

# HUMAN RIGHTS IN INDONESIA

UPR Info Pre-sessions

# Inequality on Agricultural Land Ownership and Women's Participation in Agriculture in Indonesia – Issue 1

## Follow-up of the Third Review by Indonesia:

- There are several recommendations of the Third Review on gender equality, but there is no specific on the overall change in land rights, particularly in favor of women rights in Indonesia.
- Meanwhile, the injustice of land ownership continues to increase. Currently, the ownership gap index has reached 0.68. It means that only 1% of the population controls 68% of the land in Indonesia. The inequality of direct ownership of land by women also stuck in 24% compared to men.
- There are only 5 of the dozens of jobs available to women in palm oil plantations. This situation has led to decrease women's participation in agricultural sector, depriving independence of women, and the preservation of patriarchal power of men in rural areas.

# Recent Developments Since the Third Review – Issue 1

- The government aware of the issue. However, the implementation of policies, regulations and programs are not relevant to the character and depth of the problem faced. The equality of land ownership is not a priority attention of the government.
- The Government has implemented the Agrarian Reform and Social Forestry Program (RAPS). However, this program is actually securing land monopoly ownership in the hands of large plantation companies. It is not solving the inequality. The RAPS is ultimately just a follow-up program of land administration and certification since the Independence of Indonesia.

# Recommendations - Inequality on Agricultural Land Ownership and Women's Participation in Agriculture in Indonesia – Issue 1

- Re-enforce effectively the Basic Agrarian Law (UUPA) No.5 of 1960 after it was amended. The amendments include limiting the amount of land for large plantation of state and individual through Business Use Rights (HGU); guaranteeing women's ownership of land equal to that of men; Ensuring the protection and recognition of the ancestral lands of national minority groups based on the right to self-determination in accordance with ILO Convention 169 which the government has not ratified.
- Call on a termination of granting Business Use Rights (HGU) for large palm oil and timber plantations.
- Eliminate the Agrarian Reform and Social Forestry Program because it is contrary to the spirit of agrarian change according to UUPA No.5 of 1960.

# Basic Right of Women Workers in Large Plantation in Indonesia – Issue 2

Follow-up of the Third Review by Indonesia:

- The United Kingdom of Great Britain and Northern Ireland reminds the Indonesian government by providing recommendations. "Ratify the Protocol of 2014 to the Forced Labour Convention, 1930, and implement existing labour regulations requiring the formal documentation of all workers and minimum standards in working conditions." So far, the Government of Indonesia has not taken any significant efforts to act on these recommendations.
- About 10 million women work in large palm oil plantations. 70% of them are temporary daily workers. In general, they are paid below the minimum wage because they only have an average of 12 to 20 Working Days per month.
- Labor Law No.13 of 2003 and regulations on the wage system do not apply as industrial workers in urban areas. Gender wage gap is significantly high in Indonesia across all sectors. Indonesian women earn 23 percent less than men.

# Recent Development of the Third Review and Recommendations – Issue 2

## **Recent Development of the Third Review by Indonesia:**

- There is no significant progress in the form of new policies, regulations or programs as instruments of protection and justice for women workers in large monoculture plantations in Indonesia. In addition to a low minimum wage and experiencing many forms of discriminations.
- The low wages of agricultural workers in general and women workers in rural areas have caused the village where large plantations exist can't achieve any advancement. The capital developed in the countryside was very limited. The economic income from agriculture was entirely spent only in big cities and for credit payments by large plantations owner on major national and foreign banks.

## **Recommendations on the Basic Rights of Women Workers in Large Plantation:**

- Encourage the policies and regulations on plantation workers that specifically considering the relationship and production patterns in Indonesian plantations that are different from industrial workers in urban areas.
- Ensure women workers in large plantations should have a special place in the regulation clearly to end various types of gender-based discrimination, the special right to leave, free from wage deductions and other pressures during menstruation, pregnancy, breastfeeding and should be guaranteed to be free from gender-based violence.

# Migrant Women's Rights in Indonesia – Issue 3

## Follow-up of the Third Review by Indonesia:

- The Government of Indonesia has ratified the International Convention on the Protection of the Rights of All Migrant Workers and Their Family Members through issuance of the Law No.6 of 2012. This ratification is effective since May 2, 2012. This confirms the fact that the Government of Indonesia considers the importance of the position of migrant workers for Indonesia economically. However, this is not followed by real protection actions and programs.
- More than 9 million Indonesians are now working overseas, equivalent to almost 7 percent of Indonesia's total labour force, and of that number, 62 percent are women. This makes Indonesia one of the major sources of migrant workers in the world that sent USD 9.43 billion remittances to Indonesia just in 2020.
- One of the regulations based on the ratification of the international convention is Law No.18 of 2017 concerning the Protection of Indonesian Migrant Workers. However, the law is contrary to the principles of protection under international conventions.

# Recent Development After the Third Review and Recommendations - Issue 3

## **Recent Development After the Third Review**

- Until now, although various regulations have been issued by the Indonesian government, the main problem of exploitation and oppression of migrant workers is still maintained in various policies. The government gives flexibility to many parties to obtain financial benefits from migrant workers because it prioritizes the continuation of sending migrants to earn foreign exchange or remittances rather than the protection of migrant workers.

## **Recommendations on the Migrants Women's Rights:**

- Amend Law No.18 of 2017 and its derivative regulations that are contrary to the International Convention on the Protection of Migrant Workers and Their Families.
- Eliminate labor recruitment by labor agencies, and grant free rights for Indonesian migrant workers to make direct employment contracts through democratic migrant organizations in which they join with their labor users.
- Making policies and regulations to protect domestic workers begins with ratifying the International Convention on Domestic Workers No.189 of 2011



# Thank you

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From all the members of our coalition:

- ❑ Asia Pacific Forum on Women, Law and Development (APWLD)
- ❑ Serikat Perempuan Indonesia (SERUNI)
- ❑ Keluarga Besar Buruh Migran Indonesia (KABAR BUMI)
- ❑ Indonesian Migrant Workers Union (IMWU)