

International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

Civil Society Organization Submission for List of Issues Prior to Reporting Migrant CARE, Indonesia

Introduction

Indonesian civil societies have continuously insisted the Government in ratifying this convention in various international forums, especially those concerning human rights, labor and women issues, since the UN General Assembly legitimizes the international human rights instruments to protect migrant workers under the official name “*International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*” (hereinafter abbreviated as ICMW) on December 18, 1990.

After the fall of Soeharto’s presidency, the insistence in ratifying the convention finally found a place when the Government of Indonesia drafted the 1998-2003’s Human Rights Action Plan which contained a roadmap to ratify the main human rights instruments for Indonesia (including ICMW). Although the roadmap was not implemented in a timely manner, the urgency to ratify the ICMW became more significant especially after TAP MPR. V/2002 mandating Indonesia to ratify the Convention was issued.

An important stage for the roadmap to ratification of the ICMW is when the Government of Indonesia signed the Convention in September 2004, precisely when Indonesia volunteered to become a member of the UN Human Rights Council. This important stage has then become an asset for Indonesian civil societies to continue to fight for the ratification of ICMW.

According to the prevailing legislation system in Indonesia, the process of ratification of international instruments is conducted through a legislation process. Therefore, besides applying advocacy channels in international level, the effort to encourage the House of Representatives to process the ratification of this Convention is also done by building arguments from Indonesian migrant workers cases that continue to occur throughout the year. Finally, on April 12, 2012, the House of Representatives endorsed the draft of the ICMW Ratification Act in the plenary session. This ratification was enacted by the Law no. 6/2012 regarding the Ratification of ICMW.

In the 27th Session of the UN Committee on Migrant Workers, the Government of Indonesia, for the first time, filed an Initial Report reporting on what Indonesia implemented due to the ratification of ICMW. The report was submitted in April 2017. Such effort should be appreciated as a form of compliance and obligation of Indonesia as state party of ICMW although it should have been submitted since 2013.

However, the following critiques and inputs are addressed to the report presented by the government of Indonesia to the UN Committee on Migrant Workers.

- The involvement of Indonesian civil societies in the process of preparing this report is still limited.
- The process of compiling this report ignores some important facts and initiatives that can actually contribute to the protection of migrant workers. Such effort comes from government initiatives and innovations (both at the national and regional levels), state institutions and civil societies.
- The content of this report mostly presents a list of activities, but does not reveal an in-depth analysis of the institutional effectiveness and instruments/policies on migrant workers management corresponding the mandate that the state must undertake to implement the ICMW

- The data attached in the report by the government of Indonesia does not reflect or answer some questions that should be answered. Deeper explanation and substantive elaboration on the data presented are not available.

In this regard, Migrant CARE along with civil societies network in Indonesia including Indonesian Migrant Workers Union (SBMI), Parahyangan University, Health for All Foundation (YKS), Kapal Perempuan Institute, National Commission on Women, Dukuhdempok Village, Indonesia Church Association, Social Analyst and Research Institute, and community of Indonesian migrant workers initiates to prepare a Civil Society Report regarding the Government of Indonesia's Initial Report for the UN Committee on Migrant CARE to provide balanced information on the implementation of ICMW from the civil societies' points of view. This report is not merely a shadow report but rather a civil society contribution to the implementation of ICMW. This Civil Society Report is drafted based on participatory process involving CSOs, migrant worker organizations, academics and migrant worker communities in grass root level.

Section I

A. General information

1. Please provide information on the domestic legal framework regarding the Convention, including:

(a) The rank of the Convention in national law and whether the Convention has a direct effect or is part of national law through implementing legislation;

(b) Information on the relevant national legislation of the State party regarding the protection of migrant workers and members of their families under the Convention, including Law No. 39/2004 Concerning the Placement and Protection of Indonesian Overseas Workers and its implementing regulations, Law 21/2007 against the Trafficking of Migrant Workers and Government Regulation 3/2013, regarding the Protection of Indonesian Migrant Workers Abroad;

(c) Measures taken by the State party to harmonize its legislation with the provisions of the Convention;

(d) The existence and scope of bilateral and multilateral agreements with other countries concerning the rights of migrant workers and members of their families under the Convention, in particular agreements with Bahrain, Kuwait, Malaysia, Saudi Arabia and Singapore. Please specify how those agreements protect the rights and guarantees of migrant workers in transit and destination countries, in particular with respect to detention, repatriation, expulsion and family reunification procedures. Please provide information on measures taken to strengthen the protection of Indonesian migrant workers abroad, including by reviewing and amending bilateral and multilateral agreements and through legislative measures, such as Ministerial Decree No. 260/2015 concerning the banning of the placement of Indonesian overseas workers with individual employers in Middle Eastern countries.

1. The direct impact of the ratification to the 1990's migrant convention on the Law No.6 /2012 is very significant to amend the Law on the Protection of Indonesian Migrant Workers. Although the ratification is in the discussion phase, however, the draft agreed by the House of Representatives and the government demonstrates some

aspects of protection for Indonesian migrant workers, such as listing more rights of migrant workers, especially in freedom of association, social security and affordable financing. In addition, there are some role restrictions to agencies in providing education and training for them. In terms of service agencies, the scope takes in a wide range covering the village level and the administrative process is synergistic in one-stop integrated services. In the meantime, labor attaches are given significant role and authority to provide legal assistance, resolve labor disputes and facilitate immigration documents overseas.

2. At the national level, new ratifications to the convention of migrant workers have just been legalized. However, some rules outlined under the ratifications have not followed the principles of the convention. In this regard, local and village regulations are more advanced in adopting the principles. The promotion of the regulations is related to the protection of migrant workers and the crime of human trafficking. The data by Migrant CARE states that there are a number of local regulations such as Lembata district regency, NTT 20/2015 and 41 village regulations in Jember, Lembata, Banyuwangi, Central Lombok, Wonosobo and Kebumen on the protection of Indonesian migrant workers that adopt the convention. As for the progress of the TPPO regulations, the data from the Indonesian Migrant Workers Union (*Serikat Buruh Migrant Indonesia/SBMI*) mentions there are 13 villages in Sukabumi, West Java which publish PERDES regarding the community protection from risks and dangers of TPPO/2017.
 3. Bilateral agreements (MoU/Memorandum of Understanding) between Indonesia and several destination countries of placement do not reflect the principles of the Convention. Many MoU's are not renewed after their inactivity. Until now, Indonesia has only got 12 MoU's, whereas the number of destination countries of placement reaches 60 countries. Instead of reinforcing the MoU's, the government, in fact, issues a policy of termination through the Ministerial Decree No.260/2015 on the Prohibition of Indonesian Workers Placement to individual users in Middle Eastern Countries which causes female migrant workers to work without official procedures including their documents.
 4. Based on the 2016's CARE Migrant study on 9 MoU's, the MoU instruments between the government of Indonesia and destination countries do not contain human rights standards. The MoU with the Malaysian Government concerning domestic migrant workers (2006), for example, does not specify working hour procedures, minimum age, the rights that must be protected, and the prohibition of association. In fact, most of the MoU's do not contain migrant workers' rights. Here, only an understanding on mutual benefits is built rather than respecting for human rights. This study even finds that the MoU with Japan is merely a consequential conception of the economic and trade agreements between Indonesia and Japan under the IJEPA (Indonesia Japan Economic Partnership) scheme which, of course, uses economic principles and ignores human rights issues.
2. Please provide information on all policies and strategies relating to the rights of migrant workers and members of their families adopted by the State party, including information on specific, time-bound and measurable goals and targets to effectively monitor progress in the implementation of the rights of migrant workers and members of their families in the State party. Please also provide information on resources allocated for implementation and the results obtained.

