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SENDING COUNTRIES: SOUTHEAST ASIA

Republic of Indonesia



A. COUNTRY CONTEXT

Indonesia is an archipelago of over 17,500 islands located in South-East Asia between the Indian and Pacific Oceans.¹ It has the fourth-largest population in the world with 234 million inhabitants.² Over 85 percent of Indonesians are Muslim, making it the most populous Muslim country in the world. Indonesia is a lower-middle income country³ and ranks “medium” on UNDP’s latest human development index.⁴ Gross National Income was placed at 2,940 dollars per capita in 2011.⁵

Free and fair elections took place in 1999, marking the end to decades of repressive rule, and Indonesia is now the world’s third most populous democracy.¹ The country has experienced strong economic growth in recent years, outperforming its regional neighbours, and has made impressive gains in improving literacy rates and increasing gender equality, particularly in education. However, poverty and unemployment continue to pose challenges with 13 percent of the population living below the national poverty line and half of the population living on less than 2 dollars per day.⁷

1 US Central Intelligence Agency, *The World Factbook 2012 – Indonesia*, (2012). Available from: <https://www.cia.gov/library/publications/the-world-factbook/geos/id.html>

2 Available from: <http://www.worldbank.org/en/country/indonesia/overview>

3 Ibid.

4 Available <http://hdrstats.undp.org/en/countries/profiles/IDN.html>

5 Available from: <http://data.worldbank.org/country/indonesia>

6 US Central Intelligence Agency, *The World Factbook 2012*

7 Available from: <http://www.undp.or.id/mdg/>

Human Development Index (2011)	Rank 124, Medium Human Development
Stock of Migrants from Indonesia (2011)	6 million ⁸
Annual growth rate of immigrant population	-5.8% (1960-2005)
Immigrants share of population	2.6% (2011)
Proportion of female Immigrants	69% (2012) ⁹

Indonesia is primarily a labour-sending country. Recent government reports indicate there are approximately 4.3 million documented Indonesian migrants working outside the country and another 1.7 million who are undocumented. Sixty-nine percent of migrant workers are women, most of whom seek employment as domestic workers in Malaysia, Singapore, Saudi Arabia, and other countries in the Middle East.¹⁰ Migrant workers are major contributors to the economic development of Indonesia, remitting more than 6 billion dollars annually.¹¹

B. KEY GENDER AND HUMAN RIGHTS ISSUES

Indonesia has ratified or acceded to eight of the nine core international human rights treaties, including the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) in 1984, and the Convention on the Protection of the Rights of All Migrant Workers and Member of Their Families (CMW) in April, 2012. It has signed but not yet ratified the Convention for the Protection of All Workers from Enforced Disappearance (CED). In its 2012 Concluding Observations, the CEDAW Committee encouraged Indonesia to ratify the CED noting that adherence “to the nine major international human rights instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life”.¹²

Indonesia has enacted many new policies at national and local levels that are related to the human rights of women. According to the National Commission on Violence against Women (Komnas Perempuan), between 2007 and 2011, 21 different laws and policies were enacted at national level, which “directly and indirectly reinforce guarantees to freedom from discrimination based on gender, race and ethnicity in politics and government.” Some of these include: affirmative action laws to increase women’s political representation; a reproductive

8 US State Department, *Trafficking in Persons Report 2012 – Indonesia* (2012), p. 186. Available from: www.state.gov/j/tip/rls/tiprpt/2012/

9 UNDP, *Human Development Report 2009 - Overcoming barriers: Human mobility and development* (New York, 2009). Available from: http://hdr.undp.org/en/media/HDR_2009_EN_Complete.pdf

10 US State Department, *Trafficking in Persons Report 2012*, p. 186.

11 International Organization for Migration, *Labour Migration from Indonesia - An Overview of Indonesian Migration to Selected Destinations in Asia and the Middle East* (Jakarta, 2010), p. ix. Available from: www.iom.int/jahia/webdav/shared/shared/mainsite/published_docs/Final-LM-Report-English.pdf

12 CEDAW Committee, *Concluding Observations of the Committee on the Elimination of Discrimination against Women – Indonesia* (CEDAW/C/IDN/CO/6-7), (Fifty-second session, 2012), para. 51. Available from: www2.ohchr.org/english/bodies/cedaw/.

rights act which recognizes the right of female rape victims to decide on the fate of their pregnancies and guarantees women's right to be free from violence; mechanisms to improve government coordination on women's empowerment; and integrated services for witnesses and victims of trafficking. During the same time period, 34 new policies were enacted at the local level that also aim at increasing services for women victims of violence, preventing human trafficking and improving health services and education. Indonesia has also played an important role in formulating regional policies and mechanisms for the enforcement of human rights, including the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Promotion and Protection of Women and Children's Rights (ACWC).¹³ In its most recent Concluding Observations the CEDAW Committee expressed its appreciation for these various initiatives and also commended Indonesia for adopting a National Plan of Action on Human Rights 2011-2014, establishing a Migration Task Force and preparing a Bill on Gender Equality.¹⁴

Notwithstanding this progress, much work still needs to be done to better ensure the promotion and protection of women's human rights. Areas requiring particular attention include: (1) revisions to the criminal code to better protect victims of sexual violence such as rape, sexual torture, sexual exploitation and sexual abuse; (2) revision of family laws in order to prevent female child marriage, the practice of polygamy and gender role stereotypes in the family; (3) amendment of citizenship laws to guarantee equal rights for men and women to keep or change their citizenship, particularly for migrating women who are trafficked for trans-national marriage or sexual exploitation; and (4) enactment of laws to protect female domestic workers.¹⁵

Women migrant workers are particularly vulnerable to human rights abuses including sexual harassment, non-payment and underpayment of wages, trafficking, rape, illegal confinement, extortion, and passport confiscation. Data published by the Ministry of Foreign Affairs, based on the reports of the embassies of the Republic of Indonesia abroad, stated that abuse cases of Indonesian migrant workers in 2010 reached 4,532. In addition, the National Commission for Women recorded 6,266 cases of sexual violence experienced by women migrant workers in the period 1998-2010.¹⁶ The CEDAW Committee has therefore urged Indonesia to continue its efforts to address these problems and better protect unskilled migrant workers from exploitation and abuse.

C. KEY STAKEHOLDERS

The National Agency for Placement and Protection for Indonesian Migrant Workers (BNP2TK1) is a national body working under the direct supervision of the president to

13 Indonesia, National Commission on Violence against Women, *National Human Rights Institution Independent Report – Regarding the Implementation of the CEDAW in Indonesia, 2007-2011*, (Jakarta, 8 October 2011), para. 7. Available from: <http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/KomnasPerempuanIndonesia52.pdf>.

