

CEDAW

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NGO Report

In relation to

Indonesia

Prepared by

Congregation of Our Lady of Charity of the Good Shepherd

Propinsialat Suster-Suster Gembala Baik

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INDONESIA

Executive summary

This report is the result of monitoring conducted by the **Congregation of Our Lady of Charity of the Good Shepherd** (In Indonesia known as Konggregasi Suster-Suster Gembala Baik) of efforts to eliminate discrimination against women in Indonesia within the period of 2009-2012. This monitoring is based on our organisation's experience which correspond to articles 5,6,11 and 12 of CEDAW. The report specifically focuses on the experiences of migrant workers and their families.

Methodology

- we collected data from our outreach program (2010 – 2012)
- we used our monitoring report from our projects on anti-trafficking and our programme for female headed households (2010-2011)
- we used a questionnaire on violence against women
- we conducted meetings with the families of migrant workers, parishioners, and local government of East Nusa Tenggara
- we networked with Manggarai Forum to discuss on situation of women in East Nusa Tenggara

Recommendations:

- 1) **We recommend that the government no longer use the term “JAMAL” to point out the wives of migrant workers in East Nusa Tenggara and other places.**
- 2) **That the government continue to promote awareness and understanding of Law Number 21 of the year 2007 concerning the eradication of the crime of trafficking in persons, Pencegahan Tindak Pidana Perdagangan Orang (PTPPO) among law enforcement officials.**
- 3) **To increase the dissemination of information on the danger and modus operandi of traffickers to people in rural and sender areas.**
- 4) **More comprehensive collection of data relating to people who migrate both at community levels and national levels.**
- 5) **More rigorous inspection of Indonesian Labor Recruitment Companies Perusahaan Penempatan Tenaga Kerja Indonesia Swasta (PPTKIS) and the immediate closure of companies which violate worker's rights.**
- 6) **That the government implements policies and programs at national and local level to provide specific protection to female migrant workers during preparation and after their arrival in the host country.**

- 7) **That the government make greater efforts to curtail the spread of HIV/AIDS through extensive public awareness campaigns and by allocating sufficient financial resources to this issue at national and local level.**
- 8) **That the government provides free HIV testing for returning migrant workers upon their arrival in Indonesia.**
- 9) **That the government provides shelter and assistance to rehabilitate female migrant workers who return with mental illness.**

Section 1: Sex Roles and Stereotyping (Article 5)

1. In East Nusa Tenggara, government officials use the term “JAMAL” to point out a special group of women in that area. The Term “Janda Malaysia or JAMAL” which is translated as “Widow of Malaysia” has negative connotations for women whose husbands work in Malaysia and have lost contact for a number of years. The term JAMAL is often used in East Nusa Tenggara. Labeling the women in this way has the consequence that it is believed that these women are available for anyone to approach. Many of these women have reported that they were disturbed by men who knocked at their house at night and requested sex.
2. Since 2008 we have used the term ISMI as an alternative. ISMI is abbreviation from “Istri Migran” that is translated as “the wives of migrant workers”. The new term is used to stop negative stereotyping of these women.

The role of Konggregasi Suster-Suster Gembala Baik,Indonesia

3. In the effort to improve these women’s situation, Konggregasi Suster-Suster Gembala Baik Indonesia carry out activities including: awareness raising in relation to ISMI among religious leaders, local government, parishioners, and society; assisting and empowering the wives of migrant workers in rural areas.

Recommendation:

4. The recommendation :
We recommend that the government no longer use the term “JAMAL” to point out the wives of migrant workers in East Nusa Tenggara and other places.

Section 2: Trafficking of Women and Child-Girls (Article 6)

5. Trafficking in women and girls for labor and sexual exploitation requires enormous attention in Indonesia. Based on research by Migrant Care it is held that at least 6 million Indonesians work abroad and 70% of them are women who work in the domestic sector.
6. Female domestic workers are vulnerable to becoming victims of human rights abuses as the domestic sector is often not covered by labor and industrial relations law in destination country such as Malaysia.
7. A series of high-profile abuse cases led Indonesia in June 2009 to ban new recruitment of Indonesian domestic workers for jobs in Malaysia until new protections were put in place. As a result, Indonesian migrant worker recruitment agents began smuggling prospective migrant workers to Malaysia. They also used migrant workers as their agents to recruit relatives and neighbors and bring them to Malaysia to work in the domestic sector without working permits. For doing this job, agents get a fee calculated according to the number of people they bring. In some cases, agents recruited people regardless their age, skill, or psychological condition. For instance, young girls and mentally disturbed women were recruited.