3. The Government of Indonesia is currently fighting for the ASEAN instruments in terms of protecting migrant workers which refers to the convention of migrant workers. Here, Indonesia offers such instruments to legally bind ASEAN countries. The good thing of this process is that the government involves CSO, but sadly its draft is not published.
4. In the meantime, the national policy is stuck under the amendment to the law on the Migrant Worker Protection, which has been delayed since 2010. The government is targeting to complete it by 2017.
 3. Please provide information on the government ministry or institution responsible for intergovernmental coordination on the implementation of the Convention in the State party, including information on the available staffing and resources, as well as monitoring activities and follow-up procedures. Please provide information on the mandate of that ministry or institution and the resources allocated to it for promoting, protecting and fulfilling the rights of migrant workers and members of their families under the Convention.
5. The institutional arrangements related to migrant workers are considered weak. There has been an overlap at the national and regional levels. At the national level, for example, a dispute arises between the Ministry of Manpower and BNP2TKI in terms of authority. At the regional level, the Manpower service and BP3TKI, LP3TKI, P4TKI which is a unit of BNP2TKI are not integrated. In East Java, the provincial government even builds UPTP3TKI institution due to their disagreement with the establishment of BP3TKI whose responsibility answers to the central government. Consequently, the protection of migrant workers from some region is not met.
6. The public appreciates the data collection published by BNP2TKI through its web which is based on the computerized system of foreign workers. However, the presentation of the data is difficult to understand so it can be misleading. Until now, there has been no exact data on how many Indonesian migrant workers are overseas. In addition, the data has also not been integrated to those from other related institutions such as the Ministry of Foreign Affairs and technical units such as the Embassy and the Consulate, and the Chamber of Commerce and Industry (*Kamar Dagang Ekonomi dan Industri/KDEI*). All happens due to issues of bureaucracy and “sectoral ego”.
7. According to the Law No. 14/2008 on Public Information Disclosure, the government constructs an information service policy such as regulations regarding agency establishment and its technical service. Some agencies that have implemented such regulations include the Information and Documentation Service Center (*Pusat Pelayanan Informasi dan Dokumentasi/PPID*) in every government agency, and Network Documentation and Legal Information (*Jaringan Dokumentasi dan Informasi Hukum/JDIH*) that can be accessed through their website. Unfortunately, not all information required by migrant workers and their families is outlined on the website. Additionally, there are many migrant workers who do not have the facilities to access the data or information needed, and some do not even know how to access them.
8. The government also implements a policy which according to CSO is considered public information, but it is made as closed information. Consequently, the public

must strive to obtain the information through Quasi-Judicial in the central information commission.

5. Please provide detailed information on the mandate of the National Commission on Human Rights of Indonesia. In particular, please indicate whether the Commission has been established in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and has the explicit mandate of independently monitoring the human rights situation within the State party, including the rights of all migrant workers and members of their families under the Convention. Please also provide information on complaints mechanisms and other services, including helplines, offered by the Commission and whether it conducts visits at detention centres and shelters for Indonesian migrants following repatriation from countries of employment or transit. Please additionally provide information on the human, technical and financial resources made available to the institution and on awareness-raising activities by the State party among the general public and migrant workers, in both urban and rural areas, in particular on the services offered by the institution, including the right to file a complaint directly with it.
9. The role of Komnas HAM (National Human Rights Commission) in the protection of migrant workers is still far from expectation. It merely records the issues of human rights violations faced by migrant workers. It also does not record the types of violations, who the perpetrators are, how the cases are handled and recommendations.
6. Please provide information on the steps taken by the State party to promote and publicize the Convention and to increase awareness and understanding of its provisions among the general public, migrant workers and members of their families, employers, teachers, health workers, government officials, including embassy and consulate personnel, law enforcement officials, border police and the judiciary, civil society and the media. Please indicate whether the media engages in the promotion of the Convention and, if so, what is the impact of this on the situation of migrant workers coming to and departing from Indonesia.
10. The government has not widely socialized the convention to the public, employers, academics, health workers, government employees and alike, particularly to migrant workers and their families. Here, socialization has been made limited by the Ministry of Foreign Affairs. Throughout 2015, Migrant CARE in cooperation with the Ministry of Foreign Affairs held socialization convention in 6 areas including Jember, Banyuwangi, Lombok Tengah, Lembata, Kebumen and Wonosobo. Such socialization significantly contributes to local and village regulations that adopt the convention.
7. With respect to migrant workers who are nationals of the State party working abroad, please describe measures taken by the State party to promote training programmes on the human rights of migrant workers and members of their families, including on gender sensitivity and the rights of the child, for government officials providing legal and consular assistance to nationals of the State party abroad dealing with migration and related issues, including workplace abuse and exploitation and discrimination faced by migrant workers. Please also describe the

measures taken to promote training programmes on the human rights of migrant workers or members of their families who have been arrested, held in prison or in detention centres, placed in custody pending trial or detained in any other manner, or are subject to expulsion or repatriation.