14 CEDAW Committee, *Concluding Observations*, para. 5.

15 National Commission on Violence against Women, *Implementation of the CEDAW*, para. 10.

16 Risma Umar, *Note of Women's Solidarity on the Situation of Women Migrant Workers Protection 2010*, Dewan Kordinator website (Jakarta, 5 February 2010). Available from: <http://dk-insufa.info/en/opinia/331-catatan-solidaritas-perempuan-sp-atas-situasi-perlindungan-buruh-migran-perempuan-2010>

integrate services and to share responsibilities in the placement and protection of the overseas workers among various ministries and government agencies.

Komnas HAM, Indonesia's national human rights institution is mandated to: conduct education and disseminate information about human rights; propose ratification of or accession to various human rights instruments; monitor and investigate the implementation of human rights treaties, and cooperate with regional and international agencies for the continuous protection of human rights.

Indonesian Migrant Workers Advocacy Institute of East Lombok (ADBMI) is a locally based NGO focused on promoting the rights of migrant workers and the needs of trafficking victims. Activities include assisting migrant workers with return and rehabilitation, productive use of remittances, rights training and awareness, and micro finance.

Association of Indonesian Migrant Workers (ATKI) conducts information awareness campaigns, advocates for better policies and regulations to protect migrant workers, provides direct assistance, counselling, legal aid, and organizes migrant workers to claim their rights.

Human Rights Working Group (HRWG) is an NGO coalition for international human rights advocacy that aims to put pressure on the Indonesian government to execute its international and constitutional obligations to protect, fulfil, respect and promote human rights in the country.

Kalyanamitra conducts activities to promote the status of women in Indonesia, including: gender rights awareness campaigns; research; advocacy; knowledge generation; and community facilitation to assist women in addressing the causes of marginalization and discrimination.

The Indonesian Women's Coalition for Justice and Democracy (KPI) is a women's civil society organization, which aims to enhance participation and representation of women in decision-making positions and to be a critical pressure group for legal and policy reform. Activities include: political and civic education for women; public policy advocacy; and strengthening and expanding the coalition to have influence at the national level.

Jakarta Legal Aid Foundation (LBH), provides free legal assistance to the poor. It conducts investigations, monitoring and representation of victims of labour abuses and other human rights violations.

Solidaritas Buruh Migran Karawang, Solidaritas Buruh Migran Cianjur, Solidaritas Perempuan, and Peduli Buruh Migran are all local NGOs focused on the protection of migrant workers from various districts within Indonesia. They conduct education and rights-awareness campaigns.

Indonesian National Commission on Violence Against Women (Komnas Perempuan) is an independent national institution that aims to build a conducive environment for the elimination of all forms of violence against women and the fulfilment of women's rights in Indonesia. Activities include: research; monitoring; recommendations to government ministries, legislators and judicial bodies regarding gender-sensitive laws and policies; and facilitation of networks to prevent violence against women.

Coordination of Action Research on AIDS and Mobility in Asia (CARAM Asia), is an open network of NGOs and CBOs involved in action research, advocacy, coalition building and capacity building with the aim of creating an enabling environment to empower migrants and their communities to reduce all vulnerabilities including to HIV/AIDS and enhance their health rights globally.

Women’s Solidarity for Human Rights - Solidaritas Perempuan (SP) has branches in 13 provinces in Indonesia and focuses on the promotion and protection of the rights of women including women migrant workers. SP has assisted in the establishment of four migrant workers’ solidarity organizations, which carry out activities related to trafficking, and migrant worker health including vulnerabilities to HIV/AIDS.

Indonesian Association for Migrant Workers’ Sovereignty (Migrant CARE, aka Perhimpunan Indonesia untuk Buruh Migran Berdaulat) promotes global justice for migrant workers, particularly at the regional level in South-East Asia, through building networks, campaigning for regulations and policies, and advocating cases faced by migrant workers. The organization is known for its opposition to the death penalty on migrant workers and for focusing on women migrant domestic workers.

D. RATIFICATION RECORD

The following table illustrates Indonesia’s ratification status of international treaties related to women migrant workers.

TREATIES	RATIFICATIONS
MWC	April 2012
CEDAW	13 September 1984
ICCPR	23 February 2006 a
ICESCR	23 February 2006 a
ICERD	25 June 1999 a
ILO C29 Forced or Compulsory Labour	12 June 1950
ILO C87 Freedom of Association ⁹ June 1998	1999
ILO C97 Migration for Employment	-
ILO C98 Right to Organize and Collective Bargaining	15 July 1957
ILO C100 Equal Remuneration	11 August 1958

ILO C105 Abolition of Forced Labour7 June 1999	-
ILO C111 Discrimination in Employment7 June 1999	-
ILO C138 Minimum Age for Admission to Employment7 June 1999	14 March 2006
ILO C143 Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers	-
ILO C181 Private Employment Agencies	-
ILO C182 Prohibition of the Worst Forms of Child Labour	28 March 2000

E. COMPLIANCE WITH THE CEDAW

DISCRIMINATION

Indonesia's Constitution, and its Law No. 39/1999 on human rights, prohibit direct and indirect discrimination on the basis of race, sex, religion, political opinion, national and social origin. However, neither law provides a clear definition of discrimination that incorporates article 1 of the CEDAW. Additionally, the decentralization process has allowed many regions of the country to implement laws and policies that discriminate against women by imposing dress codes, restricting movement, severely penalizing allegedly immoral relationships, legitimizing female genital mutilation, and restricting other aspects of women's social and public life.¹⁷ Consequently, the CEDAW Committee has urged the government to repeal or amend all discriminatory laws against women, including those that have already been identified by the National Commission on Violence against Women and the Ministry of Law and Human Rights. The Committee also recommended that the Government "raise the awareness of religious groups and leaders about the importance of amending legal provisions; increase support for law reform through partnerships and collaboration with Islamic jurisprudence research organizations and community leaders supportive of the advancement of women's rights; and obtain information on comparative legislation and jurisprudence in which more progressive interpretations of Islamic law have been codified applied."¹⁸

In addition to discriminatory laws, "the persistence of adverse cultural norms, practices, traditions, patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in the family and society" are major impediments to women's full enjoyment of their human rights on an equal basis with men. Such harmful traditions include sunat perempuan (female genital mutilation), the belis

17 CEDAW Committee, *Concluding Observations*, paras. 13, 15 and 17.

18 *Ibid.*, para. 18.

