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Indonesia

Exploitation and abuse: the plight of women domestic workers

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Summary

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Domestic workers in Indonesia are frequently subjected to human rights violations in their place of work. They regularly experience economic exploitation, and physical, psychological and sexual violence. Some are even killed.

There are approximately 2.6 million domestic workers in Indonesia, the majority of whom are women and girls – some as young as 12 or 13. They are generally required to cook, wash clothes, clean the house, look after the children, and do the shopping.

They are particularly vulnerable to abuse and exploitation due to a lack of legal protection of their rights, because their work takes place out of the public eye, and due to their low status in society – as the majority are women and girls, and are often poor and uneducated. Their vulnerability is heightened due to their isolation from family and friends, and because many people in Indonesia do not consider domestic workers to be workers at all. The majority (approximately 90%) of domestic workers are not recruited by any formal process but through relatives or word of mouth.

Due to these factors, compounded by a lack of protection mechanisms, domestic workers are highly vulnerable to physical, psychological and sexual violence at the hands of both male and female employers. Amnesty International documented many cases in which domestic workers reported being sexually harassed or raped by their employer. Many domestic workers who live with their employer do not have their own room to sleep in, or their room does not have a lock, or sometimes even a door. A 22-year-old domestic worker was forced by her employer in Jakarta to have sex with his younger brother between June and October 2004. When she fell pregnant, the employer's family asked the brother to marry her. The brother refused saying she was ugly. The family expelled the domestic worker from the household.

Many domestic workers also report being subjected to physical violence, such as being beaten with a stick, a broom, or an iron bar. In February 2006, a 13-year-old domestic worker fled her employer's home in central Java. Her female employer had hit her head repeatedly in the bathroom and poured water over her body. She was then pushed face down

against the toilet bowl. Over the course of the girl's seven-month stay at the household, she alleges that her employer beat her with a pan and burnt her with cigarettes.

In some cases domestic workers have been killed by their employers. In May 2006, a man was arrested for "torturing to death" a 20-year-old domestic worker in his employment.

In 2004, a Law Regarding the Elimination of Violence in the Household (Law 23/2004) was passed by the Indonesian parliament. Domestic workers were specifically included in the law as potential victims of violence. However, the Law has yet to be fully implemented, especially with regards violence against domestic workers.

Reporting of incidents of abuse or violence is low. Domestic workers often try to endure these conditions or do not speak out against their employer due to fear of losing their jobs and their income. Many are ashamed to speak out about their situation, including to the police. Domestic workers often have no-one to report to, in order to seek support or protection after experiencing violence, and even where mechanisms do exist, many domestic workers are severely restricted in their freedom of movement. Many domestic workers are inhibited in their ability to leave their employer's house, some are even locked in.

The Domestic Violence Act together with the Witness Protection Act, passed in July 2006, has significantly increased the protections available to victims and witnesses of domestic violence. However, deficiencies remain within criminal law in Indonesia in addressing the particular challenges of investigating gender-based crimes, including crimes involving sexual violence. These, in conjunction with limitations in the provisions of services, will negatively impact on the ability of a victim or witness to realize their rights to protections, services, and a fair trial. The Criminal Procedure Code (Kitab Undang-Undang Hukum Acara Pidana – KUHAP), which is currently under revision, must be amended to resolve these deficiencies.

As a group particularly vulnerable to violence and exploitation domestic workers require high levels of monitoring, protection and support from the state and associated institutions. However, there are no mechanisms for monitoring or protecting their situation, their work is rarely regulated by a contract and they are excluded from legal protections of basic workers' rights.

The work of domestic workers is currently not provided equal protection under Indonesian law. The national Manpower Act (Law 13/2003) protects fundamental workers' rights, including regulation of hours of work per week, defined rest periods, holiday and leave arrangements – including maternity leave and payment of the minimum wage, and regulates dispute resolution mechanisms. These provisions are specifically designed to protect workers from the sort of exploitation to which domestic workers are subjected on a daily basis. However, the protections in these provisions of the Manpower Act are only extended to the employees of 'entrepreneurs' in 'business' or 'social or other undertakings with officials in charge' – definitions under which private households and domestic workers do not fall. The extensive protections of workers' rights contained in the Act do not apply to any workers who do not fall into these categories. Only one sub-provision of one article mentions any protections applicable to other workers – obliging the employer of those workers to provide protection of their welfare and health. In naming only loose concepts with no specified benchmarks by which to measure the provision of this protection, the article has had little impact on the daily reality of domestic workers, and certainly does not provide them with a legal platform on which to claim reasonable limitation or working hours or the minimum wage, for example.

