

## Chapter 5. Advocacy for Women Domestic Workers' Labour Rights

### 5.1. Introduction

Adapting Htun and Weldon's (2010) framework to the Indonesian context, it is clear that claims to regulate domestic work overlap with doctrinal/non-doctrinal and gender status/class-based categories (see chapter 2). Domestic work is a gender status policy issue as it is gendered work and is usually associated exclusively with women's responsibilities within the household. Claims to recognize the economic and social value of domestic work challenge these beliefs and the intra-household division of labour. Domestic work is also a class-based policy issue as the majority of Indonesian domestic workers are from low socio-economic backgrounds (Jurnal Perempuan 2005); thus, claims to protect domestic workers from exploitation challenge the existing class structure and associated social and economic inequalities.

Indonesian households traditionally employ domestic workers, however this phenomenon appears to be on the rise, particularly in urban areas as more and more women join the labour market. In 2002 the International Labour Organization (ILO) estimated that there were approximately 2.6 million domestic workers in Indonesia (Komnas Perempuan 2011). In 2008 the Central Bureau of Statistics recorded that there were 1,714,437 domestic workers, of which 11 per cent are children (DPR-RI 2011). A rapid assessment by the National Advocacy Network for the Protection of Domestic Workers (*Jaringan Nasional Advokasi Perlindungan Pekerja Rumah Tangga*, JALA PRT) estimated that approximately 10–16 million upper-middle-class families used the services of a domestic worker in 2009 (JALA PRT 2010).

The term “domestic worker” is relatively new and was introduced in 2004 by the National Advocacy Network for the Protection of Domestic Workers. Prior to this, domestic workers were generally referred as *pembantu* or “helpers”. Indonesian labour laws do not classify domestic workers as workers; only Anti-Domestic Violence Law No. 23/2004 uses the term “domestic worker” and introduces a clause to protect them against violence committed by their employers if they live in their employer's home. Other than that, there is no legislation that regulates and recognizes domestic workers' rights.

Domestic workers perform a variety of work within a household, have long working hours (up to twelve hours a day) and receive very low salaries (JALA-PRT 2010), and they are very vulnerable to abuse from their employers. Data from 2007–2011 show that there were 726 cases of abuse or exploitation of domestic workers, including 536 instances of unpaid wages, 348 cases of child labour, 617 cases of imprisonment, physical abuse, serious injury and even death (JALA-PRT 2010), while between 2012–2013 there were 653 cases of violence against domestic workers (JALA-PRT and LBH APIK Jakarta 2014).

### 5.2. Advocacy for a national law on domestic work

In 2004, cases of violence against domestic workers emerged and caused widespread public concern. Following these cases, a group of NGOs led by the Rumpun Tjoet Njak Dien (RTND)<sup>177</sup> in collaboration with the National Commission for Women conducted research on the working conditions, exploitation and abuse of domestic workers in 10 Indonesian cities. Based on the research, the authors recommended the adoption of a national law to protect domestic workers (JALA PRT 2010) and decided to form the

<sup>177</sup> The Rumpun Tjoet Njak Dien is an NGO located in Yogyakarta and was the first NGO to mobilize around issues affecting domestic workers in Indonesia in 1989.

National Advocacy Network for the Protection of Domestic Workers (the Network hereafter). The key members of the Network are:

- iii. RTND, which supports domestic workers' unionization (JALA PRT and IDWN 2013), established a domestic worker education centre, and campaign mainly in Yogyakarta;<sup>178</sup>
- iv. Jakarta LBH APIK, which focuses on cases of abuse and violence against domestic workers;<sup>179</sup>
- v. Legal Aid Institute of Jakarta, that identified the vulnerability of domestic workers due to a lack of legal protection;<sup>180</sup>
- vi. Women's Solidarity (Solidaritas Perempuan, SP), that focuses on both migrant workers and domestic workers, pointing out the lack of legal protection for both groups;<sup>181</sup>
- vii. Imadei Network (Mitra Imadei), a Catholic organization that assists domestic workers; and
- viii. People's Women's Movement (Gema Perempuan), a Jakarta-based NGO that works mainly on child domestic workers.

Since 2004, the Network has been the leading actor at national level to advocate for the protection of domestic workers. Its key demand is the approval of a national law to regulate and recognize domestic work in order to address the abuse and exploitation suffered by domestic workers across the country.<sup>182</sup> The Network claims that domestic work is legitimate work and that domestic workers should be afforded the same rights as other workers. Their advocacy continued over three electoral terms (2004–2009, 2009–2014 and 2014–2019) and activists have employed different strategies to influence government and legislative bodies (see table 5.1).

**Table 5.1 Advocacy conducted by the National Advocacy Network for the Protection of Domestic Workers**

Advocacy	National Advocacy Network for the Protection of Domestic Workers
<i>Role</i>	<i>Leading Actor</i>
Approach/Framing	The protection of domestic workers is an issue of gender equality and labour rights
Focus	Regulation of the work relationship between the domestic worker and the employer
Demands	Recognition and valuation of domestic work as decent work and domestic workers like other workers and regulation of domestic work similar to other sectors
2004–2009 Strategies	Lobby the government and national parliament, especially the Legislative Agency <sup>a</sup> and parliamentary Commission IX <sup>b</sup> Strengthen domestic workers' organizations Coordinate support of subnational organizations
2009–2014 Strategies	In addition to the strategies used in 2004–2009: Expand the network to include workers' unions and NGOs working with migrant workers, at national, regional and international level Join international campaigns and events Sue the Indonesian state for neglecting to protect a group of citizens: domestic workers employed within the country and overseas Negotiate with presidential candidates for their support
<i>Strategies after 2014</i>	Urge parliament to include the Protection of Domestic Workers Bill as a priority in the National Legislative Programme

**Notes:** <sup>a</sup> The Legislative Agency has the function to set the legislative agenda of the parliament. <sup>b</sup> The parliamentary Commission IX focuses on social justice, industrial relations, and health.

<sup>178</sup> Interview with Lita Anggraini, coordinator of the National Advocacy Network for the Protection of Domestic Workers (JALA PRT).

<sup>179</sup> Interview with Ratna Batara Munthi, Director of Jakarta LBH APIK.

<sup>180</sup> Interview with Pratiwi Febry, lawyer in the Legal Aid Institute Jakarta.

<sup>181</sup> Interview with Dinda Nuurrannisa Yura, head of the Division for Migration, Trafficking, and HIV/AIDS at Women's Solidarity.

<sup>182</sup> Since 2011, the Network has also lobbied for ratification of the ILO Convention on Decent Work for Domestic Workers No. 189/2011, see following sections in this chapter.

### 5.2.1 *Emergence of advocacy for domestic workers (2004–2009)*

In 2004, the National Advocacy Network for the Protection of Domestic Workers (the Network hereafter) drafted a Bill to protect domestic workers and published an academic policy paper arguing the need for a national law. The most important point of these two documents was the term “domestic worker”. By using this term, the Network emphasized that domestic workers are indeed workers and that the working conditions between workers and employers must be regulated by the state.