(dowry) tradition, patiwangi (a degrading ritual that takes place when a woman marries someone from a lower caste), early marriage, and forcing rape victims to marry their rapist. Thus the CEDAW Committee recommended that the Government collaborate with civil society to implement a strategy involving the school system, media, communities, and religious groups and leaders aimed at eliminating these and other harmful traditions, stereotypes and practices.¹⁹

Indonesia has, however, taken some positive steps in promoting equality for women, such as the newly drafted Act Concerning Gender Equality and Equity, which places a duty on the State to achieve gender equality, and makes discrimination by both public and private actors unlawful in politics, law, government, and education. The Act also indicates that substantive equality must be achieved in the area of public, political and international life.²⁰ This is an example of a good gender-sensitive rights-based practice in line with key principles of the CEDAW. Additionally, the government has drafted a Law on Domestic Workers, which is currently being debated. However, critics charge that the most recent draft of the law is not fully in compliance with international law and standards, particularly with respect to child domestic workers, hours of work, wages and dispute resolution. Thus, in order to comply with the CEDAW Committee's recommendation to enact comprehensive laws and procedures to safeguard the rights of women domestic workers, parliament should ensure that the final draft complies with international law and standards, and explicitly contains provisions pertaining to the specific needs of women.²¹

POLICY MEASURES

In an attempt to assist and protect Indonesian migrant workers, and in particular domestic workers, the Ministry of Foreign Affairs issued Regulation No. 4/2008 which requires: a review of regulations in destination countries that have not signed a Memorandum of Understanding (MoU) with Indonesia; the accreditation of private recruitment agencies; and assurance that employment contracts contain articles concerning the protection of labour migrants. The regulation also covers the supervision of contracts and provides that Indonesian embassies and consulates abroad have representatives who can provide assistance and legal aid for Indonesian citizens and labour migrants facing problems.²²

However, a recent report by the International Organization for Migration (IOM) noted that, while regulation No. 4/2008 aims to protect the most vulnerable labour migrants, it fails to address many problems, including those that emerge during the pre-departure phase in Indonesia. Additionally, the number of labour migrants with problems often exceeds the capacity and staffing levels of Indonesian representative offices abroad. To resolve these problems, the report noted that better coordination is needed between government agencies in Indonesia and key stakeholders on migration "especially between the Ministry of Manpower and Transmigration, the National Authority for the Placement and Protection of

19 Ibid, para. 24.

20 UNIFEM, *Gender Equality Laws - Global Good Practice and a Review of Five Southeast Asian Countries*, (March 2010), p. 7. Available from: http://cedaw-seasia.org/docs/Aw_GEL_incover050609Feb10.pdf.

21 Amnesty International, "Parliament must make domestic workers a priority in 2012" (London, 12 February 2012). Available from: www.amnesty.org/fr/library/asset/ASA21/005/2012/en/78611219-1442-40b4-b1a5-b881130b3356/asa210052012en.html.

22 International Organization for Migration, *Labour Migration from Indonesia*, p. 1.

Indonesian Overseas Workers and the Ministry of Foreign Affairs”.²³ The CEDAW Committee’s General Recommendation 26 also notes the importance of ensuring that women migrant workers and relevant NGOs are involved in the policy-making process.²⁴

Other policies aimed at protecting the rights of women migrant workers have also been recently enacted. For example, in early 2012, after eight Indonesian domestic workers fell to their deaths while cleaning windows in high rise apartments in Singapore, the government issued a policy requiring that employment agencies specify in all contracts that domestic workers may not clean the outside of windows or hang laundry from high rise apartments. Subsequently, the Singapore government also enacted regulations with similar prohibitions and required window grills to be installed and locked during cleaning.²⁵ This is in line with General Recommendation 26, which obligates countries of both origin and destination to formulate policies that promote safe migration and ensure the protection of the rights of women migrant workers.²⁶

Also, in 2011, the government lifted a ban on sending Indonesian domestic workers to Malaysia that had been in place since 2009, after multiple cases of physical abuse were reported. The ban was repealed after a Memorandum of Understanding was signed between Indonesia and Malaysia that ensures better protections for migrant workers and obligates employment agencies to uphold provisions of the MoU. The repeal of this ban, which mainly affected women, represents a good rights-based practice in line with General Recommendation 26, which urges governments to lift discriminatory bans on migration, and instead focus on better protections for women who choose to migrate for employment.²⁷

Most recently, in May 2012, the government announced a new policy lowering placement fees for migrant domestic workers from an average of 3,000 dollars to 800-1,600 dollars. Additionally, domestic workers will now have the option of taking loans from a bank to pay fees rather than be indebted to their employer. “This way, workers will get a meaningful salary from the start, unlike at present where nearly all Indonesian domestic workers get a mere 20 a month for eight or nine months,” said the activist group, Transient Workers Count Too, or twc2. Migrant workers can also use the scheme to save money or make use of micro-loans to start small businesses when they go back to Indonesia.²⁸ This represents a good gender-sensitive rights-based practice in line with General Recommendation 26, which states that governments should establish measures to assist women in accessing formal financial institutions and encourage them to participate in savings schemes.²⁹

To improve policy responses to the trafficking of women migrant workers the Government has also begun collecting data from various provinces regarding the places of origin of trafficked women, motives for seeking employment which results in women being trafficked, jobs into which women are trafficked and the nature of the exploitation which they experience.

23 Ibid, p. 14.

24 CEDAW Committee, *General recommendation No. 26 on women migrant workers*, (CEDAW/C/2009/WP.1/R) (UN Doc A/64/38 at 15, 2008) (Forty-second session, 2008), para. 23(b). Available from: www2.ohchr.org/english/bodies/cedaw/docs/GR_26_on_women_migrant_workers_en.pdf

25 HOME, SMS and VIVA WANITA, *Shadow Report to 52nd Session of the Committee on Elimination of Discrimination against Women – Indonesia* (Jakarta, July 2012), p. 6.

26 CEDAW Committee, *General recommendation No. 26*, para. 23(a).

27 Ibid, para. 24(a).

28 Transient Workers Count Too (TWC2), “Indonesian Government Changes Maid Hiring Fee Structure”, (Singapore, 7 April 2012). Available from: <http://twc2.org.sg/2012/04/07/indonesian-government-changes-maid-hiring-fee-structure/>

Using this information, the Government has carried out various capacity-building initiatives with immigration officials and the police to curb trafficking.³⁰ This is in line with General Recommendation 26, which urges governments to conduct and support research and data collection to identify the problems and needs faced by women migrant workers and formulate relevant policies to promote their rights.³¹

TRAFFICKING

According to the US State Department's 2012 Trafficking in Persons (TIP) Report, Indonesia is a major source country for women and children subjected to human trafficking. Many victims are workers who migrate to more developed countries such as Malaysia, Saudi Arabia, Singapore, Kuwait, Syria, and Iraq in search of legitimate employment opportunities, however, upon arrival they face conditions of forced labour and debt bondage. Labour recruiters, including large, well-established recruitment firms as well as smaller independent ones, are responsible for more than half of all cases of trafficking of Indonesian women. The risk of trafficking is especially high for the more than one million undocumented workers living abroad. The decentralization of government makes it difficult to coordinate nationwide anti-trafficking programmes and policies.³²

Prosecution

Indonesia's Law No. 21 on Eradication of Trafficking in Persons, passed in 2007, prohibits all forms of trafficking in persons and prescribes penalties of three to 15 years' imprisonment. However, widespread corruption including issuance of false documents, compromised investigations and judicial processes, lax border controls, and officials who profit from commercial sex, are major obstacles to effectively enforcing anti-trafficking laws. Effective law-enforcement efforts are also impeded by a lack of coordination between police, prosecutors, witnesses and courts, and a lack of aggregated nationwide statistics and data on trafficking cases and prosecutions.³³ The CEDAW Committee noted these problems in its most recent Concluding Observations stating its concern about the lack of sufficient data on trafficking, gaps in enforcement of Law No. 21/2007, and gaps in the National Plan of Action on eliminating trafficking. Article 6 of the CEDAW obligates governments to take all appropriate measures to suppress trafficking of women, the Government must therefore do more to criminally prosecute and punish trafficking, convict public officials involved or complicit in trafficking, and create a national protocol for collecting data and better coordination among law-enforcement officials.

