



INDONESIA  
OCEAN JUSTICE  
INITIATIVE



## EXECUTIVE SUMMARY

“Portrait of Work Vulnerability  
of Fishery Crews on Foreign Vessels:

# LEGAL, HUMAN RIGHTS AND INSTITUTIONAL REVIEWS



# Executive Summary



This study on Indonesian migrant fishers seeks to address the following (3) three key questions. First, how legal frameworks at the national, regional and international levels regulate rights and protection of Indonesian migrant fishers. Second, how the protection is strengthened and advanced by key enabling factors. Third, how the legal and governance framework can be improved for fulfillment of rights and effective protection of Indonesian migrant fishers. This study mainly concludes that available legal frameworks are yet to provide effective protection for Indonesian migrant fishers. Indonesian migrant fishers are experiencing a myriad of difficulties, ranging from illicit and unscrupulous practices throughout recruitment and placement process, human rights violations throughout the working process, and ineffective complaint handling and law enforcement mechanisms. This study also reveals unequal power relations between Indonesian Migrant Fishers and agents/brokers, vessel owners as well as companies. Various factors weaken the protection of Indonesian migrant fishers, as summarized below:

## **a. Weakness of legal instruments at international, regional, national and regional**

At the international level, the constitution for the ocean, the United Nations Convention on the Law of the Sea 1982 (UNCLOS 1982) is not responsive to the protection of human rights at sea, including Indonesian migrant fishers. There is no provision in UNCLOS 1982 which explicitly states and addresses the human rights protection of seafarers and fishers at sea. Rules and allocation of jurisdiction at sea also hampers the implementation of Indonesian migrant fishers' protection. Flag states are required by UNCLOS 1982 to establish national regulations on manning, labor conditions, and crew training standards in conformity with generally accepted international regulations and standards (GAIRS). That said, there has been no GAIRS on the three above standards.

International instruments which are relevant to the protection of Indonesian migrant fishers are, among others, the International Convention on the Rights of All Migrant Workers and Members of Their Families (CMW), the ILO Work

in Fishing Convention 2007 (ILO C-188), the Cape Town Agreement 2012 (CTA 2012), and International Convention on Standards of Training, Certification, and Watchkeeping for Fishing Vessel Personnel (STCW-F 1995). By virtue of Article 94 of UNCLOS, all the above instruments are yet to be widely ratified, thus cannot be categorized as GAIRS.<sup>1</sup> Also, key destination countries for Indonesian migrant fishers do not ratify those international instruments, making it difficult for human rights principles to be implemented in the Indonesian migrant fishers protection. When states have not ratified those international instruments, they are not obliged to incorporate standards in the said instruments into their national regulations. This is exacerbated by discriminatory policies and regulations in South Korea and Taiwan against migrant fishers. South Korean and Taiwanese fishers are entitled to better working standards than migrant fishers on South Korean and Taiwanese fishing vessels, respectively.

The legal frameworks for protecting Indonesian Migrant Fishers at the regional level are also deemed inadequate. ASEAN has yet to adopt any specific instruments and policies relating to the regulation and protection of migrant fishers. There are already instruments adopted by ASEAN on human rights, human trafficking, and migrant workers. However, standards stipulated in these instruments are not yet in accordance with international standards for the protection of migrant fishers. To add, the majority of ASEAN member countries have not ratified ILO C-188, STCW-F, and CTA 2012.

There is also no labor standard in fishing vessels, including protection for Indonesian migrant fishers, adopted by regional fisheries management organizations (RFMO)<sup>2</sup>. So far, RFMOs have been focused on regulating straddling fish stocks and highly migratory species as stipulated in Article 63 and Article 64 of the UNCLOS 1982. RFMOs hold a significant role in regulating fishing vessels' operation in the high seas, especially given the exclusive jurisdiction of flag states over labor and safety of fishing vessels. This study found good early steps in the Western & Central Pacific Fisheries Commissions (WCPFC), in which labor standards measure is being negotiated. This negotiation is led jointly by the Government of Indonesia and the Government of New Zealand.