In order to get feedback on the paper and on the Bill, the Network undertook public consultations; meanwhile it ran campaigns to recognize and protect domestic workers as workers, and to strengthen the understanding of labour rights (JALA PRT 2010). After the consultations, the Network revised the academic policy paper and the Bill and, using its direct connections with some members of parliament, it requested them to introduce the Bill to parliament.<sup>183</sup> These members of parliament submitted the Bill to parliamentary Commission IX and to the Legislative Agency. As a result, the Protection of Domestic Workers Bill was included among the priorities of the National Legislative Programme for the period of 2004–2009, and the government of President Megawati started to consider the Bill. In 2006, the Ministry of Women’s Empowerment and Children scheduled discussions on the proposed Bill and drafted an academic policy paper for the government in 2008. The Ministry conducted studies and consulted with other ministries and civil society. The academic policy paper, the studies and the opinions from the government and civil society became the basis for the debate within parliament.<sup>184</sup> Deliberations within parliament only started in 2009, at the end of the parliamentary term. Claims such as standard, working hours, holidays and leave were opposed by political parties within parliament.<sup>185</sup>

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<sup>183</sup> See Chapter Two for details on the legislative process in Indonesia.

<sup>184</sup> Interview with Mudjiati, Deputy III for Women’s Protection at the Ministry of Women’s Empowerment and Child Protection.

<sup>185</sup> Interview with Mudjiati (Deputy III for Women’s Protection at the Ministry of Women’s Empowerment and Child Protection) and interview with Lita Anggraini (JALA PRT).

**Table 5.2 Advocacy Process at National Level**

The National Advocacy Network for the Protection of Domestic Workers: Mobilization	State's Response		
	Parliament	Government	National Commission for Women
<i>Period I—Susilo Bambang Yudoyono (2004–2009)</i>			
2004: submit to parliament a draft Bill on domestic work and propose to include it among the legislative priorities of the electoral term	2004: include the draft Bill among the legislative priorities, but no discussions were scheduled	2006: discussion of the draft Bill within the Ministry of Women's Empowerment	Support the Network's draft Bill and create a working group to investigate domestic work
2006: advocate the Ministry of Women's Empowerment and Child Protection		2008: the ministry compiled an academic policy paper and completed a study on domestic workers	
<i>Period II—Susilo Bambang Yudoyono (2009–2014)</i>			
2009: lobby parliament to include the submitted draft Bill among the legislative priorities of the electoral term	2009: include the draft Bill among the legislative priorities	2010: discussion hosted by the Department of Labour	2011: provide input to parliament with an academic policy paper
2011: advocate parliament to include the draft Bill among legislative priorities for the year 2011	2010: Commission IX halted deliberations on the Bill	2014: the Ministry of Foreign Affairs hosted a workshop on the ratification of ILO Convention No. 189/2011	2011: work together with upper-middle-class women from the Indonesian Women's Congress
2011: mobilization for the ratification of the ILO Convention No. 189/2011	2011: include the draft Bill among the 2011 legislative priorities		
2012: Three-day campaign "Chained Action" where domestic workers chained themselves to parliament gates	2011: publication of the academic policy paper in support of the bill		2014: advocate parliament to ratify ILO Convention No. 189/2011 and to enact the draft Bill
2013: lobby parliament to discuss the draft Bill	2011: establish a working group to draft a Bill		
2013: submit the draft Bill to government	2012: include the draft Bill among the 2012 legislative priorities		
2014: restart the mobilization for ratification of ILO Convention No. 189/2011	2012: working group conducted a comparative analysis with legislation from other countries		
2014: lobby the National Awakening Party and the Ministry of Foreign Affairs	2013: the working group hosted three public consultations in the cities of Makassar and Malang		
	2013: Commission IX finalized a draft Bill		
	2014: Commission IX submitted the 2013 draft Bill to parliament		
	2014: host a meeting with the Network		
<i>Period III—Joko Widodo (2014–)</i>			
2014: fasting campaign to demand inclusion of the draft Bill in the legislative agenda for the 2015–2019 electoral term	2014: discuss the draft Bill with the Network		

### 5.2.2 Advocacy from 2009–2014: New strategies to widen support

From 2009 to 2014, the Network adopted three main strategies: (i) building the capacity of domestic workers' organizations; (ii) collaborating with other organizations and networks; and (iii) lobbying both parliament and government to enact the Protection of Domestic Workers Bill.

#### Capacity building of domestic workers' organizations

In the mid-2000s, the Network realized the importance of having domestic workers advocating for their own issues as it understood that the campaign to protect domestic workers was predominantly run by organizations working on behalf of domestic workers, and therefore the voice of these workers was not strong enough.<sup>186</sup> In Indonesia, there are not many domestic workers' unions and the number of domestic workers members of other unions is also small.<sup>187</sup> A study conducted by the Network and the International Domestic Workers Network (IDWN) found in 2013 that there were only nine domestic workers' organizations throughout several provinces, and five of these were domestic workers' unions.<sup>188</sup> These five organizations were concentrated in the cities of Mataram, Yogyakarta, Makassar and Greater Jakarta. Based on these findings, the Network provided capacity-building support to domestic workers to strengthen existing organizations and to establish new ones. It established training centres for domestic workers that ran training sessions for vocational skills, as well as on labour rights, including the right to organize.<sup>189</sup> However, the Network found it challenging to organize domestic workers without a law that guarantees such rights.<sup>190</sup> Further, organizing domestic workers requires a long process, including negotiations with employers to grant them at least one day off to take part in the activities of unions and organizations.<sup>191</sup>

#### Joining international movements and collaborating with other organizations

Since the late 2000s, the Network sought support from other organizations. At the international level, it joined in 2009 the international movement that was advocating for the Convention on Decent Work for Domestic Workers approved by the International Labour Office (ILO). In 2010–2011, the ILO together with the Network coordinated the process of consultations across Indonesia, which included disseminating information on the proposed Convention and collecting feedback from domestic workers and activists through seminars and meetings at the national and subnational level. Since the adoption of ILO Convention No. 189/2011 on Decent Work for Domestic Workers, the Network has been lobbying for ratification of the Convention together with the approval of a national law on domestic work. The Network celebrates International Domestic Workers' Day (16 June) as a means to repeat its demands and raise awareness. The ILO country office also collaborated with civil society through awareness-raising programmes and support to domestic workers' organizations.<sup>192</sup> The Network also worked with international networks, such as the International Domestic Workers' Federation, where collaboration focused more on collecting evidence on working conditions and on the presence/impact of domestic workers' organizations. However, the Network did not feel there was sufficient

<sup>186</sup> Interview with Lita Anggraini (JALA PRT), Pratiwi Febry (lawyer at the Legal Aid Institute Jakarta), and Ari Sunarijati (member of the Network and of the Indonesia-Wide Workers' Union of Reform).

<sup>187</sup> Interview with Lita Anggraini (JALA PRT), Pratiwi Febry (lawyer at the Legal Aid Institute Jakarta), and Ari Sunarijati (member of the Network and of the Indonesia-Wide Workers' Union of Reform).

<sup>188</sup> The domestic workers' unions in the study are: i) the Domestic Workers' Freedom Union in Semarang with 102 members; (ii) the Tunas Mulia Domestic Workers' Union in Yogyakarta with 412 members; (iii) the National Tunas Workers' Union in Surabaya with 100 members; (iv) the Workers' Union of Anggrek, Teratai and Melati that was established in 2008 and has 200 members; and (v) the Broomstick Workers' Union in Jakarta that has approximately 60 members (JALA PRT and IDWN 2013).