In a positive move, Indonesia's parliament passed a new immigration law in March 2011 that provides punishments of up to two years' imprisonment for officials found guilty of aiding and abetting human trafficking or people smuggling. The new law also links human trafficking and people smuggling, allowing traffickers to be criminally prosecuted for smuggling.³⁴

29 CEDAW Committee, *General recommendation No. 26*, para. 24(g).

30 HOME, SMS and VIVA WANITA, *Shadow Report*, p.7.

31 CEDAW Committee, *General recommendation No. 26*, para. 23(c).

32 US State Department, *Trafficking in Persons Report 2012*, p. 186-187.

33 *Ibid*, p. 187.

Protection

The Ministry of Women's Empowerment reported 358 victims of trafficking in 2011, 111 whom were women. To better assist victims, the government worked with NGOs and the IOM on the 2009 revision of the publication titled Guidelines for Law Enforcement regarding the Protection of Victims of Trafficking in Handling Trafficking in Persons Cases. The Government also runs 172 shelters and trauma clinics at the provincial and district level, and has established 306 Women and Child Service Units in police stations across the country to provide emergency protection and medical services to victims of violence and trafficking. Other trafficking-related programmes are funded by the central Government through block grants to provinces.³⁵ These are good rights-based practices in line with the CEDAW Committee's General Recommendations 19 and 26, which both urge States parties to the CEDAW to provide safe accommodation and services for victims of violence and abuse.³⁶ In its Concluding Recommendations, however, the CEDAW Committee noted that in order to better protect victims, including women migrant workers, the Indonesian government must improve data-collection efforts and establish better mechanisms for early identification of victims, and referral to services.³⁷

Prevention

According to the TIP report, the government has made good progress in preventing human trafficking. Some notable efforts include: anti-trafficking in persons campaigns delivered via conferences, radio, newspapers, billboards, pamphlets, school programmes, and neighborhood meetings; improved capacity for monitoring outbound migrant workers and protecting them from fraudulent recruitment practices; a new database and national workers' identify card system and distribution of biometric identity cards to 581,081 migrant workers in 2011; revocation of the licences of 28 recruitment firms in 2011; issuance of Ministerial Decree No. 9/2011 on Early Warning TIP Indicators to branch offices and NGOs who provide support to trafficking victims; publication of a training manual on "Recovery, Return and Reintegration" for trafficking victim care providers; training of anti-trafficking front-line workers from government agencies and non-governmental organizations on how to facilitate victims of trafficking as criminal witnesses; creation of telephone and postal hotlines for reporting suspected trafficking cases; and conclusion of a MoU and establishment of a joint task force with Malaysia to better protect Indonesian domestic workers.³⁸

These efforts represent good rights-based practices and comply with the CEDAW Committee's recommendation to Indonesia to increase bilateral cooperation with countries of destination to prevent trafficking, raise awareness among the population on the dangers of trafficking and assist victims of trafficking in obtaining remedies.³⁹

34 Ibid, p. 193.

35 Ibid, p. 188.

36 CEDAW Committee, *General recommendation No. 19 on violence against women*, (UN Doc A/47/38 at 1, 1993), (Eleventh session, 1992), para. 24(k). Available from: www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19. See also CEDAW Committee, *General recommendation No. 26*, para. 26(i).

37 CEDAW Committee, *Concluding Observations*.

38 US State Department, *Trafficking in Persons Report 2012*, p. 188-189

EMPLOYMENT

According to the Indonesian Government, Indonesian women are discriminated against in all fields of employment, particularly in terms of salary, benefits and opportunities for career development. Lack of education and opportunities to enter the formal work sector are often what lead women to emigrate for employment or to seek work in the informal sector, where there is little legal protections.⁴⁰ Domestic workers in particular are excluded from much of the protection afforded to other workers under Indonesia's Manpower Act of 2003, such as regulations regarding minimum wage, overtime pay, the number of hours worked per day, weekly day of rest and social security. Consequently, the CEDAW Committee in its recent Concluding Observations urged Indonesia to: adopt a draft law on domestic workers that is in line with the CEDAW; conduct awareness-raising campaigns on domestic workers' rights; support unions working with domestic workers; strengthen labour-inspection mechanisms; create a system for domestic workers to lodge complaints about employers; and collect data on domestic workers disaggregated by sex, age and place of origin.⁴¹

Domestic workers who emigrate for work are equally if not more vulnerable to exploitation and abuse by their employers. According to the Indonesian National Commission on Violence against Women, migrant domestic workers are exposed to a compounded risk of violence due to their "multiple identities as women, women workers, migrant workers and domestic workers."⁴² Many women are forced to migrate for work because of problems in their place of origin such as poverty, domestic violence and polygamy. These women also face problems during pre-departure and placement, according to the Commission, which include: "fraud and document falsification that erase a person's history; threats of capital punishment for victims of fraud who have limited knowledge of the legal system of the country of destination; entrapment in illegal migration ... leaving women vulnerable to trafficking; unfit working conditions that put health and life at risk; ill treatment due to domestic work patterns involving complex relations and communication problems; and sexual violence that places the victim in a culpable position both under the legal system and during reintegration into the community."⁴³

The CEDAW Committee expressed its deep concern about the violence, abuse and exploitation experienced by women migrant workers in destination countries and at the hands of recruitment agencies within Indonesia. It has urged the Government to respond to these issues by "addressing the root causes of women's migration, including through the creation of conditions necessary for sustainable development and of safe and protected jobs for women as a viable economic alternative to migration or unemployment". Additionally, the Committee encouraged the Government to continue negotiating bilateral agreements with destination countries that promote and protect migrant women's rights and establish mechanisms to address violations of their rights during employment.

The Government has undertaken several initiatives to provide better protection for domestic workers within the country as well as those migrating for work. For example

39 CEDAW Committee, *Concluding Observations*, paras. 29(a), (b) and (d).

40 Indonesia, *Combined Sixth and Seventh Periodic Report of Indonesia to the CEDAW Committee*, (Jakarta, 7 January 2011), p. 35.