11. The central government and the villages have not seriously promoted the rights of migrant workers and their families. Such promotion through socialization is very limited. Practically, the promotion to the rights of migrant workers is available on “Go-TKI” online application but it is not well-socialized and not all migrant workers can access it because it only applies to android users.
12. In addition, some training conducted by government agencies is also limited as the existing regulation imposes it to recruitment agency. In fact, training in recruitment agency is limited to language training and job skills, not the rights of migrant workers. Further, the final pre departure orientation (Pembekalan Akhir Pemberangkatan/PAP) implemented by BNP2TKI is very short. It only takes 8 hours and does not promote the rights of migrant workers.
8. Please provide information on the cooperation and interaction between the State party, civil society organizations and other social partners working on the rights of migrant workers in relation to the implementation of the Convention. Please indicate whether and how the representatives of civil society organizations and other stakeholders are involved in preparing the replies to the present list of questions.
13. Cooperation that has happened nowadays between member countries is manifested in the form of MoU between the country of origin and the destination country of placement. However, the MoU itself does not reflect convention norms and is limited to 13 countries. Similarly, the issue of the MoU extension, the quality of the MoU and the expansion of MoU with other destination countries are not constructed.
9. Please provide information on the existence of private employment agencies in the State party recruiting migrant workers to work abroad and on the laws and regulations pertaining to such recruitment, in particular:
 - (a) Measures taken to provide information and training to migrant workers about their rights and obligations and to protect them against abusive employment situations;
 - (b) The role and responsibilities of recruitment agencies and their possible joint responsibility with the employer for claims and liabilities that may arise in connection with the implementation of the employment contract, including wages, disability compensation, repatriation and death, including repatriation of the bodies of deceased migrant workers;
 - (c) Whether recruitment and placement agencies provide insurance to migrant workers to cover loss of life, disability and financial assistance proximately caused by accidental bodily injury;
 - (d) Information relating to the issuing and renewal of the licences of such employment agencies;
 - (e) Information on complaints lodged against employment agencies and information on labour inspections conducted and penalties and sanctions imposed in cases of non-compliance with the law;

- (f) Measures taken by the State party to strengthen mechanisms to regulate and control private employment agencies and to avoid situations where those agencies act as intermediaries for abusive foreign recruiters.
14. Recruitment agency only provides overseas job vacancy information posted through middle man, and the information is not validated by the government. Basically, it is required to provide training unit, but unfortunately training standards, curriculum and supervision are not available. Regarding competency assessment test, some institutions issuing the certificate are not qualified, so they cannot provide information which recruitment agency is credible and which one is not. Consequently, the involved recruitment agency never discloses information concerning the rights of migrant workers, exploitative employment situations and human rights violations.
 15. Recruitment agency and agencies are not responsible for the agreement of placement and employment. When a dispute, for example, arises between the migrant worker and the employer, they do not side with the migrant worker.
 16. In regard to Repatriation of labor due to death, recruitment agency is found difficult to cooperate even when the Constitution obliges it to repatriate migrant workers to their home areas, inform their family, and seek for information on cause of the death.
 17. Regarding insurance, recruitment agency only facilitates the insurance of migrant workers, but the migrant workers themselves pay for it. As a matter of fact, not all migrant workers are included in the insurance program (there are migrant workers leaving without insurance).
 18. Currently, the government has issued Ministry of Manpower Regulation No.7/2017 on social security for Indonesian migrant workers in exchange for insurance.
 19. Information related to contract extension, especially for household workers, is addressed to the workers themselves particularly in Hong Kong. However, licenses with placement agencies are hardly informed to them.

B. Information relating to the articles of the Convention

1. General principles

10. Please indicate whether the Convention has been directly applied by officials in the administration and whether it has been invoked directly before the courts. If so, please provide examples. Please also provide information on:

- (a) Judicial and administrative entities competent to examine and decide on complaints by migrant workers and members of their families, including migrant workers in an irregular situation, in particular migrant domestic workers;
- (b) The number and type of complaints examined by such entities in the past five years and their outcome, disaggregated by sex;
- (c) Whether legal assistance was provided;
- (d) Any redress, including compensation, provided to victims of such violations;
- (e) Any measures taken to inform migrant workers and members of their families about the remedies available to them for violations of their rights.

20. According to the Law No. 39/2004 and the Law No. 21/2007, there are actually articles on prosecution, but the government of Indonesia rarely uses this instrument as a reference for prosecution cases. Consequently, the chance for migrant workers to have access to justice is not well-served. Complaints concerning cases of violations of the rights of migrant workers are more often followed-up through mediation (non-court). Groups of civil society encourage the government implements this prosecution process as a basis for settlement faced by migrant workers and upholding justice to resolve the problems between migrant workers and employers, especially in the recruitment and post-placement stages.
21. Case handling is undergone by various parties and each of them has data on the number of cases handled. Some cases involving Indonesian citizens that were released by the Ministry of Foreign Affairs in 2016 are found in 11 countries, in which the highest number of cases (about 9,727) happens in Malaysia, 1,503 cases in Saudi Arabia, 798 cases in United Arab Emirates, 644 cases in Jordan, 534 cases in Kuwait, 383 in Syria, 250 in China, 174 in Qatar, 173 in Oman, 158 in Bahrain, and 145 cases in Taiwan. In terms of types of cases, there are 27 civil cases, 1,111 criminal cases, 10,414 immigration cases, 2,344 employment cases, and 1,851 cases with other categories. Concerning cases of migrant workers who face death penalty, there are 130 cases in Malaysia and 25 cases in Saudi Arabia.
22. The Law on legal aid No. 16/2011 states the legal aid is addressed to the poor. In definition, the target of the aid does not specifically refer to migrant workers as one of the beneficiaries. All this time, the legal aid for migrant workers is granted sporadically by groups of civil societies or Government (Embassy of The Republic of Indonesia). Unfortunately, the Government tends to provide legal aid to high-profile cases while there are many cases of migrant workers who require assistance.
23. A number of migrant workers whose cases have been resolved through mediation have been compensated. However, such compensation does not always meet expectations. In addition, it is not a mechanism which is automatically obtained when a migrant worker's rights are violated.
24. Groups of civil societies have sought to socialize some mechanisms to resolve violations on the rights of migrant workers. A frequently used mechanism is contacting the family immediately when they are aware of any cases faced by the workers. Migrant CARE will then assist the victims and family, including disclosing the steps to be taken.

2. Part II of the Convention

Article 7

11. Please clarify whether national legislation, in particular the Constitution of Indonesia, ensures that all migrant workers and members of their families enjoy the rights provided for in the Convention without distinction of any kind and whether the legislation covers all the prohibited grounds of discrimination enumerated in the Convention (arts. 1 (1) and 7), including sex, language, national, ethnic or social origin, nationality, age, economic position, property, marital status and birth or other status. Please also provide information on all the measures taken by the State party to ensure non-discrimination, both in law and in practice.

25. Constitutions, laws, and other legal instruments in Indonesia have guaranteed the equality of rights for all citizens. However, there is no specific and explicit mention regarding the rights holders, by gender, for example, legal status, local workers and migrants or alike. Consequently, migrant workers may practically not get their rights which are related specifically to their characteristics and are consistent with what mentioned in the conventions of migrant workers. In the Law 39/2004, for example, Indonesian citizens who work overseas generally refer to as Indonesian Workers. In fact, most of them are women who are vulnerable and have particular needs.

