

Indonesian fishing crew, Photo credit: Hawaii Longline Association



## Policy Brief: Indonesia Safeguarding Against and Addressing Fishers' Exploitation at Sea

SAFE Seas, Plan International

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## INTRODUCTION

The intention of this policy brief for Indonesia is to help inform decision makers and key government agencies to protect fishing crew from FL/TIP with coordination and multidisciplinary inspections. Indonesia does not have a multidisciplinary inspection mechanism yet, and the challenge is to make one available in order to reduce FL/TIP. The brief provides a legal basis and a skeleton of procedures for integrating the minimum requirements needed to stop FL/TIP in fishing workplaces.

The intended outcomes are improved enforcement and decreasing indicators of exploitation. The Safeguarding Against and Addressing Fishers' Exploitation at Sea (SAFE Seas) project is a four-year program funded by the US Department of Labor and implemented by Plan International, United States National Office (USNO) in cooperation with the Plan Country Offices in Indonesia (IDN) and the Philippines (PHL). SAFE Seas' primary objective is to combat forced labor (FL) and trafficking in persons (TIP) on fishing vessels. Because of overlapping authority and limited capacity of key government agencies to conduct multidisciplinary inspections on fishing vessels, there is an increased risk of non-compliance to meet labor standard practices and acceptable working conditions.

Stakeholders to this process said they would like to better understand the basic elements of protecting fishers from FL/TIP. As a result, the brief contains the following:

1. Unifying concept of multidisciplinary inspections to stop FL/TIP
2. How to identify "At Risk" FL/TIP conditions on fishing vessels
3. Minimum requirements to protect fishers from FL/TIP drawn from international standards pertinent to fishing workplaces and compared to the Indonesia domestic framework
4. Recommendations and a road map

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## MULTIDISCIPLINARY INSPECTIONS TO STOP FL/TIP

Currently, MoMAF inspectors ask vessel owners and fishing crew to see the Fishers' Work Agreements (Perjanjian Kerja Laut) consisting of crew rights, welfare, working hours, minimum age requirements (Ministerial Regulation 42/2016) and jaminan sosial. The information flow is governed by MoMAF iPP No. 35 for the certification of human rights on each vessel. When a domestic crewmember has a problem, they could contact the port authority and in the process of grievance work together with other KL, Union (Serikat), NGO and iplan. Under this scheme, 1118 vessels with 11544 crews have been inspected at Bitung port.

Current arrangements are building the government's oversight of fishing workplaces around Bitung and Tegal ports. They are supplemented by the online Indonesia Maritime Information Center (IMIC app) where fishing crew can submit a grievance 24/7 (launched in June 2020 by BAKAMLA). Together, the services comprise a basic framework for multidisciplinary inspection. What is needed is a rollout of enforcement functions to stop FL/TIP as fisheries crime. Either inspectors can be multidisciplinary —or else the process can be—by building into existing protocols a common agreement to recognize FL/TIP conditions in fishing and then to stop it as fisheries crime.

Why multidisciplinary inspection? In 2015, Thailand responded to a FL/TIP crisis in its fishing industry by assigning the responsibility to maritime inspectors. The Thai government then reported that it had inspected 474,334 fishery workers and had



Burmese fishers with pink cards awaiting inspection.  
Photo credit: Human Rights Watch 2018

failed to identify a single case of forced labor (Thailand, 2015)<sup>1</sup>. Fishers are largely Burmese and did not speak up to inspectors (Human Rights Watch 2018)<sup>2,3</sup>. The ILO introduced the idea of multidisciplinary inspections and hired and trained a special team to interview and inform the fishers of their rights (ILO 2019)<sup>4</sup>.