41 CEDAW Committee, *Concluding Observations*, paras. 37-38.

42 National Commission on Violence against Women, *Implementation of the CEDAW*, para. 36.

a number of ministries have collaborated on drafting legislation for the protection of domestic workers, which is currently being considered for adoption by the Government. BNP2TKI, a special agency for the placement and protection of Indonesian migrant workers, has developed mechanisms for improving wage standards and revoking problematic recruitment firms' licences. A Coordinating Team for the Repatriation of Problematic Indonesian Migrant Workers and their Families from Malaysia (TK-PTKIB) has helped repatriate hundreds of thousands of migrant workers faced with deportation. Efforts are under way to simplify the migration process through the establishment of: a one-roof service at embarkation and disembarkation gates; decentralization and reorganization at the provincial level of the permit process; and issuance of passports in the regions - with a maximum 3 day processing time, all of which decrease the costs to potential migrant workers.⁴⁴ A new government policy called the "live-out system" is also being considered, whereby Indonesian migrant domestic workers would be housed in dormitories instead of living with their employers. And finally, a Domestic Worker Roadmap 2017 has been developed with the goal of stopping the emigration of domestic workers until and unless receiving countries recognize them as formal workers and grant them necessary rights.⁴⁵

These initiatives are good rights-based policies in compliance with General Recommendation 26, which encourages States parties to the CEDAW to "facilitate access for women migrant workers to opportunities abroad, promote safe migration and ensure the protection of women migrant workers".⁴⁶

EMPLOYMENT CONTRACT

Migration abroad for employment as a domestic worker is regulated by Law No. 39/2004 concerning the Placement and Protection of Indonesian Migrant Workers (PPTKI). This law requires all workers to sign employment contracts with their employers before departure for countries of employment. According to the law employment contracts must contain: the name and address of employer; name and address of workers; worker position and type of job; rights and obligations of the parties; working conditions and requirements covering working hours, wage and payment procedure, leave, break time, and social security; and period of employment specified in the contract.⁴⁷

However, Law No. 39/2004 does not specify the minimum terms and conditions for work, such as: how to calculate deductions for food and accommodation; minimum specifications on living conditions; calculation of working hours; termination procedures; and who is responsible for travel costs of domestic workers to the country of employment and back. It is left up to the employee to negotiate terms with the employer, however problems occur

43 Ibid.

44 Indonesia, *Periodic Report to the CEDAW Committee*, p. 42.

45 Alistair Cook, "The Domestic Workers Convention 2011: Implications for migration domestic workers in Southeast Asia", *NTS Insight April 2012*, The Centre for Non-Traditional Security Studies. Available from: http://www.rsis.edu.sg/nts/HTML-Newsletter/Insight/pdf/NTS_Insight_apr_1201.pdf.

46 CEDAW Committee, *General recommendation No. 26*.

because prospective migrant workers are often asked to sign employment contracts on the spot, without being given adequate time to consider advantages and disadvantages of the contract's terms. Additionally workers often sign contracts in foreign languages without translators. The unequal power relations between employers and employees, combined with a lack of a standard employment contract prescribed by the Government means that many migrant workers are misled and are forced into signing contracts that are unfavourable.

Although signing an employment contract is a positive step for the protection of migrant workers, officials should ensure that contracts are written in a language understood by the domestic worker. The Government should also consider developing a gender-sensitive model or standard contract that is in accordance with CEDAW, the Convention on Migrant Workers, and other labour treaties to which Indonesia is a party. Additionally, the CEDAW Committee has recommended that legal reviews be made available to ensure that work contracts are valid and protective of women's rights.⁴⁸ Any contractual provisions should be abolished that: restrict the movement of domestic workers; allow employers to keep identity papers, passports or personal documents of the worker; require compulsory medical examinations; or prohibit marriage or pregnancy.⁴⁹

MINIMUM WAGE AND AGE

Minimum Wage

Law No. 39/2004 does not prescribe a minimum wage for Indonesian workers who emigrate for employment. Instead, it states that workers are entitled to receive wages "in accordance with the salary standards prevailing in counties of employment." Consequently, underpayment of wages is one of most serious problems encountered by most Indonesian migrant workers.⁵⁰ For example, according to an IOM study conducted in Singapore between 1999 and 2005, wages received by Indonesian domestic workers ranged from 230 to 250 Singapore dollars (164 to 179 US dollars) per month. For such a wage, more than half (54 percent) of Indonesian domestic workers worked more than 16 hours per day and more than one in 10 (11.5 percent) worked more than 19 hours per day.⁵¹ Similar results were found in Hong Kong SAR, Malaysia, Kuwait and Bahrain. Some receiving countries however, such as Malaysia, have indicated plans to amend legislation in order to better protect the wages and working conditions of foreign domestic workers, and to control exploitative employment of labour migrants.⁵² In negotiating agreements with receiving countries, Indonesia should ensure that occupations dominated by women, such as domestic help, are adequately compensated so as to comply with article 11 of the CEDAW which obligates governments to ensure women the "right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value."

47 UNIFEM, *Legal Protection for Migrant Domestic Workers in Asia and the Arab States*, (Bangkok, 2007), p. 76.

48 CEDAW Committee, *General recommendation No. 26*.

49 UNIFEM, *Legal Protection for Migrant Domestic Workers*, p. 51.

50 *Ibid*, p. 76.

51 International Organization for Migration, *Labour Migration from Indonesia*, p. 56.

Minimum Age

Law No. 39/2004 requires migrants working for individual employers to be at least 21 years of age. Individual employers include those hiring housekeepers, babysitters, nurses for the elderly, drivers, or gardeners. The higher age requirement for those working with individual employers is imposed “due to the intense personal relationship of the worker in vulnerable conditions with the employer, which may lead to abuse or sexual harassment. As such, the work requires maturity in terms of personality and emotion”.⁵³ Although this is a gender-neutral law, it may have a discriminatory impact on women if the majority of those migrants working for individual employers are women. Thus, the CEDAW Committee has urged governments to lift discriminatory restrictions on migration on the basis of age, and instead focus on measures that protect the rights of women to equal opportunity and treatment in the workplace.⁵⁴

REGULATION OF EMPLOYMENT AGENCIES

Recruitment or employment agencies are also regulated by Law No. 39/2004. According to the Law, firms are required to obtain a Placement Agency Permit as well as a Manpower Supply Permit before recruiting workers. To obtain these permits, firms must provide: a draft placement agreement; a draft employment contract, and a worker demand letter from employers. Firms are also obligated to have representatives in the countries where Indonesian workers are placed and must enroll overseas workers in an insurance programme; and bear all costs in the recruitment process (with the exception of identity document processing, health and psychological examinations, training and competence certificates).⁵⁵

