



# International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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## Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

### List of issues prior to submission of the second periodic report of Indonesia\*

#### Section I

##### A. General information

1. Please provide information on the domestic legal framework regarding the Convention, including the following:

(a) Laws adopted since the adoption of the previous concluding observations<sup>1</sup> regarding the protection of migrant workers and members of their families and on migration policy, including Law No. 18 of 2017 on the protection of Indonesian migrant workers (amending Law No. 39 of 2004) and Law No. 63 of 2024 on immigration (amending Law No. 6 of 2011), and the steps taken towards harmonizing them with the Convention;

(b) The nature and scope of bilateral and multilateral agreements concluded or envisaged with other countries, in particular with Malaysia, pertaining to the rights of migrant workers and members of their families under the Convention and the results achieved with respect to protection of migrant workers in the domestic sector. Please specify how those agreements protect migrant workers' rights in transit and destination countries, especially with respect to social security, detention, repatriation or expulsion and family reunification procedures. Please provide information on any measures taken to strengthen the protection of Indonesian migrant workers abroad, including by reviewing and amending those bilateral and multilateral agreements.

2. Please provide information on all policies and strategies relating to the rights of migrant workers and members of their families adopted by the State party for the effective implementation of the Convention. Please include information on the policies and strategies contained in the National Action Plan for the Global Compact for Migration, the National Medium-Term Development Plan for 2020–2024, the 2020–2024 anti-trafficking action plan and the 2020–2024 Masterplan for National Border and Border Region Management, and on the policies and strategies implemented at all levels of government, particularly the Ministry of Migrant Workers' Protection, the Directorate General of Immigration and the Directorate for the Protection of Indonesian Citizens and Legal Entities Abroad. Please inform the Committee of the steps taken to integrate rights-based and gender-responsive approaches (para. 15) pertaining to migrant workers and members of their families in the adopted strategies. Please include information on the implementation of all the policies and strategies.

\* Adopted by the Committee at its thirty-ninth session (2–13 December 2024).

<sup>1</sup> Unless otherwise indicated, paragraph numbers in parentheses refer to the Committee's previous concluding observations ([CMW/C/IDN/CO/1](#)).



3. Please provide information on the steps taken to improve coordination among ministries and agencies at all levels of government for the effective implementation of the Convention, particularly the Ministry of Migrant Workers' Protection, the Directorate General of Immigration and the Directorate for the Protection of Indonesian Citizens and Legal Entities Abroad. Please provide information on the mandate of those agencies relating to migration issues, the resources allocated to them and the monitoring mechanisms in place relating to migration issues (para. 17).

4. Please provide information on measures taken by the State party to establish a centralized, comprehensive and accessible database covering all articles of the Convention and the progress made to build the capacity of public officials to improve the collection and analysis of data on migration (para. 19).

5. Please provide information on complaint mechanisms and other services, including helplines, provided by the National Human Rights Commission (para. 21). Please indicate whether the Commission conducts visits to detention centres for migrant workers and to shelters for Indonesian migrants following their repatriation from countries of employment or transit. Please include details on the work of the joint monitoring and investigative team composed of the National Human Rights Commission, the National Commission on the Elimination of Violence against Women, the Commission on Child Protection, the Victim and Witness Protection Agency and the Office of the Ombudsman. In addition, please provide information on the human, technical and financial resources made available to the National Human Rights Commission and on activities conducted by the State party to raise awareness among the general public and migrant workers, in both urban and rural areas, of the services offered by the Commission, including the right to file a complaint directly with it.

6. Please provide information on the steps taken by the State party to develop education and training programmes, particularly pre-departure orientation programmes, incorporating a gender perspective, to increase awareness and understanding of the provisions of the Convention among the general public, migrant workers and members of their families, employers, teachers, health workers, government officials, including embassy and consular personnel, law enforcement officials, border police and the judiciary, civil society, the media and Indonesian nationals working abroad. Please indicate whether steps have been taken to involve civil society organizations and the media in the dissemination of information about the Convention (para. 23). Please also indicate the steps taken to update the education and training programmes in accordance with Law No. 18 of 2017.