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1 GAIRS are international standards and rules that are generally agreed upon through a high level of ratification and domestication. Douglas Guilfoyle, 'Article 94: Duties of the flag state' in Alexander Proells (ed), *United Conventions on the Law of the Sea: A Commentary* (Munich: Nomos Verlagsgesellschaft, 2017), p. 712.

2 Regional Fisheries Management Organization is an inter-state organization mandated to adopt conservation and management measures on straddling fish stocks and highly migratory fish stocks in waters agreed upon by member countries, including the high seas and state EEZs of RFMO member countries.

At the national level, Law Number 18 of 2017 on the Protection of Indonesian Migrant Workers (Law 18/2017) has regulated the protection of Indonesian migrant fishers. Nevertheless, legal and policy frameworks came with a number of weaknesses. First there is no regulation of rights and forms of protection for Indonesian migrant fishers in accordance with the specific working characteristics of Indonesian migrant fishers (sea based workers). This includes uncertain working hours and a high risk of violence. Working far from coasts significantly limits the Indonesian migrant fishers' ability to communicate with the outside world and makes it difficult for authorities to supervise.

Second, the legal instruments at the national level are yet to regulate the standard/format of Indonesian Migrant Fishers work agreement. The standard work agreement issued by the competent authority (BP2MI) is heavy on land-based migrant workers' perspective, which are not in accordance with the characteristics of sea-based migrant workers. The protection standards for Indonesian migrant fishers that have not been regulated within The Head of BP2MI Regulation Number 1 of 2020 are, among others, minimum hours of rest and maximum duration of service periods, as well as the standard and format of Collective Bargaining Agreements. With the recent enactment of Government Regulation 22/2022, specific protection measures toward migrant fishers are now in place, a step forward made by the Government of Indonesia for the protection of migrant fishers.

The international (cross-border) nature of migrant fishers' contracts (both parties and agreement types) complicates the choice of jurisdiction and implementation of dispute resolution forum. Law 18/2017 regulates the dispute resolution mechanism between Indonesian Migrant Workers and P3MI (Indonesian manning agencies): namely through discussion/negotiation, reconciliation/mediation, and lawsuit/litigation. The most commonly-used mechanisms are negotiation and mediation with the assistance from the Indonesian Government. Unequal power relations between Indonesian migrant fishers and manning agents as well as employers makes the mediations not effective. Even when an agreement is reached in the process, there is no guarantee that the manning agent and employer will be paying the agreed compensation, especially for companies with no guarantee deposit, which may be disbursed by the Ministry of Manpower for the dispute settlement purposes.

The government to government (G-to-G) placement channel for Indonesian migrant fishers to South Korea is already in place, aiming to strengthen Indonesian Migrant Fishers protection. That said, the channel is still limited to fishing operations in the



territorial waters of South Korea. There are more human rights violation risks in the placements to vessels operating in the EEZ high seas, given the remote fishing grounds and limited supervision by competent authorities.

Another weakness in national legal instruments is the imposition of placement fees on Indonesian Migrant Fishers. This is in contravention with the zero cost principle as stipulated under Law 18/2017.<sup>3</sup> According to The Head of BP2MI Regulation Number 9/2020, in conjunction with the HeadBP2MI Regulation Number 1/2021 on the Exemption of Placement Fees against Indonesian Migrant Worker, zero cost policy has been postponed twice to August of 2021. However, the zero cost policy has yet to be integrated into the SISKOP2MI. As a result, Indonesian Migrant Worker Placement Companies (P3MI) are not able to obey the zero cost policy.