<sup>189</sup> Interview with Lita Anggraini, JALA PRT.

<sup>190</sup> Interview with Lita Anggraini (JALA PRT) and Ari Sunarijati (member of the Network and of the Indonesia-Wide Workers' Union of Reform).

<sup>191</sup> Discussion meeting of the National Advocacy Network for the Protection of Domestic Workers, 21 May 2014.

<sup>192</sup> Interview with Arum Ratnawati, ILO officer in Jakarta.

support toward political mobilization from transnational organizations; tension was often felt between the Network's members and these organizations.<sup>193</sup>

Within Indonesia, the Network collaborated with other organizations and networks that focus on migrants' and on children's rights. In 2009, the Network founded the Domestic Workers' Decent Work Network (*Jaringan Kerja Layak Pekerja Rumah Tangga*, JAKERLA PRT) together with Migrant Care, the Indonesian Migrant Workers Union (*Serikat Buruh Migran Indonesia*, SBMI), the Network to Eliminate Child Labour (*Jaringan Penghapusan Pekerja Anak*, JARAK), and the Association of Indonesian Workers (*Asosiasi Tenaga Kerja Indonesia*, ATKI). This network was specifically formed during the consultations for the ILO Convention. However it lasted only six months due to a lack of coordination and collaboration, and insufficient funding to support this additional network.<sup>194</sup>

In 2010, the Network created the Action Network Committee on Domestic Workers (*Jaringan Komite Aksi Pekerja Rumah Tangga*, JKAPRT) in collaboration with three union confederations: the Confederation of Indonesian Trade Unions (*Konfederasi Serikat Pekerja Indonesia*, KSPI), the Confederation of Trade Unions Across Indonesia (*Konfederasi Serikat Pekerja Seluruh Indonesia*, KSPSI), and the Confederation of Labour Unions Across Indonesia (*Konfederasi Serikat Buruh Seluruh Indonesia*, KSBSI). The key claims of this new network were ratification of the ILO Convention, approval of the Protection of Domestic Workers Bill, and amendment of Protection and Placement of Indonesian Migrant Workers Abroad Law No. 39/2004.<sup>195</sup> In 2012, the Indonesian Advocacy Network for the Revision of the Protection and Placement of Indonesian Workers Abroad Law (*Jaringan Advokasi Revisi UU No.39 tahun 2004 tentang Penempatan dan Perlindungan Tenaga Kerja Indonesia di Luar Negeri*, JARI PPTKILN) joined the KAPRT, which changed its name to Migrant Workers' Network (*Jaringan Buruh Migran*, JBM)<sup>196</sup> The Migrant Workers' Network brought together the claims both from domestic workers and from migrant workers—who often are the same persons—and mobilized for the approval of a national law on domestic work to recognize domestic workers as workers, and for the ratification of the ILO Convention and of the 1990 UN Convention on Protecting the Rights of Migrant Workers and Their Families.<sup>197</sup> In its mobilization efforts, the Migrant Workers' Network has been supported by the Indonesian Democratic Party of Struggle, the Golkar Party and the Welfare Justice Party.

### Advocating parliament and government

At the beginning of the new electoral term in 2009, the Network once again lobbied parliament to include the Bill on domestic workers in the National Legislative Programme. Through parliamentary Commission IX<sup>198</sup>, the Bill was included in the 2010 programme, and the Commission began to debate minimum wage, restrictions on working hours, and

<sup>193</sup> Interview with Lita Anggraini, JALA PRT.

<sup>194</sup> Interview with Ari Sunarijati, Indonesia-Wide Workers' Union of Reform.

<sup>195</sup> The Protection and Placement of Indonesian Migrant Workers Abroad Law No. 39/2004 sets out regulations to protect Indonesian workers who are placed in employment overseas. Migrant workers' organizations contest the inadequacy of the law to effectively protect workers once they are abroad.

<sup>196</sup> Interview with Lita Anggraini, JALA PRT.

<sup>197</sup> Among their activities, the Migrant Workers' Network hosted a meeting in early 2014 attended by the National Awakening Party, ILO officers, and the Confederation of Indonesian Trade Unions of Reform to discuss protection and decent work for domestic workers. During the meeting, advocates requested the National Awakening Party to take action and to push for approval of a national law. However, the meeting was not followed by any initiative or action (field observation on 18 February 2014 and interview with Ari Sunarijati, Indonesia-Wide Workers' Union of Reform).

<sup>198</sup> Parliamentary Commission IX focuses on the legislative themes of Demography, Health, Manpower and Transmigration Affairs.

other rights such as health insurance.<sup>199</sup> Yet in mid-2010, the discussion was interrupted without clear reason.<sup>200</sup> According to some respondents, this was due to internal disagreement within parliament over the content of the Bill.<sup>201</sup> Thus, in 2011, the Network changed its strategy and pursued the Indonesian state with a citizens' lawsuit<sup>202</sup> because of the lack of an adequate legal framework to protect the rights of a group of citizens—domestic workers—and therefore to neglect them.<sup>203</sup> Activists used the trial process as a way to advocate the importance of the Bill and to issue press releases at each hearing. As a result, the Bill was again prioritized in the 2011 National Legislative Programme and Commission IX published an academic policy paper and proposed a new Bill.<sup>204</sup>

In 2011, the Central Jakarta District Court issued a verdict rejecting the lawsuit, but recommended that Commission IX, parliament and the government accelerate the policy process for approving a law on domestic workers. However, despite the Court's recommendations, the Bill was omitted from the 2012 National Legislative Programme. In response, the Network organized new demonstrations and actions. For instance, some activists chained themselves together for three days in front of the parliament building (Widianto 2011; ICJR 2012).<sup>205</sup> Due to the publicity generated by this action, Commission IX held three meetings on the Bill and established a Domestic Workers Working Group tasked with studying other countries' legislation on domestic work. For example, working group members visited South Africa and Argentina.

In 2013, once again, the parliament postponed the debate and the Network collaborated with the Action Committee on Domestic and Migrant Workers to increase pressure on the state. One action, "Cleaning Up the Parliament", saw a giant replica of a bucket and mop, broom and toilet installed in front of the parliament building.<sup>206</sup> Consequently, the parliamentary Domestic Workers Working Group reinitiated discussions on the Bill and consulted civil society in Makasar and Malang. The process of discussion between the Working Group, Commission IX and parliament continued smoothly until April 2013, when it was again interrupted. Although advocates continued mobilization efforts, parliament was by then focusing on the end of the electoral term and on elections for the next term, leaving the legislative initiative on domestic work on the margins.<sup>207</sup>

In parallel, from 2009–2014, the Network also advocated the government, especially the Ministry of Labour and Transmigration, and the Ministry of Foreign Affairs. In 2010, the Ministry of Labour and Transmigration drafted a separate Bill on the grounds of the high vulnerability of domestic workers to violations of their labour rights.<sup>208</sup> The Ministry hosted consultations with the Ministry of Social Welfare, the Ministry of

<sup>199</sup> Interview with Yuni Asri (staff member of the Migrant Worker Working Group at the National Commission for Women), Lita Anggraini (JALA PRT), and Ari Sunarijati (Indonesia-Wide Workers' Union of Reform).

<sup>200</sup> Presentation by Lita Anggraini, JALA PRT, at the SCN-CREST and UNRISD Research Methodology Workshop, 29 November 2013.