8. Protecting migrant workers particularly those who work in the domestic sector, Indonesian Man power and Transmigration Minister Muhaimin Iskandar and the Malaysian Human Resources Minister Datuk Dr. S. Subramaniam signed a memorandum of understanding (MOU) on May 30 2011 in Bandung. The agreement included positive changes that allows domestic workers to keep their passports instead of having to surrender them to their employers, and guarantees them a weekly day off. But the agreement does not set a minimum wage and perpetuates the recruitment fee structure that leaves workers indebted. The lack of a minimum wage standard by the Indonesian government posits Indonesian domestic workers in a weak bargaining position. As a result, they get a low salary and have to perform more than one duty without any rest day or protection.
9. Many migrant workers are exploited by migrant worker recruitment agents, employers, and the state. In Konggregasi Suster-Suster Gembala Baik Indonesia's outreach to communities of Indonesian migrant workers in state Sabah Malaysia 2010-2011, many migrant workers mentioned that they are required to pay a recruitment fee. BNP2TKI has noted that the total cost per person to work in Malaysia is 12.000.000 IDR and a migrant worker pays only 5.000.000 IDR because 7.000.000 IDR is sort of financial statement that has to be showed by the employer in Malaysia to obtain a work permit for their potential employee. In reality migrant workers mention that they are in-debt to at least 12.000.000 IDR for so called "documentation costs". Their employers deduct this from their salary each month to pay in installments and employers withhold their documents until all the costs are paid. But many migrant workers said before the debt is paid off the employers claim that there is a another debt for new documentation so the employees are trapped in a cycle of debt.
10. Identity falsification is still quite common. Many government officials, from community leaders to immigration staff contribute to the process of making new documents for migrant workers. Many migrant workers hold document with different names, age, and places of origin.
11. *Example: A 22 year-old woman from Salatigahas had a passport in another name and stating that she was a 29 year-old from Semarang. This happened because she was only 16 at the time she was recruited by an agent. The problem came when she was deported from Malaysia due to her illegal status and psychological issues. She could not be repatriated to her family as she could not remember her false identity or prove her real one.*
12. The calculated deception of prospective migrant workers is the modus operandi of trafficking in persons that is still used by Indonesian migrant worker recruitment agents in Malaysia. Undocumented migrant workers and migrant workers who have lost their document or whose documents are held by employers are treated as illegal immigrants. These migrant workers prefer to live in isolation so as to avoid police officers who can conduct document checks anytime and anywhere.

13. The government decision to ratify the convention on the protection of the rights of migrant workers and their families in 12 April 2012 shows the government's good will to protect its citizens.
14. Women and girls are also trafficked for sexual exploitation. Many women and girls from rural areas are recruited by agents who promise to give jobs in restaurants in big cities such as Batam, Medan, Palembang, Jakarta, Surabaya, or Balikpapan. Lack of education and poverty are the push factors which lead women and girls to get job away from their place of origin. Unfortunately, they may be trafficked into the sex industry.
15. *Example: a 17 years old girl from Bandung said that she was promised to work in café as a maid, but the agent put her in a traditional massage house when she arrived in Batam. She was placed on the fourth floor and monitored by bodyguards through CCTV cameras that were placed all over the room. She was told that she was in-debt for about 5.000.000 IDR for recruitment, transportation, meals, and other expenses from Bandung to Batam. She had to work as a prostitute in that place and if she refused to provide sexual services to any guest, the bodyguard locked her in an isolation room similar to jail. She mentioned that costumers paid 150.000 IDR per session. But she had to give all the money to management to pay her debt. On each session, 100.000 IDR went to management and the rest was hers. The management provided daily meal, beverages, clothes, and room to stay but it was considered as additional debt. Many women and girls are trapped in prostitution dens and only a small number are able to escape and return to their family due to the weakness of law enforcement.*

The role of Konggregasi Suster-Suster Gembala Baik Indonesia

16. In order to combat trafficking of women and children, Konggregasi Suster-Suster Gembala Baik has initiated activities which include: campaigning on anti-trafficking in grassroots level, networking with female catholic religious communities and local government particularly in sender areas, sheltering victims, and collecting data through outreach in sending, transit and destination areas.

