

**INDONESIA (2017)**

***THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR***  
*Protocol of 2014 (P029) to the Forced Labour Convention*

<b>REPORTING</b>	<b>Fulfillment of Government's reporting obligations</b>	YES.	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	YES, according to the Government: the Indonesian Employers Association (APINDO), the Confederation of All Indonesian Trade Union (KSPSI), the Confederation of Indonesian Trade Unions (KSPI), and the Confederation of Indonesian Prosperity Trade Union (KSBSI) have been consulted in the reporting process through the communication of the Government's response on the 2014 Protocol report.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	No.	
	<b>Workers' organizations</b>	No.	
<b>EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL</b>	<b>Ratification</b>	<b>Ratification status</b>	Indonesia has not yet ratified the Protocol of 2014 (P029) to the Forced Labour Convention.
		<b>Ratification intention</b>	
	<b>Existence of a policy and / or plan of action for the suppression of forced or compulsory labour</b>	<p><b>2017 AR:</b> The Government indicated that there are national policies and plans of action aimed at suppressing all forms of forced or compulsory labour as well as setting out measures and specific action for combatting trafficking in persons for the purposes of forced or compulsory labour. Indonesia has had several national regulations and has ratified relevant international conventions for the prevention, protection of victims and remedies of all forms of forced and compulsory labor. The policies and national action plans that set out the specific measures and actions to combat human trafficking for forced labor include: a) Establishing the Task Force for Human Trafficking Prevention and Handling; b) Published the National Action Plan for Combating Human Trafficking (RAN PTPPO) 2015 - 2019 with the aim of improving coordination and cooperation in order to prevent human trafficking crimes and the handling of victims as well as the prosecution of perpetrators of human trafficking; c) Issuing tightening policy concerning the placement of Indonesian Migrant Workers (TKI), through: i) Soft Policy, tightening the placement of Indonesian Migrant Workers (TKI) working for individual/informal sector in Asia Pacific countries, the soft policy is implemented to promote the welfare indicators related to costs incurred by Indonesian Migrant Workers (TKI) and the current large amount of salary cuts is still consider as excessive while the skills and education of Indonesian Migrant Workers (TKI) are improved, ii) Hard Policy, placement termination of Indonesian Migrant Workers (TKI) working for the individual / informal sector in Middle East countries (19 countries), the moratorium was implemented by taking into account that the Middle East countries are still using the 'kafalah' system and the absence of labor regulations to protect Indonesian Migrant Workers (TKI) working in informal sector in the country; d) In addition to issuing two tightening policies for migrant workers placement mentioned above, in 2011 - 2015 the Government also reformed the governance of placement and protection of Indonesian Migrant Workers (TKI) on individual users, through: i) Preparation of the 2017 Road Map for zero domestic workers stationed abroad, and ii) In February 2015 the drafting of the initial grand design for protection and placement of Indonesian migrant workers overseas has been started, for the placement of Indonesian Migrant Workers (TKI)</p>	

		<p>working for user with legal entity (individual, working for own company interest, G to G, P to P) and requires the worker to have certificate of competence to work overseas; and e) Completion of Law No. 39 of 2004 to regulate migrant workers who are not working for user with legal entity.</p>
	<p><b>Measures taken or envisaged for systematic and coordinated action</b></p>	<p><b>2017 AR:</b> The Government reported that employers and workers organisations are involved in the preparation and implementation of Government programs/policy to abolish any forms of forced labor, such as the elimination of child labor (also involving Non-Governmental Organization (NGO)) and Equal Employment Opportunity Task Force (EEO).</p>
	<p><b>Measures taken or envisaged to prevent all forms of forced labour</b></p>	<p><b>2017 AR:</b> The Government reported that a number of measures have been taken which include the following:</p> <p>1) Information, education and awareness raising targeting especially people in vulnerable situation and employers: a) Campaign against human trafficking by working closely with the mass media, b) the development of general guidelines for the prevention of human trafficking criminal activities, c) disseminating the prevention of forced labor, human trafficking of vulnerable groups at home and abroad, d) training on the prevention and handling of human trafficking crime at Provincial and District / Municipal level, e) increasing the capacity of labor inspectors related to the prevention and elimination of child labor, particularly the worst forms of child labor, f) measures for child labor through Child Labor Revocation activities, in supporting the Family Hope Program (PPA-PKH) which has been held since 2008 to date, where 75.610 children have been withdrawn from the child labor exploitation workplace to education, g) working closely with stakeholders to develop guidelines on integrated monitoring for the prevention and elimination of child labor, involving environmental and community organizations, h) publishing Handbook of Indonesian Migrant Workers (TKI), which contains, the safe mechanisms of recruitment and placement of Indonesian Migrant Workers (TKI), and i) strengthening the labor market information system on line.</p> <p>2) Strengthening and broadening of the coverage of legislation, particularly labour law: a) revision of Law No. 39 of 2004 regarding the Placement and Protection of Indonesian Migrant Workers (TKI) overseas, in order to improve the rights protection of Indonesian Migrants Workers (TKI) starting from pre-placement, placement until the post-placement period, b) issuance of the Ministry of Manpower Regulation No. 2 of 2015 on the Protection of Domestic Workers, c) issuance of the Ministry of Manpower Decree No. 260 of 2015 concerning Termination and Placement Prohibition of Indonesian Migrant Workers (TKI) against Individual User in the Middle East Region Countries, d) Ministry of Manpower Decree No. 1 of 2015 on Position to Occupy by Indonesian Workers Overseas for Domestic Work.</p> <p>3) Regulation and supervision of the labour recruitment and placement process: a) the formulation of national regulations for inspections and recruitment, such as: the Law No. 3 of 1951 on the enactment of labor inspection legislation No. 23 of 1948 of the Republic of Indonesia throughout Indonesia; Law No. 21 of 2003 on the ratification of ILO Convention No. 81 concerning labor inspection in industry and commerce; GR No. 4 of 2015 on the Inspection Practice toward the Placement and Protection of Indonesian Migrant Workers (TKI) overseas; Presidential Regulation No. 21 of 2010 on labor inspection; the Ministry of Manpower Regulation No. PER.03 / MEN / 1984 on integrated labor inspection; the Regulation of the Ministry of Manpower No. 07 of 2008 on the placement of Labor. In addition to measures in strengthening the supervision of recruitment and placement process, the Indonesian Government has issued several programs, among others: a) established a task force in the prevention and handling of human trafficking crime; b) Established a task force</p>

