

Hotspot report

August 2024



EXECUTIVE SUMMARY

Since 2015, the Freedom Fund has been partnering with Humanity United on a program in the Asia-Pacific region to address forced labour in seafood supply chains. As part of this regional program, in 2022 we started a hotspot program in Indonesia – the second largest seafood producing country in the world, and one of the main senders of migrant fishers to work on commercial fishing fleets globally.

The hotspot works with a range of Indonesian partner organisations to reduce vulnerability to forced labour in seafood processing and fishing communities by supporting fishery workers to organise together to claim their rights and demand decent working conditions.

During 2023, our partners provided training and support to worker groups to expand their reach and membership and build their capacity to pursue improvements in working conditions and provide assistance to individual workers. In 2023, our partners provided direct support to 576 fishing and seafood workers, 117 of which were likely victims of forced labour and/or human trafficking; support to 10 worker associations and unions, reaching over 1,300 members; and assistance in relation to 31 legal cases.

Several partners undertook research on issues affecting fishery workers, using the findings to inform advocacy actions. Achievements during 2023 included initial steps towards the establishment of a multi-stakeholder forum to protect the rights and well-being of fishery workers in Bali, modelled on the North Sulawesi forum supported by two of our partners. This model is now being used as a reference for potential replication by the national government and other regional governments. Partners also advocated for improvements to village-level regulations to provide better protections against exploitation, for better regulation of migrant fishers in Central Java province, and for improved protections for Indonesian fishers migrating to Taiwan.



OPFRATING CONTEXT

Indonesia is the second largest seafood producing country in the world and a major exporter of tuna, shrimp and other products. In addition to those working in their own domestic industry, Indonesians also typically make up the highest number of migrant fishers working globally on the commercial fishing fleets of other countries. Our hotspot works with partners across Indonesia, focusing on key ports in Jakarta, Bali and North Sulawesi, as well seafood processing hubs in Banyuwangi, and key migration hubs in Central Java.

Influences on the operating context of the Indonesia hotspot in 2023 included those listed below.

Job Creation Law

In March 2023, the Indonesian parliament approved the Job Creation Law No. 6. The law was opposed by labour unions in Indonesia, because it is identical to a previous law which had been declared unconstitutional by the constitutional court in 2021.

New government regulation on work time and wages in labour-intensive export-oriented industries

The Manpower Ministry Regulation No. 5 of 2023 on the adjustment of Work Time and Wages in Certain Export-Oriented Labour-Intensive Industries allows employers to cut workers' wages by up to 25% and to use flexible working hours in labour-intensive industries with an export orientation. The food and beverage industry (including fish processing) is included in the labour-intensive industry category, directly affecting seafood processing workers. Our partners that are working to improve conditions for seafood processing workers are assessing how to respond to this regulation.





Changes in the structure of the Anti-Trafficking Task Force

The President of Indonesia appointed the Chief of Police to be the chairperson of the National Anti-Trafficking Task Force, replacing the Minister for Women's Empowerment and Child Protection. This replacement indicates a change in the approach to anti-trafficking from prevention to law enforcement. According to media outlets, a month after this appointment, the anti-trafficking task force identified 623 trafficking suspects and received 536 police reports. It is hoped that in future the performance and response of referral agencies will improve in handling forced labour cases, especially for fishing vessel crews. Based on data from the National Fishers Centre run by our partner Destructive Fishing Watch (DFW), 25% of complaints are still unresolved at referral agencies.

Adoption of the ASEAN Declaration on the Placement and Protection of Migrant Fishers

The ASEAN Declaration on the Placement and Protection of Migrant Fishers was adopted by ASEAN (Association of Southeast Asian Nations) member states on 10 May 2023. Some important aspects covered in the declaration are: a) strengthening measures to improve labour conditions and protect workers' rights; b) applying appropriate and gender-responsive measures; c) improving the entire migration process through ethical and fair recruitment and placement processes; and d) enhancing access to communication and information. The declaration is very much aligned with the policy advocacy of our Indonesian partners as it encourages protection of migrant fishers in domestic laws and regulations. In Indonesia, the declaration has created momentum for bringing forward the issuing of implementing regulations mandated by the 2022 Indonesian regulation covering the migration of fishers (Government Regulation 22 of 2022).