## **b. Overlapping of authority and institutional issues concerning Indonesian migrant fishers protection**

The protection of Indonesian migrant workers stipulated in Law Number 18 of 2017 and its implementing regulations is carried out through the multi-institution approach, meaning that the majority of protection forms (27 forms), are mandated to more than 1 (one) government agencies/regional governments. This may give rise to the overlapping authorities and unsynchronized programmes of Indonesian migrant workers protection amongst relevant government agencies, all the more so because of the lack of coordination amongst those agencies. The organization of training and education for Indonesian migrant fishers is one of the protection forms which are yet to be implemented effectively. Regional governments do not allocate sufficient funds to organize training and education. There is overlapping authority on the license issuance and supervision over placement companies between the Ministry of Transportation and the Ministry of Manpower. The enactment of Government Regulation 22/2022 reaffirms the single licensing and supervision authority on placement of migrant fishers, which is mandated to the Ministry of Manpower. The enactment of Government Regulation 22/2022 is, then, expected to be the final solution for the long-standing issue of overlapping authority.

Another institutional issue concerns supervision works by the Government of Indonesia throughout the migration process, both within the territory of Indonesia as well as in the country of placement. In the pre-employment phase, the supervision works on

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3 The zero cost policy in question is a prohibition on imposing placement costs to Indonesian Migrant Workers. Law Number 18 of 2017 on the Protection of Indonesian Migrant Workers, Article 30.

the protection of Indonesian Migrant Fishers are difficult to be carried out because of the huge number of non-procedural placement and absence of integrated data on Indonesian migrant fishers. In the employment phase, working far from the coasts limits the Indonesian Migrant Fishers' ability to report any inhumane treatments that they and fellow migrant fishers experienced to the authorities. Meanwhile, in the post-employment phase, the absence of integrated data amongst government agencies also makes it difficult for the Government to monitor the fulfillment of Indonesian migrant fishers, including upon their arrival in Indonesia.

In addition, One-Stop Integrated Services (LTSA) in numerous regions have yet to provide integrated placement and protection services of Indonesian Migrant Workers. LTSAs have yet to be able to provide services in accordance with its functions as stipulated in Article 31 paragraph (2) of Government Regulation 59/2021.

### **c. Unequal power relations between Indonesian migrant fishers and employers**

The unequal power relations between Indonesian migrant fishers and manning agents and employers put the fishers into a weak bargaining position, starting from the recruitment stage. This is evident in the retention of personal documents, illegal fee impositions, involuntary signing of contracts, and deduction of salary with large amounts of administrative costs. Indonesian migrant fishers also have minimal understanding of their rights because of the lack of access to information and education. They are not fully aware of their rights stipulated in Law 18/2017, which has provided a number of rights for Indonesian migrant workers.

In accordance with Law 18/2017 and Government Regulation 59/2021, Regional Governments are responsible for providing information and disseminating information on Indonesian Migrant Fishers' rights, as well as providing education and training. In practice, Regional Governments are yet to provide Indonesian migrant fisher candidates with sufficient information and understanding about: (i) illegal/exploitative recruitment scheme, (ii) their rights which need to be stipulated in working agreement, (iii) salary standards, (iv) the right to hold working agreement and other personal documents. Indonesian migrant fishers who do not have an understanding of the information mentioned above are highly vulnerable to exploitation and violence at work. The unequal power relations is further exacerbated by unstandardized certification, training, and fisheries technical qualifications of Indonesian migrant fishers.



#### d. Systemic misconduct within the recruitment and placement process of

##### Indonesian Migrant Fishers

A large number of vessel owners, vessel captains, and/or recruiting companies fail to respect human rights of migrant fishers by giving inhumane treatment and poor compensation to attain maximum profits. On the other hand, the Indonesian Government has been condoning human rights violations against Indonesian migrant fishers onboard vessels flagged to countries with a reputation of exploitative practices and human rights violations. Some of the systemic violations<sup>4</sup> practices in the recruitment of Indonesian migrant fishers surrounds debt bondage, non-transparent charges and payment of salaries, excessive working hours, and physical violence. Furthermore, Indonesian migrant fishers still have to bear the high cost of remittances, far above the UN SDGs target.<sup>5</sup>

Individual placement corridor put the Indonesian migrant fishers more vulnerable to exploitation and modern slavery, compared to the private and government placement corridors. The heightened risks are attributable to the legal gaps arising out of Article 63 of Law Number 18 of 2017 that may be exploited by the intermediaries (unofficial recruiters) in Indonesia. Article 63 provides that “all risks of employment faced by individual Indonesian migrant workers become their own responsibilities”.