12. Please inform the Committee of any cases identified in the State party of racism and xenophobia, discrimination, ill-treatment and violence directed at migrant workers and members of their families and provide information about normative, institutional and procedural measures adopted by the State party to prevent and combat all forms of racism, xenophobia, discrimination, ill-treatment and violence to protect the rights of the victims, including their right to access to justice. Please include quantitative and qualitative information on the types of discrimination and on xenophobic cases identified in the State party. Please additionally provide information about such cases brought against Indonesian migrant workers abroad and the measures taken by the State party, if any, in response.

26. The discriminatory treatments are often experienced by Indonesian migrant workers such certain nicknames that generate negative connotations as “*Indon*” in Malaysia and wage gap and discrimination. Due to different jurisdictions, the government of Indonesian does not act on such treatments directly. The only thing they can do is to urge the governments to overcome such issues by taking account into a bilateral agreement, namely the Memorandum of Understanding (MoU).

3. Part III of the Convention Articles 8-15

13. Please provide information on any cases identified in the State party of exploitation of migrant workers and members of their families, in both regular and irregular situations, in particular those working in agriculture, domestic work and construction, as well as hazardous work. Please also provide information on any cases identified in the State party of domestic servitude, debt bondage, forced labour and sexual exploitation involving migrant workers, especially in the context of sex tourism, in particular as regards women and children, and on measures to prevent and combat those phenomena. Please additionally provide information on the measures taken to bring the national legislation into compliance with the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29), and the ILO Abolition of Forced Labour Convention, 1957 (No. 105).

27. The government has successfully solved several cases of human trafficking, one of which has been recently committed by PT Pusaka Benjina Resources. Interestingly, the solving of this case does not stop at the judicial process, but

continues to encourage the Ministry of Marine Affairs of the Republic of Indonesia to establish an anti mafia task force for slavery at sea. Initially, the Benjina case was not disclosed until the judicial process, but then it forced the Ministry to form an anti-mafia task force. However, the report author does not write the case comprehensively.

28. In the country, the government of Indonesia has also overcome human trafficking practice associated with sex workers from Eastern Europe. Here, the government has attempted to investigate it, but the syndicate has not been revealed. Sadly, the issue between the trafficking victims and the Immigration Act takes place. To respond to this practice as modern slavery in Indonesia, the government only focuses on the case, without investigating the circle of the trafficking syndicates that run the business. In addition, they are unable to provide data and eliminate such practice.

14. Please provide detailed information on the measures taken to investigate allegations of harassment, corruption and abuse of authority by law enforcement officials, including allegations of extortion and arbitrary detention, with regard to migrant workers and members of their families. Please indicate the number of law enforcement officials who have been investigated, prosecuted and convicted in that regard and specify the nature of the charges and sentences imposed.

29. As an effort to eradicate corruption in Indonesia, the government has uncovered a number of corruption cases committed by the State officials, including some officials associated with the migration process.
30. In 2014 August, 18 airport police officers who are suspected of being involved in illegal charges on the repatriation of Indonesian migrant workers in a special terminal for migrant workers at Jakarta Soekarno Hatta Airport were prosecuted and processed by law. At the regional level, similar efforts are also made to disclose and prosecute local officials who are involved in corruption, such as the involvement of the Head of Kupang Manpower, NTT. One of the achievements that need appreciation is what happened in terminal 3 at Soekarno Hatta Airport which is known as the locus of illegal practices such as illegal charge. After receiving inputs from Migrant CARE and several groups of civil societies, the Corruption Eradication Commission (*Komisi Pemberantasan Korupsi/KPK*) finally conducted an investigation in 2014 that led to the closing of the terminal at the Airport which was used to extort Indonesian migrant workers who returned home.

Articles 16-22

15. Please describe the due process safeguards that exist in situations of investigation, arrest, detention and expulsion of migrant workers and members of their families for criminal offences and administrative infractions, including immigration-related matters. Please describe measures taken to ensure that the obligation contained in article 16(7) of the Convention on contact with consular or diplomatic authorities of the State of origin of the detained migrant worker or members of their families is given effect in law and in practice. Please include information on specific due process safeguards for unaccompanied

children in migration-related administrative procedures, including the right to be heard and the right to a guardian.

31. When Indonesian citizens face a problem in countries of placement, the government provides legal aid by providing lawyers who have the capacity to meet their needs. In Saudi Arabia, Malaysia and Singapore, for instance, there are several cases of Indonesian migrant workers who are accused of murder by their employers, while they are trying to defend themselves against sexual assault.
32. In the case of migrant workers in Indonesia who experience legal issues, there are some basic rights that are not granted during police investigation and judicial processes, resulting in a severe verdict, which is death penalty. Such case is faced by Marry Jane Velozo, a migrant worker from Philippines who is accused of carrying narcotics. In the judicial process, she is sentenced to death. In the execution of this case, she is found as a victim of human trafficking. Therefore, she doesn't deserve such verdict. In addition, she does not get her rights as a defendant during the judicial process such as deserving lawyers, translators, and psychological services.

16. Please indicate legislative and other measures taken by the State party to ensure the right to liberty of migrant workers and their families in the context of migration administrative procedures, including entry, residence and expulsion. Please provide information, including statistical data, on alternatives to detention for immigration-related matters existing in the State party. Please also indicate if the State party detains migrant workers and members of their families for immigration-related matters. If so, please provide detailed information on migration detention centres, conditions of detention for migrant workers and members of their families and the efforts made to improve those conditions, and indicate which authorities are responsible for the management of immigration detention facilities. Please also include information on whether:

- (a) Persons detained for immigration reasons are held in separate facilities or together with convicted persons or persons detained pending trial;
- (b) Women detained for immigration reasons are held separately from men who are not family members or partners and are supervised by female personnel;
- (c) Specific alternatives to detention exist for unaccompanied children and families with children;
- (d) Unaccompanied children and families with children can be detained for immigration-related matters and if so, please provide detailed information on the facilities where they are detained and the conditions of such facilities, including child-protection measures in place and the authorities in charge of such facilities, as well as data disaggregated by sex, age, nationality and length of stay.

33. As a country of placement for migrant workers, Indonesia does provide immigration detention houses, but it does not run the detention in accordance with the human rights standards. Additionally, the house is occupied beyond capacity. Further, efforts to accommodate and relocate the immigrants near the settlement

shelters raises social impacts on the surrounding community. The category for those who are refugees or migrants is not even classified.

34. As a country sending its detained migrants overseas, the government should proactively place its diplomats in order to monitor information concerning the conditions of those who are in immigration detention or those in prisons. So far, this access has not been made available to monitor the condition of the detained and imprisoned workers in Malaysia and Saudi Arabia.
35. According to Migrant CARE Malaysia, the family of migrant workers who are detained for immigration reasons is not determined whether they have separate facilities in Malaysia, considering that the access are only granted to the Embassy of Republic of Indonesia officials. Overall, the condition of the family of migrant workers who have problems with immigration detention is unclear.

