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Dear Minister,

OPEN LETTER ON THE PROTECTION OF DOMESTIC WORKERS IN INDONESIA

As people across Indonesia commemorate National Domestic Workers Day on 15 February, I am writing to highlight Amnesty International's ongoing concerns about the situation of domestic workers in Indonesia, and to urge your government to take concrete steps to protect them from gender-based discrimination; physical, psychological and sexual violence; and other human rights abuses.

A key step towards ensuring better protection for domestic workers in Indonesia would be the swift adoption of specific legislation safeguarding their rights. Amnesty International is aware that Parliament has prioritized a Domestic Workers Protection Law in its legislative agenda for 2013. However, the organization is concerned that the passage of this law has faced ongoing delays since it was first prioritized on the legislative agenda in 2010. Amnesty International is also concerned about flaws in the draft legislation which do not comply with international law and standards.

Amnesty International has long held concerns that domestic workers in Indonesia, an estimated 2.4 million people, are not legally protected as workers under Indonesian law. Existing domestic legislation – in particular the 2003 Manpower Act (Law No. 13/2003) – discriminates against domestic workers because it does not afford them the same protection as other workers.

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. They also have limited access to complaints mechanisms and effective remedies when their rights as workers are denied. As a result many domestic workers live and work in abusive conditions without due protection, and many of them, including girl domestic workers as young as 14 years old, are at risk of physical, psychological and sexual violence. This situation disproportionately affects women and girls, who constitute the overwhelming majority of domestic workers in Indonesia. Women and girl domestic workers also face significant barriers in obtaining the sexual and reproductive health care they need.

Amnesty International welcomes the Indonesian government's acceptance of recommendations to adopt a draft law on domestic workers during its Universal Periodic Review in May 2012, and during the adoption of the Review in September of that year.¹ We also note that in July 2012 the Committee on

¹ *Report of the Working Group on the Universal Periodic Review of Indonesia*, 5 July 2012 (A/HRC/21/7), recommendation 108.81 (Belgium) and *Report of the Working Group on the Universal Periodic Review of Indonesia, Addendum*, 5 September 2012 (A/HRC/21/7/Add.1), para 5.1 referring to recommendation 109.8 (Slovakia).

the Elimination of Discrimination against Women recommended that Indonesia adopt, within a clear time frame, a Domestic Workers Protection Law.²

The passage of a Domestic Workers Protection Law, which complies with international law and standards, in particular the International Labour Organization (ILO) Domestic Workers Convention (No. 189), would send a strong message to domestic workers in the country that the Indonesian government is committed to the protection of their rights. It would also strengthen the efforts of the Indonesian government in ensuring the legal protection of Indonesian domestic workers overseas.

We therefore urge the Ministry of Manpower and Transmigration to take the following steps as a matter of priority:

- Ensure a prompt debate and enactment of a Domestic Workers Protection Law which complies with international law and standards, and in particular:
 1. Provisions contained in the legislation should not be less favourable than what is provided for in the Manpower Act;
 2. Explicitly prohibit the employment of children below the age of 15 as domestic workers, and ensure that under-18s are not engaged in the worst forms of child labour, as provided for in the Convention on the Rights of the Child and ILO Conventions 138 and 182 to which Indonesia is a state party;
 3. The legislation should explicitly include legal provisions pertaining to the specific needs of women, in particular during and after pregnancy. Where employers are known to have breached these obligations, they should be sanctioned in the same manner as other employers;
- 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;
- Ensure the ratification of the ILO Domestic Workers Convention (No. 189) and the ILO Maternity Protection Convention (No.183); the incorporation of their provisions into domestic law and their implementation both in policy and practice; and
- Immediately undertake a thorough survey assessing the number of domestic workers in every Indonesian province. This survey should gather data on their gender, age, origin, socio-economic background and conditions of living and employment. All data collected should be treated confidentially with appropriate standards of data protection.

Please do not hesitate to contact us if you have any questions. We would be pleased to discuss this matter with you.

Yours sincerely,

Isabelle Arradon
Asia-Pacific Deputy Director

Cc: Linda Amalia Sari Gumelar
State Minister for Women Empowerment and Child Protection

Parliamentary Commission IX on Population, Health, and Manpower and Transmigration

² Concluding observations of the Committee on the Elimination of Discrimination against Women: Indonesia, 27 July 2012 (CEDAW/C/IDN/CO/6-7), para 38.