

P R A K A R S A *Policy Brief*

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The Plight of Fisheries Workers in Indonesia: The Absence of Human Rights Protection

Key Points:

- Cases of human rights violations among workers in the fisheries sector remain high and are often overlooked.
- The implementation of human rights due diligence can contribute to achieving decent work, inclusive economic growth, and responsible consumption and production.
- The government needs to support the implementation of human rights due diligence through clear and strong policies and regulations, as well as providing effective enforcement mechanisms.



Labor Issues in the Fisheries Sector in Indonesia

Indonesia is the largest producer in the fisheries sector in Southeast Asia. Globally, Indonesia is also the second-largest producer of both capture fisheries and aquaculture in the world (after China), contributing over 36% of the total production in the region in 2015. The demand for fish and fishery products in international and regional markets has increased over the past decades, leading to rising fisheries production that meets 25% of global fishery demand. Beyond its global role, the fisheries sector also provides nutrition and a source of income for communities in Indonesia (WRI, 2024). More than 60 million people in Indonesia live in coastal communities, where fishing provides a primary source of income and employment. The number of fishermen in Indonesia was 2.24 million in 2017, with approximately 1.64 million fishing households in 2018 (BPS, 2020).

Despite higher production growth, poverty levels in coastal communities remain relatively high. The poverty rate in coastal areas in Indonesia in 2021 was 4.19%, which was higher than the national average. Among the 10.86 million people living in extreme poverty, 12.5 percent, or 1.3 million people, reside in coastal regions (Wapresri, 2021). Research by PRAKARSA (2022) indicates that capture fishermen have limited ability to calculate their catches and harvests due to low levels of education and financial literacy. This creates opportunities for wholesale traders and mid-level retailers to exploit them, leaving them with weak bargaining positions—potentially leading to debt traps. This

vulnerability also affects migrant workers in the fisheries sector from Indonesia, who are at high risk of falling into debt traps from both local and foreign recruitment agencies.

Despite several significant achievements, the implementation of the United Nations Guiding Principles on Business and Human Rights (UNGPs) in Indonesia still faces numerous challenges. This is reflected in the weak political will of the government to promote and protect human rights. Recently, the government and the House of Representatives have focused on accelerating discussions and the passage of legislation that potentially undermines human rights protections and recovery, as well as harming the environment and natural resources, such as the revision of the Mineral and Coal Law and the enactment of the Job Creation Law (Elsam, 2021).

These issues persist due to weak law enforcement and Indonesia's legal framework that does not effectively protect fisheries workers from exploitative forms of work. Law enforcement against child labor, forced labor, and human trafficking remains ineffective. Technical issues, such as a lack of human resources for adequate labor supervision relative to the existing workforce, as well as the limited capacity of labor inspectors, particularly in remote areas, also remain serious problems (PRAKARSA, 2024). Therefore, the government needs to take serious steps to respect, fulfil, and protect workers in the fisheries sector and coastal areas through policy instruments, to strengthen the fisheries sector in Indonesia and reduce poverty in coastal communities.

Complexity of the Fisheries Supply Chain and Human Rights Violations

The fisheries industry has unique characteristics compared to land-based industries. The difficulty in monitoring fishing vessel activities at sea presents one of the main challenges. This results in a lack of clear information regarding the conditions and treatment of fishing crew members.

Differences in employment contracts and wage systems create their own problems. Fishing crew members typically have uncertain, short-term contracts and operate under a profit-sharing system. Their wages depend on catch volumes rather than regional minimum wages. The distinctive time and rest characteristics compared to land-based workers also complicate the implementation of decent work standards in accordance with policies.

In land-based fish processing sector, labor regulations are clearer and better implemented. However, in marine-based fish processing industry, oversight of these regulations remains weak (DFW, 2023). PRAKARSA (2024) found that some large fish processing companies claim responsibility for human rights issues, but their implementation and oversight are not further explained. This problem is further complicated because not all segments of the fisheries supply chain are covered by existing regulations. Women workers in the fisheries industry also lack guaranteed rights in the workplace, such as maternity leave, which often leads to job loss instead.