<sup>201</sup> Interview with Yuni Asri, staff member of the Migrant Worker Working Group at the National Commission for Women.

<sup>202</sup> The Indonesian legal system allows citizens to sue the state for failing to legally protect its citizens. Since 1998, Indonesian civil society has sued the state twice: the first time on the lack of protection for migrant workers victims of trafficking and the second time on the lack of protection for domestic workers.

<sup>203</sup> 162 Indonesian citizens signed the lawsuit: activists, academics, domestic workers, their families, employers. They were legally represented by the Human Rights Working Group, LBH APIK Jakarta, Migrant Care, Indonesian Migrant Workers' Union, Women's Solidarity, and the Trade Union Rights Centre. The lawsuit was filed against the President, Vice-President, Minister of International Relations, Minister of Law and Human Rights, Minister of Labour and Transmigration, the Head of the National Agency for Placing and Protecting the Indonesian Workforce, and Indonesian national parliament. Interview with Lita Anggraini (JALA PRT).

<sup>204</sup> Presentation by Lita Anggraini, JALA PRT, at the SCN-CREST and UNRISD Research Methodology Workshop, 29 November 2013.

<sup>205</sup> Presentation by Lita Anggraini, JALA PRT at the SCN-CREST and UNRISD Research Methodology Workshop, 29 November 2013.

<sup>206</sup> See <http://www.jalaprt.co/replika-toilet-dan-sapu-raksasa-di-depan-gedung-dpr/> (accessed 5 December 2014).

<sup>207</sup> Interview with Yuni Asri, staff member of the Migrant Worker Working Group at the National Commission for Women.

<sup>208</sup> Interview with Nora Kartika, Subdivision Head of Ministry for Labour and Transmigration.

Women's Empowerment and Child Protection, the Ministry of National Affairs and the National Secretariat.<sup>209</sup> They discussed issues such as minimum wage, the Eid/Christmas bonus, social security, and monitoring mechanisms. In its Bill, the Ministry was cautious in regard to setting up minimum wage standards and preferred to leave it and other issues to private negotiations between domestic workers and employers. In spite of these consultations, the Ministries interrupted the discussion and invited the parliament to take on the Bill as a parliamentary legislative initiative.<sup>210</sup> A positive step was taken in 2011 when President Yudhoyono in his statement at the International Labour Conference declared his willingness to ratify ILO Convention No. 189/2011. The president argued that the Convention would support Indonesia to protect its overseas migrants working as domestic workers.<sup>211</sup> However, since then the government has not ratified it. In February 2014 it renewed its intention to ratify the Convention, but these declarations were not followed by any concrete action.

Confronted with the lack of action from the government, in June 2014 the Network organized a meeting with the Ministry of Foreign Affairs on the International Day of Domestic Workers. Advocates demanded to the Ministry to take action on ratification of the ILO Convention No. 189/2011. The Ministry responded by hosting a two-day workshop, jointly organized with the Network and the Action Committee on Domestic and Migrant Workers, with the task of preparing an academic policy paper and drafting a new Bill. The workshop was attended by the National Commission of Human Rights, the National Commission for Women, the Indonesian Commission on Child Protection, and the Ministry for Law and Human Rights.<sup>212</sup> The initiative was successful and in 2014 the Network and the Action Committee on Domestic and Migrant Workers finalized the academic policy paper as agreed during the workshop.<sup>213</sup> However, the process was interrupted as the electoral term came to an end.

### 5.2.3 2014–2015: President Widodo's term

With the new electoral term, the Network renewed its advocacy efforts with the new parliament and the new government. Their first demand was to include the legislative initiative on the domestic work Bill in the 2015 National Legislative Programme, which they carried out through demonstrations and other actions. In November 2014, five domestic worker activists chained themselves to the gates of parliament and started a hunger strike. After six days of the hunger strike, the parliamentary Legislative Agency finally met with representatives of domestic workers only to inform them about the impossibility of including domestic work among the legislative priorities due to the parliament's full schedule.<sup>214</sup> During November and December 2014, other activists, students and individual citizens joined the hunger strike. The mass media reported widely on domestic workers' working conditions and the claims being made.<sup>215</sup> The hunger strike ended in early January 2015.

In October 2015, the authors, as follow-up to this research, organized a workshop to discuss the research findings. Civil society activists and the National Commission on

<sup>209</sup> The National Secretariat is an executive body and represents the government in the policy-making process.

<sup>210</sup> Interview with Nora Kartika, Subdivision Head of Ministry for Labour and Transmigration.

<sup>211</sup> Interview with Nora Kartika, Subdivision Head of Ministry for Labour and Transmigration.

<sup>212</sup> Observation from the meetings in June 2014.

<sup>213</sup> Interview with Lita Anggraini, JALA PRT.

<sup>214</sup> Each parliamentary Commission can discuss only two bills for each year. In late 2014, the Legislative Agency had four bills for Commission IX, all to be discussed in 2015: the Pharmacy Bill, the Midwifery Bill, a revision of the Placing and Protecting of Indonesian Migrant Workers Law No. 39/2004, and the Bill on the Protection of Domestic Workers. While setting up the agenda of Commission IX, the Agency thought to exclude the Bill on domestic work.

<sup>215</sup> Observation of hunger strike and related activities in November/December 2014.



Women attended the meeting and discussed ways to develop effective collaboration to move forward with domestic workers' labour rights. A series of meetings followed and activists organized actions to lobby the parliament. Finally, the issue of domestic workers' protection was included in the 2016 National Legislative Programme in February 2016.

#### 5.2.4 *The role of the National Commission for Women*

Within the state, the National Commission for Women has been opposing the resistance to the legal protection of domestic workers. Similarly to the Network, the National Commission for Women considers domestic work as legitimate work and focuses on the regulation of the working relationships between domestic workers and employers, and on the gender relations embedded in this sector of work. Although both the Commission and the Network are lobbying for a national law on domestic work, they have been advocating separately, with different approaches and strategies. The National Commission for Women considered it crucial to gain the support of women workers, as they may have been the first social group to oppose regulation and protection of social workers. For this reason, in 2008, it completed a study on the societal perceptions of domestic workers and in 2010 started to collaborate with women's organizations, such as the Indonesian Women's Congress (*Kongres Wanita Indonesia*, KOWANI).<sup>216</sup> KOWANI, which includes approximately 80 women's organizations mainly from upper middle classes, is considered by the National Commission for Women as one of the most important organizations in mobilization efforts for two reasons: (i) it could have influenced state actors because of its closeness to the state, and (ii) it could have been used to disseminate information about domestic work and gain the support of its members, especially upper-middle-class women's groups from the main cities, including Jakarta, Bogor, Tangerang, and Bekasi. The National Commission for Women targets women workers from higher classes who usually employ domestic workers in order to avoid conflicts among women's organizations, and division between women domestic workers and women employers of domestic workers.<sup>217</sup> However, the National Commission for Women found strong resistance as it advocated for framing domestic workers as an issue for all women<sup>218</sup> as it sought to raise solidarity and avoid conflict.<sup>219</sup>

After 2013, however, the National Commission for Women interrupted its intensive mobilization activities and dialogue with women's organizations due to a lack of funding.<sup>220</sup> Since then, the Commission has largely focused on celebrating the International Domestic Workers' Day; for instance, in 2014, it urged the government to ratify the ILO Convention and to enact the Protection of Domestic Workers Bill. Further, it started using international human rights law and its monitoring mechanisms. It requested to the Indonesian state to follow the recommendations of the 2012 Universal Periodic Report of the Human Rights Council (OHCHR 2012), and the 2014 Report of the United Nations Committee on Economic, Social and Cultural Rights (CESCR). Both urged the Indonesian state to immediately ratify the ILO Convention and additionally the CESCR urged the state to afford domestic workers in Indonesia proper appreciation for their work in regard to a decent wage, workplace health and safety, limitations on working hours, days off and leave, and social security, including protection from unfair dismissal (CESCR 2014). Only after the workshop organized by

<sup>216</sup> Interview with Yuni Chuzaifah (commissioner at National Commission for Women) and Yuni Asri (staff member of the Migrant Worker Working Group at the National Commission for Women).

