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### **PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT**

**Written statement\* submitted by International NGO Forum on Indonesian  
Development (INFID), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is  
circulated in accordance with Economic and Social Council resolution 1996/31.

[20 February 2008]

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- This written statement is issued, unedited, in the language(s) received from the  
submitting non-governmental organization(s).

### **Status Quo of Human Rights Violation On Indonesian Migrant Workers Abroad**

The year 2007 was problematic year for Indonesia migrant workers abroad. This was very ironical since actually 2007 could be considered as the new departure point for the progress of Indonesian migrant worker's human rights fulfilment with the establishment of Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia di Luar Negeri (BNP2TKI)/National Agency of Placement and Protection of Indonesian Migrant Workers Abroad. With Presidential Decree Perpres No 8 Tahun 2006, Moh Jumhur Hidayat was appointed as the Director of BNP2TKI commencing from 12 January 2007 and BNP2TKI started to be effectively operating since March 2007.

Not long afterward, on 13 January 2007, ASEAN member countries stated their political stance for migrant workers' protection in the regional zone of Southeast Asia by signing the *Cebu Declaration on The Protection and Promotion of the Rights of Migrant Workers*.

The existence of BNP2TKI and the signing of *Cebu Declaration on the Protection and Promotion of the Rights of Migrant Workers* could not take the Indonesian migrant workers to obtain justice. Justice and fulfilment of human rights for the Indonesian migrant workers are still too far to be reached. Violence always becomes integral part of the Indonesian migrant workers' living and daily life during their time abroad, quite often even end up in death.

Below are the pictures of the complex problems of Indonesian migrant workers during 2007:

1. Indonesian migrant workers' death reached 206 people, 114 of them are women (55%) and 90 men (44%) and 2 unidentified (1%). The highest death occurred in Malaysia, i.e. 71 people (35%), Taiwan 36 people (19%), Saudi Arabia 31 people (15%), South Korea 18 people (9%), Singapore 15 people (7%), Jordan 12 people (6%) and several other countries such as Hong Kong, Kuwait, Japan, Brunei Darussalam, Egypt, etc. Death causes of the migrant workers were occupational incidents 25%, sickness 24%, mysterious death 24%, fall from height 13%, violence 11%, and suicide 4%.
2. 303 Indonesian citizens were threatened by death penalty abroad, 297 in Malaysia, 4 people in Saudi Arabia, 1 person in Singapore, and 1 person in Egypt. Out of the numbers of people threatened by death penalty, eight have been given the death penalty verdict in Malaysia. Similar fate also happened to Siti Zaenab, Nur Makin Sobri, and Hafidl Bin Kholil Sulam who had also been sentenced to death in Saudi Arabia, while Adi Bin Asnawi (Malaysia) and Barokah (Singapore) have been freed from the death penalty threat.
3. Violence upon Indonesian migrant workers during 2007 mostly was experience by the women. Out of 144 people experiencing violence, 129 were women (89.6%) and 15 men (10.4%). The violence cases quite often even end up in death. Out of the cases that had already occurred, often the legal process was unfair for the migrant workers. Such as the case of Ceriyati (17 June 2007); until the present Ceriyati's case has not been processed in the court and is still at the level of investigation, while her employer is free with bail bond. Other violence cases that have not been solved are the cases experienced by four Indonesian migrant domestic helpers in Saudi Arabia, i.e. the cases

of Siti Tarwiyah, Susmiyati, Tari and Rumini (3-4 August 2007), until the present day the Kingdom of Saudi Arabia has not shown any seriousness to immediately resume the legal process to court.

