



**Ministry of Marine Affairs and Fisheries
Republic of Indonesia**



Promoting Decent Work in Fisheries and Aquaculture: Progress Made and Next Actions

Indonesia's Approach in Combating Fisheries Related Crimes: Strategy to Eliminate Human Right Abuses in the Fishery Business

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NATIONAL ACTIONS TO PREVENT, DETER, AND ELIMINATE HUMAN TRAFFICKING & OTHER HUMAN RIGHTS RELATED CRIMES

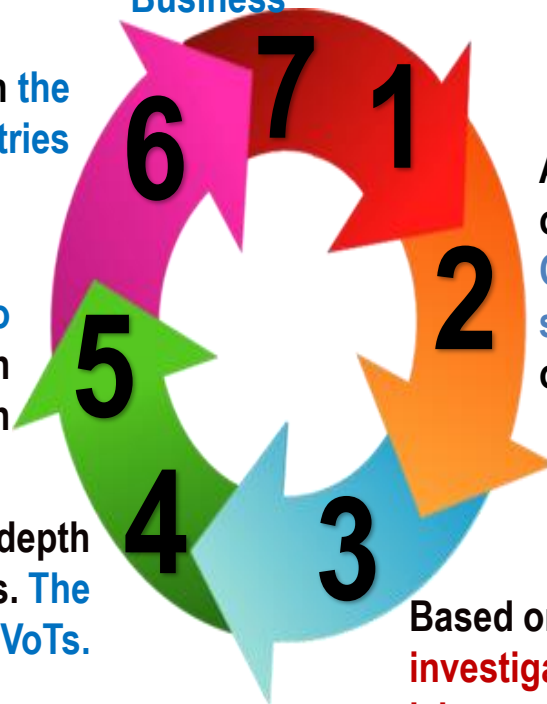
Newly promulgated **Ministerial Regulation No 35 of 2015 on the Human Rights System and Certification in the Fisheries Business**

Moratorium for ex-foreign fishing vessel & establishment of Ministerial **Task Force** to Prevent and Eradicate IUU Fishing

Remediation and Repatriation **the VoTs to their home countries**

President Jokowi ordered Police to investigate trafficking in person in Benjina and Ambon

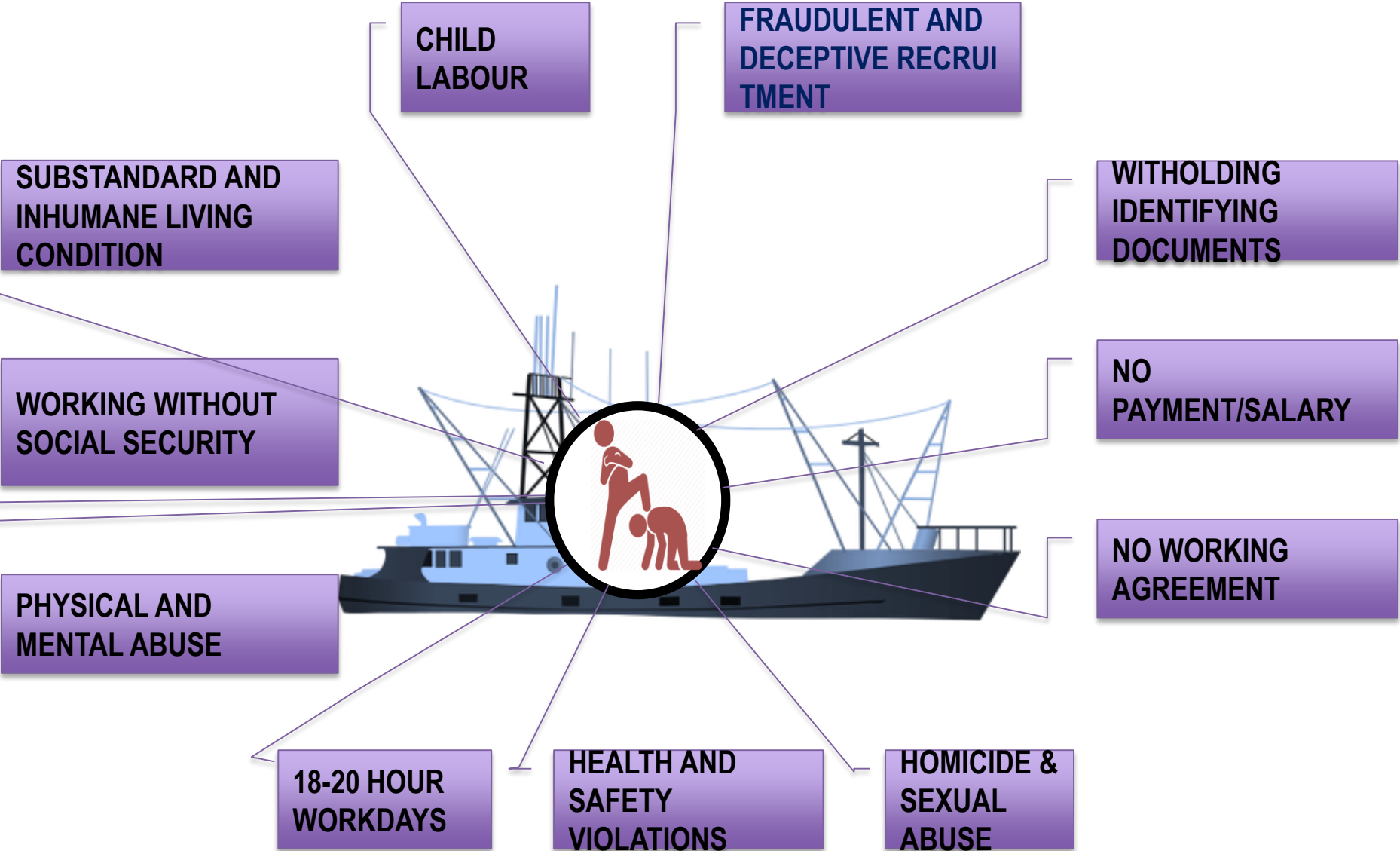
Task Force & IOM, conducted in-depth interviews with the labors of VoTs. **The result showed there are 1,087 VoTs.**