Multidisciplinary inspection can stop FL/TIP in fishing by:

1. Criminalizing debt coercion and illegal wage deductions.
2. Signing a common agreement to stop FL/TIP crime between the Government of Indonesia and fishing crew, vessel owners, captains, industry associations, IFMA, fishing unions and fishermen organizations.
3. Tracking at-risk vessels domestically and providing additional safety training.
4. Tracking at-risk fleets abroad and making assistance available to Indonesian fishing crew via social media.
5. Training fishers to know their rights and how to uphold them.
6. Training enforcement authorities to know fishers' legally-established rights and their duties to uphold them.
7. Checking that work agreements are clearly understood.

<sup>1</sup> Royal Thai Government, Trafficking in Persons Report 2015: The Royal Thai Government's Response, January 1 – December 31, 2015 (Bangkok: Royal Thai Government, 2016), p. 108.

<sup>2</sup> Human Rights Watch, Hidden Chains: rights abuses and forced labor in Thailand's fishing industry, 2018.

<sup>3</sup> Also the case in private sector audits, see Seafood Working Group, Retailers: The FISH Standard for Crew will fail to detect labor abuse,

[https://laborrights.org/sites/default/files/publications/SWG%20FISH%20Standard%20Statement\\_Final\\_April20\\_0.pdf](https://laborrights.org/sites/default/files/publications/SWG%20FISH%20Standard%20Statement_Final_April20_0.pdf)

<sup>4</sup> ILO, Better labour inspection cuts abuses in the Thai fishing sector, 2019, [https://www.ilo.org/global/about-the-ilo/mission-and-objectives/features/WCMS\\_724780/lang--en/index.htm](https://www.ilo.org/global/about-the-ilo/mission-and-objectives/features/WCMS_724780/lang--en/index.htm)

## HOW TO IDENTIFY AT-RISK CONDITIONS IN INSPECTIONS

Fishers are skilled professionals. Tens of thousands of Indonesian fishing crew work with due respect. They have regular encounters with MoMAF, MoT, MoM and maritime enforcement officials before they enter the work cycle and then in ports like Bitung and Tegel. But perhaps the same number or more of Indonesian fishing crew are not afforded due respect in their fishing workplace. Conditions of FL/TIP occur when vessel owners recruit unskilled crew through informal channels to save money by avoiding minimum labour and safety requirements.

FL/TIP occurs when wages are unpaid or deducted for fishing costs or left open to the vessel owner's discretion or crew are forced to work against their will by physical force, threats, by withholding wages or identification or forced to work unsafely in hazardous conditions. These conditions are illegal and can be identified by inspecting fishing crew members for the following:

- Persistent or unhealed injury or is dehydrated or clearly suffering from poor living conditions
- Debt from recruitment fees exceeding 1 month's pay
- Not in possession of a contract and does not know details of his wages, debt, or wage deductions
- Has a contract or written agreement but cannot read it or its terms are different from reality or has 2 agreements that disagree
- Losing wages regularly to deductions taken for costs of fishing
- Has been at-sea for longer than 3 years and is unable to return due to hold-backs of wages, their identification, force or threats.

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<sup>5</sup> 69% of 112 fishers interviewed said they wanted support on the job for safety, security and for being paid as agreed in the Thai fishing sector in 2016 and asked

## THE LEGAL BASIS TO STOP FL/TIP IN FISHING

Indonesian fishing crew are entitled to safety, security and welfare (RAN PPKAP, 2021). Fishing is a livelihood and crew ask for support on the job to uphold their safety, security and being paid as agreed<sup>5</sup>. The challenge is building a common agreement to stop FL/TIP in fishing with coordinated oversight and enforcement—this is multidisciplinary inspection.

Indonesia has developed the regulatory framework but has not yet delivered inspections that stop FL/TIP systematically. This will change by integrating universal minimum requirements to stop FL/TIP into Indonesia's capacity to stop fisheries crime.

Human rights at sea are equal to human rights on land.