7. Please provide information on the cooperation and interaction between the State party, civil society organizations and other social partners working on migrant workers' rights in relation to the implementation of the Convention, including in the countries where Indonesian migrant workers are employed, and in the negotiation and monitoring of bilateral agreements. Please indicate whether the representatives of civil society organizations and other stakeholders are involved in the preparation of the replies to the present list of issues and, if so, how.

8. Please provide information on efforts made to establish a recruitment system subject to public administration (para. 53 (a)) covering private employment agencies in the State party that recruit migrant workers to work abroad. Please also provide information on the laws and procedures pertaining to private recruitment pursuant to Law No. 13 of 2003, its amendment under Law No. 11 of 2020 (the omnibus law on job creation) and Law No. 18 of 2017 on the protection of Indonesian migrant workers. Please provide information in particular on:

(a) Measures taken to provide migrant workers with information and training on their rights and obligations and to protect them against abusive employment situations;

(b) The role and responsibilities of recruitment agencies and their joint responsibility with the overseas employer for claims and liabilities that may arise in connection with the implementation of the employment contract, including wages, disability compensation, repatriation and death, including repatriation of the bodies of deceased migrant workers;

- (c) Any recruitment agencies that provide life, disability and/or workers compensation insurance to migrant workers for work-related injuries and deaths;
- (d) The issuance and renewal of the licences of employment agencies;
- (e) Complaints lodged against recruitment agencies, labour inspections conducted, and penalties and sanctions imposed in cases of non-compliance with the law;
- (f) Measures taken by the State party to strengthen mechanisms to regulate and control private employment agencies and to avoid situations in which such agencies act as intermediaries for abusive foreign recruiters (para. 53 (b)). Please also provide information on the steps taken to implement the National Strategy on Business and Human Rights pursuant to Presidential Regulation No. 60 of 2023;
- (g) Progress made with regard to the ratification of the International Labour Organization (ILO) Private Employment Agencies Convention, 1997 (No. 181) (para. 53 (f)).

## **B. Information relating to the articles of the Convention**

### **1. General principles**

9. Please provide examples of judicial cases and judgments in which the Convention has been invoked directly before the courts. Please also provide information on:

- (a) The judicial and administrative mechanisms competent to examine and decide on complaints made by migrant workers and members of their families, including those in an irregular situation;
- (b) The number and types of complaints examined by such mechanisms since 2017 and their outcome, disaggregated by sex, nationality, age, occupation and migration status;
- (c) Whether legal assistance was provided;
- (d) Any redress, including compensation, provided to the victims of such violations;
- (e) Any measures taken to inform migrant workers and members of their families about the remedies available to them for violations of their rights.

10. Please provide information, with supporting data and specific examples, on how the coronavirus disease (COVID-19) pandemic has affected the development, adjustment and implementation of national pandemic prevention and management plans to protect the rights of migrant workers and members of their families, in a manner that:

- (a) Ensures access to health services, including COVID-19 vaccines, without discrimination and regardless of nationality or migration status;
- (b) Takes the sanitary measures necessary to prevent the spread of the disease and to maintain the desired level of health protection at workplaces;
- (c) Prevents infections in detention centres and provides healthcare services to those who have been infected;
- (d) Ensures that the families of migrant workers who have died of the disease are informed of their deaths and receive their remains;
- (e) Protects the rights of migrant workers and members of their families in other respects and mitigates the adverse effects of the pandemic, taking into account the joint guidance note issued by the Committee and the Special Rapporteur on the human rights of migrants on the impacts of the COVID-19 pandemic on the human rights of migrants.<sup>2</sup>

<sup>2</sup> See <https://www.ohchr.org/sites/default/files/CMWSPMJointGuidanceNoteCOVID-19Migrants.pdf>.