Systematic behavioral violations have not been effectively addressed by law enforcement agencies through implementing rules on the Trafficking in Persons (TIP) and labor violations. In the criminal justice process for TIP and labor violations, Indonesian migrant fishers encounter, among others, the issuance and payment of insufficient restitution order. Moreover, law enforcement against TIP has been targeted only to physical perpetrators in Indonesia, as evident in the Long Xing 629 case, whose verdict was made by the District Court of Brebes in 2021. According to Indonesia prevailing laws and regulations, corporations can be found criminally liable under corporate criminal liability, in addition to physical perpetrators. ,

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4 Systemic violations in the recruitment ecosystem for migrant workers often serve as an enabling condition and direct cause of violations of the migrant workers' human rights. Bassina Farbenblum, 'Governance of Migrant Workers Recruitment: A Right-Based Framework for Countries of Origin' *Asian Journal of International Law* Vol. 7 No. 1 (2017), p. 156; Christina Stringer, et al., 'They make a business out of desperate people': The role of recruitment agents in cross-border labor chains' *Australian Journal of Management* (2020), p. 5.

5 In the third quarter of 2020, the value of global remittances stood at 6.8 percent, which is more than double the target of the SDGs. SDG 10 stipulates that the cost of remittances from abroad shall be reduced to less than 3 percent.

#### **e. Weak access to public information and report handling**

This study found that transparency and accountability principles are regulated in a narrow sense in Law 18/2017. Transparency principle is only operationalized in the form of information on job requests and information related to the list of perilous business partners and potential employers. In practice, neither information is fully accessible to the public. Meanwhile, the implementation of the accountability principle has not been implemented competently, among other things, due to the issue of overlapping authority within the recruitment and placement governance in the migrant fishery sector.

The absence of integrated data and information amongst ministries/agencies is one of the root causes of the weak protection of Indonesian Migrant Fishers. This complicates the supervision of Indonesian Migrant Fishers. Data related to Indonesian migrant fishers are spread across various ministries/agencies and is not always accessible to government agencies and law enforcement officials. The supervision of Indonesian migrant fishers' rights fulfillment is also constrained by working contracts. These contracts are not drafted in a transparent manner and in a language that Indonesian migrant fishers understand. Working contracts do not provide key information for the protection of Indonesian migrant fishers, such as information on: (i) the identity of the vessel, including the vessel's name, registration number, and the flag, (ii) the identity of the captain and owner of the vessel, (iii) fishing ground, and (iv) fishing ports.

The ineffective protection is also caused by the inability of the report handling system to provide a fast and accurate response on the progress of report handling. In many cases, the existing dispute resolution system fails its purpose as an effective dispute resolution platform effectively due to the unequal power relations between Indonesian Migrant Fishers and employers and/or manning agents. The negotiation and mediation process may only be effective if each party has a relatively equal power relation. Equal power relations create equal bargaining power.

