has been campaigning for years for a law to protect domestic workers, recorded at least 402 cases of mistreatment and violence against domestic workers in 2015 but the actual figure is likely to be higher. The situation disproportionately affects women and girls, who constitute the overwhelming majority of domestic workers in Indonesia.

As you are aware, Indonesia's laws do not currently provide adequate protection for domestic workers. The 2003 Manpower Act (Law No. 13/2003) discriminates against domestic workers because it does not afford them the same protection as other workers. Further, the regulation by the Minister of Manpower and Transmigration issued last year (No. 2/2015) does not adequately address reasonable working conditions for domestic workers such as: the reasonable limitation of working hours; guarantees of sufficient remuneration for an adequate standard of living; and overtime pay; social security; occupational health measures; clearly defined weekly rest and leave periods including annual leave, public holidays, sick leave and maternity leave; standards on termination of employment; access to dispute resolution mechanisms, including courts and sanctions against employers who fail to abide by

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it. In these circumstances, regulation 2/2015 is not an adequate substitute for a fully enforceable Domestic Workers Protection Law that complies with international standards.

Amnesty International is also concerned that despite being subject to a range of binding treaties providing general protection for domestic workers, Indonesia has yet to ratify the International Labour Organization (ILO) Domestic Workers Convention (No.189). Indonesia was the first Asian country to ratify the eight fundamental ILO Conventions which include conventions against gender-based discrimination, forced labour and child labour. The ratification of ILO Convention No. 189 by the government will ensure effective legal protection of Indonesian domestic workers in the country as well as Indonesian domestic workers overseas also facing exploitation and abuse.

Therefore, we urge you as the Head of Commission IX of the House of People's Representatives, to take the following steps:

- Ensure a prompt debate and enactment of a Domestic Workers Protection Law, which complies with international law and standards and ensure that provisions in the legislation are not less favourable than what is provided for in the Manpower Act and the Regulation by the Minister of Manpower and Transmigration (No.2 Year 2015).
- Ensure the right for workers to be informed of their terms and conditions of employment in an appropriate, verifiable and easily understandable manner and preferably, where possible, through written contracts, reasonable limitation on working hours; minimum age for employment, guarantees of remuneration for an adequate standard of living; clearly defined weekly rest and leave periods (annual leave, public holidays, sick leave and maternity leave); standards on termination of employment by both parties; the right to keep in their possession their travel and identity documents, and access to dispute resolution mechanisms, including courts;
- Ensure the ratification of the ILO Domestic Workers Convention (No. 189) and incorporate its provisions into domestic law and implement the law both in policy and practice; and
- Ensure that domestic workers have access to complaints mechanisms and effective remedies when their rights as workers are denied, and that they are aware of and can effectively access available mechanisms when they are victims of violence.

Thank you for your attention.

Yours sincerely,

Champa Patel  
Regional Director  
South East Asia & the Pacific Regional Office