A fisher's right to be protected from FL/TIP by their government is **universally in force**.  
(1948 Declaration of Human Rights, 2011 UN Guiding Principles on Business and Human Rights)

Fishers have a legally-established right to a workplace providing:  
- safety in hazardous conditions,  
- a clear work agreement (wages, terms, no illegal deductions) never left open to the discretion of bosses,  
- rights training in a language they understand, and  
- a channel to communicate grievances they can access safely and linked into a timely response.  
(1998 Declaration of Fundamental Principles and Rights at Work)

what they needed most. Nakamura et al., Seeing slavery in seafood supply chains, 2018, <https://advances.sciencemag.org/content/4/7/e1701833>

Countries have negotiated and agreed on the essential operational requirements to stop FL/TIP in fishing, including:

1. Safe work in hazardous conditions
2. Protecting legally-established rights in fish workplaces
3. Fair recruitment

1. Operational requirements for safety in hazardous conditions<sup>6</sup>:

- Conditions in the workplace comply with domestic standards for operational health and safety and with regulatory inspectors and law enforcement;
- Conditions in the workplace comply with international standards for operational health and safety, including conditions and equipment for worker safety<sup>7</sup>;
- All new recruits are provided with safety training and upgrading to raise their professional qualifications;
- All new recruits have health coverage for workplace injuries and illnesses;
- All documentation concerning work safety is accessible in the workplace, including safety manuals, a worker handbook, written employment agreements (in languages migrant workers understand), medical certificates and insurance documents;
- First aid is accessible to all people working at the facility at all times;
- People who are injured on the job are transported to hospitals without delay and at the employer's cost;

<sup>6</sup> Instruments: Work in Fishing Convention 188 (ILO), Cape Town-Torremolinos Agreement, The International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel - STCW-F, International Convention for the Safety of Life at Sea - SOLAS,

Guidance: Guidance for addressing child labour in fisheries and aquaculture (FAO/ILO), Code of Safety for Fishermen and Fishing (FAO/ILO/IMO), Code of Conduct for Responsible Fisheries (FAO), and Sustainable Development Goal 8 for Decent Work and Economic Growth.

<sup>7</sup> International Maritime Organization, Cape Town Agreement and Torremolinos International Convention, 2012, in force 2020 (accessed March 11, 2021)

- Minimum rest hours and working hour limits are observed in all workplaces, including fishing vessels<sup>8</sup>;
- In a confined workplace, access is provided to nutritious and sufficient food and at all times to clean water;
- Annually, safety risks are assessed for crew members on the vessel; and for vessels smaller than 24 meters, due training and personal equipment are provided<sup>9</sup>.

Operational requirements for upholding legally-established rights onboard fishing workplaces<sup>10</sup>:

- Before the arrival of new recruits in the workplace, the operation must have a system for managing human resources which provides the rights protections mandatory in the coastal, port or flag state environment, or for providing the mandatory human rights due diligence in jurisdictions offering insufficient governance for protecting human rights like flags of convenience.
- Individual rights to associate and to bargain collectively are upheld, or for providing the mandatory human rights due diligence (Figure 1) in jurisdictions offering insufficient governance for protecting human rights like nations competing on low labour rates;
- Working conditions comply with 15 as the minimum age to work onshore and 16 on fishing vessels, where schooling is also facilitated and hazardous work is limited;

<sup>8</sup> Fishing vessel owners and captains are required to give crew members a minimum of 10 hours of rest in any 24-hour period and 77 hours in any 7-day period (SCTW-F, WIFc188).

<sup>9</sup> FAO/ILO/IMO Tripartite statement from the 4th FAO/ILO/IMO [Joint Working Group meeting](https://www.imo.org/en/MediaCentre/MeetingSummaries/Pages/IUU-JWG-4.aspx) on IUU Fishing and other related matters, 2018, <https://www.imo.org/en/MediaCentre/MeetingSummaries/Pages/IUU-JWG-4.aspx> (accessed March 11, 2021)

<sup>10</sup> Instruments: International Bill of Human Rights, Declaration of Fundamental Principles and Rights at Work, Eight ILO Core Labour Conventions

Guidance: Sustainable Development Goals for 1 No Poverty, 5 Gender Equality, and 8 Decent Work and Economic Growth