With a view to realizing an effective and just Indonesian migrant fishers protection, this study addresses the above issues with 5 (five) points of recommendation, as follows:



#### **a. Development of legal and governance frameworks on the protection of Indonesian Migrant Fishers at the international, regional and local levels**

The Indonesian government shall ratify ILO C-188 and CTA 2012 as well as domesticate principles and provisions therein into national legislation to ensure an effective implementation of both instruments. Prior to ratification, a strengthened political will at the executive and legislative levels is required. In addition, it is imperative to develop pathways for the effective implementation of ILO C-188 and CTA 2012 through (i) harmonization of provisions within all prevailing laws and regulations related to the protection of Indonesian migrant fishers with the two above mentioned conventions, (ii) compliance evaluation, which is carried out periodically and transparently with involvement of all relevant stakeholders and public, as part of self-reporting works to be submitted to the ILO and IMO (iii) education for Indonesian migrant fishers and their families, including access to legal mechanisms/channels for the fulfillment of their rights, (iv) internalizing the principles of ILO C-188 and CTA 2012 into national and regional development planning documents, which may be set out by the Indonesia Government in roadmap document, including budget planning.

The following recommendation is for the Ministry of Foreign Affairs to build alliances with like-minded countries and non-state actors in promoting wide ratification and accelerating the implementation of ILO C-188, STCW-F 1995, and CTA 2012. The Government of Indonesia needs to express support for a wide ratification of the abovementioned conventions, at least in the forums of the United Nations General Assembly, the United Nations Economic and Social Council, the Human Rights Committee, the ILO Annual Conference, the IMO Conference and the IMO Maritime Safety Committee, and the FAO Conference.

At the ASEAN level, the Ministry of Foreign Affairs and the Ministry of Law and Human Rights shall initiate and support the adoption of migrant fishers' rights, as well as the creation of a specific working group to discuss the protection of migrant fishers. At the WCPFC forum, the Ministry of Maritime Affairs and Fisheries should continue to encourage the adoption of Conservation and Management Measures (CMM) on Labor Standards for Crews on Fishing Vessels and build alliances with WCPFC member countries as well as observers in the forum, consisting of civil society groups and associations of seafood buyers.

At the national level, the Government of Indonesia shall ensure the implementation of Government Regulation 22/2022 including: (i) the government resolution in ending the overlapping authority on recruitment and placement of Indonesian Migrant Fishers; (ii) the existence of collective bargaining agreements and adjustment of work agreements format to working characteristics of Indonesian migrant fishers; (iii) the development of working conditions standard in accordance with ILO C-188, as well as development of a supervisory mechanism by the Indonesian representative and cooperation mechanism with port authorities in the country of placement and the country of transit; (iv) the development of accessible reporting and dispute resolution mechanism, and fulfillment of Indonesian migrant fishers right to obtain free of charge legal aid services; (v) firm action from the Indonesian Government against companies not complying with the transition period on SIP3MI permit provision in accordance to Law 18/2017 and Government Regulation 22/2022.

In addition, Provincial Governments, especially in home areas of many Indonesian Migrant Fishers, shall prioritize the preparation of regional regulations and budgeting related to the placement and protection of migrant workers, as mandated by Law 18/2017, Government Regulation 22/2022, and Government Regulation 59/2021.

Regarding dispute resolution between Indonesian migrant fishers and overseas employers, the Government of Indonesia should explore the potential and challenges of alternative dispute resolution for migrant fishers through an international arbitration for seafarers.<sup>6</sup> Government Regulation 22/2022 gives the Indonesian Representatives some functions in the Indonesian migrant fishers' disputes, including legal advice, assistance, and/or mediation. The implementation of this legal aid provision needs to be integrated with the legal aid mechanism under Law Number 16 Year 2011 on Legal Aid.

## **b. Strengthening institutional and coordination functions across ministries/agencies to increase the effectiveness of Indonesian migrant fishers protection**

Strengthening migrant workers protection's institutional governance is required to build integrated efforts, including by optimizing an Integrated Information System for the Protection of Indonesian Migrant Workers that is interoperable

<sup>6</sup> To this day, the establishment of international arbitration for seafarers is being initiated and advocated by the civil society groups, Human Rights at Sea and the law firm *Shearman and Sterling* LLP. This forum aims to resolve human rights disputes of seafarers, including fishers, that is victim-oriented and authorized to sentence legally binding decisions.



across agencies and LTSAs. By virtue of Article 50 of Law 18/2017, integrated meetings between each agency/ministry must be convened periodically with a genuine involvement of non-governmental stakeholders (migrant workers unions, academics, and NGOs) for the purpose of synchronization, harmonization, and evaluation of programs and policies concerning Indonesian migrant fishers protection.

