

The Efforts to Reduce Forced Labor and Human Trafficking of Indonesian Migrant Workers on Foreign Vessel

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Abstract: Human rights violations experienced by Indonesian workers in the fishing sector, occurring on foreign vessels, is the result of the weak employment recruitment system and its regulation. To address such problem, strengthening the recruitment process should be carried out internally and externally by the parties who are competent and authorized in each field. Therefore, this policy brief has three policy options to offer to the government to respond such problem, encompassing: 1) tightening the labor recruitment licensing system by non-governmental recruitment agencies; 2) ratifying the c188; 3) implementing the integrated database in fishing sector on Southeast Asia region. This policy brief is addressed to BP2MI as the official agent for Indonesian migrant workers, which exclusively acts as an institution of granting permission for labor recruitment companies and placing them on foreign vessels in the commercial fisheries sector.

Keywords: Forced labor, human trafficking, Indonesian migrant workers, foreign vessels, human rights

1. Introduction

The body banishment of Indonesian migrant workers on the high seas by fishers of China's fishing vessel Long Xing 629 is a slight illustration of the weak recruitment system and protection of Indonesian workers working abroad. South Korean media publications based on the statement of Indonesian crews showed that there were violations of human and labor rights committed by foreign-owned fishing vessels, such as excessive working time, unfulfilled maximum health standards for workers, violence against migrant workers, and other inhumane behaviors to the extent of dissolving corpses in the high seas (MBC News, 2020). The occurrence of forced labor and human trafficking are the result of high market demand for fish and aquaculture products (Greenpeace, 2019, p. 20; IOM, 2016, p. 23). The protection of human rights during the fishing process is ignored to reach the target. Thus, the fish and other sea catches' production costs will be diminished and become more competitive in the market, especially in the international one.

The Global Slavery Index (GSI) in 2018 showed that fish occupied the third position as a product of slavery in jobs imported by the G20 countries with a value of 12.9 billion dollars. GSI also showed indications of slavery in the Indonesian fishing sector by placing it in the third position of the medium risk level country. This data could explain why the issue of forced labor, human trafficking, and slavery toward fishers must be resolved so that their human rights, including the Indonesians' fishers, are protected. Besides the data presented above, several researches and documents published by non-governmental organizations and the responsible the Ministry of Maritime Affairs and Fisheries (KKP), and report from another country, showed the same pattern, namely the existence of the inadequate individual and workability in the recruitment system leading to inhumane treatments received by Indonesian migrant workers in the fisheries sector (US Department of State, 2019, p. 26, Greenpeace, 2019, p. 24; ILO, 2016, p. 18; IOM, 2016, pp. 25,61; Azis & Wahyudi, 2020, pp.159, 161). Those problematic administrative

recruitment system caused many frauds to the employment contract, the contract signing was done in a short time before departure, and the lack of the recruitment agency on providing basic training before placing the crew on a foreign vessels (Greenpeace, 2019; Azis & Wahyudi, 2020, pp. 160-161). Another pattern that will be found from those findings is how the recruitment company, as one of the media in charge of placing Indonesian workers on foreign vessels, does not meet the standards based on Indonesia's regulations. In the end, the weak supervision system of interdependent parties and ministries has caused forced labor, human trafficking, and problematic slavery to continue to occur against Indonesian crews in foreign fishing vessels.