Recommendations:

17. The recommendations proposed are as follows:
 - a) **That the government continue to promote awareness and understanding of Law Number 21 of the year 2007 concerning the eradication of the crime of trafficking in persons, Pencegahan Tindak Pidana Perdagangan Orang (PTPPO) among law enforcement officials.**
 - b) **To increase the dissemination of information on the danger and modus operandi of traffickers to people in rural and sender areas.**
 - c) **More comprehensive collection of data relating to people who migrate both at community levels and national levels.**
 - d) **More rigorous inspection of Indonesian Labor Recruitment Companies, Perusahaan Penempatan Tenaga Kerja Indonesia Swasta (PPTKIS) and the immediate closure of companies which violate worker's rights.**

Section 3: Women rights to work (article 11)

18. Female migrant workers and potential female migrant workers face various problems. A lot of potential female migrant workers are victim of exploitation by agents. Many are trapped in a center for months before being sent to their employers and are restricted from leaving the center during that time. The agents treated potential migrant workers like prisoners. Most of centers do not provide work skills and language training for prospective migrant workers. Many agents circumvent their obligations in this regard by buying certificates for language and work skills.
19. Upon their return, female migrant workers meet difficulties in finding a job. They are not accepted in a factory because they are over 25. Some of them have no capital or skills to open home based business such as sewing, cooking, or farming. The lack of job opportunities pushes them to again go abroad and work as a maid.

The role of Konggregasi Suster-Suster Gembala Baik, Indonesia.

20. To address issue of women rights to work Konggregasi Suster-Suster Gembala Baik Indonesia conducts activities such as: assisting former female migrant workers to plan their future, providing micro credit for potential and former female migrant workers in sending areas, giving scholarship for potential and former female migrant workers in sending areas to pursue life-skill training, networking with local government, religious communities, and lawyers to help female migrant workers.

Recommendation:

21. The recommendation proposed by Konggregasi Suster-Suster Gembala Baik Indonesia is as follows:
 - a) **That the government implements policies and programs at national and local level to provide specific protection to female migrant workers during preparation and after their arrival in the host country.**

Section 4: Women Health (article 12)

22. The ministry of health in 2011 reported that the number of HIV positive women increased from 83 to 703 women. The second largest population of people with positive HIV/AIDS is in East Nusa Tenggara. The ministry of health noted 268 house wives and 134 migrant workers were infected with HIV in East Nusa Tenggara since 1997 – 2012.
23. Since the symptoms of HIV/AIDS at the early stage are non-specific, people are unaware that they are infected.
24. HIV is being transmitted to wives through their husband who were migrant workers. When the symptom on their skin showed, they called it as “penyakit kampung” or “village illness” which implies that it is not serious. Many former migrant workers in Manggarai East Nusa Tenggara died after they claimed that they got infected “penyakit Kampung”.

25. Some women return from overseas with serious mental illness having been unable to access medical treatment. Due to economic condition, many families abandon them and leave them living on the side of the road.

The role of Konggregasi Suster-Suster Gembala Baik Indonesia

26. In order to protect the rights of women to health, Konggregasi Suster-Suster Gembala Baik Indonesia conducts awareness raising activities in relation to HIV/AIDS in migrant workers sending and transit areas. We network with NGOs and government providing advocacy and direct services such as free HIV test to former migrant workers and their family members, and conducting outreach in psychiatric hospitals.

Recommendation:

27. The recommendations proposed by Konggregasi Suster-Suster Gembala Baik Indonesia are as follows:

- a) **That the government make greater efforts to curtail the spread of HIV/AIDS through extensive public awareness campaigns and by allocating sufficient financial resources to this issue at national and local level.**
- b) **That the government provides free HIV testing for returning migrant workers upon their arrival in Indonesia.**
- c) **That the government provides shelter and assistance to rehabilitate female migrant workers who return with mental illness.**