- Earnings are consistent with decent work and all people in fish work are provided opportunities to advance;
- Women in fish work earn equal pay for equal work;
- Women in fish work have full and effective participation and equal opportunities for leadership at all levels of decision-making across the operations.
- Working conditions are protected from gender-based violence and sex role stereotyping;
- Discrimination in hiring, work placement and advancement are eliminated;
- Maternity and family leave are provided;
- Medical insurance is provided for workplace injuries and incidents;
- Migrant fish workers earn equal pay for equal work and are provided with equal opportunities to decent work terms and benefits as nationals;
- Deductions from pay for costs of work are prohibited (to reduce the exposure of fish workers to debt bondage, forced labour, and human trafficking);
- Work without pay is not required;
- People in fish work in a confined workplace are provided access 24/7 to telecommunication and to their personal identification documents (passports, ID cards);
- Every workplace provides all people working there with access to a grievance mechanism; and
- Every person in fish work holds a written work agreement compliant with ILO core standards, itemizing terms and pay in a language they understand and signed by the facility owner.

#### Operational requirements for fair recruitment<sup>11</sup>:

<sup>11</sup> Instrument: ILO General Principles and Operational Guidelines for Fair Recruitment, Guidance: Interpol Public Notice on Human Trafficking and Forced Labour: The deceptive and coercive practices undertaken within the recruitment process to work in the fisheries sector, Employer Pays Principle, Sustainable Development Goal 8 for Decent Work and Economic Growth

- People in fish work are hired either direct or through a labour recruiter who is compliant with professional recruitment standards and registered with a competent authority;
- Fish workers shall not be charged directly or indirectly, in whole or in part, any fees or related costs for their recruitment;
- A list is maintained of every fish worker in the facility with copies of the signed work agreements (and also identity documents on fishing vessels);
- Work agreement documents depict the actual terms and conditions in the workplace and are consistent with what the fish worker signed onto at home; and
- Work agreements do not contain deductions from fish worker pay for items needed to do the job (like boots and protective clothing) or for travel to and from the job.

Again, many of these requirements are standard in Indonesian law but enforcement is missing for fishing crew abroad and for crew recruited informally. Multidisciplinary inspection is a powerful tool to deliver specific measures to stop FL/TIP in fishing and uphold fishers' legally-established workplace rights.

Stopping FL/TIP in fishing is important in trade. Fish goods from Indonesia are listed as goods made with illegal forms of forced labor and child labor (US Department of Labor, 2020)<sup>12</sup>. The US government banned seafood five times due to FL/TIP of Indonesian crew<sup>13</sup>. EU will also require all exporters from Indonesia to demonstrate human rights due diligence next year.

<sup>12</sup> Department of Labor-International Bureau of Labor Affairs, List of Goods Produced by Child Labor or Forced Labor, 2020 <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods> (accessed March 10, 2021).

<sup>13</sup> US DHS 2021: Withhold Release Orders, <https://www.cbp.gov/newsroom/national-media-release/cbp-issues-withhold-release-order-seafood-harvested-forced-labor>

To stop FL/TIP in fishing, the Government of Indonesia will need to rethink illegal recruitment. The current system for licensing manning agencies and new recruits with SIUPPAK is based on merchant ship employment conditions which are more corporate and very different from fishing workplace conditions. Fishers who are recruited legally through this program gain safety training and legal stature but may also gain more personal debt than they can pay off easily with fishing wages. We heard there is a tendency to avoid this program due to its costs and then a total lack of support abroad. The Government of Indonesia must assess the cost/benefit/risk of the SIUPPAK system for the fishing sector.

Indonesia can stop FL/TIP in fishing by insisting on a common agreement between fishers, vessel owners and manning agents for fair recruitment and standardized Fisher Work Agreement:

#### General Principles and Operational Guidelines for Fair Recruitment by ILO

The principles<sup>14</sup> apply to all actors in the recruitment process for work, including facility owners, labour agents, and workers. In the recruitment process, business enterprises are required to respect workers' human rights and fundamental principles and rights at work. The operational guidelines provide specific actions to take for States, business enterprises, and labour agents. Involving social organizations is recommended<sup>15</sup>.