		<p>for the protection of Indonesian Migrant Workers Recruit (CTKI) and Indonesian Migrant Workers (TKI) starting from pre-placement, during placement and post-placement phases; c) Implementation of the AKAD program (Inter-Regional Inter Agency) to assist job seekers in getting a good job in their own region or other regions; d) One-Stop Integrated Services to ensure safe migration and easy control on recruitment process; and e) One Stop Integrated Service for placement of migrant workers by the National Agency for Placement and Protection of Indonesian Migrant Workers (BNP2TKI).</p> <p>4) Supporting due diligence by the public and private sectors: a) competency certification for Indonesian Migrant Workers (TKI) who will work overseas; b) competency certification for domestic workers; and c) competency certification for Sailors.</p> <p>5) Addressing the root causes that perpetuate forced labour: a) the development of general guidelines for the prevention of human trafficking criminal activities; b) training on the prevention and handling of human trafficking crime at Provincial and District / Municipal level; c) preparation of unemployment and poverty reduction programs in regions that have the potential occurrence of human, among others by the establishment of cooperatives, National Program for Community Empowerment (PNPM), and Creative Economy, involving relevant Ministries and Local Government; d) disseminating the prevention of forced labor, human trafficking of vulnerable groups at home and abroad; e) providing advocacy services to vulnerable groups or victims conducted in an integrated manner both at home and abroad; f) Family Hope Program (PKH); g) development of disadvantaged regions and border regions; and h) development of the rural area.</p> <p>6) Promotion of safe and regular migration: a) disseminating the prevention of forced labor, human trafficking of vulnerable groups at home and abroad; b) providing advocacy services to vulnerable groups or victims in an integrated manner both at home and abroad; c) developing cooperation with countries of destination as well as regional and international organizations in order to protect vulnerable workers (migrant workers working in informal sector); and d) Public campaign to prevent illegal workers.</p> <p>7) Education/vocational training: a) Pre-placement training for Indonesian Migrant Workers (TKI); b) 12-years compulsory education program; and c) Education programs and advanced skills training for migrant workers in the destination country.</p> <p>8) Capacity building for the competent authorities: a) training on handling human trafficking for law enforcement personnel, consular officials and policy makers; b) training on the prevention and handling of human trafficking crime at Provincial and District / Municipal level; c) socialization of relevant regulations on Indonesian Migrant Workers (TKI) and Foreign Workers (TKA) for the Office of Manpower at District / City; d) training of Trainers (ToT) for work agent officials to understand the 189 conventions; e) socialization about safe migration to the relevant stakeholders in Local Government; f) technical guidance for labor inspectors related to the increase oversight of labor laws; g) education and training for Upgrading the Labor Inspection; h) special OSH Education and Training for labor inspectors.</p> <p>9) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations: a) ratification of ILO Convention No. 87 and No. 98, as well as the 1990 UN Convention, which entitles workers to form Trade/Labor Union and to join Trade/Labor Union; and b) increased capacity for empowering workers and trade union officials</p> <p>10) Basic social security guarantees: a) Social Security Agency (BPJS) for Health and Social Security Agency (BPJS) for Employment, and b) establishment of three insurance consortia to provide maximum protection for workers working overseas.</p>
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	<p><b>Measures taken or envisaged to protect victims of forced labour</b></p>	<p><b>2017 AR:</b> The Government reported that the following measures have been taken: a) Training on handling human trafficking for law enforcement personnel, consular officials and policy makers; b) Training on the prevention and handling of human trafficking crime at Provincial and District / Municipal level; c) Education and training regarding the supervision of employment norms for all labor inspectors. The relevant authorities and the entire Indonesian population will benefit from the measures. d) Providing legal aid and advocacy and accompaniment for forced labor / human trafficking victims; e) Restitution and compensation; f) Providing productive economic business assistances for victims after completing rehabilitation process and has returned to his native region; g) Counseling and health care / medical assistance; h) Provision of social assistance, mental guidance and use of leisure time to the victims during the rehabilitation process in the institution to restore the victims' psychological condition in order for them to return to social life in accordance with the norms in society - in this regard, victims received in rehabilitation institution by reference and outreach, the victims were identified by social workers to determine the problem, and social workers assess the victims through interviews, observations and other documentation in order to determine the proper rehabilitation for victims; i) Victims are given psychosocial guidance, mental counseling and physical guidance during the rehabilitation process including trauma healing; j) Protection of privacy and identity have been stipulated in Law No. 13 of 2006 on Witness and Victim Protection; k) the Government is providing / establishing shelter and trauma centers intended for forced labor victims especially human trafficking, that is spread across several regions; l) the measures to address the children victims of forced labor / human trafficking are similar with the treatment of adults. However, there is a distinction in terms of places / accommodation and pattern of mental and physical rehabilitation; and m) the measures for handling migrant workers who are victims of forced labor / human trafficking are similar with the treatment of other forced labor / trafficking victims.</p>
	<p><b>Measures taken or envisaged to facilitate access to remedies</b></p>	<p><b>2017 AR:</b> According to the Government: the measures taken include: a) Information and counseling are provided when victims are going through the rehabilitation process, as regulated in Law No. 13 of 2006 jo Law No. 21 of 2007; b) Provision of free legal support to victims through the rehabilitation institute in cooperation with the legal system for victims handling; c) Access to remedies and compensation is provided for victims referred to the Law No. 13 of 2006 jo Law No. 21 of 2007, such as the provision of: i) Restitution for compensation and productive economic business assistances, and ii) Psychosocial guidance, mental guidance and physical guidance during the rehabilitation process including trauma healing; d) provision of training on handling human trafficking for law enforcement personnel, consular officials and policy makers, and training on the prevention and handling of human trafficking at Provincial and District / City level for relevant authorities and Indonesian migrant worker recruits who will work overseas; e) Victims of Human Trafficking shall not be subject to criminal charges because of the mistakes they have made related to illegal migration; and f) Sentencing such as criminal penalty and confiscation of perpetrators assets is conducted according to a court verdict, as provided for in Article 50 of Law No. 21 of 2007.</p>
	<p><b>Non-prosecution of victims for unlawful acts that they would have been forced to carry out</b></p>	
	<p><b>Cooperation with other Member States, international / regional organizations or NGOs</b></p>	<p><b>2017 AR:</b> The Government stated that it has been cooperating with other member States, international and regional organisations in various areas. It cooperated with destination countries of migrant workers for establishment of Memorandum of Understanding (MoU) and other bilateral agreements, and mutual legal assistance between police agencies. It participated in the ASEAN Countries Summit in</p>