Articles 42 (1), 68 (1) and 69 (2) of Law No. 39/2004 also obligate recruitment firms to conduct pre-departure training for Indonesian labour migrants. In 2008, the National Board for the Placement and Protection of Indonesian Overseas Workers (BNP2TKI) developed training materials covering the following topics: “(i) terms of deployment and work contract (including rights and obligations of labour migrants and their employers); (ii) laws (including criminal laws), regulations and customs of destination countries; (iii) arrival and departure procedures; (iv) the role of Indonesian diplomatic missions vis-à-vis Indonesian labour migrants and how to access assistance; (v) insurance claims; (vi) safe banking and remittances channels; (vii) health tips; (viii) awareness-raising of certain issues, such as trafficking in persons and drugs; (ix) self-confidence coaching to deal with culture shock, stress, loneliness, and professional issues; and (x) procedures to return home.”⁵⁶

The Ministry of Manpower is charged with overseeing and monitoring recruitment firms and imposing sanctions when necessary. Ministerial Regulation No. 5/2005 describes the grounds for sanctions, which may be in the form of: a written reprimand; temporary suspension of

52 Ibid, p. 49.

53 UNIFEM, *Legal Protection for Migrant Domestic Workers*, p. 75.

54 CEDAW Committee, *General recommendation No. 26*.

55 UNIFEM, *Legal Protection for Migrant Domestic Workers*, p. 78.

56 Maruja MB Asis and Dovelyn Rannveig Agunias, “Strengthening Pre-Departure Orientation programmes in Indonesia, Nepal and the Philippines”, in *Issue in Brief No. 5*, A joint series of the International Organization for Migration regional office for Asia and the Migration Policy Institute (Bangkok/Geneva, September 2012), p. 5. Available

placement activities; revocation of permits; cancellation of deployment of workers; or return of workers from abroad at the agency's cost.⁵⁷ Permits may be revoked for: recruiting without a permit; sending migrant workers abroad without a complete set of documents; placing excessive costs on labour migrants; and failing to provide pre-departure briefings.⁵⁸

Despite these regulations, the government has limited power to take action when firms violate the law. According to an IOM study, the government does not initiate inspections, either on a regular or unscheduled basis, and this lack of oversight, combined with jurisdictional problems, "seriously impedes the control of recruitment agencies in the region".⁵⁹ The US State Department's 2012 TIP report noted that lack of oversight combined with endemic corruption allows recruitment firms to violate regulations with impunity and as a result, these firms are responsible for more than 50 percent of the Indonesian female workers who are trafficked into destination countries.⁶⁰ Failing to adequately monitor recruitment firms leaves women migrant workers vulnerable to exploitation and trafficking, and is in violation of article 6 of the CEDAW, which obligates States parties to "take all appropriate measures to suppress trafficking of women."

In its Concluding Observations the CEDAW Committee urged Indonesia to "address issues related to the severe risk of exploitation of unskilled migrant workers, the confiscation of their passports and their contracted debts with recruitment agencies." It also recommended that the government: "strengthen inspection of recruitment agencies and training centres to monitor human rights abuses; impose substantial penalties on companies that fail to respect the rights of employees they recruit; and prosecute and punish persons engaged in illegal recruitment processes".⁶¹

BILATERAL AGREEMENTS

To date the government has entered into bi-lateral agreements MoUs with Malaysia, Taiwan Province of China, Republic of Korea, Japan, Kuwait, Jordan, United Arab Emirates, Syria, Libya and Qatar. These agreements stipulate the terms for placement of migrants, however, critics charge that they provide limited protection for workers human rights. For example, many do not provide clear standards on wages or working conditions such as a mandatory weekly day off, or annual leave. Additionally, because agreements tend to regulate only workers who migrate through official procedures, undocumented workers are left unprotected and vulnerable to exploitation.⁶²

The Government has taken some steps to improve the situation by imposing moratoriums on Indonesians migrating to certain countries until agreements are in place to provide minimum standards for protection of their rights. For example, in 2009, after repeated reports of abuse,

from: <http://www.migrationpolicy.org/pubs/predepartureorientation.pdf>.

57 UNIFEM, *Legal Protection for Migrant Domestic Workers*, p. 79.

58 International Organization for Migration, *Labour Migration from Indonesia*, p. 33.

59 Ibid.

60 US State Department, *Trafficking in Persons Report 2012*, p. 186.

61 CEDAW Committee, *Concluding Observations*, paras. 43(d) and (e).

62 CARAM Asia, *Reality Check! Rights & Legislation for Migrant Domestic Workers across Asia*, (Kuala Lumpur, 2011), p. 19. Available from: www.caramasia.org/reports/FDWlegislationAsia.pdf

unpaid wages and high suicide rates, the government temporarily banned domestic workers from migrating to Malaysia and Kuwait for employment. Subsequently Indonesia and Malaysia signed a MoU guaranteeing domestic workers a weekly day of rest, the ability to keep their passports and the right to communicate with their families.

However, according to Human Rights Watch, “although the MoU brings improvements for Indonesian domestic workers in Malaysia, they fall far short of the protections for other workers under Malaysian labour law. The very week the MoU was finalized, an Indonesian domestic worker died of alleged abuse in Malaysia.”⁶³ In recent Concluding Observations, the CEDAW Committee stressed the importance of developing bilateral agreements and MoUs that ensure the security of women migrant workers and establish oversight mechanisms in destination countries to address violations of their human rights.⁶⁴

REINTEGRATION

According to the IOM, “the results of a study by the Institute for Ecosoc Rights (2007) in three high-origin districts for women labour migrants, found that 71.4 percent of former labour migrants confirmed an urgent need for services after returning home. The study found that 37.1 percent of returnee women labour migrants experienced problems in managing money, generally complaining that the proceeds of their work were not evident, were used entirely for daily consumption or spent by their husbands. In addition to services related to the management of their money, returned labour migrants also required other services, including assistance with insurance claims and case management.”⁶⁵

The Government has recognized that many returning labour migrants need help with transportation, medical assistance, legal aid, and in some cases financial or psychological assistance upon returning from work abroad. In response, the government has initiated several programmes to facilitate their reintegration into the community.

