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Dr. Ribka Tjiptaning  
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

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**AMNESTY  
INTERNATIONAL**



**AMNESTY INTERNATIONAL INTERNATIONAL SECRETARIAT**  
Peter Benenson House, 1 Easton Street  
London WC1X 0DW, United Kingdom  
T: +44 (0)20 7413 5500 F: +44 (0)20 7956 1157  
E: [amnestyis@amnesty.org](mailto:amnestyis@amnesty.org) W: [www.amnesty.org](http://www.amnesty.org)

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

Dear Dr. Ribka Tjiptaning,

We are taking this opportunity to write to you about the plight of Indonesian domestic workers, the vast majority of whom are women and girls. Please find enclosed a petition signed by 11,722 people from 60 countries and territories, voicing their concern that domestic workers in Indonesia are not recognized as workers and do not enjoy all the rights provided for workers in Indonesian and international law. The signatories join Amnesty International and Jala-PRT (National Network for Domestic Workers Advocacy) in calling on the government to develop measures to protect domestic workers from gender-based discrimination, physical, psychological and sexual violence, and other human rights abuses.

The first step in providing such protection would be the enactment of specific domestic workers legislation, which should be a priority for parliament. Amnesty International welcomes the inclusion of a Domestic Workers Protection Bill on the 2010 legislative agenda. However, we are concerned about possible delays in the passage of the bill which could prolong the vulnerability, exploitation and abuse of domestic workers in Indonesia. Delaying this legislation is not in line with the Indonesian government's international human rights obligations.

The estimated 2.6 million domestic workers in Indonesia are not fully protected by current legislation safeguarding workers' rights.<sup>1</sup> 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. As a result many domestic workers live and work in abusive conditions, and are subjected to physical, psychological and sexual violence on a regular basis. Women and girl domestic workers also face significant barriers in obtaining 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.

As a group particularly at risk of domestic violence and exploitation, domestic workers require high levels of protection and support from the state and associated institutions. However, currently there is a lack of specific mechanisms for monitoring or protecting their rights. Existing domestic legislation - in particular the 2003 Manpower Act - discriminates against domestic workers because it does not afford them the same protection which other workers receive under its provisions.

<sup>1</sup> See Amnesty International, *Exploitation and abuse: the plight of women domestic workers* (AI Index: ASA 21/001/2007), 14 February 2007.

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

- Work to adopt specific legislation regulating the labour rights of domestic workers in accordance with international law and standards, including the International Covenant on Economic Social and Cultural Rights and relevant International Labour Organization (ILO) Conventions;
- Ensure that provisions in the legislation are not less favourable than what is provided for in the Manpower Act. In particular there should be reasonable limitation on working hours; 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; and access to dispute resolution mechanisms, including courts;
- 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; and
- 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.

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

Yours sincerely,

Donna Guest  
Deputy Programme Director, Asia-Pacific Programme

Cc: Muhaimin Iskandar  
Minister for Manpower and Transmigration

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

Andi Timo Pangerang  
National Chair  
Parliamentary Women's Caucus

Yunianti Chuzzifah  
Chairperson  
National Commission on Violence against Women  
(Komnas Perempuan)

Rita Serena Kalibonso  
Women's Rights Commissioner  
ASEAN Commission on the Promotion and Protection of Women and Children (ACWC)