

## **Open Letter to the Indonesia COVID-19 Mitigation Task Force to establish special measures to protect women workers in its COVID-19 response**

**Mr. Doni Monardo,**

Chairperson of the Indonesia COVID-19 Mitigation Task Force

15 December 2020

Dear Mr. Doni Monardo,

The International Commission of Jurists (ICJ) is an organization consisting of 60 distinguished judges and lawyers from all regions of world working to advance the rule of law and the legal protection of human rights. Recently, the ICJ has been deeply engaged with the COVID-19 pandemic and its human rights impacts.

I write to you today in relation to the important work of the Indonesia COVID-19 Mitigation Task Force (“Task Force”), as part of the Indonesia Committee for COVID-19 Mitigation and National Economic Recovery (KCPEN), in providing guidance to the Indonesia government as it confronts the pandemic and its many impacts on the life and well-being of the inhabitants of Indonesia based on [President Regulation No.108/2020](#). We call on the Task Force in particular to promote the adoption and implementation of gender responsive measures in its COVID-19 response. Such measures should, in particular, pay attention to circumstances and rights of women workers.

Since the beginning of the outbreak of the pandemic, the mortality rate in Indonesia is reportedly among the highest in the [world](#). Indonesia’s economy has contracted for the first time in more than [twenty years](#). President Joko Widodo has promoted a micro scale of social distancing or ‘[mini lockdown](#)’ in order to curb the spread of the virus while seeking to safeguard the economy and livelihoods.

[Government regulation No.21/2020](#) ordered Regional Governments to conduct ‘large-scale social restriction’, which restricts the movement of people and goods in their respective localities. Under [President Instruction No.6/2020](#), the government ordered ministries and officials to take disciplinary measures for people who disobey the health protocols, referencing the [Law No.6/2018](#) regarding health quarantine. In general, people are highly [advised](#) to ‘independently’ restrict social gatherings and stay at home.

This policy has a particularly adverse affect on Indonesian women as it exacerbates the pre-existing gender inequalities in Indonesia. It has disproportionately impacted on women’s enjoyment of human rights which are protected under international human rights law, including the Convention on the Elimination of all forms of Discrimination against Women ([CEDAW](#)), the International Covenant on Civil and Political Rights ([ICCPR](#)), International Covenant on Economic, Social and Cultural Rights ([ICESCR](#)), treaties to which Indonesia is a party. Despite some steps forward, Indonesia still does not appear to have fully adopted or effectively implemented special measures for women to address these disparate impacts.

I would recall that prior to the COVID-19 pandemic, Indonesia had established a solid foundation for such measures through the adoption of the [Regulation](#) of the Head of Indonesian National Board for Disaster Management No.13 Year 2014 regarding “Gender Mainstreaming in addressing National Disasters”. This Regulation is clearly applicable in the present context of the pandemic since the President released official statement that COVID-19 is a national disaster in [President Decision No.12/2020](#). This Regulation should be applied by the government in implementing gender mainstreaming in its disaster mitigation control in the context of COVID-19.

The National Commission on Violence Against Women (*Komnas Perempuan*) has also indicated that Indonesia government’s response is lacking in respect of [gender perspective](#), especially as pertains to women workers. The Commissioner of *Komnas Perempuan* stated that “the policy in addressing COVID-19 does not yet represent the need and the perspective of the women, especially the women workers and labors”. Various civil society organizations [concluded](#) that the government has fallen short in respect of its obligation to implement gender mainstreaming measures in its COVID-19 response.

Women constitute some 39 percent of Indonesia’s labor force and are, in many respects, the backbone of Indonesia’s economy. Women workers, both employed by others or self-employed, continue to face the devastating impact of the pandemic. Working mothers who are compelled to stay at home to care for their children and/or family members who are sick, have experienced excessive stress and physical sickness due to this dual burden may be compelled to take days off or resign from work. This stands to cause even further reduction in women’s employment and income. In addition, there is [reportedly an increase in incidents](#) of violence against women during COVID-19. [Vennetia R Danes](#), Deputy of the Women’s Rights Protection in the Ministry of Women Empowerment and Child Protection stated that “the impact of ‘work from home’ recommendation and ‘large-scale social restriction policy’ may cause women victim of domestic violence lose their access to report their case. On the other hand, there is insufficient communication tools and supporting tools, as well as transportation available, or the service center in certain area does not function optimally.”