Analysis and Evaluation (AnEv) on **1,132 ex-foreign vessels (187 Companies)** followed by **administrative sanctions** (revocation and suspension of business and fishing licenses)

Based on AnEv, the Task Force **investigated human trafficking and forced labor** practices of **186 vessels** owned by **11 companies**

INDONESIA'S STUDY CASE: TYPES OF HUMAN RIGHTS ABUSES





RELEASE, RESCUE, REMEDIATE, REPATRIATE (4R)



Evacuation



Remediation



Repatriation

- MMAF started to release 682 VoTs in Benjina (April to Mei 2015), following AP's report.
- MMAF rescued 682 VoTs in Tual Government Fishery Port, in cooperation with IOM.
- MMAF identified VoTs (including nationality), conducted in depth interviews and pre-investigation in cooperation with IOM, CID of National Police, Embassies and Immigration officers.
- MMAF started to release and rescued 391 VoTs in Ambon gradually (June to October 2015), following task force's findings report.
- MMAF identified VoTs (including nationality), conducted in depth interviews and pre-investigation in cooperation with IOM, CID of National Police, Embassies, Immigration officers and other ministries.
- Cooperate with the Ministry of Manpower to mediate/negotiate the remaining salary of VoTs (remediation)
- MMAF repatriated 1.011 VoTs (682 in Benjina and 365 in Ambon) to their home countries



1.011

VoTs (Ambon & Benjina) **have been repatriated** to their origin countries



365 of 391

VoTs in Ambon **have been remediated (paid) by companies** (USD 900.000). Some VoTs got USD 20.000.



8 suspects in Benjina are in the **criminal court process**

4 suspects in Ambon under **Investigation process**



11 business licences & **168** fishing licences **have been revoked** by the government

POLICY ON HUMAN RIGHTS TRACEABILITY (PREVENTION APPROACH)

Ministerial Regulation No 35 of 2015 on the System and Certification of Human Rights in the Fishing Industry

Ministerial Regulation on the Human Rights System and Certification in the Fisheries Business



PERATURAN MENTERI KELAUTAN DAN PERIKANAN
REPUBLIK INDONESIA
NOMOR 35/PERMEN-KP/2015
TENTANG
SISTEM DAN SERTIFIKASI HAK ASASI MANUSIA
PADA USAHA PERIKANAN