*Implementing minimum requirements: (1) Employ human rights due diligence, (2) assess internal recruitment procedures for risks to workers and any adverse human rights impacts with which they are involved, (3) engage workers only through compliant labour recruiters, (4) contribute to improving professional recruitment standards, (5) never to retain workers' passports, ID, or contracts (workers must have copies or access to their*

*documents), and (6) never to charge workers for costs of work, including to recover recruitment fees.*

#### ILO Work in Fishing Convention 188

An excellent basic Fisher Work Agreement is appended to the WIF c188 and can be used by everyone whether or not they have ratified the convention. The objective of the Convention is to ensure that fishers have decent conditions of work onboard fishing vessels with regard to minimum requirements for work on board; conditions of service; accommodation and food; occupational safety and health protection; medical care and social security. It applies to all fishers and all fishing vessels engaged in commercial fishing operations. C188 has provisions covering all vessels and higher requirements for vessels generally over 24 meters in length and at sea for three days or more. It sets out the responsibilities of States for enacting laws, regulations or other measures needed for implementation. This includes coordination among authorities, inspection (flag and port State), investigation of complaints and regulation of recruitment and placement services.

*Implementing minimum requirements: (1) Ensure the skipper is provided with the necessary resources and facilities to comply with the requirements of the Convention, (2) ensure fishers are not below the minimum age for work on fishing vessels and ensure protection of young fishers (3) ensure vessels are sufficiently and safely manned for safety navigation and operation, including, for vessels at sea more than 3 days, that fishers have prescribed minimum rest; (3) ensure vessels carry a crew list; (4) ensure fishers have a written work agreement that is comprehensible to them and is consistent with the provisions of the Convention, even when the fishing vessel owner is not the direct employer; (5) ensure fishers hold a medical fitness*

<sup>14</sup> ILO 2016: General principles and operational requirements for fair recruitment, International Labour Organization, Paris; [https://www.ilo.org/wcmsp5/groups/public/-ed\\_norm/---declaration/documents/publication/wcms\\_536755.pdf](https://www.ilo.org/wcmsp5/groups/public/-ed_norm/---declaration/documents/publication/wcms_536755.pdf)

<sup>15</sup> International Labour Organization 2015: General principles and operational guidelines for fair recruitment, International Labour Organization; [https://www.ilo.org/wcmsp5/groups/public/-ed\\_protect/---protrav/---migrant/documents/publication/wcms\\_536263.pdf](https://www.ilo.org/wcmsp5/groups/public/-ed_protect/---protrav/---migrant/documents/publication/wcms_536263.pdf)

certificate, (6) provide medical equipment and supplies and ensure a person on board is trained to provide first aid; (7) provide adequate accommodation, food and water (8) protect fishers against occupational accidents diseases and work-related risks, including through risk assessment (9); ensure protection for work-related sickness, injury or death; (10) repatriate fishers following the termination of the agreement or justified reasons

