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IOJI Supports the Government of Indonesia to Portraying/ Landscaping the Working Vulnerability of Migrant Fishers on Foreign Vessels from Legal, Human Rights and Institutional Perspective

Jakarta - Wednesday, 31th of August 2022, In collaboration with the Ministry of Manpower, Indonesia Ocean Justice Initiative (IOJI) launched a study report titled “A Portrait of the Vulnerability of Fishers on Foreign Vessels: A Legal, Human Rights, and Institutional Assessment.” The launching was opened by keynote speeches from the Minister of Manpower of the Republic of Indonesia and the Minister of Foreign Affairs of the Republic of Indonesia for the 2001-2009 period. The report’s findings and recommendations were discussed by the Commission IX member of the House of Representative (DPR-RI), the Director for the Protection of Indonesian Citizens, Ministry of Foreign Affairs, the Head of Migrant CARE’s Center for Migration Studies, and a representative of IOJI. A number of representatives from government agencies, parliament, international organization, and civil society organizations, including trade unions, were also present to enrich the discussion on legal and governance frameworks of Indonesian migrant fishers placement.

Indonesian migrant fishers are still encountering practices of modern slavery and human trafficking. Drawing on a legal research with socio-legal approach, IOJIs Research Team identifies five root causes which hinder the protection of Indonesian migrant fishers. The aforementioned root causes include 1) Weakness of legal instruments at international, regional, national and regional levels; 2) Overlapping of authority and institutional issues concerning Indonesian migrant fishers protection; 3) Unequal power relations between Indonesian migrant fishers and employers; 4) Systemic misconduct within the recruitment and placement process of Indonesian migrant fishers, and 5) Weak access to public information, complaint handling mechanism, and low accountability of Indonesia migrant fishers protection.

"The Indonesian Government is mandated by the Constitution to provide protection to the whole Indonesian nations, including Indonesian migrant fishers," stated by Dr. Hassan Wirajuda, Minister of Foreign Affairs of the Republic of Indonesia in the 2001-2009 period. With a view to strengthening the protection of Indonesian migrant fishers, a set of policy recommendations and action plans are, therefore, presented by IOJI in this report. *First*, the development of legal and governance frameworks for the placement of Indonesian migrant fishers, especially through the ratification of ILO C-188 and CTA 2012, the establishment of labor standards for migrant fishers at the regional



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level, and effective implementation of laws and regulations guaranteeing protection for Indonesian migrant fishers.

“The enactment of Government Regulation Number 22 Year 2022 is an early step for the improvement of Indonesian migrant fishers' placements governance. The Ministry of Manpower will immediately follow-up on all provisions within Government Regulation Number 22 Year 2022 through the issuance of a minister of manpower regulation. This rule-making process would benefit from recommendations set out in the IOJI's report,” expressed the Minister of Manpower, Dr. Hj. Ida Fauziyah, M.Si.

Concluding Memorandum of Understanding (MoU) on the placement of Indonesian Migrant Fishers with the placement countries is also a crucial step in developing the legal framework. “The Ministry of Foreign Affairs focuses on building a safe placement corridor for Indonesian migrant fishers via, among others, conclusion of MoUs specifically intended for the placement of sea-based workers. We are holding talks with the Governments of China and Taiwan over this,” said Judha Nugraha, Director of the Protection of Indonesian Citizens at the Ministry of Foreign Affairs.

Second, the strengthening of the Indonesian government agency's institutional functions and cross-agency coordination in order to carry out tasks related to the protection of Indonesian migrant fishers, both in Indonesian territory and overseas. According to the Member of the parliament's Commission IX, Hj. Nur Nadlifah, S.Ag.,MM, “The enactment of Government Regulation Number 22 Year 2022 is expected to strengthen institutional functions by reaffirming roles and authorities of each relevant ministries/agencies in protecting Indonesian migrant fishers. Strong coordination between government agencies and all components of people is also essential.”

The third recommendation put forward by IOJI is the strengthening of Indonesian migrant fishers' bargaining position through self-organization, education, and standardization of work agreements. According to the CEO of IOJI, Dr. Mas Achmad Santosa, the lack of information on job descriptions and workers' rights, coupled with low level of education of migrant workers, put Indonesian Migrant Fishers in unequal bargaining position vis-à-vis recruiters and employers, starting from the recruitment to placement phase.

Fourth, improving the legal system and law enforcement in order to eradicate systematic violations within Indonesian Migrant Fishers placement. These measures



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include the availability of Indonesian fishers database to prevent non-procedural placements, law enforcement generating deterrent effect for perpetrators of non-procedural placement, international cooperation through Interpol, as well as intensive training for law enforcement officers and court judges on the rights of Indonesian migrant fishers concerning restitution. Anis Hidayah calls for the Government to take the above-mentioned steps. "So far, there has been impunity for corporations engaging in exploitation and modern slavery against Indonesian migrant fishers," said Anis Hidayah, Head of CARE's Center for Migration Studies.

The *fifth* recommendation is strengthening transparency, access to information, and accountability in the protection of Indonesian migrant fishers through digitizing information, as endorsed by the Minister of Manpower. The strengthening efforts can be initiated with the development of Indonesian migrant fishers' electronic system/application that is real-time and integrated between agencies. Digital technology-based solutions which are easily accessible to Indonesian migrant fishers and their families throughout the migration process of Indonesian migrant fishers should be considered by the Government, civil society organizations, including the private sector, especially in realizing the imposition of minimum and transparent remittance fees. This solution will, then, support the realization of a safe, orderly, and regular migration of Indonesian migrant fishers from Indonesia to the destination country.

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Download the Full Report "A Portrait of the Vulnerability of Fishers on Foreign Vessels: A Legal, Human Rights, and Institutional Assessment" via the following link:

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