From Watch List to Tier 2 in the US Department of State Trafficking in Persons Report

In June 2023, the United States Department of State issued its Trafficking in Persons (TIP) Report which ranks countries globally in relation to efforts to address trafficking. In the 2023 TIP report, Indonesia was 'upgraded' from Tier 2 Watchlist to Tier 2. The report stated that Indonesia had made good progress to address trafficking. Our partner DFW, however, considers that the 2023 TIP report does not yet represent the actual conditions in Indonesia, particularly in relation to areas such as poor law enforcement and efforts to restore victims' rights.

OUR PARTNERS

Since 2015, the Freedom Fund has been partnering with Humanity United on a program to address forced labour in seafood supply chains in Thailand.¹ In 2020, the focus of this partnership broadened to encompass multiple countries in the Asia-Pacific region through grant-making supporting national, regional and global programs. Our collaboration on the Asia Pacific Seafood program seeks to engage across the supply chain, policy and governance spheres with retailers, suppliers, multi-stakeholder initiatives, international NGOs and governments, and to enable the work of local grassroots partners through the Freedom Fund's hotspot model. In 2022, under this Asia Pacific Seafood program, the Freedom Fund started a new hotspot program in Indonesia with a range of Indonesian partner organisations.

In 2023, the Freedom Fund partnered with the following organisations on our Indonesia hotspot program:

- Destructive Fishing Watch (DFW): an NGO focusing on fishers working in the Indonesian domestic wild-capture sector and fishers migrating to the commercial fishing fleets of other countries. DFW has also expanded to focus on improving the labour conditions of seafood processing workers.
- Indonesian Ocean Justice Initiative (IOJI): an NGO/think tank undertaking research and policy advocacy regarding Indonesian fishers migrating to the commercial fishing fleets of other countries.
- Inti Solidaritas Buruh (ISB): an NGO focusing on improving labour conditions in the seafood processing sector.
- Serikat Buruh Migran Indonesia (SBMI the Indonesian Migrant Workers Union): a union providing services primarily to Indonesian fishers migrating to the commercial fishing fleets of other countries, but also working with fishers in the Indonesian domestic wild-capture sector and workers in seafood processing factories.
- Serikat Awak Kapal Perikanan Bersatu (SAKTI Sulut the United Fishing Vessel Crews Union, North Sulawesi): a union focusing on organising and assisting fishing and seafood processing workers in North Sulawesi.
- Yayasan Lembaga Bantuan Hukum Indonesia (YLBHI the Indonesian Legal Aid Foundation): an NGO focused on providing specialised legal services and training to organisations and community groups/paralegals.

As part of the wider regional Asia Pacific Seafood program (rather than the specific Indonesia hotspot program), the Freedom Fund also works in Indonesia with Serikat Pekerja Perikanan Indonesia (SPPI – the Indonesian Fishery Workers Union).

In addition, we are supporting Asosiasi Pekerja Perikanan Indonesia (AP2I – the Indonesian Fishery Workers Association) to move towards a democratic union structure with stronger financial accountability to stakeholders. AP2I provides services primarily to Indonesian fishers migrating to the commercial fishing fleets of other countries, but also works with fishers in the Indonesian domestic wild-capture sector.

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See Humanity United's website for more information about the partnership: https://humanityunited.org/program-track/asia-pacific-seafood-supply-chains/

PROGRESS TOWARDS SYSTEMS CHANGE

Policy/legislative and political will

Central Java provincial government commitment to improve protection of migrant fishing vessel crews

Our partner IOJI and the Central Java government entered into a five-year MoU, under which IOJI will provide advice to the Central Java government on how to implement the regulation on the placement and protection of migrant commercial and fishing vessel crews, and how to improve provincial laws on labour protection.

Best practice in North Sulawesi used as a national reference

After operating for three years, the effectiveness of the Regional Forum for the Protection of Fishery Workers in North Sulawesi – a multi-stakeholder forum consisting of government, business and civil society groups – was evaluated in 2023. Two Freedom Fund partners are involved in the forum. The evaluation found that, among many things, the Regional Forum had established a good model of joint inspection of fishing vessels to check working conditions, occupational health and safety. This practice is now being used as a reference by national government and other regional governments to replicate in their efforts to protect fishery workers. To reinforce the strategic role of the North Sulawesi Regional Forum, a new Governor's Decree for the period 2023-2026 was issued in July 2023.