For example, the Ministry of Manpower and Transmigration, together with a number of other national and regional agencies, offers training on entrepreneurship and initiating business activities for returned labour migrants. Additionally, some assistance is provided by banks and other organizations to help former migrants with managing the money earned overseas. The Government has also encouraged banks to provide facilities for the development of cooperatives and credit for businesses run by returned migrant workers.⁶⁶ These efforts represent good practices in line with the CEDAW Committee’s General Recommendation 26, which states that governments should design or oversee comprehensive socio-economic services aimed at facilitating the reintegration of women who have returned.⁶⁷

63 Mathew Rullo, “An Abhorrent Trail of Abuse”, Human Rights Watch, published in The Phnom Penh Post, 24 January 2014. Available from: www.phnompenhpost.com/plans/form

64 CEDAW Committee, *Concluding Observations*, para. 43(b).

65 International Organization for Migration, *Labour Migration From Indonesia*, p. 36.

66 Ibid.

67 CEDAW Committee, *General recommendation No. 26*, para. 24(i).

WOMEN'S ACCESS TO JUSTICE

Law No. 39/2004 establishes that legal assistance and advocacy on rights contained in the employment contract shall be provided to migrant workers in accordance with the laws and regulations in countries of employment. To that end, Indonesian embassies and consulates in receiving countries typically provide aid to migrant domestic workers who flee abusive situations and some have temporary shelters where workers can live while the embassy or consulate assists them in returning home or in pressing charges against their employers.

The Government has also taken steps to raise awareness among Indonesians living abroad about their rights through information campaigns such as radio programmemes. For example, in Batam, an independent radio station established a weekly programmeme for people to listen to complaints from domestic workers in Singapore and for the Indonesian authorities to respond to their queries.⁶⁸ Despite these efforts, many labour migrants who experience problems overseas are unable to solve them while abroad. There are many cases of labour migrants not reporting their cases until they return home.

Once back in Indonesia, returned workers still face obstacles in accessing justice as there is no case-handling system that provides clear administrative or criminal sanctions for those who commit crimes against labour migrants. "Instead, the handling of labour migrants' cases, particularly in the regions, is conducted haphazardly without a clear system and strategy," a UN Human Rights Council report has found. "There is also no legal aid service for labour migrants which severely restricts labour migrants in seeking justice."⁶⁹ Courts are also often distant and hard to reach, especially in rural areas. According to the IOM, only 30 percent of the cases reported to BNP2TKI are resolved. In addition, a large number of cases are never reported to the authorities, and thus stand no chance of being resolved.⁷⁰ The CEDAW Committee recognized this problem in its recent Concluding Observations on Indonesia and urged the Government to ensure assistance for migrant women seeking redress for violations of their rights.⁷¹ In General Recommendation 26 the Committee noted the importance of ensuring access to justice for returning women migrant workers, stating that States parties should design or oversee comprehensive legal services "aimed at facilitating the reintegration of women who have returned," and that "there should be a complaints mechanism to protect women against reprisals by recruiters and employers."⁷²

F. ANALYSIS AND CONCLUSIONS

The Indonesian Government has demonstrated a strong commitment to protecting its citizens who migrate abroad for work. This was most recently shown in its ratification of the Migrant Workers Convention in April, 2012. Additionally, it created a Task Force to Handle

68 Human Rights Council, *Report of the Special Rapporteur on the Human Rights of Migrants, Mission to Indonesia* (Geneva, Fourth session, 2007), para. 46.

69 International Organization for Migration, *Labour Migration from Indonesia*, p. 38.

70 Ibid.

71 CEDAW Committee, *Concluding Observations*, para. 44(c).

72 CEDAW Committee, *General recommendation No. 26*, para. 24(i).

Indonesian Migrant Workers Facing Death Sentences that conducts legal reviews of cases, provides legal aid and advocacy, and provides specific recommendations to the president of Indonesia on appropriate steps to be taken.

The Government also recently presented a draft resolution on violence against women migrant workers which was approved by consensus at a meeting of the Third Committee of the UN General Assembly. This will allow the UN General Assembly to call on governments to “adopt and implement legislation and policies that protect all women migrant domestic workers ... and take action to prevent and punish any form of illegal deprivation of the liberty of women migrant workers by individuals or groups.”⁷³

Other gender-sensitive good practices, which Indonesia has undertaken to better protect the rights of migrant women include:

- Ratification of eight of the nine core international human rights treaties, including the CEDAW and CMW.
- Enactment of affirmative action laws to increase women’s political representation
- A reproductive rights act which recognizes the right of female rape victims to decide on the fate of their pregnancies and guarantees women’s right to be free from violence.
- Mechanisms to improve government coordination on women’s empowerment.
- Integrated services for witnesses and victims of trafficking.
- Provisions within the Constitution and Law No. 39/1999 on human rights that prohibit direct and indirect discrimination on the basis of race, sex, religion, political opinion, national and social origin.
- A newly drafted Act Concerning Gender Equality and Equity – which places a positive duty on the State to achieve gender equality, makes discrimination by both public and private actors unlawful in politics, law, government, and education, and implies that substantive equality must be achieved in the area of public, political and international life.
- Regulation No. 4/2008 which requires: a review of regulations in migration destination countries that have not signed a MoU with Indonesia; the accreditation of private recruitment agencies; and assurance that employment contracts contain articles concerning the protection of labour migrants.
- A policy requiring that employment agencies specify in all contracts that domestic workers may not clean outside of windows or hang laundry from high-rise apartments.
- Repeal of a ban on sending Indonesian domestic workers to Malaysia and the signing of a MoU that ensures better protections for migrant workers.
- A new policy lowering placement fees for migrant domestic workers from an average of 3000 dollars to between 800 and 1,600 dollars.
- Giving migrant domestic workers the option of taking loans from a bank to pay fees rather than be indebted to their employer.
- Banking schemes to help migrant workers save money or make use of micro-loans to start small businesses when they return to Indonesia.

73 Ismira Lutfia, “Indonesia Scores in Fight for Women Migrant Workers’ Protection”, *Jakarta Globe*, 24 November 2011. Available from: <http://www.thejakartaglobe.com/home/indonesia-scores-in-fight-for-women-migrant-workers-protection/480714>.

- Collection of data from various provinces regarding the place of origin of trafficked women, motives for seeking employment which results in women being trafficked, jobs into which women are trafficked and the nature of the exploitation which they experienced.
- A 2011 immigration law providing punishments of up to two years' imprisonment for officials found guilty of aiding and abetting human trafficking or people smuggling.
- Guidelines for Law Enforcement regarding the Protection of Victims of Trafficking in Handling Trafficking in Persons Cases.
- The operation of 172 shelters and trauma clinics at the provincial and district level, and 306 Women and Child Service Units in police stations across the country, which provide emergency protection and medical services to victims of violence and trafficking.
- Anti-trafficking in persons campaigns delivered via conferences, radio, newspapers, billboards, pamphlets, school programmes, and neighbourhood meetings.
- Improved capacity for monitoring outbound migrant workers and protecting them from fraudulent recruitment practices
- A new database and national workers' identity card system and distribution of biometric identity cards to migrant workers.
- Revocation of licences of recruitment firms found to violate the law.
- Issuance of Ministerial Decree No. 9/2011 on Early Warning TIP Indicators to branch offices and NGOs who provide support to trafficking victims.
- Publication of a training manual on "Recovery, Return and Reintegration" for care providers to trafficking victims.
- Training of anti-trafficking front-line workers from government agencies and non-governmental organizations on how to facilitate the role of trafficking victims as criminal witnesses.
- Creation of telephone and postal hotlines for reporting suspected trafficking cases.
- Efforts to simplify the migration process through the establishment of "one-roof service" at embarkation and disembarkation gates; decentralization and reorganization at the provincial level of the permit process; and issuance of passports in the regions - with a maximum three-day processing time.
- Exploration of a "live-out system" to house Indonesian migrant domestic workers in dormitories instead of having them live with their employers.
- A Domestic Worker Roadmap 2017 to encourage receiving countries to recognize domestic workers as formal workers and grant them necessary rights.
- Provisions of Law No. 39/2004 that require placement agencies to provide a draft placement agreement, a draft employment contract, and a worker demand letter from employers, before being issued a permit to operate.
- The requirement that placement firms have representatives in the countries where Indonesian workers are placed, enroll overseas workers in an insurance programmes, and bear all costs in the recruitment process (with the exception of identity document processing, health and psychological examination, training and competence certificates).
- Training materials developed by the National Board for the Placement and Protection of Indonesian Overseas Workers (BNP2TKI) for migrating workers which cover the following topics: "(i) terms of deployment and work contract (including rights and obligations of labour migrants and their employers); (ii) laws (including criminal laws), regulations and customs of destination countries; (iii) arrival and departure procedures;