4. Trafficking or illegal trade of people always comes hand in hand with Indonesian migrant workers' placement practice abroad. The disclosure of trafficking syndicate in several countries that are the destinations of Indonesian migrant workers become the concrete evidence that trafficking is the real threat for each Indonesian migrant worker. Migrant workers trafficking syndicates to the Middle East often entrap Indonesian migrant workers in several conflict countries such as Iraq, Lebanon and Israel. At the moment there are about 70 something people still entrap in Iraq, after 4 people being sent home to Indonesia, i.e. Elly Anita, Darniyati, Castini and Siti Julaihah. Additionally, approximately 600 people were arrested in Saudi Arabia due to immigration document issue, yet they were actually the victims of trafficking using the modus operandi of umroh and haji. Besides the holy pilgrimage, trafficking with the modus operandi of apprenticeship also caused many victims; at least 45 students of The Bandung Hotel School who actually hold apprentice status were actually employed in hotels with low wages and eventually were sent home involuntarily by Malaysia under the suspicion of immigration regulation infringement.
5. Terminal 3 (Special arriving Terminal for migrant workers in Airport) during 2007 has not been freed of various problems. There has been progressive step with the implementation of abrogation of retribution of as much as Rp 25,000 for each migrant worker passing by Terminal 3, nevertheless this has no significant impact to the decline of the problems in Terminal 3. Based on Migrant CARE's monitoring, during July - December 2007, there were 111 cases covering 53% cases abroad, 30% cases with the bureaucracy in Terminal 3 and 17% illegal retribution. For examples: (1) Rokeni Wati Bt Rohidi (originating from Indramayu) she had to pay the cargo in the Terminal as much as Rp 850,000 for her luggage weighing 56 Kg, for which she had already paid 125 Dinnar in Jordan. (2) Rahma Bt Sakka (South Sulawesi) also experienced similar thing when she had to pay as much as Rp 1,712,000 in Terminal 3 and when she got in South Sulawesi she again had to pay for the same cargo Rp 200,000. Moreover she also was fined Rp 400,000 for the cost of ticket delays. (3) Tuti Hani originated from Purwakarta, had to pay for her cargo as much as Rp. 1,650,000 for two boxes of goods. (4) Yani originating from Bandung had to pay Rp 500,000 (apart from travel ticket cost) for security expenses during the travel from Jakarta to Bandung during which the travel stopped 10 times in 10 police posts and in each post she had to pay Rp 50,000.
6. Deportation is the routinely occurring problem and experienced by Indonesian migrant workers who have no documents. In Malaysia deportation occurs regularly; each week hundreds (400-500) Indonesian migrant workers are being deported through 11 seaports in Indonesia. In Saudi Arabia, 40,000 Indonesian migrant workers are also threatened to be deported at the end of May 2007 and 22,116 people had been deported to Indonesia until end of December 2007. Moreover hundreds of Indonesian migrant workers who have no documents are also constantly threatened by deportation in USA.

Close to the end of 2007, precisely on 20 November 2007, ten high officials of Southeast Asian countries signed the ASEAN Charter document. Nevertheless the ASEAN Charter ignored the enforcement of migrant workers' human rights in Southeast Asia region. Not a single sentence in the ASEAN Charter acknowledged the significant role of the migrant workers and the commitment to protect migrant workers in Southeast Asia region, while the prosperity growth of ASEAN member countries have been contributed much from the

migrant workers migration process. ASEAN Charter is not the channel to achieve justice for the migrant workers.

The complicatedness of various problems mentioned earlier is supported by the insubstantial policy on migrant workers both at the national level and regional level, such as the Memorandum of Understanding between Indonesia – Malaysia on domestic workers' placement which is considered as having the potential of human rights violation's incident on migrant workers and until this moment the Memorandum of Understanding has never been amended.

From several gloomy notes on Indonesian migrant workers' situation during 2007, Migrant CARE recommends the UN Human Rights Council to:

1. Carry out investigation on the occurrence of various human rights violation experienced by Indonesian migrant workers in the countries who are members of UN Human Rights Council, namely Saudi Arabia and Malaysia. Additionally the UN Human Rights Council has to impose sanctions on Malaysia and Saudi Arabia for the incidents of Human Rights' violations on Indonesian migrant workers in the two countries.
2. Demand the Government of Indonesia to be serious in fulfilling the Human Rights of Indonesian migrant workers abroad. Specifically Indonesia has to immediately ratify the International Convention on the Protection of the Rights of All Migrant Workers and the Members of their Families.
3. Demand the Governments of Indonesia and Malaysia to immediately make the amendment to the Memorandum of Understanding on Indonesian domestic workers' placement in Malaysia, because the Memorandum of Understanding is a bilateral regulation that violates Human Rights and having the potential of promoting the growth of trafficking practice on Indonesian domestic workers in Malaysia.

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