Changes in government or business performance

Bali province multi-stakeholder forum on protection of fishery workers

To protect the rights and well-being of fishery workers in Bali, a multi-stakeholder forum, based on the example of the North Sulawesi forum, has been established. Our partner DFW is the Secretary to the forum. More than 17,000 fishery sector workers and 180 fish processing factories are involved in the tuna fishing business in Bali. The Bali multi-stakeholder forum will be officially established through a Decree of the Bali Governor, allowing each stakeholder group to collaborate in the Regional Action Plan for the Protection of Fishery Workers and Fishermen for 2023-2026.

Changes to government fishing policy overlook ecosystem and fishers' welfare

Despite advocacy from our partner DFW, the government issued a decree that allows foreign investment back into the country's marine capture sector, after it was banned in 2016 in an effort to tackle illegal, unreported and unregulated fishing by foreign vessels in Indonesian waters. These key changes have raised concerns among some marine conservationists and defenders of artisanal fishers' rights, who say the new regime is oriented mostly toward the large-scale exploitation of Indonesia's marine resources when more than half of fishing zones in the country are already fully exploited.





HOTSPOT OUTPUTS AND OUTCOMES

Headline results

In 2023, our partners provided:

- social and legal support services to 576 fishing and seafood workers, 117 of which were likely victims of forced labour and/or human trafficking
- support to 10 worker associations and unions, reaching over 1,300 members
- assistance in relation to 31 legal cases.

Partners also started to obtain some strong systems change outcomes as outlined in the Progress towards systems change section (above) and under Objective 3 (below).

A worker cutting and trimming frozen tuna. Photo credit: © Armin Hari / The Freedom Fund Fishing vessels ported at the Muncar Fishing Port. Photo credit: © Armin Hari / The Freedom Fund / Indonesia Ocean Justice Initiative

PROGRESS TOWARDS HOTSPOT OBJECTIVES

Objective 1: Build civil society capacity to create sustainable change

The Freedom Fund supported our partners to achieve their self-identified organisational development goals, particularly on financial resilience, managing staff performance, and communications and media strategy, as well as mental health and well-being for frontline staff. With some partners, there was a particular focus on establishing standard operating procedures for safeguarding. Two partners were supported with specific grants to improve financial accountability and democratic union governance. The Freedom Fund also supported partners on two key programmatic areas: worker organising and human-rights-based case support.

The Freedom Fund commissioned a study² by the Sydney Southeast Asia Centre at the University of Sydney to provide insights and recommendations to bolster the efforts of partners supporting workers in Indonesia's seafood sector. The study outlines labour organising models in Indonesia, focusing on informal and/or migrant workers, and identifies approaches for worker mobilisation that are adaptable to the seafood sector. It also examines the existing scope of work of our partners to explore new approaches for mobilisation, and recommends collaborative approaches to strengthen programmatic impacts. The findings will facilitate ongoing program adaptations and knowledge-sharing among our partners and in the wider labour rights movement.

Partners delivering legal services to fishing vessel crews and seafood processing workers collaborated with a prominent national legal aid organisation to strengthen the provision of human-rights-based, victim-centred legal assistance to the community and to workers. They also collaborated to develop two legal opinion documents, as a basis for identifying policies to target for strategic litigation that have the strongest leverage power for change.

Our union and NGO partners worked together to collaboratively develop a submission to the US Department of State Trafficking in Persons Unit, providing a detailed submission on the situation of labour exploitation and trafficking in the fishing and seafood industry. The report was also sent to relevant Indonesian government ministries and departments including the Ministry of Foreign Affairs, the Indonesian Agency for Migrant Workers' Placement and Protection, the Constitutional Court, and the Ministry of Manpower. The process of developing and leading their own collaborative submission to an international government process, using the NGOs' and unions' own data and expertise, significantly strengthened the growing working relationship between the unions and NGOs.