DENGAN RAHMAT TUHAN YANG MAHA ESA

MENTERI KELAUTAN DAN PERIKANAN REPUBLIK INDONESIA,

- Menimbang :
- bahwa dalam rangka mewujudkan penghidupan perikanan yang berkeadilan, memberikan kepastian hukum, memberikan manfaat, dan sesuai dengan asas pembangunan berkelanjutan sebagaimana diatur dalam Undang-Undang Nomor 31 Tahun 2004 tentang Perikanan, sebagaimana telah diubah dengan Undang-Undang Nomor 45 Tahun 2009, perlu adanya Sistem dan Sertifikasi Hak Asasi Manusia pada Usaha Perikanan;
 - bahwa pada kegiatan Usaha Perikanan masih ditemukan pelanggaran hak asasi manusia, antara lain perdagangan orang, kerja paksa, pekerja anak, dan standar kualitas kelayakan kerja yang tidak sesuai dengan peraturan perundang-undangan terkait hak asasi manusia dan ketenagakerjaan;
 - bahwa berdasarkan pertimbangan sebagaimana dimaksud pada huruf a dan huruf b, perlu menetapkan Peraturan Menteri Kelautan dan Perikanan tentang

(has been launched on December 10th, 2015 – Human Rights Day)

POLICY BACKGROUND

- Evidences of serious human rights violations in fishery business in Benjina and Ambon, Mollucas Island, Indonesia.
- UN Guiding Principles on Business and Human Rights (2011)** and **ILO Convention No. 188 of 2007 – Work in Fishing Convention** which provide international guidance for countries to apply business and human rights & responsible fisheries practices
- Indonesia has ratified two major human rights covenants: CCPR and ECOSOC



PRINCIPLES, OBJECTIVES, GOALS AND CONTENT OF THE MINISTER'S REGULATION



PRINCIPLES (RUGGIE PRINCIPLES – UNGP):

1. The State obligation is to protect human rights (*State to **Protect***);
2. The companies obligation are to respect human rights (*Business to **Respect***);
3. Provide access to recovery human right violations for the victims (*Access to **Remedy***).

OBJECTIVES:

1. The State holds a main role to **protect sea labors' rights and their community**
2. The State assures fishery companies to respect all stakeholders' human rights, and to prevent human rights violations, and/or handling the human rights violation impacts.

GOALS:

1. No Slave-Caught Seafood Product entering the supply chain
2. Welfare for sea labors and their community
3. Businesses to respect and to remedy adverse human rights impacts
4. Ensuring local fishermen prosperity in the fishery business cycle

CONTENT:

1. Human Right's System in the Fishing Industry, including:
 - (a) **Human Rights Policy** (commitment from industry to respect **decent work condition**, e.g: remuneration and regular periods of rest of sufficient length to ensure safety and health (Article 13b ILO C.188), proper living conditions, including accommodation, food, and potable water on board (Article 25 ILO C.188), etc;
 - (b) **Human Rights Due Dilligence** (a process conducted by fishery company to identify, prevent, mitigate, and overcome the impact of human rights violation
 - (c) **Human Rights Restitution** (a process aiming to settle the impact of human rights violation)
2. Human Right's Certification in the Fishing Industry (a process to assess and ensure compliance of fishery company to respect human rights through the application of Human Rights System in Fishing Industry)

NATIONAL AGENDA

1. Fishery business **should developed and implement Human Rights' Protection Policy** within Companies and to report human rights condition regularly to the regulator and public.
2. **Using human rights prerequisite prior to license issuance** (license to catch, transport and set up the business).
3. **Raising awareness** of the **enforcement and port officers** about the **typology and modus operandi** of human rights abuses in the fishery business.
4. **Raising awareness** of the **consumers** of the importance of human rights friendly seafood product.
5. **Human rights record** in the fishery business should be a part of the database in national level, Interpol and FAO/IMO Global Fishing Vessel Record.
6. **Developing multi-traceability national policy** before the fish product entering national and international market (food safety, IUUF and human rights traceabilities).
7. **Create transnational cooperation system for anti-trafficking law enforcement and prosecutions** (*bilateral or multilateral agreements to overcome barriers because due to different jurisdiction and legal system through evidence sharing, testimonial admission and database collaboration*).
8. **Enforce legal responsibilities of flag states** (article 94, UNCLOS 1982)
9. **Promoting fisheries crime as Transnational** Organized Crime (TOC).



HUMAN RIGHTS ABUSES **HAVE NO PLACE** IN OUR SEAFOOD INDUSTRY



THANK YOU!

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