<sup>217</sup> Interview with Yuni Chuzaifah (commissioner at National Commission for Women) and Yuni Asri (staff member of the Migrant Worker Working Group at the National Commission for Women).

<sup>218</sup> Interview with Yuni Chuzaifah (commissioner at National Commission for Women) and Yuni Asri (staff member of the Migrant Worker Working Group at the National Commission for Women).

<sup>219</sup> Presentation by Lita Anggraini, JALA PRT.

<sup>220</sup> Interview with Yuni Asri (staff member of the Migrant Worker Working Group at the National Commission for Women).

the authors to share research findings in October 2015 with the Network, the National Commission for Women intensified its mobilization in collaboration with the Network, achieving the inclusion of domestic workers' protection in the 2016 National Legislative Programme.

**Table 5.3: Comparison among the draft Bills by the Network, the National Commission for Women and parliament**

	<b>The Network's 2004 draft Bill</b>	<b>2011 Academic Policy Paper by the National Commission for Women</b>	<b>Parliamentary 2013 draft Bill</b>
Scope of domestic work	Distinction between: full-time and part-time domestic workers specific role (performing specific job, such as childcare, cook) and general role (performing all tasks associated with domestic work)	Distinction between traditional domestic workers (member of the family and relatives working without formal contract) and non-traditional domestic workers (recruited through placement agencies and working with formal contract)	Distinction between: full-time live-in domestic workers full-time live-out domestic workers part-time domestic workers
Minimum age	18 years		15 years with parental consent
Wage	Adoption of a Standard Minimum Wage system	Adoption of a Standard Minimum Wage system	Private agreement between employer and domestic worker on the amount and on the means (cash or in-kind) of remuneration
Working hours	Part-time: four hours/day Full-time: forty hours/week (eight hours/day for five days or seven hours/day for six days) Extra hours paid as overtime		Part-time: from four to six hours/day Full-time: from eight to twelve hours/day
Leave	Weekly leave: from one to two days/week if working days are five or six per week Minimum twelve days/year Three months of maternity leave Two days/month of period leave	Leave for religious activities Maternity leave Family leave in case of sickness or passing of a family member Amount of leave days is not specified If the domestic worker does not use the leave days, the employer pays them as part of the salary	One day off/week, but on the basis of a private agreement between the employer and domestic worker  Lack of regulation on leave, but on the basis of a private agreement between the employer and domestic worker
Health insurance	Provided by employer	Focus on workplace safety and health insurance	Provided by the employer
Political rights	Right to organize and unionize; Right to be a member of a political party	Right to organize and unionize	Right to organize and unionize
Right to training and education	Right to receive regular training sessions for skills development	Right to receive regular training sessions	

### 5.3 Mobilization in the subnational research sites

Although they started in parallel with national mobilization efforts, the subnational advocacy processes have not been as strong. In the province of West Sumatra and in the district of West Pasaman, there was hardly any advocacy, except for some organizations handling individual cases. In the rest of the research sites, the mobilization is led mostly by NGO activists, apart from the Jember Regency, where the ILO was the first actor to advocate for domestic workers' rights. In some areas such as East Java and West Nusa Tenggara, cases of violence against domestic workers sparked mobilization and the demand for policy change. However, subnational government tended to dismiss these claims because of (i) the lower rate of violence against domestic workers compared to cases against other groups, like migrant workers, (ii) the challenge of calculating fair wages, and (iii) lack of a national legal framework to develop by-laws.

#### 5.3.1 The case of West Nusa Tenggara

West Nusa Tenggara has no regulations on domestic work, although several NGOs have mobilized for the protection and support of domestic workers since 2000. Some of these organizations include People's Advocacy Institute for Democracy (*Lembaga Advokasi Rakyat untuk Demokrasi*, LARD), LBH APIK West Nusa Tenggara, the Indonesian Women's Coalition for Justice and Democracy (*Koalisi Perempuan Indonesia untuk Keadilan dan Demokrasi*, KPI), the Indonesian Tunas Alam Foundation (*Yayasan Tunas Alam Indonesia*, SANTAI), Panca Karsa and the Child Protection Organization (*Lembaga Perlindungan Anak*, LPA). LBH APIK West Nusa Tenggara and LARD have experience in assisting domestic workers who are victims of violence. Since 2006 LARD has provided education and awareness-raising sessions on their rights. Together with National Advocacy Network for the Protection of Domestic Workers, LARD has been planning to set up a domestic workers' union in the province.<sup>221</sup> The other NGOs focus on West Nusa Tenggara citizens who migrate overseas to work as domestic workers.

While handling cases of violence against domestic workers, both LBH APIK West Nusa Tenggara and LARD faced the same experience of impunity of the perpetrators. For instance, LBH APIK provided long-term assistance to a domestic worker, N.L.G., who was raped by her employer in 2000. After nine years of legal dispute, the Indonesian Supreme Court condemned the employer to prison; to date the verdict has not been acted upon.<sup>222</sup> Similarly, an employer who murdered a domestic worker called Sumati was not persecuted, and LARD found it difficult to obtain a sentence against him.<sup>223</sup>

Based on their experiences, LBH APIK West Nusa Tenggara and LARD, together with the Indonesian Tunas Alam Foundation and Panca Karsa, began mobilizing around the importance of subnational regulations to protect domestic workers. In the early stages of the mobilization, the organizations disseminated materials and organized television talk shows with subnational state officers, such as the mayor of Mataram City and members of the provincial parliament.<sup>224</sup> In 2008, LARD again urged the provincial authority to issue adequate by-laws and campaigned via mass media.<sup>225</sup> The institute also hosted a meeting with members of parliament, but it was not followed by any action from the subnational state, which pointed to the lack of evidence on violence against domestic workers, and regulation of domestic work was not considered as a legislative priority.<sup>226</sup>

<sup>221</sup> Interview with Mahmudah Kala, LARD.

<sup>222</sup> Interview with Beuty Erawati, LBH APIK West Nusa Tenggara. See also LBH APIK WTN (2014).

<sup>223</sup> Interview with Beuty Erawati, LBH APIK West Nusa Tenggara.

<sup>224</sup> Interview with Beuty Erawati (LBH APIK West Nusa Tenggara) and Mahmudah Kala (LARD).

<sup>225</sup> Interview with Beuty Erawati (LBH APIK West Nusa Tenggara) and Mahmudah Kala (LARD).

<sup>226</sup> Interview with Mahmudah Kala, LARD.