² Labour rights in Indonesia's seafood sector, published February 2024, https://www.freedomfund.org/app/uploads/2024/03/ LabourRightsIndonesiaSeafoodSector_2024.pdf



Objective 2: Build/strengthen sustainable worker power mechanisms Supporting worker organising

In 2022, our partner ISB supported seafood processing workers in the village of Kedungrejo in Banyuwangi to come together to discuss common issues and collective action. After a range of ISB-supported meetings, 70 seafood processing workers formed a village-level labour union – an important platform and tool for pursuing basic labour rights at local level. During 2023, following regular workers' rights educational meetings facilitated by ISB, membership of the Kedungrejo Workers Association increased from 70 to 111 people. ISB also organised training on issues such as litigation and non-litigation advocacy strategies, social analysis and mapping of stakeholders. Workers demonstrated a growing awareness of the importance of documenting information on salaries and working conditions, which can be used as evidence when making complaints.

In Benoa, the second-largest fisheries industry centre in Indonesia, with more than 18,000 fisheries workers and 180 tuna processing factories, our partner DFW supported the establishment of the Benoa Fishery Workers Solidarity Forum to facilitate information sharing and education on labour rights. The solidarity forum is the first step in DFW's strategy to assist worker organising – eventually DFW hopes that the forum can connect to or join a wider union.

Supporting worker group actions

During the second half of 2023,partners supported three new actions by seafood workers: a strike in Benoa port which secured improved conditions; a campaign in Banyuwangi around the unfair dismissal of a fellow worker; and an action by the Kedungrejo Traditional Fishermen's Association to secure fishing equipment from the village government (see more below).

Improving access to government services

In addition to supporting the establishment of the Kedungrejo Workers Association, ISB also supported local fishers to meet and discuss common issues through the Kedungrejo Traditional Fishermen's Association, which ISB helped to establish. Through the association, workers and fishermen were able to participate in the preparation of the village development plan for 2023, leading to budget allocation by Kedungrejo village government for consultation activities, as well as for provision of fishing equipment. The association also helped 73 of their members to secure KUSUKA cards (a registration card for marine and fisheries businesses). The card is a prerequisite for fishermen to be included in the BPJS employment program (a labour insurance program), the premium of which is paid by the Banyuwangi regional government for the first year of participation.

Workers cutting the fresh tuna and sending them to the cleaning and wrapping unit. Photo credit: © Armin Hari / The Freedom Fund





Photo credit: © Armin Hari / The Freedom Fund

Strengthening worker rights during migration

In late 2022, our partner SPPI (funded under the wider regional Asia Pacific Seafood program) entered into an agreement with the Taiwan Tuna Association and the Taiwan Squid and Saury Fisheries Association, which included key measures to improve the training and conditions of fishery workers. Although the agreement didn't come into force until 2024, SPPI kept pushing for improvements to Indonesian migrant fishers' conditions in 2023, working to improve safety training, pre-departure awareness and key terms of worker agreements through the Collective Bargaining Agreement process. SPPI also provides legal aid posts in Taiwan and South Korea, where Indonesian fishers working on distant water fleets commonly need assistance.

Conducting research into issues affecting workers

During the year, DFW collaborated with a community-based organisation called SPAN (Friends of the Fishing Vessel Crews and Fishers Protection) to conduct participatory action research on community-based protection mechanisms for fishery workers in two villages which are key sending areas of migrant fishers and domestic fishing crews in Bitung.

In the first quarter of 2023, our partner SBMI conducted participatory action research in North Jakarta and Indramayu to capture village and sub-district roles in protecting migrant fishing vessel crews throughout the migration cycle. SBMI also used the participatory action research as a capacity-building process for their district and village teams to better understand the specific issues faced by migrant fishers and to develop relevant outreach strategies. The research found that, despite the legal mandate that authorises the village government to provide protection mechanisms to migrant workers, current practices focus only on fulfilling administrative requirements. SBMI is now using the findings to advocate for village-level regulations on protection of migrant workers, including fishers.

In Banyuwangi, SBMI worked with two village governments to conduct Village Appreciation Planning as a process of visioning and mapping of village actors in relation to migration issues, and used the findings to develop relevant village government policies.

SBMI also organised internal capacity building for SBMI union members at the village level in Indramayu district, especially on outreach to migrant fishing vessel crews.

During the year, our partner SAKTI Sulut established Regional Leadership Councils in four sub-districts in Bitung city. The initial task was to map fishery workers' issues as a basis for SAKTI to formulate steps to overcome the problems identified. The sub-district chapters of SAKTI also provide education to workers and their families on safe work practices and how to avoid exploitation and human trafficking.