The ICJ has highlighted these challenges globally in its recent [report](#) “Living like People who die slowly.” The Committee on Economic, Social and Cultural Rights (“CESCR”) has raised similar [concerns](#):

“The COVID-19 pandemic also threatens to deepen gender inequalities as the burden of caring for children at home and for sick or older family members falls disproportionately on women, given the still deeply embedded gender stereotypes and roles in many societies. In circumstances where families are in lockdown or quarantine, women may be additionally vulnerable to domestic violence, and have limited recourse in these circumstances.”

We therefore call your office to take proactive and special measures to protect women workers in its COVID-19 response. This call is consistent with the recommendations of the UN Committee on the Elimination of Discrimination against Women, In [Guidance Note](#) on COVID-19, the Committee emphasized:

“The COVID-19 crisis adversely affects women in low-paid jobs and in informal, temporary or other precarious forms of employment, especially in the absence of social protection. COVID-19 response and economic recovery plans should address gender inequalities in employment, promote transition of women from the informal economy to the formal economy and provide relevant social protection systems for them. They should also formulate post-pandemic programmes and targets for women’s economic empowerment. Economic resuscitation, diversification and market expansion plans should target women and provide economic stimulus packages, low-interest loans and/or credit guarantee schemes to women-owned businesses and ensure women’s access to market, trade and procurement opportunities, with particular attention given to women living in rural areas.”

Such response measures are aimed at implementing Indonesia’s obligation to adopt “temporary special measures” to ensure progress in achieving de facto equality between men and women.

### **Ensuring that women receive the government basic needs support**

One such measure would be for the Task Force to carefully identify and prioritize women who are among the [eligible](#) Indonesian persons and/or families to receive the government basic needs support during the pandemic. There are various government program supports available, including in the form of funds, groceries, job training, to those with low income and deeply impacted by the pandemic. The beneficiaries of these programs include single working mother headed households, of which many are eligible but often not [registered](#) to receive such assistance. In this regard, Indonesia has the obligation to protect the right to health of its people by proactively take measures to ensure equal access to both women and men in receiving the support.

In addition to monetary and food support, [job trainings](#) are important to enable women to improve their skills and find job opportunities to obtain incomes. Dwi Septiawati Djafar, the General Head of the Board of the Central Leadership in The Indonesian Women Political [Caucus](#) in the Parliament has recommended that the government provide aid to women entrepreneurs and other non-salary earning working women so that they can still survive during the crisis, either through capital aid, business technical supervision, or IT-based marketing. The UN Secretary General has [advised](#) governments that “[s]timulus fund should be put directly to women’s hands through cash transfers and credits. The government should act to expand social safety nets to women in the informal economy and recognize the value of unpaid care work.”

### **Providing more working opportunities for women to work from home**

The CESCR calls on States to address the COVID-19 health emergency in the “most equitable manner” possible so as to “avoid imposing a further economic burden of the marginalized groups.” It stresses that allocation of resources should prioritize the special needs of these groups. The Task Force should accordingly advise companies to adopt more lenient working conditions for women, which can be in the form of providing flexible

working hours for women workers and allowing mothers to fully work from home during the pandemic. The Task Force may even consider providing funding support for companies who adopt positive measures to help its women workers.

In addition, the Task Force should also promote more “work from home” jobs for women so that women who need to stay at home, can still work and receive income from their home. These measures would help women who need to stay at home as well as women migrant workers who have lost their jobs abroad as a result of COVID-19 and have been forced to return to Indonesia.

### **Providing online counseling or mental health support for women workers**

The Task Force should act to facilitate the provision of free counseling support in the community health center (*puskesmas*) and support private organizations who offers mental health support for women workers.

The International Labor [Organization](#) has found that teleworking has brought new stresses as workers find themselves isolated or juggling work and personal life. This is especially true for working mothers who need to undertake both professional work and domestic chores without rest at their homes. The situation of the health of mothers is particularly impacted, because social norms in Indonesia frequently render them responsible to maintain the health of the family, both physically and mentally, which are crucial during the pandemic.

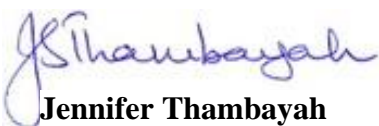
### **Conclusion**

The ICJ considers that the failure to recognize the gender dynamics affecting women workers, particularly public health emergencies, limits the effectiveness of the overall government’s response efforts and impede the full realization of Indonesia women’s human rights. We recommend that Indonesia take immediate and effective measures to ensure adequate health care access and sufficient social assistance for women and girls living in poverty, including those without health insurance and/or income during COVID-19.

We look forward to the Task Force’s provision of detailed guidance to the Government of Indonesia, in taking actionable steps in implementing gender responsive measures based on its gender mainstreaming regulations.

Thank you.

Sincerely yours,



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