17. Please provide information on measures taken to ensure that in criminal and administrative proceedings, including expulsion proceedings, migrant workers and members of their families, in particular those in an irregular situation, are provided with legal assistance and interpretation, as necessary, and that they have access to information in a language they understand. Please provide information on measures taken to ensure that migrant workers and members of their families are only expelled from the territory of the State party pursuant to a decision taken by a competent authority, following a procedure established by law and in conformity with the Convention, and that this decision can be reviewed on appeal. Please provide up-to-date information, including disaggregated statistical data, on migrant workers and their families who are undocumented or in an irregular situation and have been, or are in the process of being, expelled.

36. Migrant workers who are sentenced to death get their rights as defendants. The case experienced by Satinah, for instance, she was threatened with death penalty as she was accused of committing murder by her employer. In fact, she was trying to defend herself from sexual assault. Such case was received by Migrant Care in 2009, whereas it occurred in 2008. The government even responded to it in 2011. Due to some advocacy by the Ministry of Foreign Affairs, she finally got legal aid from lawyers and translators. In the end, the decision was made that she, through the government, was required to pay *diyat* (financial compensation) for IDR 21 billion and is finally repatriated to Indonesia in 2016.

Article 23

18. Please provide detailed information on the roles of the State party's embassies and consulates in assisting and protecting migrant workers who are nationals of the State party working abroad, including those in an irregular situation, and particularly in the case of abuse, arrest, death penalty charges, detention and expulsion. Please indicate whether legal assistance is provided whenever the rights recognized in the Convention are violated, including in cases of detention and expulsion cases.

37. The embassy officials seem to discriminate against their role in dealing with migrant workers. As a matter of fact, they dichotomize the undocumented and documented workers and distinguishes their services. Here, the labor attaches should have the authority to make flexible diplomacy. In fact, they are only assigned as technical personnel. Consequently, the legal aid provided by the government or the advocate concerned has a low level of understanding on human rights.
38. Suyanti, a domestic migrant worker, has experienced another case. She was found near a ditch at PJU 3/10 Mutiara Damansara Street, in a poor condition. She was then taken to hospital and received assistance from the Embassy of the Republic of Indonesia. After recovery, she told that she fled because she was being tortured and threatened by her employer. Accordingly, the Embassy accompanied her to sue and submit a letter of protest to the Ministry of Foreign Affairs of Malaysia in order that her employer got punishment.

Articles 25-30

19. Please indicate what legal and labour protection and enforcement mechanisms are in place to ensure that migrant workers, including migrant women, especially in the agricultural, construction, domestic, food, personal services, repair services and transport sectors, enjoy treatment no less favourable than that which applies to nationals in respect of remuneration and conditions of work. Please also include information on measures aimed at promoting the rights of migrant workers who are nationals of the State party, abroad, including migrant domestic workers. Please provide information on access, equal to that of nationals, regarding health care and other social services for migrant workers and members of their families both in a regular and irregular situation, as well as education for children of migrant workers in a regular and irregular situation.
39. A minimum standard of salary is applied for domestic workers in Malaysian (RM 900 for domestic area, RM 50/day for construction sector, and RM 900- RM 1000 for plantation sector), Singapore, Hong Kong SAR, Taiwan, Saudi Arabia and some other destination countries. In addition, a minimum standard of raise is also implemented in Singapore, Taiwan, Hong Kong, and Saudi Arabia. Practically, the minimum standard in those countries are higher than that in Indonesia.
40. Discrimination among migrant and local workers also occurs in destination countries, in access to health services, legal aid agencies, education and other public services.
41. A gap also arises between the foreign policy regarding the priority protection of migrant workers as outlined by the president and emphasized by the minister of Foreign Affairs, and the service of migrant workers by diplomatic staffs in various representative offices. According to them, service and protection for the workers is considered a burden, not a part of citizen services.
42. Employment insurance for migrant workers is integrated into the National Social Security System (*Sistem Jaminan Sosial Nasional/SJSN*) managed by the Social Security Administering Agency (*Badan Penyelenggara Jaminan Sosial/BPJS*). Unfortunately, the scheme concerning some risks which are often faced by the migrant workers is not regulated under the insurance scheme, such as unilateral termination of employment, employment transfer, and problematic repatriation.

Here, the government should construct a special and detailed insurance scheme on social security considering that the risks they experience may vary.

20. Please indicate whether national labour laws and regulations relating to remuneration and conditions of work (for example, overtime, hours of work, weekly rest, paid leave, social security, health, termination of the employment contract, and minimum wage), are in full compliance with the ILO Equal Remuneration Convention, 1951 (No. 100) and the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and whether they apply on an equal basis with migrant workers, in both regular and irregular situations.

43. The policy on foreign workers in Indonesia is regulated under the Regulation by the Minister of Manpower no. 16/2015 on the Procedures of Hiring Foreign Workers

44. Indonesia has not ratified the ILO 189's convention regarding the decent work for domestic workers. It has not also made regulation on domestic workers. To that end, CSO attempts to urge the government to do so.

21. Please provide information on the measures taken by the State party to ensure the right of children of migrant workers abroad, including children of migrant workers who are undocumented or in an irregular situation, to be registered at birth and to have their nationality of origin recognized in law and in practice. Please also provide information on the measures taken to ensure that births of foreign migrant children are registered in the State party.

45. In some cases, children of migrant workers who are born in destination countries such as Malaysia, Saudi Arabia or other Middle Eastern countries find it difficult to obtain birth certificate which consequently makes their status stateless. In addition, these children are also at risk of losing their educational, health and other social rights.

46. Similarly, children of migrant workers who are brought from overseas also experience difficulty in obtaining birth certificate because they do not have complete documents, such as marriage certificate, birth certificate from doctors or hospitals, family certificate, and ID card.

47. Many child labors of migrant workers are found working in palm plantations and cocoa in Sabah Malaysia.

22. Please provide information on the measures taken to ensure that children of migrant workers have full access to education, regardless of their migration status. Please also provide information on the measures taken by the State party to ensure, in law and practice, that all migrant workers and members of their families have adequate access to basic services, such as medical care, including urgent medical care.

48. The government of Indonesia has not been able to negotiate education rights for children of migrant workers in the destination country. Here, they find difficulty entering formal schools. This is experienced by those from both documented and

undocumented migrant parents. Children of migrant workers who work in Malaysia, for example.

49. There are still many children of migrant workers in Malaysia who have not participated in educational program from Community Learning Center (CLC). The implementation of CLC initiated by Indonesian communities overseas has not received any support from the government.
50. Children from undocumented migrant workers are forced to live with their family at immigration detention homes if they are arrested by local authorities. They suffer from growth and psychological disorders and their rights to play are taken. In addition, they also experience limitations in fulfilling their rights to have early education, nutrition and health services.