The Government of Indonesia also must establish clear authority

Areas of substantial conformity	Areas of ambiguity or partial conformity	Areas of non-conformity
<ul style="list-style-type: none"> <li>Legislation contains the foundations of regulations that are consistent with C188</li> <li>Requirement that all fishers have a fisher's work agreement (FWA), a health certificate and a first aid kit on board vessels</li> <li>Payment of fishers</li> <li>Recognition of fishers' rights including right to receive adequate accommodation, food and water on board and to "appropriate job placement"</li> <li>Right to occupational safety and health (OSH) and accident prevention</li> <li>Social security</li> </ul>	<ul style="list-style-type: none"> <li>Some key definitions</li> <li>Competent authority</li> <li>Minimum age exceptions</li> <li>No safe manning requirements</li> <li>Crew list</li> <li>Language requirements for FWAs</li> <li>Payment of fishers</li> <li>Repatriation</li> <li>Recruitment and placement</li> <li>Lack of detailed specifications in relation to design and construction of accommodation spaces for new vessels</li> <li>Lack of clear provisions as to responsibility for costs related to repatriation of fishers and food and water</li> <li>Lack of provisions in relation to fishers' entitlements to medical care and treatment ashore or on board</li> <li>Protection in the case of work-related sickness, injury or death</li> </ul>	<ul style="list-style-type: none"> <li>MMAF regulations on FWAs exempt all cases where the fishing vessel owner is the captain of the vessel, regardless of the size of the vessel itself</li> <li>Fishers' agents (recruiters) and fishing vessel owners/operators and skippers do not have clearly delineated responsibilities</li> <li>Hours of rest are below C188 standards for vessels at sea for more than three days</li> <li>Lack of more stringent regulations for vessels of 24 m length overall (LOA) or more in key areas including medical care and OSH</li> <li>Lack of clear competent authority in relation to the regulation of recruitment and placement services</li> </ul>

for

recruitment and its outcomes. This was the advice of the ILO in 2019 after reviewing Indonesia regulations against the Work in Fishing c188 in 2019<sup>16</sup>:

Fortunately, a common agreement exists already about industry requirements to stop FL/TIP. IMO, ILO, FAO, OECD and the member countries to the United Nations ask for mandatory Human Rights Due Diligence (mHRDD) to stop FL/TIP.

### Mandatory Human Rights Due Diligence

- At the outset of the life-work cycle every new recruit is entitled to reach an agreement on terms prior to entering the work environment that must, at minimum, be compliant with national law (this may be a contract or other form of agreement but never left open to the supervisor's, broker's, or agent's discretion).
- Upon arrival, rights training for all new recruits is mandatory in a language they understand.
- A safe, responsive channel for workplace grievances must be accessible to everyone working at the facility that is linked into a credible and timely response by management.
- Clearly written terms for paying wages are to be explicit about deductions and limited to what is legal in the country of operation, or else prohibited (fees for equipment, ongoing service fees, and excessive deductions as typically defined by national labour are generally illegal).
- All of the abovementioned points are to involve and be verified by workers themselves in a safe and voluntary manner. Audits and supplier self-reporting are insufficient.

Every Indonesian company exporting seafood to the EU will need to demonstrate human rights due diligence starting in 2022.

<sup>16</sup> ILO, Indonesia and the Work in Fishing Convention, 2007 (No. 188):

a comparative analysis, ILO Working Paper, 2019.



## RECOMMENDATIONS

1. Criminalize debt coercion and illegal wage deductions.
2. Assign the authority to stop FL/TIP in fishing to MoT, MoMAF, and MoM (tripartite and legal authority).
3. Assign authority to Indonesian embassies to assist overseas.
4. Develop a common agreement to stop FL/TIP for domestic fishing crew. Cross-train senior inspection officials.
5. Develop a common agreement to stop FL/TIP for Indonesians fishing abroad (example: ILO/IMO/FAO tripartite agreement on migrant fishers<sup>17</sup>). Cross-train senior inspection officials.
6. Track at-risk fleets for Indonesian fishing crew abroad.
7. Track at-risk vessels in domestic waters (priority for safety ex: US Coast Guard's Risk-based Fishing Vessel Exam Program<sup>18</sup>).
8. Assess the cost/benefit/risk of the SIUPPAK system for the fishing sector and develop a relevant subprogram for fishers.
9. Add workplace rights to BST training so fishing crew know FL/TIP conditions are illegal and what to do.
10. Add random checks to vessel inspections to ask fishing crew their wages and terms and confirm agreements are understood.
11. Train industry associations in human rights due diligence.
12. Promote use of the IMIC by port authorities and embassies.

