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## Discussion Document based on Blue Justice Forum webinar # 2 “Human Trafficking the Fisheries Sector: The Indonesian Example”<sup>1</sup>

### 1. Background

This discussion document is based on the second in a series of Blue Justice Forum webinars facilitated by the Blue Justice Initiative Secretariat in conjunction with the UNDP Blue Resilience project and co-hosted by the Indonesia Ocean Justice Initiative (IOJI).

The theme for the webinar was the ‘**Human Trafficking in the Fisheries Sector: The Indonesian Example.**’

The webinar was presented by the following experts:

Wawan Fahrudin, Coordinator of Professional Workers of the Head of the Indonesian Migrant Workers Protection Agency on behalf of the Head of the Indonesian Migrant Workers Protection Agency

Mas Achmad Santosa, CEO of the IOJI

Judha Nugraha, Director for the Protection of Citizen and Legal Entities Overseas at the Ministry of Foreign Affairs, Indonesia

Gunnar Stølsvik, Policy Director of the Norwegian Ministry of Trade, Industry, and Fisheries

A total of 164 participants joined the webinar from a total of 12 countries (Austria, Brunei Darussalam, Denmark, France, India, Indonesia, Norway, Philippines, South Africa, Trinidad and Tobago, the United Kingdom and the United States of America). The webinar was moderated by Emma Witbooi of the UNDP Blue Resilience project.

### 2. Topics in Focus

The National Board for the Placement and Protection of Indonesian Overseas Workers (BP2MI) – Wawan Fahrudin, Coordinator of Professional Workers of the Head of the Indonesian Migrant Workers Protection Agency on behalf of the Head of the Indonesian Migrant Workers Protection Agency

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<sup>1</sup> The webinar was held on the 3 September, 11:00 CET.

1. The underlying problems of the governance of migrant worker protection in Indonesia are the absence of a regulatory framework and the overlapping authorities of regulatory institutions.
2. There has been an increasing number of complaints involving fishing vessel crews and/or seafarers in the past two years.
  - From 2018 to August 2020, 578 cases were submitted to the Board. Eighteen percent of the complaints, 1190 cases, received this year were from fishing vessel crews/seafarers.
  - The complaints revealed that employment agreements in the fishery industry are usually deficient, leaving loopholes that allow salaries to be paid partially without specific working hours and insurance.
  - It is also the case that proper meals and accommodation are not provided to employees, and employees are prone to being discriminated against and abused.
  - Crews on fishing vessels operating in territorial waters are better protected (based on their work permits) than crews on the high seas, which are more vulnerable to being victims of human trafficking due to their lack of work visas.
3. To address the problems, BP2MI has initiated the following 9 strategies:
  - A commitment to give serious attention to the protection of crews on fishing vessels and to seafarers;
  - The issuing of a moratorium on the placement of seafarers since 2015;
  - A commitment to initiate the ratification of ILO Convention 188;
  - A commitment to encourage the issuance of Government Regulations on the Protection of Migrant Crews of Fishing Vessels and Seafarers;
  - Encouraging the moratorium of placement of crews on fishing vessels;
  - The establishment of a special investigative team to ease cooperation and synergy among institutions;
  - Recommendation to the Ministry of Manpower to conduct evaluation on the agents that are licensed to conduct migrant placement;
  - Recommendation to the Ministry of Transportation to conduct the same evaluation and to guarantee the safety and rights of the workers; and
  - Enhancing **interlinkages and integration**. In this regard, organized crime in the fisheries sector is one of the best examples of a problem necessitating a cross-sector coordination and collaboration response.

Human Trafficking in Fisheries Sector: Protecting Indonesian Fishermen Overseas —  
Judha Nugraha, Director for the Protection of Citizen and Legal Entities Overseas at the Ministry of Foreign Affairs Indonesia

4. In the recruitment process, most victims are deceived and end up placed in harsh working environments. Safety on the fishing vessels is not provided to the seafarers.
5. The number of human trafficking cases in the fisheries sector reported does not represent reality; it is the tip of the iceberg.
6. In Indonesia, underlying problems contributing to human trafficking in fisheries that must be addressed include: the lack of a clear governance system, due to overlapping governmental departments' authority; lack of information for possible employees; lack of standardized employment contracts; a low level of public awareness of the problem; weak law enforcement, and insufficient and inaccurate data.
7. The government of Indonesia has been a first responder to human trafficking by providing shelters and legal assistance. Once a human trafficking case is identified, the government organizes repatriation and regularly engages in diplomatic cooperation.
8. The government of Indonesia also uses information technology to tackle human trafficking on fishing vessels.

- E.g. Indonesian migrant workers can access the SAFE TRAVEL application to contact the nearest Indonesian embassies for assistance.
9. Gathering accurate data is still a challenge due to difficulties in contacting seafarers.
  10. Cooperation with flag states and port states for legal enforcement also needs to be enhanced:
    - At national level, the governance of safe migration, training and skill-building, and standardized labor contracts are to be encouraged, along with raising public awareness of proper procedures when working overseas.
    - At the international level, consular protection needs to be strengthened through promoting bilateral Memorandums of Understanding (MoUs) with countries of destination, mutual legal assistance (MLA), and regional and multilateral diplomacy.