Articles 31-33

23. Please provide information on measures taken by the State party to ensure that upon termination of their stay in the State party, migrant workers and members of their families have the right to transfer their earnings and savings and, in accordance with the applicable legislation, their personal effects and belongings. Please also provide information on the measures taken to facilitate the transfer of those private funds, in particular to reduce the cost of the transactions. Please also provide information on whether the State party has conducted any specific information and training programmes on the Convention for relevant public officials, such as law enforcement officials, embassy and consular staff, social workers, judges, prosecutors and government officials.

51. Policies on remittance management are not made available by the government of Indonesia. The mechanism of migrant workers' remittance is left to the financial market mechanism. Here, public and private banks are free to deal with the remittances. Government-owned and private conventional banks take higher place than any other remittance agencies or agents.
52. Double taxation on migrant workers in Malaysia is often found when they return home to Indonesia by land. To this end, the Government issues the COD (Certificate of Domicile) policy to avoid it. As the policy is not widely socialized, not many migrant workers know it.
53. There are many migrant workers, mostly domestic workers, who have not been able to access the financial institutions for remittances. This happens because some documents are held by their employers and they are not granted for leaves. Such situation complicates them.
54. The government has not optimized the implementation of education on financial planning and remittance management. Research conducted by the Migrant CARE finds that only 40% of migrant workers' remittance is invested in the productive sector. Here, they are many migrant workers who tend to have consumptive behavior and become the victims of bulging investments.

Part IV of the Convention

Article 37

24. Please provide information on pre-departure programmes for the State party's nationals considering emigration, including information on their rights and obligations in the State of employment. Please

indicate which government institution is responsible for providing such information and if any coordinated policies, programmes or legislation have been developed to ensure transparency and accountability in the process.

55. The government has not actively socialized safe migration in rural areas, where the migrant workers come from. The 2016's research by Migrant CARE shows that 80% of migrant workers obtain information on overseas employment from sponsors, agents or brokers.
56. Socialization on safe migration is mostly conducted by civil society organizations to villages through various programs such as Village for Migrant Workers (*Desa Peduli Buruh Migran/Desbumi*)
57. The village officials allocate education program, protection and empowerment of migrant workers through community empowerment schemes as mentioned in the Law No. 6/2014 on Village.
58. The Government undertakes integration on population data through electronic identity card system (e-ID). This effort is made to prevent the forgery of document, for instance.
59. The government has not optimally implemented some programs to improve the capacity of service and protection for migrant workers from one village to another, such as document services, data base, safe migration dissemination, agency and sponsor monitoring and post-employment empowerment.

Articles 40-41

25. Please provide information on the measures taken to guarantee migrant workers and members of their families the right to form, and be part of the leadership of, associations and trade unions, in accordance with article 40 of the Convention and with parts I and II of the ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87). Please also provide information on the measures taken by the State party to review its legislation and the effective implementation thereof to ensure for migrant workers and members of their families of the State party abroad:

- (a) The right to participate in public affairs in the State party;
- (b) The exercise of their voting rights in the State party;
- (c) The right to be elected to public office in the State party.

60. The government has not been able to negotiate to the destination country regarding the freedom of association and assembly without having to affiliate with the local labor union. Here, it only records groups of migrant worker as a community. They seem to be left alone without assistance and coaching. Such community merely serves as a medium of socialization, has no legality, and seems to be primordialistic based on region of origin, religion, ethnicity identities and any other identities. According to the Migrant CARE record, many Indonesian organizations of migrant workers are formed in destination countries to become media for justice and rights fulfillment, such as in Hong Kong (ATKI, IMWU, etc), Singapore (Indonesia Family Network), Taiwan, Korea, Japan and some other countries.

61. The right to vote for migrant workers, especially for the election of members of parliament and President, is very restricted. Many migrant workers in destination countries cannot get their rights to vote.
62. The voting right from overseas migrant workers goes to the election areas for DKI Jakarta II (Central Jakarta, South Jakarta and foreign election). The right has not been granted to have its own election district or area which implicates the aspirations and interests of migrant workers' protection. In addition, visits and meetings with parliamentarians are rare.
63. The List of Overseas Voters (*Daftar Pemilih Tetap/DPT*) on the 2014's election reached 2,010,280 voters in 130 Election Committees (*Panitia Pemilihan Luar Negeri/PPLN*) in 96 countries. Based on the DPT, Migrant CARE estimates there are about 4.5 million migrant workers who are not registered as voters.
64. The Foreign Election Monitoring Agency from Migrant CARE reports that the agency monitors the 2014's election process in Hong Kong, Malaysia, Singapore, and some settlements of Indonesian migrant worker candidates in Jakarta. Further, the report highlights fraudulent findings, weak policies, loss of voting rights, an increase in the number of voters, lack of overseas election officials, laxity in drop-box and post system, lack of breakthroughs and lack of transparency and accountability.
65. The participation of overseas voters (including migrant workers) in the 2014's Legislative Election reaches 464,078 voters (22% of DPT). In the meantime, the participation of overseas voters in the 2014's presidential election equals to 677,883 voters. The Migrant CARE report says that 2,325 migrant worker candidates who have been in various city settlements, such as in Jakarta and Surabaya, have lost their voting rights.
66. In regional election to elect regent, mayor and governor, the voting right of migrant workers is also neglected as regional election mechanism is not available overseas.

Article 45

26. Please provide information on the measures taken by the State party to ensure access for members of the families of migrant workers to educational institutions and services, as well as vocational guidance and training institutions and services. Please also provide information on measures taken by the State party to facilitate the integration of children of migrant workers into the local school system, including teaching them the local language and facilitating the teaching of their mother tongue and culture.

67. Although the Government has provided access to education for migrant workers as regulated in the Law No. 2/1989 on National Educational System through non-formal education at elementary, junior high school, and open universities, they do not really participate in taking such education. Vocational education, further, is organized with a selection of skills prior to the job market such as sewing and tailoring, cosmetology, fashion, or catering classes. Difficulties are often found due to limited capital and production markets.
68. Educational equality for overseas migrant workers and their children should be accredited by the Ministry of Education and Culture.
69. Many findings tell that the infrastructures and teachers for migrant workers who attend school at the Community Learning Center (CLC) in Sabah Malaysia are

very limited. Indonesian is used as a language of instruction in all schools both in Indonesia and overseas.

70. A regional policy (Local Regulation) on childcare to handle the social impacts on children of abandoned migrant workers is also regulated.

Articles 46-48

27. Please provide information on the legislation relating to import and export duties and taxes in respect of personal and household effects and the necessary work-related equipment of migrant workers. Please also provide information on the policies in place to facilitate remittances. In addition, please provide information on the applicable legal framework in place to ensure the right of migrant workers to transfer their earnings and savings from the State of employment to the State of origin. Please also provide information on the bilateral and multilateral agreements concluded in the field of migration, in particular temporary labour programmes and other agreements concerning employment protection, double taxation and social security.