In addressing institutional issues, the President should also establish the Indonesian Migrant Workers Protection Working Group, consisting of representatives from relevant governmental agencies, and led by the relevant Coordinating Ministry. This Working Group should be given with various tasks, starting from the preparation of a national strategy for the protection of Indonesian migrant fishers, the development of a roadmap for ratification and implementation of the ILO C-188 and CTA 2012, collaboration mechanisms between relevant Ministries/Agencies, evaluating the implementation of Law 18/2017, Law 11/2020 , Government Regulation 59/2021, Government Regulation 22/2022 and their implementing regulations.

The effectiveness of Indonesian migrant fishers protection can be enhanced by strengthening the functions of regional governments (provincial/district/city level) in the protection of Indonesian Migrant Fishers, in accordance to their duties and responsibilities set out in Article 40-42 of Law 18/2017, Government Regulation 22/2022, and Government Regulation 59/2021. Regional Governments shall actively ensure the fulfillment of public access to job vacancy information, either through the use of information technology or field officers. IOJI suggests the establishment of NSPK (Norms, Standards, Procedures, and Criteria) as a benchmark for provincial/regional regulations related to Indonesian migrant workers protection. Establishing or amending regional regulations is required in order to implement the provisions of Law 18/2017, especially on LTSA, work education and training, and supervision, in accordance with the duties and responsibilities assigned to the Regional Governments. Furthermore, regional governments shall formulate programs and budgets for work education and training for accredited government and/or privately owned work education and training centers. Supervision on the implementation of Indonesian Migrant Workers placements must be improved by the Regional Governments in their respective territories.

The Ministry of Manpower and the Ministry of Foreign Affairs need to conclude a memorandum of understanding (MoU) on the placement and protection of Indonesian migrant fishers with key destination countries, among others, Taiwan, China, and Spain. These MoUs are reserved for placement of Indonesian migrant fishers through government (G-to-G) and P3MI (P-to-P) channels in all maritime zones, including the high seas. Following up on the MoU in the G-to-G placement channel, BP2MI needs to conclude a technical agreement between BP2MI and the authorized institution appointed by the government of the destination country. Regular monitoring process will push for a more effective implementation of migrant fishers' protection. Representatives of the Republic of Indonesia and the Ministry of Manpower (the Manpower Attaché) need to conduct effective monitoring, especially during the employment phase.

### **c. Strengthening the bargaining position of Indonesian Migrant Fishers through unionizing, education, and standardization of work agreements.**

This study suggests the need for increased awareness and capacity building for Indonesian migrant fishers through organizing, unionizing, and strengthening migrant fishers' unions, both in Indonesia and overseas. This would improve the bargaining position of Indonesian migrant fishers. The government as well as private actors may contribute to upscale the role of associations/unions by providing educational opportunities or capacity building. BP2MI may also facilitate the strengthening of Indonesian Migrant Fishers' bargaining position through the implementation of BP2MI's mandate as laid out on Article 15 paragraph (3) of Law 18/2017 and Government Regulation 22/2022. That is to say, drafting a sea-work agreement format for Indonesian migrant fishers; which incorporates and operationalizes principles and standards of work agreements in accordance with relevant international instruments (ILO Conventions, Human Rights and IMO, and the Global Compact for Safe, Orderly, and Regular Migration and the ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs).

