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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 the International NGO Forum on Indonesia 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.

[17 May 2010]

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

Lack of protection for Indonesian migrant workers

Each year at least about 450.000 Indonesian people are deployed as labor migrants. This figure keeps increasing given that the economic crisis also keeps holding the country's condition. However, such figure increase is not sufficiently coupled by a significant improvement for protection. As a result, Indonesian labor migrants are very vulnerable of abuses and hence so prone to be victims of forced labor or slavery and trafficked in human beings. The following are dismal pictures of the Indonesian labor migrants.

- In 2009 as many as 1.018 Indonesian labor migrants were killed while working overseas (Migrant Care 2009), mostly in Middle Eastern countries and Malaysia.
- In 2009 different abuses against Indonesian labor migrants increased: torture increased up to 39 percents, sexual abuses up to 33 percents, work accidents up to 61 percents, and sickness for hard works increased to 107 percents.
- Most of them employed as foreign domestic workers (FDWs) yet in a condition mostly similar to slavery, mostly very unlikely granted statutory day-off, confined at employers' private homes, no access to communication with friends and families, overburdened with uninterrupted long works, wage payment being held, and their passports seized.
- Specifically for those working in Malaysia:
 - Out of two millions of Indonesian labor migrants there are over 800.000 ones undocumented yet work in enslaved condition and easily being deported. Each year masses of them being deported.
 - In 2009 there were 1.008 Indonesian migrant workers in Malaysia experiencing different human rights abuses such as their wages held (60 percents), trafficked as human being (20 percents), tortures (10 percents), sexual abuses or rapes (5 percents), and forced to be sex workers (5 percents).
 - Incurring physical abuses or tortures are persistently committed by employers. In June 2009 in Kuala Lumpur an employer was afflicting Indonesian FDW named Siti Hajar with pouring very hot water and all of her body was severely beaten with a wooden and iron sticks. Sometime sooner another Indonesian FDW named Modesta who hailed from East Nusa Tenggara province, was tortured by her employer that her hearing damaged, and wounded at several parts of her body. Apart from being tormented, the employer held her from decent meals, forced to toil at two different work places, not granted any resting day, until she could no longer stand and run away. In October 2009, Muntik binti Bani from Lampung was made to suffer up to her spinal column was broken, while undergoing large, deep wound that she finally died. In December 2009, Partem Sartam, Nia Kurniasih and Yati bt Johar, three FDWs originating from Rangkas Bitung of W. Java; yet also Maenah, Sri Lestari, and a lot others more whose names could not be mentioned here were agonizing for the cruelty of their employers.
 - Until May 2009 as many as 8.531 Indonesian migrant workers were held at different detention centers as most of them eventually resorted to have 'immigration problems'.
- Specifically for the Indonesian FDWs working in Singapore:
 - In 2009 there were still nine FDWs were killed for suicide or work accidents of falling from raised buildings.

- The Singapore government is yet reluctant to grant statutory day-off, at least once a month, as they are daily forced into typically long overdue hard works such as uninterrupted 14-hour of different, tough house works literally with no rest and enough meals while being confined at employers' houses; such condition has driven frustrated FDWs to resort into suicide or brought about less concentration that leads to fatal accidents; such similar fatal mishaps should have easily been anticipated but virtually being ignored and therefore repeated again and again, year by year.

Main problems of the lack of protection for migrant labor basically refer to the ineffectiveness of the protection system that is conducted by the government. Such ineffectiveness is among others rooted in the matter of basic Law No.39/2004 on the placement and protection of Indonesian migrant workers that eventually open wide door into trafficking in persons.

Considering such mentioned different phenomena of overseas work employment, we recommend the following.

- The Indonesian government has to revamp comprehensively the overseas employment system into one with clear-cut protection scheme of fighting illegal recruitment and controlling unruly migration businesses
 - The Indonesian government has to revise the Law No. 39/2004 on overseas employment and the protection for migrant workers with a more protection based on the international standard of the protection for migrant workers
 - The Indonesian government has to ratify the international convention of migrant workers and their families.
 - The Indonesian government has to apply accordingly the Law No.25/2007 on the Elimination of Trafficking in Persons against employment agencies that have placed Indonesian migrant workers yet experienced problems while (working) overseas.
 - The Indonesian government has to implement G-to-G scheme of FDWs work placement
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