Crew members (ABK) in the fisheries industry are often neglected and frequently abandoned. PRAKARSA (2024) notes that this occurs due to the government's inability to address the complexity of these issues. Weak oversight and the issue of transnational organized crime further complicate case handling, which is still based on responsibilities within each country's jurisdiction. Migrant workers, women, and children are the most vulnerable to exploitation due to their weak bargaining positions. Often, their legal documents are withheld, forcing them to continue working under very poor conditions. Cases of human rights violations against these groups are still not taken seriously, and they are often overlooked. The implementation of human rights and due diligence remains difficult due to a lack of essential institutions and political commitment.

Greenpeace (2022) reported that in 2021, the Indonesian Migrant Workers Union (SBMI) received 188 complaints of slavery involving Indonesian crew members working on foreign-flagged fishing vessels. According to SBMI records, the 188 cases in 2021 represent the highest number received by SBMI in a single year. This brings the total number of crew cases handled by SBMI since 2013 to 634. Of the 188 new cases, 98 originated from Central Java, 43 from West Java, and the remainder from various other provinces in Indonesia. No further information was found as to why the most complaints came from these two provinces.

Human Rights Due Diligence (HRDD): More Than Just Compliance and Reporting

Preventing adverse impacts on people is the primary goal of human rights due diligence. The responsibility to respect human rights is a global standard that all enterprises must adhere to, regardless of where they operate, in accordance with the UN Guiding Principles (UNGP). Business activities can affect a wide spectrum of internationally recognized human rights, and this responsibility applies to all those rights. In practice, some human rights may be more vulnerable in certain industries, warranting greater focus (UNDP, 2011).

Human rights due diligence consists of three pillars: the duty of the state to protect against human rights violations by businesses; the responsibility of businesses to respect human rights; and the right to effective remedy for victims of human rights violations. Human rights due diligence is fundamental to the second pillar, which is the responsibility of businesses to respect. Companies are expected to carry out human rights due diligence processes to identify, prevent, mitigate, and account for how they address their impacts on human rights (UNGP, Guiding Principles 15).

Research conducted by Smit et al. (2020) demonstrated that several companies across various sectors are working to develop ways to manage the risk of human rights violations occurring in their supply chains. To understand, control, and manage these risks, many industries and companies utilize the UNGP framework to conduct human rights due diligence while considering the risks of human rights violations in their operations and supply chains. The human rights due diligence process allows for mapping to identify suppliers and trace supply chains, enabling companies to identify human rights risks.

Figure 1. Due diligence process and supporting steps



Source: OECD, 2024

The OECD has developed guidelines for conducting human rights due diligence, which begin with changes in a company's internal policies, identifying and assessing adverse business impacts throughout the supply chain, tracking implementation and outcomes, communicating how to address these impacts, and establishing recovery processes (Figure 1).

Inadequacy of Business and Human Rights Policies in Indonesia

Cases of human rights violations in the capture fisheries industry in Indonesia are largely caused by the absence of human rights due diligence in the relevant companies. Many companies have not fully implemented the principle of human rights due diligence in their operations, as reflected in corporate accountability reports (PRAKARSA, 2024). Currently, corporate responsibility regarding human rights due diligence is limited to acknowledging regulations that support the fulfillment of human rights, without a clear strategy to address potential violations. Many companies focus solely on meeting minimal regulatory requirements, without developing mechanisms to ensure that human rights are fully integrated into operational activities.

One factor influencing this situation is the existing regulations in Indonesia. Greenpeace (2022) states that national law remains too general and not specific enough to provide comprehensive protection for ABK. The dependency of ABK on employment agreements made with shipowners before they start working makes them vulnerable to rights violations and exploitation.

There are four main pillars in international conventions that support the fisheries sector and its labor protections: the Port State Measures Agreement (PSMA) concerning the management of fish to prevent illegal, unreported, and unregulated fishing (IUUF); the Cape Town Agreement (CTA) 2012 regarding the stability and construction of fishing vessels; ILO C-188 concerning the fulfillment of the rights of fishing vessel crew; and SCTW-F regarding the qualification and certification of fishing vessel crew.