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<sup>17</sup> ILO, IMO, FAO 2017: Tripartite resolution on issues relating to migrant fishers [http://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---sector/documents/meetingdocument/wcms\\_576899.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/meetingdocument/wcms_576899.pdf)

## SKELETON OF PROCEDURES

1. Competent authority to stop FL/TIP in fishing as fisheries crime: predeparture, at-sea domestically and abroad.
2. Inspection capacity to identify illegal FL/TIP conditions on vessels.
3. Inspection capacity to spot fishing crew experiencing FL/TIP and offer mediation or removal from the vessel.
4. Inspection capacity to identify at-risk vessels for unsafe conditions and to ground vessels or offer OSH support
5. Inspection capacity to identify vessel owners or captains operating illegally with FL/TIP conditions and to penalize or report cases to labour and prosecution authorities
6. Assessment capacity to identify at-risk conditions domestically and to then adjust programs to reduce risks
7. Assessment capacity to identify fleets abroad with FL/TIP for Indonesians and then to assist cases (ex: ASEAN regional advisor and network to stop FL/TIP in fishing).

<sup>18</sup> US Coast Guard 2021: [https://www.dco.uscg.mil/Portals/9/CVC-WI-025%20At-Risk-8\\_20final.pdf](https://www.dco.uscg.mil/Portals/9/CVC-WI-025%20At-Risk-8_20final.pdf)

## ROAD MAP THROUGH 2024

To stop FL/TIP for Indonesian fishermen, the Government of Indonesia will need to proclaim a stop to FL/TIP conditions in fishing and then fund and train senior officials. Success will require a common agreement across stakeholders and, particularly, across government authorities for detecting, reporting, responding and assisting fishers from FL/TIP.

The following road map suggests steps and a timeframe between mid-2021 and 2024.

Suggestion:	Who:	When:
1. Continue to implement the Covid-19 response per the MoU.	Government of Indonesia	Through 2022
2. Criminalize debt coercion and illegal wage deductions.	Government of Indonesia, Office of the President	Through 2022
3. Assign authority to stop FL/TIP in domestic fishing to MoT (predeparture), MoMAF (at sea, enforcing fisheries crime, with BAKAMLA), MoM (fishing workplace), and Indonesian embassies (to assist Indonesians abroad).	Government of Indonesia, Office of the President	Through 2022
4. Develop a common agreement to stop FL/TIP for Indonesian fishing crew abroad.	Indonesian embassies and consulates and enlist BAKAMLA, IFMA, manning agents, unions	Late 2021 through 2023

	and industry associations	
5. Develop a common agreement to stop FL/TIP on domestic fishing vessels.	MoM, MoT, MoMAF, BAKAMLA and fishermen organizations, unions, manning agents and IFMA, vessel owners, captains, industry associations and civil society organizations who are providing services to fishing crew.	Late 2021 through 2023
6. Add a function to the IMIC site where crew abroad may register and promote broad use of the IMIC.	Who: BAKAMLA and enlist fishermen organizations, unions, IFMA and industry associations	Through 2022

7. Add a function to direct FL/TIP reports at any Indonesian port to the Bitung or North Sulawesi programs as well as to MoT to alert MoM and/or MoMAF who can respond and provide assistance.	MoT port authorities with MoM and MoMAF	May 2021-December 2021
8. Add workplace rights to BST training so fishing crew know FL/TIP conditions are illegal and what to do.	MoT with assistance from MoM and SAFE Seas	2022
9. Train inspectors to properly document and report FL/TIP conditions. Cross-train authorities to receive, report and preserve social media messages.	MoM inspectors, MoMAF, BAKAMLA, TPPO Task Force	January 2022-December 2023
10. Add random checks during vessel inspections to ask fishing crew to tell the inspector their wages and terms and to demonstrate the basic first aid protocols to ensure that work agreements and safety provisions are true to operations and clearly understood.	MoT and MoMAF with assistance from SAFE Seas, ILO, ASEAN	2022 through 2023
11. Train vessel owners to recognize fisher rights, FL/TIP conditions, what is illegal, and their specific legal duties as employers. Include learning about illegal deductions as debt coercion. Include learning	MoM with MoT, MoMAF, BAKAMLA	Fall 2021-Summer 2022