Further, women who employ domestic workers, including members of parliament, opposed some of the claims, such as the right to a minimum wage and a restriction on working hours. For instance, they argued that the minimum wage for domestic workers should be calculated differently from the other workers, as it should consider the cost employers bear with live-in domestic workers.<sup>227</sup>

Unfortunately, the organizations faced several constraints that decreased their capacity to mobilize, especially in terms of funding. After 2008, each organization tended to mobilize separately<sup>228</sup> and collaboration with the national movement was diminished.<sup>229</sup> Consequently, resistance felt from the state actors and internal constraints in the movement led to stagnation of mobilization efforts. However, both LBH APIK West Nusa Tenggara and LARD continue to provide legal aid and education to domestic workers.

**Table 5.4 Initiatives of the actors mobilizing on domestic workers' protection in West Nusa Tenggara**

Actor	Strategy
<i>Leading Actor</i>	
LBH APIK West Nusa Tenggara	Provide legal aid to domestic workers victims of violence Publish an academic policy paper for a subnational regulation
People's Advocacy Institute for Democracy (LARD)	Organize and provide education to domestic workers Provide support for cases of violence against domestic workers Organize awareness-raising activities Drafting of a subnational regulation together with LBH APIK West Nusa Tenggara Publish an academic policy paper for a subnational regulation together with LBH APIK West Nusa Tenggara
<i>Supporters</i>	
Indonesian Women's Coalition	Organize domestic workers Facilitate the formation of a domestic workers' union Support publication of the academic policy paper
Indonesian Tunas Alam Foundation	Provide education for domestic workers Support publication of the academic policy paper Advocate for the protection of child domestic workers, in collaboration with the Child Protection Organization
Child Protection Organizations	Advocate for the protection of child domestic workers

### 5.3.2 East Lombok: Including domestic work into informal workers' mobilization

As East Lombok is the district in Indonesia with the highest number of its citizens working abroad, almost all NGOs and the local state focus on the protection of migrant workers overseas (Awaludin 2015). Further, the district government approved Subnational Regulation No. 7/2007 on Labour Protection for Informal Workers. This does not specifically address domestic workers, but it does incorporate these workers within its scope. The regulation was initially proposed by the Women's Association for Justice and Legal Aid in 2007 because of the large number of workers in the informal economy and therefore outside legal protection. The Association identified domestic workers employed in the district but it had not encountered any cases of abuse against these workers.<sup>230</sup> The regulation however was much contested. First, local NGOs

<sup>227</sup> Interview with Mahmudah Kala, LARD.

<sup>228</sup> Interview with Beuty Erawati, LBH APIK West Nusa Tenggara.

<sup>229</sup> Interview with Mahmudah Kala, LARD.

<sup>230</sup> Interview with Hay R, NGO activist.

claimed that the policy process was not participatory as there was no open consultation with civil society.<sup>231</sup> Thus, they argued, the regulation will unlikely bring social change. Second, even if this regulation adopts provisions to protect the rights of informal and also domestic workers—such as minimum wage, access to social security, limit of daily working hours at eight/six days per week—its definition of informal workers is unclear.<sup>232</sup>

### 5.3.3 Protection for domestic workers in West Sumatra and West Pasaman: There or not?

Mobilization efforts for the protection of domestic workers in West Sumatra and West Pasaman have not achieved the level of policy change hoped for. During the research, some degree of a culturally rooted disregard toward domestic workers and their potential claims was found.<sup>233</sup> According to several research participants, domestic workers are migrants from other provinces who mainly work as nannies.<sup>234</sup> However, local citizens were also found working as domestic workers, especially part-time and doing tasks such as washing, ironing and cooking. In the Minangkabau culture, working in someone else's household is regarded as a low work: "As if Minangkabau women would work as domestic workers, Minangkabau women have pride, how could they hold their heads up high?"<sup>235</sup> Working in a factory, farm or plantation has more value than working in someone else's home.<sup>236</sup> Due to these differing social and cultural perceptions, many domestic workers, especially those from West Sumatra, avoid admitting that they work as domestic workers and do not refer to themselves as such.<sup>237</sup>

Before the 2000s, it was common for families to host a person from a poorer family in exchange for domestic work. These individuals are known as *dunsanak* (Nurami Perempuan 2013). The *dunsanak* are considered members of the family and if they are children and adolescents, often the hosting family funds their education. According to several studies, the terms "domestic workers" or "helper" became popular only in the early 2000s, when more households started to hire domestic workers as both partners joined the labour market. Hendrawati (2010) classifies domestic workers in Minangkabau society in three categories: (i) full-time workers who live in their employer's house; (ii) full-time workers that do not live with their employer; and (iii) part-time workers.

Among these three categories, the live-in domestic workers are the most vulnerable. They are considered to be part of the household and all of their needs are met by the employer, but, their working hours and workload is unclear as they are expected to be available when their help is required by the employer (Hendrawati 2010).

In terms of advocacy, although commonly held perceptions disregard domestic workers, the local women's organization Women of Conscience does recognize them and has demanded the regulation of domestic work.<sup>238</sup> The Women's Crisis Centre run by the

<sup>231</sup> Interview with Hay R, NGO activist.

<sup>232</sup> Interview with QG, NGO activist.

<sup>233</sup> Interviews with Putri Yefani, Salmawati, Asmar and Sri Mulyani (Minangkabau Traditional Customs Organization of West Pasaman); interview with Firdaus, head of the Indonesian Legal Aid Association in West Sumatra; interviews with Yefri Heriani (Women's Crisis Centre run by the Women of Conscience), with Tanti Herida (Indonesian Women's Coalition) and with Khaidir Dt St. Kabasaran (Minangkabau Traditional Customs Organization).

<sup>234</sup> Interview with Salma, Asmar, Sri Mulyani and Putri Yefani, members of the Minangkabau Traditional Customs Organization of West Pasaman.

<sup>235</sup> Interview with Firdaus, head of Indonesian Legal Aid Association in West Sumatra, 17 March 2014.

<sup>236</sup> Interview with Putri Yefani, member of the Agency for Women's Empowerment and Family Planning.

<sup>237</sup> See also interviews with Firdaus (head of Indonesian Legal Aid Association in West Sumatra) and Putri Yefani (Agency for Women's Empowerment and Family Planning).

<sup>238</sup> Interview with Khaidir Dt. St. Kabasaran (Minangkabau Traditional Customs Organization), Desi Asmaret (*Aisyiyah* West Sumatra) and Yefri Heriani (Women's Crisis Centre of the Women's Conscience).

organization in Padang City handles cases of violence against domestic workers such as rape, theft and imprisonment. However, the organization has not proposed any policy changes yet because of the negative cultural perception of domestic work, and the lack of sufficient resources to run an effective and comprehensive advocacy campaign.