Indonesia ratified the International Convention on Standards of Training, Certification, and Watchkeeping for Fishing Vessel Personnel (SCTW-F) in 1995, which was subsequently enacted through Presidential Regulation No. 18 of 2019. In 2016, Indonesia also ratified the Port State Measures Agreement, further strengthening the country's ability to oversee ports and prevent various negative activities. This ratification was officially confirmed through Presidential Regulation No. 43/2016 on the Ratification of the Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing (Mongabay, 2023).

At the national level, Indonesia has issued several policies to protect crew members. One such regulation is the Minister of Marine Affairs and Fisheries Regulation No. 2 of 2017, which establishes requirements and mechanisms for human rights certification in the fisheries sector. This policy complements Ministerial Regulation No. 42 of 2016 on Sea Work Agreements for Fishing Vessel Crew, as well as Law No. 17 of 2008 on Shipping. However, despite these policies, many important aspects remain inadequately regulated, such as wage standards, working hours and breaks, transportation guarantees, compensation when a vessel is not operational due to accidents, career development opportunities, and the provision of accommodation, recreational facilities, nutrition, healthcare, and accident insurance. This is partly due to the differing characteristics of work at sea and on land.

In the context of business and human rights policies, Indonesia has also enacted regulations such as Minister of Marine Affairs and Fisheries Regulation No. 35/PERMEN-KP/2015 on Human Rights Systems and Certification in Fisheries Enterprises. This regulation was issued in response to the high incidence of human rights violations in fisheries activities, including human trafficking, forced labor, child labor, and inadequate working conditions. Additionally, the National Business and Human Rights Strategy, enacted through Presidential Regulation No. 60 of 2023, is also an important step in this effort.

However, the existing regulations and policies still do not comprehensively cover the implementation of human rights due diligence. There is also a lack of detailed explanations regarding the application of these policies for multinational companies operating in Indonesia and utilizing the country's natural resources. These policies also remain weak in addressing issues in the fisheries industry, given the involvement of numerous foreign vessels and the complexity of the country's territorial waters.

This condition underscores the importance of ratifying international conventions such as ILO C-188, which specifically addresses work in the fisheries sector, including workers' rights, working conditions, occupational safety and health, and social protection. By ratifying this convention, Indonesia will have a stronger and more specific legal framework to protect crew members from violations and ensure they work under fair and decent conditions.

Ratifying this international convention will not only enhance legal protection for crew members but also strengthen Indonesia's position in global standards regarding worker protection in the fisheries sector. This is crucial, considering that the fisheries sector is one of the key sectors in Indonesia's economy, with many workers being migrants at high risk of exploitation and human rights violations (DFW, 2023). This ratification can also bolster Indonesia's diplomacy and provide legal protection for all fishing vessel crew members working on both foreign and Indonesian fishing vessels.

Policy Recommendations

Based on the analysis above, several recommendations to policymakers, including:

1. The Ministry of Manpower, the Ministry of Marine Affairs and Fisheries, and the Ministry of Law and Human Rights need to collaborate to develop derivative regulations from the Job Creation Law that specifically address the protection of workers' rights in the fisheries sector. This recommendation aims to strengthen worker protection, establish transparent recruitment procedures, enhance workplace safety standards, and enforce strict legal compliance.
2. The government should expedite the ratification of ILO Convention C-188 to strengthen protections for workers in the fisheries sector and implement derivative regulations regarding the Placement and Protection of Fishing Vessel Crew, particularly for migrant workers.

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3. The Ministry of Law and Human Rights needs to issue guidelines for human rights due diligence and ensure that companies adopt the principle of human rights due diligence within their corporate policies, publicly disclosing this in line with the UNGP and other relevant regulations as part of corporate social responsibility.
4. The Ministry of Marine Affairs and Fisheries, in collaboration with the Ministry of Manpower, the Ministry of Law and Human Rights, civil society organizations, and third parties, should establish official complaint channels for human rights violations, follow up on complaints, and publicly disclose the results.
5. The government is responsible for conducting regular oversight of companies and individual businesses in the fisheries sector to ensure transparency and accountability. This oversight is crucial for identifying and addressing potential human rights violations throughout the supply chain, from upstream to downstream.

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