

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Indonesia: Domestic workers continue to be denied legal protection

On 16 June people around the world will commemorate International Domestic Workers' Day, a day calling for the global recognition of domestic work as work. There are an estimated 2.6 million domestic workers in Indonesia according to the International Labour Organization (ILO). Domestic workers, thousands of whom live and work in abusive conditions, must be afforded the same legal protection as all other workers.

A recent high-profile case against a former member of the House of Representatives IX, Fanny Safriansyah (also known as Ivan Haz), is emblematic of how thousands of domestic workers continue to be at risk of ill-treatment and violence. Ivan Haz is facing up to 5 years' imprisonment and a fine for violating Law No. 23/2004 on the Eradication of Domestic Violence for repeated acts of physical abuse against a woman domestic worker employed to look after his children.

Despite being subject to a range of binding treaties providing general protection for domestic workers, Indonesia's laws do not currently provide adequate protection specifically for domestic workers. For instance, the 2003 Manpower Act (Law No 13/2003) actively discriminates against domestic workers because it does not define domestic worker as workers or provide domestic workers the same protection as other workers. A regulation by the Minister of Manpower and Transmigration issued last year (No.2/2015), while a small step forward, does not adequately address reasonable limitation of working hours; guarantees of sufficient remuneration for an adequate standard of living; clearly defined weekly rest and leave periods including annual leave, public holidays, sick leave and maternity leave, leaving domestic workers at risk of exploitation and human rights abuse. The Minister Regulation No. 2/2015 also does not have a legal enforcement mechanism if the domestic workers rights are not guaranteed by their employer.

Amnesty International is therefore calling for a fully enforceable Domestic Workers Protection Law that complies with international human rights law and standards. Such a law would better protect the rights of domestic workers from economic exploitation, gender-based discrimination, physical, psychological, and sexual violence and other human rights abuses.

Amnesty International welcomes The Indonesian House of Representatives' (DPR RI) decision in February to include the Draft Law on Domestic Workers Protection on the

National Legislative Programme (*Prolegnas*) for 2016. The organization urges the House to follow this up and promptly debate and enact the law that fully respects the human rights of domestic workers at the earliest time possible.

During Indonesia's Universal Periodic Review (UPR) in 2012 Indonesia accepted recommendations to adopt a draft law on domestic workers and a recommendation to ratify the ILO Convention No. 189 on Domestic Workers, a landmark treaty setting international standards for the protection of domestic workers' rights. The Convention was adopted on 16 June 2011 during the 100th session of ILO in which the then President Susilo Bambang Yudhoyono declared publicly to support its ratification. However, Indonesia has yet to ratify the convention.

Amnesty International calls on the Indonesian authorities to ratify the ILO Convention No. 189 on Domestic Workers as a first step to ensure effective legal protection of Indonesian domestic workers in the country as well as Indonesian domestic workers overseas.

Background

In 2015, the National Advocacy Network for Domestic Workers (*Jala PRT*) recorded at least 402 cases of mistreatment and violence against domestic workers in Indonesia, though the figure could be much higher as the survey was conducted by NGOs in the absence of an official figure. The lack of effective legal protection for domestic workers against human rights abuse disproportionately affects women and girls, who constitute the overwhelming majority of Indonesian domestic workers.