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Indonesia: UN Committee on Economic, Social and Cultural Rights makes recommendations to authorities

Amnesty International urges the Indonesian government to take concrete and immediate steps to implement recommendations made by the United Nations (UN) Committee on Economic, Social and Cultural Rights (the Committee) to ensure these rights are respected and protected in the country.

On 23 May 2014 the UN Committee, an independent body of experts tasked with reviewing the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR), published its Concluding Observations after assessing Indonesia's compliance with the provisions of the ICESCR both in law and practice during its 52nd session in Geneva. In the Concluding Observations, the Committee welcomed, among other things, the State party's ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families on 31 May 2012. However, it expressed concern about a range of areas where Indonesia is failing to meet its obligations under the ICESCR.

The following are some of the concerns raised and recommendations made by the Committee on Economic, Social and Cultural Rights that Amnesty International has previously highlighted in our reports:

- The Committee expressed concern about the increase of maternal mortality rates due, among other factors, to insufficient sexual and reproductive health services as well as legal and cultural barriers to accessing them. The Committee called on Indonesia to ensure access to sexual and reproductive health services for unmarried women and teenagers as well as for married women without the consent of their spouses;
- The Committee raised concerns that the 2003 Manpower Law excludes domestic workers, denying them legal protection of their labour rights and that the draft Law on Domestic Workers is still pending adoption by the Parliament. It further expressed concern that domestic workers work "long hours, are paid under the minimum wage, and are often victims of violence and sexual harassment". The Committee called on the authorities to "expedite" the adoption of the draft Law on Domestic Workers and to ratify the International Labour Organization (ILO) Domestic Workers Convention (No. 189). The draft law should ensure the same working conditions as the Manpower Law as well as additional protections given that some domestic workers live with their employers, which makes them vulnerable to "forced labour, violence and sexual harassment". The Committee also recommended that the draft law provide for effective mechanisms to report abuse and exploitation and an inspection mechanism for monitoring conditions of work;
- The Committee noted that Indonesia had concluded bilateral agreements on benefits for migrant domestic workers with several countries but raised concern about continuing reports of exploitation and abuse of Indonesian nationals employed as domestic workers abroad. The Committee urged the State Party to regulate the operations of placement agencies, and the imposition of placement fees, so that they do not lead to human rights violations, such as non-payment of wages or contemporary forms of slavery;
- The Committee expressed concern about the ongoing practise of child marriage and urged the government to prevent it as well as to punish individuals performing or facilitating this practice.

It also raised concerns about the practise of female genital mutilation (FGM) and urged the State to enforce the prohibition of FGM effectively and to raise awareness of its prohibition;

- The Committee was concerned at the situation of several groups who suffer “multiple discriminations”, including displaced religious communities. The Committee recommended that the State adopt policies which include facilitating the issuance of identity documents and birth and civil registration as well as services and assistance to those displaced. Numerous minority religious communities, such as Ahmadiyya followers, have been attacked and displaced in recent years in Indonesia and have been unable to return to their homes;
- The Committee expressed concern about the existence of laws and local by-laws that discriminated against women and marginalised groups including lesbian, gay, bisexual and transgender persons and called for them to be reviewed and repealed;
- The Committee expressed concern at the “lack of access to remedies” for violations of economic, social and cultural rights in remote areas of Indonesia, including in Papua, and urged the State to ensure that judicial remedies and non-judicial institutions, such as national human rights institutions, are accessible in those areas;
- The Committee raised concerns about how communities affected by extractive projects in Indonesia as well as human rights defenders working on these cases have been subjected to “violence and persecution”. The Committee recommended that the government engages in dialogue with human rights defenders and protects them from violence, intimidation and harassment. Further, it recommended that the authorities “thoroughly investigate all allegations of reprisals and abuse” and bring the perpetrators to justice;
- The Committee raised concerns about the failure of the authorities to respond to cases submitted by the National Human Rights Commission (Komnas HAM) under Law 39/1999 on Human Rights, which made Komnas HAM ineffective in providing non-judicial redress to victims of human rights violations. The Committee recommended that a mechanism be introduced requiring public bodies to respond to cases submitted by Komnas HAM. There has been no progress by the Attorney General’s office on a number of inquiries conducted by Komnas HAM into “gross abuses of human rights” such as the 1965-1966 violations, the May 1998 riots and the enforced disappearance of 13 political activists (1997-1998).

Many of these recommendations echo calls by civil society groups and national and international human rights organizations. Amnesty International believes that if effectively implemented, the recommendations would strengthen the protection and promotion of economic, social and cultural rights in the country.

Amnesty International submitted a briefing entitled *Indonesia: Submission to the United Nations Committee on Economic, Social and Cultural Rights: 52nd Pre-sessional working group* (Index: ASA 21/034/2013) in December 2013. It provided the Committee with information related to concerns around barriers to sexual and reproductive health rights, domestic workers in Indonesia, migrant domestic workers, and religious minority groups.

The Amnesty International briefing to the Committee can be accessed via the following link:
<http://amnesty.org/en/library/info/ASA21/034/2013/en>

The Committee on Economic, Social and Cultural Rights’ Concluding Observations can be accessed via the following link: http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/IDN/E_C-12_IDN_CO_1_17285_E.doc

Background

The UN Committee on Economic, Social and Cultural Rights comprises 18 independent experts who monitor the implementation of the International Covenant on Economic, Social and Cultural Rights by its 161 States Parties. The Committee reviewed the initial report of Indonesia during its 52nd session that was held from 28 April to 23 May 2014 in Geneva. Indonesia ratified the ICESCR on 28 October 2005.