In improving the bargaining position of Indonesian Migrant Fishers, the Ministry of Manpower, BP2MI, and regional governments should provide training on basic rights (knowing-your-rights) and capacities of Indonesian migrant fishers. The training may be organized in collaboration with legal aid institutions, universities, as well



as other civil society organizations. The Ministry of Maritime Affairs and Fisheries needs to accelerate the development of fisheries curriculum in accordance with STCW-F standards. This curriculum shall be used by all fishery training institutions. Civil society groups and legal aid institutions should collaborate in raising the awareness of Indonesian migrant fishers of their rights and providing assistance in the event of labor disputes.

Concerning the zero cost policy, the Government needs to enforce and supervise its implementation and negotiate with the country of placement destination in accordance with Law 18/2017. BP2MI can emphasize the principle of zero cost as an international standard to increase the leverage of the Government of Indonesia in this process.

#### **d. Improvement of law enforcement systems and practices to eradicate systematic behavior violations**

As a preventive measure against non-procedurals placement of Indonesian Migrant Fishers, the Government of Indonesia needs to possess an integrated database of Indonesian fishers with working experience and training in the fisheries sector. Law enforcement also needs to be carried out effectively, which gives deterrent effects for companies committing non-procedural placements. It is imperative to strengthen governance in the field of law enforcement and increase international cooperation, both bilaterally and with Interpol in preventing and handling cases of Trafficking in Persons (TIP) that are cross-border/country in nature.

The Ministry of Foreign Affairs, the Ministry of Manpower, the Indonesian Migrant Worker Protection Agency (BP2MI), and/or the National Police, through the Interpol NCB, shall request the Interpol HQ (Directorate of Vulnerable Communities) to facilitate a forum for exchanging law enforcement intelligence data between countries through the Multinational Investigative Support Team (MIST) and Regional Investigative and Analytical Case Meeting (RIACM)<sup>7</sup> in supporting cross-border law enforcement against TIP and labor crimes experienced by Indonesian migrant fishers. With regards to restitution, intensive training to all law enforcement agencies and judges need to be carried out on (i) the rights of Indonesian migrant workers (victims) to restitution, (ii) the amount of restitution, (iii) requests for restitution, and (iv) payment of restitution.

<sup>7</sup> In these two forums, governments sit together to exchange data and information for law enforcement purposes in their respective countries. The handling of fisheries crime through MIST and RIACM initiated by Task Force 115 on the Eradication of *Illegal Fishing* (established through Presidential Regulation Number 115 of 2015) has succeeded in encouraging the governments of relevant countries to investigate criminal acts and impose administrative sanctions on criminals.

#### **e. Strengthening transparency, access to information, and accountability on the protection of Indonesian Migrant Fishers through information digitalization**

There is a need for a strengthening of Indonesian migrant workers placement database to be capable of providing real time information and interconnected between all relevant government agencies, particularly the Ministry of Law and Human Rights, the Ministry of Manpower, the Ministry of Foreign Affairs, the Ministry of Transportation, the Ministry of Maritime Affairs and Fisheries Fisheries, and BP2MI. In addition, the Indonesian Government needs to operationalize the principles of transparency and accountability for the protection of Indonesian Migrant Fishers from before, during, and after work stages (throughout the supply chain) as mandated by Law 18/2017.

The Indonesian government and civil society organization should take initiative in digital-based solutions in improving Indonesian migrant fishers' protection governance. Digital-based solution has the potential to (i) encourage the realization of fair and safe recruitment and fulfillment of rights of Indonesian migrant fishers through the provision of timely and reliable information, (ii) facilitate supervision of the fulfillment of Indonesian migrant fishers' rights by the Government and relevant stakeholders, including seafood buyers in the market states, (iii) assist Indonesian migrant fishers in reporting any labor and human rights violations, and (iv) realize a transparent imposition of remittance fees. Compared to bank and non-bank fund transfer services, mobile money and digital wallets reduced more transaction costs. The above benefits will increase the bargaining position of Indonesian migrant fishers in negotiating and demanding the fulfillment of their rights from employers and manning agents agents.









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