

**OPENING STATEMENT BY
THE HEAD OF DELEGATION OF INDONESIA AT THE
27TH SESSION OF THE COMMITTEE ON MIGRANT WORKERS
GENEVA, 5 SEPTEMBER 2017**

Distinguished Chairperson and Members of the Committee,
Distinguished Delegate and Participants,

It is my honor to present Indonesia's initial report on the implementation of the Convention on the Protection of All Migrant Workers and Members of their Families.

Allow me also to extend our highest appreciation to the Committee for their tireless efforts in promoting the right of migrant workers across the globe and underlining positive contribution of migrant workers in development.

Indonesia attaches great priority to the protection of migrant workers, not only as reflection of our Constitutional mandate but also as one of the Nine Priorities or *Nawa Cita* of President Joko Widodo, in ensuring the presence of the State in every aspects of Indonesians' life. We are currently finalizing the draft revision of our law No.39/2004 on the Placement and Protection of Indonesian Migrant Workers Abroad which is in line with the provision of the convention, and even more go beyond the convention. This revised law also shifts its focus from the placement regime to the protection aspect of migrant workers. I will come back to this encouraging development later in my statement.

Despite our ratification to the Convention in 2012, it is rather unfortunate that until now, only 49 countries have ratified the Convention, most of them are sending states. Indonesia underlines the importance of the universality of the Convention for the betterment of the protection of migrant workers around the world.

The Convention is instrumental in acknowledging the significant contribution of migrant workers towards development and in highlighting the importance of international commitment in achieving a safe, orderly, regular, and responsible migration, as lined out in the Sustainable Development Goals in particular goal 10.

Along with me today are our members of delegations, representing stakeholders from national to local level, namely Ministry of Foreign Affairs; Ministry of Law and Human Rights; Ministry of Manpower; Ministry of Social Affairs; National Authority for the Placement and Protection of Indonesian Migrant Workers; Office of Presidential Staff; and representative from Wonosobo Regency of Central Java.

Mr. Chairperson,

My delegation would also like to acknowledge and appreciate the engagement of representatives from our esteemed civil societies and relevant international organizations in the room, including through the submission of their alternative reports to the Committee. This

initial report has been prepared through all-inclusive process engaging various stakeholders from relevant Government ministries and institutions, academics, civil society, labor associations, National Human Rights Institutions, media, and migrant workers themselves, both at the national and sub-national levels.

Despite diverse perspectives, focus, and priorities among stakeholders, the Government of Indonesia highly values its partnership with all stakeholders since it demonstrates an increased ownership among all stakeholders. We are strongly convinced that this will be crucial during the implementation of the Committee's recommendation later.

Mr. Chairperson,

Since this is Indonesia's initial report to the Committee, allow me to present a comprehensive context and picture of Indonesia. Let us start with the understanding on how vast, diverse and complex Indonesia is.

Let us picture it.

We are a nation covering almost two million square kilometers territorial area, consisting of more than sixteen thousand islands. This makes us the largest archipelago in the world. We are home to one thousand one hundred and twenty-eight (1.128) ethnic groups with more than seven hundred native languages and dialects, spreading out in our thirty-four (34) provinces and more than five hundred cities and municipalities.

Our demography consists of approximately 285 million population among which, around 131 million are considered our workforce. Ratio of our employed workforce to total workforce is 94,67% (by February 2017).

According to the data collected from our missions worldwide, currently there are more than 6.5 million Indonesians working abroad. Bearing this in mind, the Government of Indonesia has made the protection of migrant workers our utmost priority. This priority focuses on two main targets: (i) enhancing the quality of protection of Indonesian citizens and legal entities abroad and (ii) protecting the rights and safety of migrant workers.

Furthermore, we have incorporated the improvement of placement and protection efforts of our Indonesian Migrant Workers in our National Action Plan on Human Rights 2015-2019. Targets contained within the National Action Plan include:

- Improvement of monitoring and law enforcement, in facilitating the placement and protection of Indonesian Migrant Workers;
- Upgrading skill for Indonesian Migrant Workers to encourage more placement in formal sector. In 2017 we targeted training for 5000 migrant workers;
- Facilitation of cases involving Indonesian citizens – including migrant workers – abroad. During January 2016 – July 2017, we have facilitated 23.199 cases and resolved 15.458 of them.

Mr. Chairperson,

Since our ratification of the Convention through the Law No. 6 of 2012, various efforts have been undertaken by the Government to improve our capabilities, in protecting our migrant workers abroad. Allow me to highlight some of our landmark achievements and recent progress after the submission of the report. These include legislative and institutional measures; capacity-building programs; various initiatives to empower members of the migrant workers' family and to protect the rights of foreign workers; as well as their emerging challenges and way forward. Furthermore, this report also covers the on-going progress in the implementation of recommendations regarding migrant workers received by Indonesia during the third cycle of Universal Periodic Review last May.