### Human Trafficking in the Fisheries Sector: the Indonesian Example – Mas Achmad Santosa, CEO of IOJI

11. As highlighted in the recently published paper on ‘Organized Crime in the Fishing Industry’ commissioned by the High Level Panel for a Sustainable Ocean Economy, human trafficking in fisheries is often associated with a range of other criminal activities perpetrated by criminal networks along the fisheries value chain.
12. According to the Ministry of Foreign Affairs of Indonesia, there were over 250,000 Indonesian fishermen working on foreign fishing vessels in 2013–2015 for the following reasons:
  - Increased demand for workers, especially from developing countries
  - The uncertainty of the catch in Indonesia: working on a foreign fishing vessel is considered a more stable source of livelihood; and
  - Difficulty finding jobs, low wages, and a relatively high salary promised by manning agencies drive fishing crews to work overseas.
13. A representative human trafficking case is the Benjina and Ambon case, in which 1,342 fishermen were victims of trafficking in 2015. The case also involved child labor, smuggling of people, modern slavery, illegal transshipment, use of prohibited fishing gear, document forgery, and illegal transaction of fuel at sea.
14. Indonesia laws regulate all types of human trafficking, including human trafficking of Indonesian migrant workers, and sets out standards of protection for Indonesian migrant workers before, during, and after employment.
15. However, there are still challenges in the protection of Indonesian migrant workers on foreign fishing vessels:
  - Translating the progressive laws into concrete actions to protect Indonesian fishers on foreign fishing vessels;
  - Resolving overlapping authorities in regulating recruitment and placement;
  - Improving the database of Indonesian fishing crews working on foreign fishing vessels;
  - Strengthening monitoring, control, surveillance, and enforcement (MCSE); and
  - Advocating actionable global cooperation to eradicate the practice of human trafficking in fisheries.
16. Therefore, the following steps are recommended:
  - Accelerate the implementation of regulations as mandated by law and the ratification of the most relevant international conventions;
  - Simplify the authority in regulating recruitment and placement and improve the integrated database of Indonesian fishing crews working on foreign fishing vessels;
  - Strengthen preventive measures by improving the skills of the fishing crew, providing a basic understanding of their rights, and ensuring that domestic labor markets provide decent employment opportunities;

- Ensure that representatives of the embassy/consulate cooperate with the officers from destination countries to conduct proactive and routine inspections of working conditions and rights of the Indonesian fishing crews;
- Encourage Indonesian enforcement agencies to initiate intensive international collaboration in tackling transnational organized crime (TOC) in the fisheries industry by applying corporate criminal liability and using multi-legal regimes to deter perpetrators; and
- Pay attention to the need for a global coalition of actions, such as the Copenhagen Declaration on TOC in the global fishing industry.

### Importance of Global Coalition of Actions – Gunnar Stølsvik, Policy Director of the Norwegian Ministry of Trade, Industry, and Fisheries

17. Human trafficking in fisheries is not a new phenomenon. There have been cases on all continents, including in the region of which Norway is part. It is now time to wake up and take action. Indonesia is a good example of what governments can do.
18. There is an intercontinental flow of human trafficking victims due to the mobility of the fishing industry. Therefore, a globally shared understanding of the problem is necessary.
  - The core of the problem is TOC, which has infiltrated the global fishing industry.
19. The government of Norway's contribution to the shared understanding of the problem is initiating the Copenhagen Declaration. Twenty-eight governments have supported this declaration.
20. A key paragraph of the Copenhagen Declaration states: the ministers recognize the intercontinental flow of illegal fish products, illicit money, and human trafficking victims in TOC cases in the global fishing industry and that all regions of the world need to cooperate when investigating such acts.
21. The government of Norway has launched the Blue Justice Initiative (BJI) to address the need for cooperation highlighted in the Copenhagen Declaration:
  - The BJI has a vision of a sustainable and fair blue economy free from fisheries crime.
  - The BJI facilitates the building of systems and tools to enhance effective cooperative law enforcement.
  - Under the BJI, a secure digital platform for governments to use in international cooperation is also being developed. This platform will facilitate communication between Governments via a secure environment.

### In sum

22. There has been a rise in the number of complaints from Indonesians of human trafficking in fisheries in 2020.
23. Human trafficking is committed all over the world due to the high mobility of fishing vessels.
24. The chain of events resulting in human trafficking on fishing vessels - from deceit associated with recruitment and placement processes in rural communities via recruitment agencies through to sub-standard working and living conditions on vessels - underscore the transnational nature and complexity of the problem.
25. The Indonesian government is proactively addressing human trafficking in fisheries via means aimed at, amongst others: increased institutional cooperation amongst relevant national authorities (e.g. labour, transport and fisheries), awareness-raising and information on the problem to alert potential victims and emphasis on the need for cooperation between flag states and port states in legal enforcement.
26. Globally, to address human trafficking in fisheries, at national level, the governance of safe migration, training and skill-building, and standardized labor contracts are to be encouraged.

27. At the international level, international cooperation between flag and port states needs to be strengthened through, for example, promoting MoUs with countries of destination, MLA, and regional and multilateral diplomacy.
28. There is a need to continue to raise international awareness of the need for enhanced cooperation for global coalition actions to tackle human trafficking in fisheries, such as under the Copenhagen Declaration.

### **3. General discussion (Q&A)**

The discussion highlighted various issues, including the following:

- How to enhance the monitoring and inspection roles of the Ministry of Foreign Affairs in Indonesia
- The launch of the Special Task Force against illegal migrant worker placements in Indonesia and the importance of building international alliances to carry out the mission
- The reason for the increases in 2020 during COVID-19
- Private sector buyers' roles in preventing human trafficking on fishing vessels.