#### 5.3.4 Violence against domestic workers in East Java

In East Java, mobilization efforts for domestic workers' labour rights have emerged and are growing slowly. The issue gained the attention of NGOs and women's groups after a case of abuse against a domestic worker called Marlina in Surabaya in 2011 (Wasono 2011). Marlina was a child domestic worker at that time and was abused by all family members of the household where she was working. Her employers accused her of theft and after she denied their accusation, they started abusing her. When the situation became unbearable, she decided to admit to the uncommitted theft in order to be brought to the police, and to escape from her abusers. When she was presented to the police, her condition was critical and she took the opportunity to tell the police about the abuse. Her case spurred action from both civil society and the state, which flagged the importance of protecting domestic workers.<sup>239</sup>

After the Marlina case, the Samitra Abhaya Women's Pro-Democracy Group (*Samitra Abhaya Kelompok Perempuan Pro Demokrasi*, SA KPPD),<sup>240</sup> student activists and labour activists joined the advocacy network the Solidarity Care for Domestic Workers to show solidarity and advocate for by-laws to protect domestic workers.<sup>241</sup> The East Java Province approved Subnational Regulation No. 9/2005 on the Implementation of the Protection of Women and Children Victims of Violence, but this regulation does not cover domestic workers adequately.<sup>242</sup> Therefore, Solidarity Care for Domestic Workers not only lobbied for ratifying this regulation, but also to adopt other regulations that are more specific on domestic workers' labour rights (Taufiq 2012).<sup>243</sup> The latter would define domestic workers as workers with regulated working hours, workloads, benefits, holidays and safety at their workplace.<sup>244</sup> A regulation was drafted by activists Sri Wahyuningsih and Umu Rithy, both from the Research and Development Centre of Law and Gender at the Brawijaya University in Malang. This draft was then discussed and jointly revised by several organizations and activists within the network, including SA KPPD and the Centre for Human Rights Studies, Surabaya University. The draft generated tension among women's organizations as some women's workers' groups who also employ domestic workers rejected the draft regulation as they feared they could not afford the minimum wage as proposed in the draft.<sup>245</sup> Further, in 2012 many activists who had joined the Solidarity Care for Domestic Workers network decreased their participation.

SA KPPD remained the main actor behind the mobilization until it had to reduce its advocacy activities due to a lack of financial resources, internal controversies and staff

<sup>239</sup> The abusers were prosecuted and condemned (Wasono 2011).

<sup>240</sup> SA KPPD is a women's organization in East Java that supports victims of violence providing psychological and legal aid. The organization is also a member of the National Advocacy Network for the Protection of Domestic Workers.

<sup>241</sup> Interview with Rosana Yuditia Ripi, SA KPPD.

<sup>242</sup> Interview with Melly Rizqiyah, Solidarity Care for Domestic Workers.

<sup>243</sup> See news article "Tolak Revisi Perda Perlindungan Perempuan, Buat Perda Baru untuk PRT" [Reject the Revised Regulation on Women's Protection, Approve a New Subnational Regulation for Domestic Workers]. Accessed 18 April 2014.

<http://m.suarasurabaya.net/kelanakota/detail.php?id=00c99386a25dc5c95175ec38dd4915022012103252>

<sup>244</sup> Interview with Dian Noeswantari, Human Rights Studies Centre, Surabaya University, and Women's Pro-Democracy Committee.

<sup>245</sup> Interview with Dina Katjasungkana, SA KPPD.

turnover.<sup>246</sup> The turnover affected the effectiveness of the campaign and knowledge transfer among activists.<sup>247</sup> From 2010–2013, the organization collaborated with Save the Children in the “Eliminate Exploitive Child Labor through Education and Economic Development” (EXCEED) Programme.<sup>248</sup> In this framework, SA KPPD set up a community group to work with child domestic workers. The group ran several creative activities, such as writing and art, awareness-raising activities on child rights and published a bulletin. As part of this programme, the group advocated to hold the state responsible for the working conditions of domestic workers and for child labour. Further, it encouraged child domestic workers to join public campaigns and to deliver speeches on their status within provincial parliament.<sup>249</sup> The programme however was implemented for only 18 months in 2010–2011 and for 12 months in 2012–2013.<sup>250</sup> Later in 2013, SA KPPD also collaborated with the local ILO office,<sup>251</sup> which directly urged the government to provide protection to domestic workers. Their strategy was to resume advocacy for a subnational regulation on domestic work and to collaborate with several government agencies, including the Agency for Community Empowerment and the Social Services Provincial Office.<sup>252</sup> However, the collaboration ended after few months due to the completion of the ILO programme.<sup>253</sup>

Apart from its collaboration with SA KPPD, the ILO implemented other activities in 2012 to raise awareness on domestic workers’ labour rights (Yakub 2012).<sup>254</sup>

- i. collaborate with mass media, including a series of interactive talk shows with the radio SmartFM Subaraya in 2012(ILO 2012) to disseminate information on domestic workers and child domestic workers;
- ii. advise the governor of East Java to regulate domestic workers via a Governor’s Decree, Governor Regulation, or Subnational Regulation.

The ILO Office proposed a series of policies that would not set a standard wage for domestic workers, but would acknowledge their rights and regulate working hours, type of work, holiday and leave, contractual terms, insurance, and education for child domestic workers. It recommended selecting the appropriate governmental agency to serve as coordinator for these policies. Further, it offered to mediate between workers and employers for developing labour standards for the contracts and to provide training sessions to domestic workers in state training centres (Yakub 2012).<sup>255</sup>

The response from the provincial state was limited due to a conflict between the governmental Agency for Social Services and the governmental Agency for Community Empowerment, and lack of national legislation that could be used as guidance for subnational regulations (Yakub 2012). In 2012, the Agency for Development and Planning, and the Agency for Women’s and Children’s Protection unsuccessfully proposed amending Subnational Regulation No. 9/2005 to include domestic workers (Yakub 2012). The new government elected in 2013 did not support this legislative proposal due to the lack of a national legislation.<sup>256</sup>

<sup>246</sup> Research observation at the SA KPPD annual meeting on 30 March 2014, and interview with Dina Katjasungkana, activist from SA KPPD.

<sup>247</sup> Observation of a SA KPPD meeting and interview with Dina Katjasungkana, activist from SA KPPD.

<sup>248</sup> See details of the Programme at <https://indonesia.savethechildren.net/what-we-do/child-protection> (accessed 25 February 2016).

<sup>249</sup> Interview with Dina Katjasungkana, SA KPPD.

<sup>250</sup> Interview with Dina Katjasungkana, SA KPPD.

<sup>251</sup> The ILO office in East Java coordinates a programme on the eradication of the worst forms of child labour and on the strengthening of trade unions. Interview with a staff member of the East Java ILO Office.

<sup>252</sup> Interview with Rosana Yuditia Ripi, SA KPPD.

<sup>253</sup> Interview with Rosana Yuditia Ripi, SA KPPD.

<sup>254</sup> Interview with a staff member of the East Java ILO Office.

<sup>255</sup> Interview with a staff member of the East Java ILO Office.

<sup>256</sup> Interview with a staff member of the East Java ILO Office.