about illegal withholding of wages and identification as illegal captivity. Consider placing a manual of crew rights and owner/captain duties on every vessel.		
12. Train industry associations in mandatory human rights due diligence (templates are available online).	MoMAF and MoM	Mid-2022 through 2022
13. Assess the cost/benefit/risk of the SIUPPAK system for the fishing sector and develop a relevant subprogram for fishers.	MoM, MoT	January-June 2022
14. Train manning agents to know fisher rights, recognize FL/TIP conditions, and know what is illegal and legal for fair recruitment.	MoM, MoT, MoMAF	July 2022-June 2023
15. Expand on Indonesia's submission to the WCPFC in 2019 and call on member countries and the FAO to jointly stop FL/TIP in fishing with a common language and protocol.	Government of Indonesia, Office of the President	2019 through 2024

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## CONCLUSION

This brief has provided a clear legal basis to stop FL/TIP in fishing workplaces for Indonesians and to enforce it as fisheries crime. Procedures and a road map coordination were offered within a unifying concept of multidisciplinary inspection. Taking up any of the suggestions will advance stakeholder priorities and prepare for the implementation of the National Action Plan, RAN PPKAP.

However, despite being critically valuable actors in Indonesia's economy, and in the world's food system, Indonesian fishing crew are experiencing FL/TIP conditions disproportionately overseas. Indonesia has adopted excellent regulations and policy since 2015 but has not stopped FL/TIP or even slowed it down. The current system excludes what some stakeholders say is a majority of Indonesian fishers from safe workplaces. It is not sufficient to regulate conditions only within the formal route to fishing work. The Government of Indonesia has a legal duty to assign competent authorities with capacity and mechanisms to stop FL/TIP also in the informal route to fishing work (authorities that MoM, MoT, MoMAF and embassies still lack). Indonesia must defend all Indonesian fishers from FL/TIP immediately. This can be done rapidly by taking the necessary steps

## SOURCES

### A. Project documents

- SAFE Seas, 2019, Pre-Situational Analysis: Forced Labor and Trafficking in Persons among Fish Workers in Indonesia and the Philippines
- SAFE Seas, 2020, Safe Fishing Alliance: Protecting Fishers from Forced Labor and Human Trafficking (Technical Brief)
- SAFE Seas, undated, Internal Communications Structures

### B. International legal framework pertinent to upholding human rights in fishing to combat FL/TIP

- International Bill of Human Rights
- Declaration on the Fundamental Principles and Rights at Work (ILO)
- UN Guiding Principles on Business and Human Rights
- Eight Fundamental Labour Conventions (ILO)
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons (UN)
- The United Nations Convention on the Law of the Sea (UNCLOS)
- The Work in Fishing Convention 2007 (No. 188) (ILO)
- The International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessels Personnel (STCW-F) by the International Maritime Organization (IMO)
- The Cape Town Agreement on Fishing Vessel Safety by the International Maritime Organization (IMO)
- The Torremolinos International Convention for the Safety of Fishing Vessels by the International Maritime Organization (IMO)
- The International Convention for the Safety of Life at Sea (SOLAS)

- The Code of Conduct for Responsible Fisheries by the Food and Agriculture Organization of the United Nations (FAO)
- The Voluntary Guidelines for Securing Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (FAO)
- Santiago de Compostela Declaration for Equal Opportunities in the Fishing Sector and Aquaculture (FAO)

### C. Stakeholders

#### **Attendance list Focus Group Discussion**

#### **Drafting Policy Brief on Multidisciplinary Inspection**

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Interviews with Indonesian fishing vessel crew and manning agents abroad were conducted by Catharina Swindel, and Indonesian national and the designated crew representative in the Hawaii longline fleet.

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**Note of Thanks:**

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Terima kasih for the opportunity to prepare this brief. I hope it will prove helpful to decision-makers in Indonesia.

Katrina Nakamura, PhD, Sustainability Incubator, May 31, 2021