## **2. Part II of the Convention**

### **Article 7**

11. Please inform the Committee about any cases identified in the State party of racism, xenophobia, discrimination, ill-treatment or violence directed at migrant workers and members of their families. Please provide information about normative, institutional and procedural measures adopted by the State party to prevent and combat all forms of racism, xenophobia, discrimination, ill-treatment and violence to protect the rights of the victims, including their right to access to justice. Please include quantitative and qualitative information on the types of discrimination and xenophobia identified in the State party. Please also provide information about cases in which xenophobia, discrimination, ill-treatment and violence have been identified against Indonesian migrant workers abroad and any measures taken by the receiving State and the State party in response.

## **3. Part III of the Convention**

### **Articles 8 to 15**

12. Please provide information on any cases identified in the State party of exploitation of migrant workers and members of their families, in both regular and irregular situations, in particular those working in the agricultural, domestic, fisheries and construction sectors, as well in as hazardous work. Please also provide information on any cases identified in the State party of domestic servitude, forced labour and sexual exploitation involving migrant workers, especially in the context of sex tourism, and on measures to prevent and combat those phenomena. Please provide information on the measures taken to bring national legislation into compliance with the ILO Forced Labour Convention, 1930 (No. 29), and the ILO Abolition of Forced Labour Convention, 1957 (No. 105). In addition, please provide information on measures taken to provide social security benefits to seafarers ordinarily resident in the State party's territory and clarify whether those seafarers ordinarily resident in Indonesian territory working on ships operating under the flag of another country are also provided with social security protection under Government Regulation No. 22 of 2022. Furthermore, please provide information on progress made with regard to the ratification of key conventions not yet ratified by the State party, including the ILO Domestic Workers Convention, 2011 (No. 189), the ILO Violence and Harassment Convention, 2019 (No. 190), and the ILO Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29).

13. Please provide information on measures taken by the State party to ensure that the rights of migrant children, in particular those who are unaccompanied and/or in an irregular situation or are transiting through the State party, are respected and that those children are protected from all forms of exploitation. In particular, please provide information on steps taken to incorporate interventions regarding migrant children into the National Action Plan for the Elimination of the Worst Forms of Child Labour (2013–2022) (para. 33 (d)).

14. Please provide detailed information on the measures taken to investigate complaints of harassment, corruption and abuse of authority by law enforcement officials, including allegations of extortion and arbitrary detention, with regard to migrant workers and members of their families. Please indicate the number of complaints received and investigated in the past three years, the number of law enforcement officials that have been investigated, prosecuted and convicted in that regard since the adoption of the previous concluding observations, and the nature of the charges and sentences imposed.

### **Articles 16 to 22**

15. Please describe the due process safeguards that have been put in place since the adoption of the previous concluding observations, including access to a lawyer and an interpreter during investigations, arrests, detentions and expulsions of migrant workers and members of their families for immigration-related offences. Please describe the measures taken to ensure that the obligation contained in article 16 (7) of the Convention on contact with consular or diplomatic authorities of the State of origin of detained migrant workers or members of their families is given effect in law and in practice. Please provide information on the progress made on the formulation of standard operating procedures for investigation,

arrest and detention in immigration cases. Please include information on specific due process safeguards for unaccompanied and separated children in migration-related administration procedures, including the right to be heard and the right to a guardian.

16. Please indicate the legislative and other measures the State party has taken to implement the previous concluding observations to ensure the right to liberty of migrant workers and members of their families in the context of migration administrative procedures, including entry, residence and expulsion (para. 35 (a) and (b)). Please report on alternatives to detention used to address immigration-related matters, including statistical data and detailed information on migration detention centres, conditions of detention for migrant workers and efforts made to improve those conditions. Please also include information on:

(a) Measures taken to decriminalize irregular entry and exit, in particular by reforming article 113 of Law No. 6 of 2011, in line with the Committee's previous recommendations (para. 31);

(b) Progress made towards amending Law No. 6 of 2011 on immigration to ensure that administrative detention is used only as a measure of last resort and for the shortest time possible and that non-custodial alternatives are promoted (para. 35), in line with the Committee's general comment No. 5 (2021);