### 5.3.5 Advocacy for domestic workers in the Jember district

In Jember, mobilization efforts for policy change specifically in favour of domestic workers' rights were not found. Only since 2010 has some attention been focused on the elimination of child labour when the ILO office in East Java hosted a conference together with a group of local NGOs<sup>257</sup> working on domestic work. The purpose of the conference was to find solutions to eliminate child labour, increase their access to education, adopt strategies to make Jember a child-friendly district, and to promote equality between girls and within families.<sup>258</sup> One proposal was adopting a subnational regulation to ban child labour. After the conference, the group of NGOs approached the caucus of women in the district parliament and district Commission D on social welfare. They also organized awareness-raising meetings and produced publications on child labour. In spite of these efforts, the district parliament rejected the proposal for a subnational regulation to ban child labour as it did not have a specific budget for this theme and it was not part of the legislative agenda. In addition, the mass media did not pay a lot of attention to child labour because of the societal perception that there were few child domestic workers.<sup>259</sup> The ILO, NGOs and the state jointly launched a programme for child domestic workers to improve their professional skills. The rationale behind this programme was that children would be able to find better jobs and escape from the worst forms of child labour because of their new skills. However, the programme failed as it was not geared to influence the state to address the challenges faced by child domestic workers and was closed the same year.<sup>260</sup>

Between late 2012 and early 2013, the ILO partnered with SA KPPD, the Women's House (*Rumah Perempuan*), the National Plantation Company XII and Radio Prosalina Jember<sup>261</sup> to establish the Forum to Observe and Discuss the Elimination of the Worst Forms of Child Labour (*Forum Pemerhati dan Penggagas Penghapusan Bentuk-Bentuk Pekerjaan Terburuk Pada Anak*, FP3BPTA). The Forum conducted workshops and advocacy to include the elimination of child labour in the subnational legislative programme as a legislative priority. However, the district parliament did not discuss this proposal. The Forum changed its strategy and approached different district agencies and departments. First, they lobbied the Department of Labour and the Office for Social Welfare. The former stated that its role was only to handle labour in relation to industry, excluding child domestic work from its sector, while the latter indicated that it was already providing programmes to strengthen children's capacities and skills. Yet the Forum pointed out that the existing programmes focus on skill development rather than protection.<sup>262</sup> In a second phase, they approached the Department of Education, the Jember Subnational Development Planning Board (*Badan Perencanaan dan Pembangunan Daerah*, BAPPEDA), the Agency for Women's Empowerment and Family Planning, and Commission D. The Department of Education claimed that education participation rates were high, meaning that children were already in school, while Commission D did not consider the development of policies to eliminate child

<sup>257</sup> The Empowered Communities Initiative Foundation (*Yayasan Prakarsa Swadaya Masyarakat*, YPSM), the Research Institute for Communities and Development (*Lembaga Pengkajian Kemasyarakatan dan Pembangunan*, LPKP), Ibunda Foundation, the Indonesian Family Planning Association (*Perkumpulan Keluarga Berencana Indonesia*, PKBI), Policy Studies and Social Transformation (*Studi Kebijakan dan Transformasi Sosial*, SKETSA), the Indonesian Migrant Workers' Union (*Serikat Buruh Migran Indonesia*, SBMI), and the Centre of Information on Child Rights Studies (PSIHA).

<sup>258</sup> Interview with a staff member of the East Java ILO Office.

<sup>259</sup> Interview with Eri Andriani, head of Women's House.

<sup>260</sup> Interview with Yayak Nawiyati, head of the Ibunda Foundation.

<sup>261</sup> The Women's House is a women's organization that works in Jember. The National Plantation Company XII of East Java is private-public company, while Radio Prosalina is a local public radio station.

<sup>262</sup> Interview with Dina Katjasungkana, SA KPPD.



labour as a priority. As reported by one respondent, members of the Commission D stated that child labour was not a priority because “no child had ever died from being a domestic worker.”<sup>263</sup> Further, the district parliament was starting to direct its focus to the election campaign in April 2014.<sup>264</sup>

## 5.4 Conclusions

Advocacy efforts for legal frameworks to protect domestic workers, particularly at national level, have been under way since 2004, but the focus and the strategies have changed over time. The National Advocacy Network for the Protection of Domestic Workers was created in 2004 and since then it has led national mobilization efforts for a national law on domestic work. The Network consisted of NGOs, domestic workers; organizations and unions, legal aid organizations, trade unions, labour organizations and women’s organizations. Between 2004 and 2009, it published studies, prepared an academic policy paper, proposed a Bill, and advocated parliament and government. Its advocacy strategies shifted in 2009 after failure to achieve the enactment of the Bill in the 2004–2009 electoral term. After 2009, the Network sought broader support within civil society, including unions, labour federations, and migrant workers’ unions and organizations, with an impact on its agenda, such as supporting the claims of migrant workers. It also developed the capacity of domestic workers’ organizations with the rationale that domestic workers should voice their own demands and not be represented by other organizations. After 2011, the Network advocated for ratification of ILO Convention No. 189/2011. At subnational level, the movement for the protection of domestic workers is weak and has often stalled, although there have been initiatives in East Lombok, West Nusa Tenggara, Jember and East Java. In West Pasaman and West Sumatra, there have not been advocacy efforts, confirming that the local socio-cultural context influences women’s movements as described below.

In West Sumatra and in West Pasaman, there is significant cultural resistance to campaigning domestic workers’ protection. There is cultural denial of the situation faced by domestic workers and a strong view that Minangkabau women do not work as domestic workers due to cultural values and honour which exclude working and living in others’ houses. This means that some women perform domestic work covertly and do not consider themselves as domestic workers.

In West Nusa Tenggara, mobilization led by local NGOs—which mainly focuses on violence against domestic workers—has not been constant and has been opposed by other civil society organizations and by the state. The most controversial issue is setting up a minimum wage for domestic workers equal to other workers’ wages. Additionally, state actors consider the protection of domestic workers as unimportant due to the low number of abuse cases reported.

As East Lombok is place of origin for the majority of Indonesian migrant workers moving abroad, most of the local NGOs mobilize for the protection of overseas migrant domestic workers. Only West Nusa Tenggara LBH APIK tried to push for including the rights of domestic workers employed in the district into the subnational regulation on the protection of informal workers approved in 2005.

In East Java, a few women’s organizations and the local ILO office mobilized after cases of violence against domestic workers were reported by mass media. These organizations created a network and urged the state to approve a subnational regulation.

<sup>263</sup> Interview with Dina Katjasungkana, SA KPPD.

<sup>264</sup> Interview with Dina Katjasungkana, SA KPPD.

Initially, the state was very receptive and proposed to amend an existing regulation on the protection of women and children to integrate these demands. However the process stalled. Further, staff and leadership turnover and lack of financial resources affected the advocacy process and the NGOs' capacity to mobilize.

In the district of Jember, NGOs' advocacy developed within an ILO programme to eliminate child labour. This meant that the focus was not on the protection of domestic workers per se, but rather on the elimination of child labour. The state mildly responded with a skills development programme, which was considered by the activists to increase child labour, including child domestic work, instead of reducing it.

As seen in these case studies, the state's response differed in accordance with Blackburn's (2004) argument that the state is not monolithic. At national level, some institutions such as the National Commission for Women, the Ministry of Women's Empowerment, the Ministry of Labour, and the Ministry of Foreign Affairs supported activists' demands. But both the Ministry of Women's Empowerment and the Ministry of Labour were less supportive after 2010. Other institutions, particularly the parliament, opposed mobilization efforts. Initially the parliament included the proposed Bill as a priority in the national legislative programme; yet the deliberations stalled repeatedly and have not progressed. Resistance was caused over controversial issues such as minimum wage, holidays and limitation of working hours. In addition, refusal to recognize domestic workers as workers and to value their work stems from patriarchal views that deems domestic work as part of the reproductive/private sphere of the household and therefore the woman's responsibility. At subnational level, the state also resisted claims to recognize and regulate domestic work, even as part of other agendas such as child labour or informal labour. These responses confirm Fraser's (1989) argument on the complexity of policy change and the influence of interests on policy making.