71. The total of remittance in 2016 is about USD 8.860 billion
72. The policy on remittances management for migrant workers is not established.
73. The government only interprets remittances in terms of money, whereas in broader definition, there are socio-remittances such as discipline, potentials and skills acquired from the destination country. Sadly, the latter remittances are not well-managed by the Government.

Article 49

28. Please provide information on measures taken to ensure that migrant workers who, in the State party, are allowed to choose freely their remunerated activity are not considered to be in an irregular situation and that they retain their residence permit if their remunerated activity ends before the expiration of their work permit or similar authorization. Please also provide information about measures taken to ensure that they are allowed to keep their residence permit at least for the period during which they may be entitled to unemployment benefits.

74. Unfortunately, the Government even legitimizes who is entitled to hold official documents of migrant workers. Such situation creates a long list of the prerequisites faced by migrant workers. This is reflected in the 2012's MoU between Indonesia and Malaysia which ended in May 2016. There has been a debate in the drafting of the new MoU until now which consequently prevent its realization.

Articles 51-52

29. Please indicate whether the State party's legislation is in accordance with the Convention, particularly with its articles 51 and 52, in order for foreign migrant workers to be able remain in the State party upon termination of their contracts, regardless of the reason for

such termination, in order to seek alternative employment, participate in public work schemes and retraining.

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Part V of the Convention

Article 59

30. Please provide information on the measures taken by the State party to ensure that seasonal workers enjoy equal treatment with national workers, particularly in respect of remuneration and conditions of work, and to ensure systematic monitoring by the relevant authorities of employers' compliance with relevant international labour standards.

Part VI of the Convention

Articles 64

31. Please provide information on the measures taken to address irregular migration of nationals of the State party, in particular women and unaccompanied children, including through multilateral and bilateral agreements, policies and programmes aimed at enhancing legal migration channels and addressing the root causes of irregular migration. Please include information on how such measures have been mainstreamed in overall migration policies and programmes and whether there has been a reduction in the number of irregular migrants as a result of such measures.

75. Policy on irregular migrant workers in Indonesia and any policies resulting from diplomatic processes and bilateral agreements are not defined.
76. In Malaysia, for instance, undocumented migrant workers face long bureaucratic procedures to obtain working documents. Here, they become victims of scams by brokers. The official amnesty programs from the government of Malaysia, such as *6P-Pendaftaran Pemutihan Pengampunan Pemantauan Penguatkuasaan Pengusiran*, *3P-Program Pendaftaran Pemutihan dan Penggajian Semula*, *Rehiring*, and *E-Card*, do not play significant role. The 2011's 6P program data (August 1-26, 2011) show there are about 661,700 registered Indonesian migrant workers in the program, but only 312,581 workers are granted for legalization and forgiveness, whereas 349,119 (52.76%) fail and get deported. (This data is based on *Jabatan Imigresen Malaysia*, 2011). In the 2017's E-card program, which takes place from February 15 to June 30, 2017, the Malaysian government targets to legalize 600,000 undocumented migrant workers, but only 155,680 (23%) get e-cards. Only 22,500 Indonesian migrant workers get e-cards (this data refers to *Jabatan Imigresen Malaysia*, 2017).
77. The Amnesty Program from the Kingdom of Saudi Arabia is unreachable for overstayed migrant workers in the embassy. The government of Indonesia does not easily make this program accessible to them.
78. The case of irregular migrant workers has always increased. Some policies are often abused and taken as an excuse to send irregular migrant workers, such as JP Visa exemption in sending unprocedural migrant workers with calling visas or alike.
79. A policy to stop and settle the process of sending migrant workers through shortcuts must be made.

80. Discrimination is also found in the handling of undocumented migrant worker cases, particularly for women and children of migrant workers in Malaysia. The children of undocumented migrant workers find it difficult to obtain birth certificate and other basic services such as education, health including immunization for children, and other social securities. The Embassy of Indonesian's Community Learning Center (CLC) program only reaches 26,248 children and is only occupied by children of diplomats. According to Imigresen Malaysia data, about 64,000 Indonesian children need such educational services.
81. The government of Indonesia also forms some task forces for undocumented migrant workers. However, such effort is not helpful enough since each taskforce has its own mechanism of service and does not optimally support each other.

Article 67

32. Please provide information on the measures taken to assist returning migrant workers and members of their families in resettlement and reintegration into the economic and social life of the State party, including the Business Empowerment for Former Indonesian Labour Migrants Programme. Please provide information on measures taken by the State party to ensure the rights of migrant children and their protection from all forms of exploitation, particularly those unaccompanied and/or in an irregular situation, in or in transit through the State party, including the allocation of sufficient resources for the effective enforcement of labour laws. Please provide information on the steps taken to protect children from hazardous work, including through the implementation of the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) and the strengthening of the labour inspection system.

Article 68

33. Please provide information on the measures taken to intensify and allocate adequate financial and other resources to prevention campaigns aimed at countering misleading information relating to emigration and raising awareness among its nationals, including unaccompanied children, about the dangers of irregular migration. Please also provide information on cooperation efforts with countries of transit and destination, with a view to ensuring the safety of the State party's migrant workers abroad, including migrant children, whether accompanied or not, in transit through third States and upon arrival in the countries of destination.

34. Please provide information on measures taken to promote conditions that facilitate the resettlement and reintegration of migrant children who are nationals of the State party upon their return to the State party.

35. Please provide the following information relating to the trafficking in migrants:

- (a) Measures taken, including through international, regional and bilateral cooperation with countries of origin, transit and destination, and corresponding human and financial resources allocated by the State party to prevent and combat trafficking in persons, in particular women and children;

(b) Measures taken by the State party to adopt specific legislation and policies to combat trafficking in persons, in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, of 2000;

(c) Measures taken to assist and protect victims of trafficking, including protecting the identity of the victims and support for the physical, psychological and social recovery of victims;

(d) Information on training programmes provided to the judiciary, law enforcement officials, border guards and social workers in all parts of the State party on how to identify victims of trafficking;

(e) Information on efforts to systematically compile disaggregated data on trafficking in persons and on bringing perpetrators of trafficking in persons to justice, including the number of reported cases of trafficking in persons, investigations, prosecutions and the sentences imposed on perpetrators.