Domestic workers often work very long hours and are allowed little or no rest. The workers interviewed by Amnesty International worked an average of 70 hours a week, but many worked a lot more. Amnesty International interviewed some workers who were forced to work 21-22 hours per day, seven days a week. The majority of domestic workers do not have a day off during the week. Many domestic workers are not permitted to take holiday leave, including days off to observe public holidays. Despite these very long hours of work, with little rest, domestic workers frequently report that their employer has withheld their salary, often for months at a time, or, even more frequently, has paid them significantly less than was agreed at the time of employment. Even the agreed salaries are usually much less than the minimum wage in Indonesia.

Many domestic workers report severe restrictions to their freedom of movement – some are not permitted to leave their employers' house, and to their freedom of association – some are prevented from joining meetings and other social events outside the home. Some domestic workers reported being locked into their rooms at night by their employers. Among other considerations, these concerns result in domestic workers being severely inhibited in their right to join a union, or to access their rights to health or education.

As with incidents of physical and sexual violence, few domestic workers seek redress or compensation for their experiences. Many do not speak out against their employer because they are afraid of losing their jobs – and therefore their income. Again, some are ashamed to speak out about their situation. Furthermore, domestic workers often have no-one to report to in order to seek assistance or redress of their grievances, most are unaware of their rights, some are severely restricted in their freedom of movement – to seek support, and some fear the police.

In 2006, a step forward was made towards protection the rights of domestic workers. The Ministry of Manpower in the Indonesian government produced a draft for specific national legislation concerning the protection of domestic workers. However, the draft in its current form is weak and lacks several fundamental guarantees of workers' rights, falling far short of the rights guaranteed to all workers under international labour standards, and the rights afforded to other workers in Indonesia under the Manpower Act. In its current draft the legislation is yet another manifestation of discrimination against domestic workers.

Under international law, all workers are entitled to core labour rights, including the right to wages which provide them with an adequate standard of living for themselves and their families; reasonable limitation of working hours; the right to rest and the right to holiday.¹ The majority of these rights are not guaranteed in the current draft of the domestic worker legislation.

Amnesty International urges the government of Indonesia to amend the legislation to include provisions relating to reasonable limitation of working hours through clearly defined maximum hours of work in 24 hours and per week; clearly defined weekly rest and leave periods (annual leave, public holidays, sick leave, maternity leave); clear standards to ensure remuneration adequate to secure a life with dignity; clear standards for night work and overtime, including adequate remuneration; standards on termination of employment; dispute resolution mechanisms, including access to courts. The right to collective bargaining and freedom of association must also be guaranteed to domestic workers. The legislation should

¹ International Covenant on Economic, Social and Cultural Rights (ICESCR), Articles 7 and 9.

also include provisions for the establishment of mechanisms to monitor the situation of domestic workers.

Separate legislation must, as a minimum requirement, guarantee to domestic workers the rights afforded to other workers in Indonesia under the Manpower Act.

Amnesty International calls on the government to take all necessary steps to protect domestic workers in Indonesia as a group highly vulnerable to violence against women, in the context of Indonesia's commitment to "*zero tolerance for violence against women*". A thorough awareness raising campaign must be conducted throughout Indonesia, highlighting the fact that the Domestic Violence Law also applies to domestic workers, and that any incidents of violence against domestic workers must be immediately reported. This campaign should target employers, domestic workers and the public, and also provide further training of police and legal practitioners, to ensure that all are fully briefed about the content and applicability of the law. The government must also ensure that domestic workers who are victims of violence are treated fairly within the criminal justice system. The draft revised KUHAP must be amended to incorporate key protections of victims of sexual violence during the investigation of the crime and through the trial stages.

This report summarizes a 46-page document (17,635 words): Indonesia, '*Exploitation and abuse: the plight of women domestic workers*' (AI Index: 21/001/2007) issued by Amnesty International in February 2007. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email:

http://www.amnesty.org/email/email_updates.html

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