2. Policy Options

2.1. The Tightening Labor Recruitment Licensing System by Non-Governmental Recruitment Agencies

This policy covers procedures to tighten the licensing standardization for non-governmental recruitment companies for foreign workers from Indonesia through simplification and integration of regulatory mechanisms between the KKP, the Ministry of Manpower (Kemnaker), and BP2MI. This extension of this policy is the establishment of a work unit to control the recruitment system both pre-recruitment and post-recruitment consisting of the KKP, Kemnaker, BP2MI, the Directorate of Ports of the Ministry of Transportation, the Marine and Air Police Corps, the Indonesian National Army, the Directorate General of Immigration, Ministry of Law and Human Rights, and board of local government with the involvement of intergovernmental organizations and non-governmental organizations. **Advantage:** This procedure is a preventive and earliest effort that could be made to reduce forced labor, human trafficking, and slavery in the fisheries sector. One of the reasons why the case of Long Xing 629 happened that has been described previously is because companies that recruit foreign workers do not have SIP2MI (Indonesian Migrant Worker Recruitment Permit) (BBC, 2020). The absence of a permit indicates that the recruitment processes are questionable and not adhere to standard. This policy also not only targets the KKP, Kemnaker, and BP2MI but also other technical institutions could also support and expedite the accomplishment of this policy. **Disadvantage:** Simplification and unification of regulations, as well as the formation of work units, will bring conflicts of interest between institutions although they have the same goal. The commitment of each institution is required to work in a team outside the parent agency and needs to be supported by new regulations which certainly require a process that is not short. This policy must also be followed by comprehensive monitoring because integrity is the key for collaborating parties to carry out their respective tasks (US Department of State, 2019, p. 241).

2.2. Ratification of C188

C188 is the Work in Fishing Convention, 2007 (No.188) by the International Labor Organization (ILO). Certain aspects, such as the protection of workers in the fishing sector, working hours, and the crew's health condition are often ruled out by fishing vessels, which only focus on fishing targets and this convention covered solutions for these circumstances. Regulation of technical ministries in Indonesia showed there is an overlapping authority both in defining and interpreting aspects of employment and fisheries (ILO, 2019, pp. 9-10, 20). On the other hand, there are tendencies in existing regulations on C188's principles implementation although they are not fully in line yet (ILO, 2019, p. 19). **Disadvantage:** The lack of international law is the binding force. The deficiency of this C188 is that many countries have not ratified it and making it difficult to be taking into force (IOM, 2016, p. 30). Besides, countries that are on the top list, such as countries with large foreign workers in the fishing sector like China, also have not ratified this convention. If Indonesia ratifies this convention, but it doesn't gain support from countries that commit many human rights violations against Indonesian migrant workers and other foreign workers on foreign vessels will not have a significant effect on the slavery eradication in fishing sector.

2.3. Implementation of Integrated Database in Fishing Sector on Southeast Asia Region

The integrated database is used to integrating labor data of fishing sector into the system by involving the Ministry of Manpower and the same department or ministry in other Southeast Asian countries. This

policy will work under the ASEAN Political-Security Community Blueprint 2025 specifically on the aspect of promotion and protection of human rights, fundamental freedoms, and social justice. This policy will also use technology to facilitate the data access for ASEAN members while still maintaining the privacy of individuals by publicizing only the public data and still requires further permission and authentication from related countries if more data are needed under certain conditions. **Advantage:** Integrated data capable to track any possible information if there is a violation of the work contract or any attempts to defraud it in the recruitment process. The integration of important data makes ASEAN countries cooperate efficiently on tracking, arrestment, and protection easier. This policy is also supported by the fact that ASEAN is dominated by countries with the fishing industry. **Disadvantage:** ASEAN, to this day, has not shown a strong commitment to counter the problems in the fishing sector, although countries in the ASEAN have become victims of forced labor, human trafficking, and slavery in this sector. The evidence of this condition is, C188 only ratified by Thailand among ASEAN members. In fact, on the other side, Indonesia the Philippines, and other ASEAN countries are also engaged in the fisheries sector (US Department of State, 2019, p. 244; Greenpeace, 2019, p. 4). These circumstances occurred because ASEAN as a regional organization, has not been able to demonstrate its legitimation to reach agreement among its member, considering its low institutionalization level and the non-intervention principle, which detained the achievement of the goals.

3. Conclusion & Policy Recommendation

The three policy options that have been described can be taken by the government in response to human rights violations experienced by Indonesian migrant workers in the fishing sector, but priority is needed. Therefore, the most effective policy to be taken by the government is tightening the labor recruitment licensing system by non-governmental recruitment agencies. This policy is the most effective solution because the core of the human rights violations that occurred in this sector was caused by the failure of the government in monitoring and controlling the operation licensing by the non-governmental recruitment agency. It needs an apple-to-apple solution, and this policy is expected to address weaknesses in the recruitment system, which were ineffective from the start due to the overlapping authority between government institutions.

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