(c) Measures taken to comply with the Committee's recommendations (para. 35 (b)) on progress made towards ceasing the detention of children on the basis of their parents' immigration status, and allowing children to remain with family members and/or guardians in non-custodial contexts while their immigration status is being resolved, in accordance with their best interests;

(d) Measures taken to create an independent monitoring body that regularly assesses detention facilities and to ensure that the guards and officials abide by strict behavioural rules (para. 35 (c));

(e) Progress made to ensure that sufficient food, clean drinking water and sanitation, as well as healthcare, are provided in the facilities (para. 35 (d));

(f) Steps taken to ensure that migrant workers and members of their families, particularly those in an irregular situation, are guaranteed due process on an equal basis with nationals of the State party before courts and tribunals (para. 35 (e));

(g) Any steps taken to develop a policy or strategy for the promotion of non-custodial alternatives to detention for migrants.

17. Please provide information on measures taken to ensure that migrant workers and members of their families are expelled from the territory of the State party only pursuant to a decision taken by a competent authority, following a procedure established by law and in conformity with the Convention, and that such a decision can be reviewed on appeal. Please provide up-to-date information on the implementation of the previous concluding observations and other relevant information, including disaggregated statistical data, on migrant workers and members of their families who are undocumented or in an irregular situation and have been or are in the process of being expelled.

## Articles 23

18. Please provide detailed information on the policies and practices of the State party's embassies, consulates and labour attachés in assisting and protecting migrant workers who are nationals of the State party working abroad, including those in an irregular situation, particularly in the case of abuse, arrest, detention or expulsion. Please provide information on:

(a) Steps taken to prioritize the protection of migrant workers in an irregular situation and those working in isolated conditions (para. 37 (a));

(b) Progress made towards the provision of welfare services and consular assistance that are gender-responsive and accessible for Indonesian migrant workers in destination countries (para. 37 (b));

(c) Measures taken to ensure that consular and diplomatic missions are adequately staffed, and that staff are properly trained in a human rights-based approach to dealing with all issues faced by migrant workers (para. 37 (c));

(d) Measures taken to ensure that staff at consular and diplomatic missions in States of employment develop specific policies that address prevention of and response to arbitrary detention and sexual and gender-based violence (para. 37 (d)).

### **Articles 25 to 30**

19. Please indicate what legal and labour protection and enforcement mechanisms are in place to ensure that migrant workers, including migrant women, especially in the agricultural, construction, domestic and fisheries sectors, enjoy treatment not less favourable than that which applies to nationals in respect of remuneration, social protection and conditions of work. Please provide information on equal access to social protection, including healthcare and benefits encompassing accidents, pensions, old age, mortality and unemployment for migrant workers and members of their families in both regular and irregular situations, including education of children of migrant workers in both regular and irregular situations. In addition, please also provide information on:

(a) Steps taken to ensure, through bilateral and multilateral social security agreements, that all migrant workers and members of their families have adequate social protection in countries of destination;

(b) The scope of the additional coverage of the social security framework provided by the Manpower Social Security Institution (para. 39).

20. Please provide information on the measures taken by the State party to ensure the right of children of migrant workers abroad, including children of migrant workers who are in an irregular situation, to be registered at birth and to have their nationality recognized in law and in practice, free of charge. Please provide details on any steps taken to raise awareness of the importance of birth registration among migrant workers and members of their families, especially those in an irregular situation. Please also provide information on the progress made towards acceding to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness (para. 41).

### **Articles 31 to 33**

21. Please provide information on measures taken by the State party to ensure that, upon termination of their stay in the State party, migrant workers and members of their families have the right to transfer their earnings and savings to their State of origin and, in accordance with the applicable legislation, their personal effects and belongings. Please provide information on progress made towards conducting information and training programmes for migrant workers on financial literacy and indicate whether such programmes were developed in coordination with other stakeholders, including local governments, civil society and the private sector.