		Prevention and Combating Human Trafficking (TPPO), the regional consultative process (Bali Process), the Colombo Process forum, as well as in the preparation of protection instrument for migrant workers in the ASEAN region.	
	<b>Promotional activities</b>		
	<b>Special initiatives/Progress</b>		
<b>CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL</b>	<b>According to the social partners</b>	<b>Employers' organizations</b>	
		<b>Workers' organizations</b>	
	<b>According to the Government</b>	<p><b>2017 AR:</b> According to the Government, the following challenges have been identified: a) the implementation of the dissemination of information / public campaigns in order to raise awareness on Human Trafficking related issues (TPPO) has not been done on a massive scale and integrated considering the vastness of the area and population in Indonesia; b) difficulties in data collection as not all Human Trafficking victims (TPPO) have reported the problem, and the existing data systems are not yet integrated; c) demographics, ethnic diversity and culture and tradition factors in Indonesia; d) Weak monitoring and law enforcement given the number of labor inspectors in Indonesia are not comparable with the regions in Indonesia; e) the role of middle man (brokers) in the recruitment process is still difficult to be abolished; f) the migration policy, until the current revision of Law 39 of 2004 which regulates the placement and protection of migrant workers, is still in the review process.</p>	
<b>TECHNICAL COOPERATION NEEDS</b>	<b>Request</b>	<p><b>2017 AR:</b> The Government stated that it requires ILO technical cooperation in the following areas:</p> <p><i>Most importantly or importantly:</i> a) Collection and analysis of data and information; b) Capacity building for the competent authorities; c) Basic social security guarantees; d) Assessment, in cooperation with the ILO, of the obstacles identified and their impact on the realization of the principle; e) Awareness-raising and mobilization activities; f) Inter-institutional coordination; g) Promotion of fair recruitment and placement practices; h) Promotion of fair migration policies; i) Vocational training, job-creation and income-generation programmes for at-risk populations; j) Capacity building for employers' and workers' organizations; k) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations; and l) Exchange of experiences between countries or regions; international cooperation.</p> <p><i>Less importantly:</i> a) Guidance on the development of the national policy and plan of action; b) Strengthening the legal framework; and c) Guidance on supporting due diligence.</p>	
	<b>Offer</b>	<b>NIL.</b>	