(iv) the role of Indonesian diplomatic missions vis-à-vis Indonesian labour migrants and how to access assistance; (v) insurance claims; (vi) safe banking and remittances channels; (vii) health tips; (viii) awareness raising of certain issues, such as trafficking in persons and drugs; (ix) self-confidence coaching to deal with culture shock, stress, loneliness, and professional issues; and (x) procedures to return home.”

- Sanctions for recruitment firms found to be: recruiting without a permit; sending migrant workers abroad without a complete set of documents; placing excessive costs on labour migrants; and failing to provide pre-departure briefings.
- The conclusion of bilateral agreements with Malaysia, Taiwan Province of China, Republic of Korea, Japan, Kuwait, Jordan, United Arab Emirates, Syria, Libya and Qatar.
- Training by the Ministry of Manpower and Transmigration, together with a number of other national and regional agencies, on entrepreneurship and initiating business activities for returned labour migrants radio programmemes.
- National Action Plan on the Elimination of Trafficking in Persons (2009-2014).

Despite these many efforts, discrimination and the persistence of adverse cultural norms, practices, traditions, patriarchal attitudes and deep-rooted stereotypes about women remain major obstacles to women’s full enjoyment of their human rights. The decentralization process has allowed many regions of the country to implement laws and policies that discriminate against women, and widespread corruption and lack of awareness means that many laws designed to promote and protect women’s rights are not effectively implemented.

G. RECOMMENDATIONS

- Revise the criminal code to better protect victims of sexual violence such as rape, sexual torture, sexual exploitation and sexual abuse.
- Revise family laws in order to prevent female child marriage, the practice of polygamy and gender-role stereotypes in the family.
- Amend citizenship laws to guarantee equal rights for men and women to keep or change their citizenship, particularly for migrating women who are trafficked for transnational marriage or sexual exploitation.
- Enact a law to better protect female domestic workers, including provisions related to hours of work, wages, dispute resolutions and other international human rights laws and standards.
- Repeal or amend all discriminatory laws against women, including those that have already been identified by the National Commission on violence against Women and the Ministry of Law and Human Rights.
- Raise the awareness of religious groups and leaders about the importance of amending legal provisions.
- Increase support for law reform through partnerships and collaboration with Islamic jurisprudence research organizations and community leaders supportive of the advancement of women’s rights.

- Obtain information on comparative legislation and jurisprudence in which more progressive interpretations of Islamic law have been codified.
- Collaborate with civil society to implement a strategy involving the school system, media, communities, and religious groups and leaders aimed at eliminating harmful traditions, stereotypes and practices.
- Ensure better coordination between government agencies and key stakeholders on migration, especially between the Ministry of Manpower and Transmigration, the National Authority for the Placement and Protection of Indonesian Overseas Workers and the Ministry of Foreign Affairs.
- Ensure that women migrant workers and relevant NGOs are involved in the policy making process.
- Continue to improve data collection efforts and establish better mechanisms for early identification of victims of trafficking and violence, and referral to services.
- Conduct awareness-raising campaigns on domestic workers' rights.
- Support unions working with domestic workers.
- Strengthen labour inspection mechanisms.
- Create a system for domestic workers to lodge complaints about employers.
- Collect data on domestic workers disaggregated by sex, age and place of origin.
- Address root causes of women's migration, by creating safe and protected jobs for women as a viable economic alternative to migration or unemployment.
- Continue negotiating bilateral agreements with destination countries that promote and protect migrant women's rights and establish mechanisms to address violations of their rights during employment.
- Ensure that employment contracts are written in a language understood by migrant workers.
- Develop a gender-sensitive model or standard contract that is in accordance with CEDAW, the Convention on Migrant Workers, and other labour treaties to which Indonesia is a party.
- Conduct legal reviews to ensure that work contracts are valid and protective of women's rights. Abolish any contractual provisions that: restrict the movement of domestic workers; allow employers to keep identity papers, passports or personal documents of the worker; require compulsory medical examinations; or prohibit marriage or pregnancy.
- In negotiating agreements with receiving countries ensure that occupations dominated by women, such as domestic help, are adequately compensated.
- Avoid enacting discriminatory restrictions on migration on the basis of age, and instead focus on measures that protect the rights of women to equal opportunity and treatment in the workplace.
- Strengthen inspection of recruitment agencies and training centres to monitor human rights abuses.
- Impose substantial penalties on companies that fail to respect the rights of employees they recruit.
- Prosecute and punish persons engaged in illegal recruitment processes.
- Establish oversight mechanisms in destination countries to address violations of women migrant workers' human rights

- Design or oversee comprehensive legal services aimed at facilitating the reintegration of women migrant workers who have returned home.
- Establish complaints mechanisms and protect women against reprisals by recruiters and employers.
- Create a standard of education curriculum for prospective migrant workers (in the pre-departure phase) based on human rights and gender justice, forms of discrimination based on sex and gender, forms of exploitation women are susceptible to, and the responsibility of placement agencies towards women.
- Include in legislation a comprehensive definition of irresponsible placement of migrant workers.
- Incorporate a definition of discrimination into the Constitution or national legislation that conforms to Article 1 of the CEDAW.
- Consider the impact of citizenship and nationality laws on women who migrate or are trafficked abroad, and take any potentially disadvantageous impacts fully into consideration when amending the laws.
- Train judges, police and prosecutors in anti-trafficking and other laws designed to promote and protect women's human rights.
- Convict and sentence government officials for corruption and collusion in trafficking-related offenses, in particular corrupt members of the security forces or Ministry of Manpower officials.

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