Objective 3: Influence and strengthen government and business policies and processes

Strengthening government-level worker protection mechanisms

In the first quarter of 2023, DFW conducted a rapid assessment on the working conditions of fishery workers in the tuna industry in Benoa fishing port, including an analysis of the supply chain as well as of compliance of business actors with labour instruments. Based on the findings, DFW organised a series of focus group discussions attended by representatives from relevant Bali government offices, particularly the Manpower Office and Fisheries Office, and Benoa Port Authority. This initiative is a first step towards the development of a multi-stakeholder forum for fishery workers' protection – a model that DFW has successfully developed in North Sulawesi.

During the first half of 2023, our partner IOJI successfully advocated for the Central Java provincial government to re-adopt migrant worker protection provisions in its draft regional regulations. The readoption is important because it asserts the authority and responsibilities of the provincial government in relation to migrant workers' protection.

Following advocacy from SBMI, two villages in Banyuwangi district (East Java province) have ratified a combined four regulations (two per village) on good governance of migrant workers, including migrant fishing vessel crews, particularly through Village Authority Regulations and Village Community Institutions. In Indramayu district, drafts of village regulations for three villages are still in the consultation process.

Influencing government policy

During the year, our partner IOJI influenced key strategic policies of the Central Java government, such as regulations about the Prevention and Handling of Trafficking in Persons and the Protection of Indonesian Migrant Workers.

IOJI drew on findings from participatory action research conducted by SBMI in North Jakarta and Indramayu (see under Objective 2 above) to develop a policy paper for national-level policy advocacy on migrant fishers' protection.

IOJI, SBMI and DFW prepared a joint position paper on derivative implementing regulations for Government Regulation 22/2022 on protection of migrant fishers. After submission of the position paper, the Ministry of Manpower invited the partners to provide inputs on the key points for drafting of the derivative regulations.

Influencing business practices

In March 2023, DFW signed an MoU with the International Pole and Line Foundation (IPNLF) to support responsible tuna fisheries in Indonesia. This was followed by the signing, in July 2023, of an MoU with the Indonesian Longline Tuna Association (ATLI) in Bali, which has a major influence within the fishing industry. The MoU sets out areas for cooperation such as: organising awareness and capacity-building activities to improve the knowledge and skills of fishery workers in relation to working conditions; educating fishery workers regarding aspects of occupational health and safety; and provision and management of complaints mechanisms/external grievance mechanism for fishery workers.



Objective 4: Directly assist workers, reducing vulnerabilities and gaining trust

All partners – except for IOJI which primarily works on policy advocacy – have provided assistance to fishery and seafood processing workers on a range of workplace-related complaints including wage withholding, illegal deductions, document retention and non-payment of benefits. A number of partners also assisted with trafficking/forced labour cases.

DFW reactivated the National Fishers Centre (NFC) in 2022, and worked with the Indonesia Legal Aid Foundation (YLBHI) to develop improved standard operating procedures and guidelines for case management. They also started to design information, education and communications materials to promote the NFC among workers. Some of this material was disseminated across DFW's social media channels. During the second half of 2023, a total of 18 cases were facilitated by the NFC including on unpaid wages, non-availability of insurance and contracts, and occupational health and safety risks faced by domestic fishing vessel crews.

YLBHI also undertook paralegal training for staff of SBMI, DFW, ISB and SAKTI Sulut in August 2023. Some of those trained (SBMI and SAKTI Sulut) then also trained more paralegals within their networks. In addition to providing support and advice to workers, strategic legal cases were also undertaken. ISB collaborated with YLBHI in providing legal assistance regarding an important case concerning more than 30 seafood processing workers who were unfairly dismissed.

Partners also supported workers to gain access to government services and other social services, including access to government low-interest loans as well as government social and employment protections. In some cases, partners helped worker groups lobby the local government for free fishing equipment. SBMI and ISB also assisted a number of fisher families in building alternative livelihood income sources. This is important for families that have family members working in the industry who are part of worker groups: it provides more security and safety for these members to participate in collective action if their family also has another income source.