## **4. Part IV of the Convention**

### **Article 37**

22. Please provide information on pre-departure programmes for the State party's nationals who are considering emigration, including on the provision of information on their rights and obligations in the State of employment. Please indicate which government institution is responsible for providing such information pursuant to Law No. 18 of 2017 and, in particular, Regulation No. 7 of 2022 of the Indonesian Migrant Workers Protection Agency. Please also indicate whether any coordinated policies, programmes or legislation have been developed to ensure transparency and accountability in that process. Please provide information on any steps that have been taken:

(a) To enhance and improve pre-departure training and information in accordance with the Convention and in a gender-responsive manner in order to enhance the skills level of prospective migrant workers, including language skills (para. 43 (a));

(b) To empower migrant workers to know their rights and how to claim them, including by providing them with information on fair recruitment, decent work standards, available social protection, financial matters and the local culture and lifestyle, as well as important legislation in the destination country and contact information for labour attachés and welfare officers in the States of employment (para. 43 (b)).

#### **Article 41**

23. Please provide information on the measures taken by the State party to review its legal framework, specifically Law No. 7 of 2017 concerning general elections, and on other steps taken to facilitate the exercise of voting rights by migrant workers and members of their families of the State party who are residing abroad.

#### **Article 45**

24. Please provide information on the measures taken by the State party to ensure that migrant workers and members of their families have access to educational institutions and services, as well as to vocational guidance and training institutions and services. Please also provide information on measures taken by the State party to facilitate the integration of children of migrant workers in the local school system, including teaching them the local language, as well as measures taken to facilitate the teaching of their mother tongue and culture.

#### **Articles 46 to 48**

25. Please provide information on the financial and tax legislation in respect of personal and household effects, as well as necessary work-related equipment owned by migrant workers. Please also provide information on the policies in place to facilitate remittances, in particular on any measures the State party has taken to reduce the cost of sending and receiving funds, especially for their low-cost transmission to rural regions, and to facilitate access to a safe and affordable remittance transfer system (para. 45).

### **5. Part V of the Convention**

#### **Articles 58 to 63**

26. Please provide information on the measures taken by the State party to ensure that seasonal workers enjoy treatment not less favourable than that which applies to nationals, including in the wake of the changes introduced pursuant to Law No. 18 of 2017 and Government Regulation No. 22 of 2022, particularly in respect of remuneration and conditions of work. Please include information on steps taken to ensure systematic monitoring by the relevant authorities of employers' compliance with relevant international labour standards.

### **6. Part VI of the Convention**

#### **Article 64**

27. Please provide information on the irregular migration of nationals of the State party, in particular women and unaccompanied and separated children, including information on multilateral and bilateral agreements, policies and programmes aimed at enhancing regular migration pathways. In addition, please provide information on steps taken to expand the scope of the provincial Task Force for the Prevention of Non-procedural Placement of Workers and progress made to expand the One-stop Integrated Centres. Given the mixed migration flows, please indicate whether the State party plans to ratify the Convention relating to the Status of Refugees. Please provide information on steps taken:

(a) To address the situation of migrant workers who are victims of the *kafalah* (sponsor) system (para. 49 (c));

(b) To negotiate with countries of destination binding bilateral agreements that are gender-responsive and non-discriminatory, to monitor the enforcement of those agreements and to ensure that they are made public and are transparent (para. 49 (e) and (f));

(c) To promote the inclusion of standard and unified employment contracts for domestic workers in all regional and bilateral agreements, to establish a reference wage for domestic workers that reflects their skills and experience, to ensure that abused migrant domestic workers seeking help from their diplomatic missions abroad are provided with shelter, legal assistance and medical care, and to create a complaints mechanism for migrant domestic workers to report cases of unfair labour practices (para. 51 (b)–(d) and (g));

(d) To lift the ban on migrant domestic workers wishing to travel to countries in the Middle East for work and to implement alternative non-discriminatory measures to protect the rights of migrant domestic workers (para. 51 (i)).