As I indicated earlier, we are currently in the final process of enacting the draft revision of Law No. 39 Year 2004 on the Placement and the Protection of Indonesian Migrant Workers, in order to harmonize it with the provisions in the Convention.

This revised law shifted the paradigm of our migrant workers regime from its previous focus on the placement process to the protection aspect. We reduced the dominating role of private recruitment agency to marketing and placement only to avoid unauthorized levy and illegal placement practices. We also took step beyond the Convention: the revised law contains empowerment and protection mechanism for Migrant Workers' family who are being left at the sending country.

Allow me to highlight several points contained in the draft revision:

First, Procedure of Placement where the prospective migrant workers are proactively expected to register instead of being recruited;

Second, more prominent role of local government;

Third, the cost of migration will be borne by user instead of the migrant worker;

Fourth, clearer division of responsibility and authority between institutions; and

Fifth, starting 1st of August 2017, all Indonesia migrant workers shall be covered by social security provided by the State through "Manpower Social Security Institution" (BPJS Ketenagakerjaan).

At the local level, we have witnessed encouraging developments in which local governments adopted more migration-friendly initiatives, such as village-level data inputs; supervision and monitoring for migrant workers' children; and post-placement productivity trainings. Furthermore, local governments are also more actively engaging relevant CSOs and religious organization in addressing migration issues, including in formulating relevant local bylaws. These include local governments in Wonosobo, Jember, Banyuwangi, and Central Lombok. I am pleased to inform the Committee that the representative of Wonosobo Regency in Central Java is here with us to share with us some of their best practices.

Mr. Chairperson,

Since April 2017, seven government institutions/agencies who are directly involved in addressing cases of violation of the rights of Indonesian Migrant Workers have committed to further strengthen their synergy in protecting Indonesian migrant workers abroad, including through data sharing, system integration, law enforcement, and border patrol.

Furthermore, Task Force on the Prevention of Non-Procedural Indonesian Migrant Workers has also been established in 21 (twenty-one) main points of embarkation nationwide. In view to preventing migrant workers falling into irregular situation, in the period of January to July 2017, the Task Force has postponed the issuance of passport of nearly 5000 prospective non-procedural Indonesian migrant workers.

In order to provide better service and protection for Indonesian migrant workers abroad, Citizen Service Units have been established in 24 Indonesian diplomatic missions in countries where the number of Indonesian migrant workers is significant. Such units provide an integrated service that covers consular services, legal assistance, education and trainings, shelters, health services for the migrant workers. Furthermore, the units also run 24-hour hotline service to respond to migrant workers who require assistance. The units also conduct various programs to empower Indonesian diaspora associations. We are currently formulating draft revision of Ministerial Regulation, in harmonizing this citizen service with the ongoing revision of Law No 39/2004. It is expected that after this revision, there will be five additional citizen service missions, resulting in 29 missions in total.

In same vein, President Joko Widodo's administration also underlines the important role of vocational training centers, or as we call it, Balai Latihan Kerja (BLK). Revitalization of these training centers, both state and private-owned aims at creating competent and competitive workers as one of main strategy in improving the protection of Indonesian migrant workers.

Local government will have more significant role in providing One-Stop Integrated Service centres and competency training for prospective migrant workers as well as entrepreneurial skill for returning migrant workers. Until August 2017, there are 281 training centres, 262 of them are established by local government. Looking forward, the Government will take measures to improve these training centres through improvement of training infrastructure and equipment; quality and quantity of infrastructure; training method and curriculum; and training centre management.

Mr. Chairperson,

We strongly believe that ensuring the safety of our Indonesian migrant workers abroad starts from home.

With that spirit, the Government through Law No. 39/2004 and the Minister of Manpower's Regulation No. 22/2014 on the Procedure of Placement and Protection of Indonesian Migrant Workers have provided a complete curriculum in the final pre-departure trainings, including legal system and culture in the country of employment; rights and obligations as migrant workers; remittance; as well as the menace of HIV/AIDS and narcotics.

The Government also closely and regularly supervises the performance of around 570 registered agencies all over the country and takes firm actions to those who violated the recruitment and placement of migrant workers' Code. In 2016, we have revoked the license of 49 private Indonesian manpower supplier company and suspended 199 of them. We regularly monitor such private agencies, including its administrative paperwork, field inspection related to training infrastructure, as well as investigation of their violations of the Code.

In addition, the Government of Indonesia continues to improve the protection, productivity, and welfare of migrant workers through our newly launched “Productive Migrant Workers Village” program. It stands on 4 main mechanisms:

First, migration service center which enable people to gain all migration-related information – including the issuance of necessary documents.

Second, productive business program which aims to equip migrant workers’ spouse at home with skills so they can start their own business.