SUPPORTING A COMMUNITY OF PRACTICE

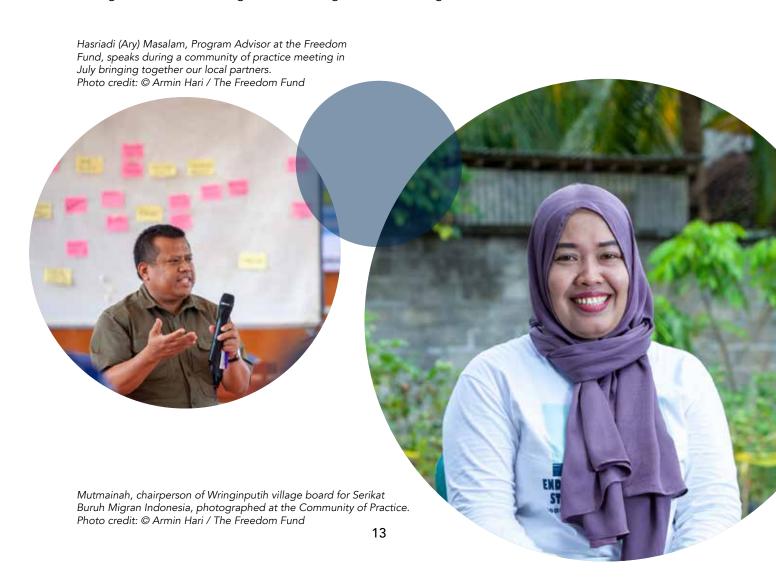
The Freedom Fund convenes partners in quarterly Community of Practice meetings to support cross-learning, collaboration and leveraging of best practice across the hotspot. During 2023, the Community of Practice supported collaboration on a number of key issues:

Best practice in managing complaints. The partners organised a workshop on improving complaints mechanisms and management of complaints. They discussed how to ensure that those who receive a complaints report understand the various legal frameworks available for resolution, including administrative, industrial and criminal law.

Collaboration on policy papers. Our partners SBMI, DFW and IOJI collaborated on policy position papers on improving protections for migrant fishers (see above under Objective 3 for more details). IOJI also began to organise Indonesian organisations together to collectively advocate to the Indonesian government on improving migration protections in bilateral relations between Indonesia and Taiwan.

Collaboration on legal cases. ISB collaborated with YLBHI in providing legal assistance to the pre-trial petition at the South Jakarta District Court in a case relating to non-payment of workers' wages while they were on leave.

Field visits. Partners generally appreciated the opportunity to do field visits as part of their Community of Practice meetings. One such visit was to a well-respected trade union, the People's Democratic Labour Union (SEDAR). During the visit, the Community of Practice participants learned how SEDAR supports workers to handle their own cases at industrial relations courts and labour service tribunals through education in writing case chronologies and collecting evidence.



CASE STUDY

Migrant fishing vessel crews

Indonesian migrant fishers regularly face exploitative practices when working on the commercial fishing fleets of other countries. One worker from central Java, RY (aged 36), brought a complaint to our partner the Indonesian Migrant Workers Union (SBMI) about his experiences when working on a foreign-flagged ship in Omani waters in 2021-2022.

RY said that he had experienced verbal abuse and other forms of psychological abuse; inadequate food compared to that provided to fishers of other nationalities; delays in payment of wages, which were often only made after he protested about late payment; short payment, with various deductions that were not in accordance with his Maritime Work Agreement; and being ordered to undertake work that was not covered by his work agreement.

RY first made a complaint to the Taiwanese and Indonesian agencies involved in his recruitment but did not receive any response. He then contacted the Indonesian Embassy in Oman, asking for protection so that he could be returned to Indonesia.

After returning to Indonesia and waiting in vain for a further three months for any contact from the Indonesian and Taiwanese agencies, RY approached SBMI's Tegal branch for assistance in recovering his unpaid wages. SBMI worked with RY in a participatory manner to help him prepare and conclude his case.

Following this positive experience, RY decided to stay and work at SBMI. He was impressed by SBMI's approach in accompanying fishers not just with the economic aspects of bringing a case but also with psychological support. According to RY, SBMI has tried hard to bring out a new determination among migrant workers to stand up for their rights and to provide each other with mutual support.



VISION

Our vision is a world free of slavery.

MISSION

Our mission is to mobilise the knowledge, capital and will needed to end slavery.

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