82. The placement of Indonesian migrant workers takes place without standards and protection guarantees, as the Law No. 39/2004 on the placement and protection of migrant workers focuses more on placement instead of protection. The lack of protection in the migration process further puts women migrant workers vulnerable to human trafficking victims. International Organization of Migration (IOM) notes there were 4,532 cases of human trafficking throughout 2005 to 2012, in which 67.24 percent of the victims were dispatched through migrant worker placement agencies. By the end of 2015, there were 7,000 cases, 85% of which were migrant workers dispatched by agencies/PPTKIS.
83. Indonesia creates a policy of anti trafficking under the Law no. 21/2007 on the Eradication of Human Trafficking
84. Availability of:
- Women and Child Service Units at Police Office at District level (Polres).
 - Integrated Service Centers for Women and Children Empowerment (*Pusat-Pusat Layanan Terpadu untuk Pemberdayaan Perempuan dan Anak/P2TP2A*) at the provincial and district levels.
 - Integrated Service House (*Rumah Pelayanan Terpadu/RPTC*) managed by the Ministry of Social Affairs
 - The budget allocation for P2TP2A comes from the APBD of each region. However, the availability of laws and service units has not actively played enough roles to reduce the vulnerability of women migrant workers to human trafficking victims.
85. In 2016, the government of Indonesia is entitled to TIER 2 or the second rank, which means that the government has owned national legislation, but this position has not optimally been implemented in Trafficking in Person Report from US Government 2017. In addition, this position has been active since 2006.
86. Throughout 2016, there were 10,667 cases of trafficking. About 194 cases are legally enforced through the judicial process. Here, 31 victims received restitution of Rp. 881.400.000. (Source: TIP Report 2017, US State Department)

87. The Safe Migration Campaign undertaken by BNP2TKI is limited to the socialization of unprocedural migrant workers and reduces all protections that should be guaranteed by the state regarding migration.
88. Since the government of Indonesia initiated a moratorium on the Middle East in September 2015, the vulnerability of women migrant workers to trafficking victims has increased. The CARE Migrant Survey of Soekarno Hatta airport in Jakarta (2015-2016) shows that there are 2,644 migrant workers departed to the Middle East (Saudi Arabia, UAE, Bahrain, Oman and Qatar) during the moratorium on umroh visas, visiting relatives and transit. The findings of this survey were formally submitted to the Minister of Manpower and the head of BNP2TKI on October 13, 2016. However, no significant follow-up was taken by the government.
89. In 2013, the director of PT Kartigo was sentenced 1.6 years in prison by the West Jakarta's District Court and was required to pay Restitution for 163 crews which was worth Rp. 1.1 Billion
90. In 2014, SBMI reported 74 Indonesian crews were sent to South Africa, but the legal process was stopped by the police due to insufficient evidence.
91. According to the data from ILO, there were about 210,000 Indonesian crews working on foreign ships in 2015. About 50% of the crews not registered in the government of Indonesia. The percentage might increase if it included the fish-catching crews who had no certainty to who and where they were supposed to register.
92. In 2016, 10 crews were taken hostages by Abu Sayaff group in Philippine waters. They were crews in "Brahma 12" and "Tongkang Anand 12" ships. Some source mentions that they were captured on March 26, 2016 by terrorists suspected of Indonesian citizenship. The Abu Syyaf group requested a ransom of 50 million pesos or equivalent to Rp. 14.3 Billion to the owners of the ships and 7.000 ton of coal.
93. In the case of Thai crews who became trafficking victims in 2016, 8 managers who dispatched them were sentenced to 3 years in prison and were required to pay Rp 159,250,000. Further, 31 victims received restitution for Rp. 881,400.000.
94. In 2012 to 2016, Migrant CARE handled a case of 169 crews working and being exploited in Taiwan, Uruguay and Africa. In this case, they faced unpaid work, sickness, death, workplace accidents, trafficking and immigration problems in transit areas. Such problems were resolved through mediation among victims, agencies and BNP2TKI facilitated by Migrant CARE.

Article 69

36. Please provide information on any measures taken to ensure that migrant workers and members of their family in an irregular situation in the State party have the possibility of regularizing their situation in accordance with the provisions of article 69 of the Convention. Please describe the actions taken by the State party, including through bilateral and multilateral agreements, to improve the protection and assistance afforded to its nationals abroad, including efforts to promote the regularization of their situation.

Section II

37. The Committee invites the State party to provide information (in no more than three pages) regarding the protection of migrant workers and members of their families with respect to the following:

- (a) Bills or laws, and their respective regulations;
- (b) Institutions (and their mandates) or institutional reforms;
- (c) Policies, programmes and action plans covering migration, and their scope and financing;
- (d) Recent ratifications of human rights instrument and other relevant instruments, including the ILO Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the Domestic Workers Convention, 2011 (No. 189);
- (e) Recent comprehensive studies on the situation of migrant workers and members of their families.

- 95. The amendment to the Law No. 39/2004 on the placement and protection of migrant workers has started since 2010. In July 2017, the drafting team from the House of Representatives working committee and the government entered the stage and agreed on 8 crucial issues.
- 96. The ratification of ILO 189 Convention is still under review by the Ministry of Foreign Affairs and the Ministry of Law and Human Rights.

Section III

Data, official estimates, statistics and other information, if available

38. Please provide, if available, updated disaggregated statistical data and qualitative information for the last three years on:

- (a) The volume and nature of migratory flows to and from the State party since the Convention entered into force in the State party;
- (b) Migrant workers in detention in the State party and migrant workers who are nationals of the State party detained abroad in the States of their employment, and whether such detention is immigration-related;
- (c) Migrant workers who are nationals of the State party executed abroad or facing death penalty charges;
- (d) Migrant workers and members of their families who have been expelled from the State party;
- (e) The number of persons imprisoned or fined for unauthorized entry into or exit from the State party;
- (f) The number of non-accompanied migrant children or migrant children separated from their parents in the State party;
- (g) Remittances received from nationals of the State party working abroad;
- (h) Reported cases of trafficking in and smuggling of migrants, investigations, prosecutions and the sentences imposed on perpetrators (disaggregated by sex, age, nationality and purpose of trafficking);

(i) Legal assistance services provided to migrant workers and members of their families in the State party and to nationals working abroad or in transit through third States.

97. In the Government report, the statistics data disclosed are not comprehensively elaborated.

39. Please provide any additional information on any important developments and measures to implement the Convention relating to the protection of the rights of migrant workers and members of their families that are considered a priority, including whether the State party envisages making the declaration under article 76 of the Convention recognizing the competence of the Committee to receive and consider State-to-State communications or the declaration under article 77 of the Convention recognizing the competence of the Committee to receive and consider individual communications.

98. The Government of Indonesia as a state party of this Convention never socializes and discusses the opportunities and mechanisms available in this Convention (including individual complaints) with all stakeholders who work for the protection of migrant workers. As a matter of fact, they can assist Indonesian workers who face problems and get justice.

40. Please submit an updated core document in line with the harmonized guidelines on reporting (HRI/CORE/IDN/2010). In accordance with General Assembly resolution 68/268, paragraph 16, the common core document should not exceed 42,400 words.

41. The Committee may take up all aspects of the rights of migrant workers and members of their families in the Convention during the dialogue with the State party.