Third, community parenting – where children of migrant workers are being taken care by the community at existing learning center.

Lastly, financing service for migrant workers and/or their family who wants to start a productive business in the long run.

This program is supported through the signing of a Memorandum of Understanding among eight relevant ministries last June and is implemented in close cooperation with local governments.

Mr. Chairperson,

Our efforts to empower members of migrant workers’ family include the commitment to provide every child, including those of migrant workers born out of wedlock and/or whose father is unknown with birth certificate.

With regards to the right to education, particularly those children of Indonesian migrant workers, we have provided Community Learning Centres or Indonesian schools for Indonesian citizens abroad. Until August 2017, we have established 225 Community Learning Centres in Sabah and Sarawak, Malaysia covering 25,681 students. Furthermore, the establishment of Community Learning Centres for the children of our migrant workers is also included in the National Action Plan on Human Rights 2015-2019.

Mr. Chairperson,

On the issue of foreign workers, there are approximately 340,000 foreign workers working in Indonesia since 2012. In 2016 alone, there are 74.183 foreign workers, working in formal sector as professional, advisors, managers, etc. Having ratified International Labor Organization (ILO) Convention 100 and 111, the Indonesian Government is committed to ensure the enjoyment of their equal rights in the workplace as Indonesian national. Regarding their right to health, every foreign worker in Indonesia who stays more than 6 (six) months is required to be enrolled in Indonesia’s National Social Security System.

Recently, our authorities found an increasing number of immigration cases involving foreign workers. Until July 2017, we deported more than 1400 foreign workers who violated

our immigration laws and regulations. To respond to this challenge, we will continue to strengthen the enforcement of our immigration law, including the monitoring mechanism for foreign citizens. In addition, we underline the importance of international and regional cooperation to tackle this challenge.

Mr. Chairperson,

Despite its vigorous efforts, the Government acknowledges that serious challenges continue to hamper our measures to ensure the protection of Indonesian migrant workers. Cases of violations of the rights of Indonesian migrant workers in various countries of destination have captured national attention and put further pressure on the Government to step up its protection efforts.

A number of Indonesian migrant workers have to cope with terrible working conditions, underpayment, mental and physical abuse – some have even led to the death – criminal charges, human trafficking, and other predicaments. Towards the victim of such abuses, the Government through Ministry of Social Affairs plays a role in providing them with shelter, social rehabilitation; repatriation; and reintegration. We have lined out these efforts comprehensively in our report.

Data collection and synchronization also continue to be a challenge. Accurate and integrated data on placement of migrant workers along the line of the migration chain is instrumental to improve the protection of migrant workers. In this light, the Government continues its efforts to integrate all the data of the migrant workers along the line of migration chain – from downstream to upstream, recruitment to return.

Government also carries out various training programs to “upskill and upgrade” Indonesian migrant workers to meet the demand of international job market, such as healthcare personnel or service-related job. Pilot projects on upskilling have been carried out in Lampung and Jogjakarta and will be expanded to seven more provinces in 2017.

Mr. Chairperson,

Considering most of Indonesian migrant workers’ destination countries have not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers, efforts to enhance the protection of Indonesian migrant workers have been done mostly through bilateral agreements. Through these bilateral agreements, we include various clauses in order to protect the basic rights of Indonesian migrant workers, such as wages, working hours, and worker identity, in accordance with provision of the Convention. Promotion of the protection of Indonesian Migrant Workers are also included in some of our Economic Partnership Agreement.

At the regional level, Indonesia actively makes efforts to strengthen regional framework on the protection of migrant workers. Just last week, ASEAN Senior Labor Official Meeting agreed on the draft of ASEAN Consensus on the Protection of the Rights of Migrant Workers to be adopted in the Summit in November 2017.

Indonesia also actively contributes to regional forum, such as the Colombo Process as a forum to strengthen common stand of countries of origins vis-a-vis countries of destination,

and the Abu Dhabi Dialogue, which bring together countries of origin and destination to cooperate in protecting the rights of migrant workers.

At the global level, we once again reiterate our stance on the universal ratification of the Convention and urges all countries, particularly those of destination countries, to ratify the Convention in order to strengthen commitment and obligation of all countries to protect migrant workers.

Mr. Chairperson,

Taking into account the importance of global commitments on the protection of migrant workers, we believe that the Committee can enhance its strategic role in appreciating countries that have ratified the Convention and encouraging other countries that have yet to become party of the Convention to become one. Furthermore, we also encourage the Committee to further collaborate with other treaty bodies in pursuing the full implementation of the Convention.

Finally, we look forward to continue this constructive engagement with the Committee in the future. We are also confident that our dialogue and discussion in the next two days will bring a significant contribution to the betterment of our efforts to further promote and protect the rights of migrant workers and members of their families.

I thank you, Mr. Chairperson.