#### **Article 67**

28. Please provide information on the measures taken to assist in the voluntary return and social, economic and psychosocial reintegration of returning migrant workers and members of their families in the State party. Please provide details on whether return and reintegration programmes are developed and implemented in consultation and coordination with all relevant ministries, provincial and other local government agencies and whether the resources and expertise of staff are sufficient to discharge those responsibilities effectively. With regard to protecting children from hazardous work, please provide information on the progress made in the establishment and strengthening of additional Local Action Committees on the Elimination of the Worst Forms of Child Labour. Please also provide information on the progress made towards the target of eliminating all forms of child labour by 2022. With regard to technical training for Indonesian migrant workers, please provide information on the expansion of the “Kampung TKI” (Indonesian migrant workers’ villages) programme.

#### **Article 68**

29. Please provide information on the measures taken to allocate adequate financial and other resources to prevent the dissemination and raise awareness of misleading information, including among unaccompanied and separated children, about the dangers of irregular migration. Please also provide information on cooperation efforts with countries of transit and destination with a view to protecting Indonesian migrant workers abroad, including migrant children, whether accompanied or not, in transit through third States and upon arrival in countries of destination.

30. Please provide information on measures taken to facilitate the resettlement and reintegration of migrant children who are nationals of the State party upon their return to the State party, including information on the Social Safe Houses for Children.

31. Please provide the following information concerning trafficking in migrants:

(a) Measures taken, including through international, regional and bilateral cooperation with countries of origin, transit and destination, and corresponding human and financial resources allocated by the State party, to prevent and combat trafficking in persons, in particular women and children, including for the implementation of Law No. 21 of 2007, Law No. 18 of 2017 and Law No. 1 of 2023 on the Criminal Code;

(b) Measures taken by the State party to adopt specific legislation and policies to combat trafficking in persons, in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, including Law No. 14 of 2009, and information on the progress made in expanding the thematic and geographic scope of the Task Force for the Prevention and Control of Trafficking in Persons, established pursuant to Presidential Regulation No. 69 of 2008 (para. 57 (a));

(c) Measures taken to assist and protect victims of trafficking, including the strengthening of the national referral mechanism, the adoption of a systematic, transparent and impartial approach to investigation and prosecution in cases of trafficking and the provision of gender-sensitive shelters, medical care and psychosocial and other support to assist victims’ reintegration into society;

(d) Measures taken to provide adequate training and capacity-building, in particular gender-responsive training, for law enforcement officials, judges, prosecutors,



labour inspectors, service providers, teachers and embassy and consular personnel and other relevant professionals in the State party (para. 57 (g));

(e) Steps taken to strengthen the collection of disaggregated data on trafficking in persons, including the number of reported cases of trafficking in persons, investigations, prosecutions and the sentences imposed on perpetrators and, acknowledging the role of technology in trafficking in persons, steps taken to collect disaggregated data on cases of trafficking in persons for the purposes of exploiting their labour in online scamming centres.

## **Article 69**

32. Please provide information on any measures taken to ensure that migrant workers and members of their families in an irregular situation in the State party have the possibility to regularize their situation in accordance with the provisions of article 69 of the Convention. Please describe the action taken by the State party, including through bilateral and multilateral agreements, to improve the protection and assistance afforded to its nationals abroad, including efforts made to promote the regularization of their situation.

## **Section II**

33. The Committee invites the State party to provide information, not to exceed three pages, regarding the protection of migrant workers and members of their families with respect to the following:

- (a) Bills or laws and their implementing respective regulations;
- (b) Institutions and their mandates or institutional reforms;
- (c) Policies, programmes and action plans covering migration and their scope and financing;
- (d) Recent ratifications of human rights instruments and other relevant instruments, including the ILO Migration for Employment Convention (Revised), 1949 (No. 97), the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the ILO Domestic Workers Convention, 2011 (No. 189);
- (e) Recent comprehensive studies on the situation of migrant workers and members of their families.

## **Section III**

### **Data, official estimates, statistics and other information**

34. Please provide, if available, disaggregated statistical data and qualitative information for the past seven years on the following:

- (a) The volume and nature of migratory movements to and from the State party;
- (b) The number of unaccompanied migrant children or migrant children separated from their parents in the State party;
- (c) Remittances received from nationals of the State party working abroad.

35. Please provide information about progress made with regard to ratification or accession to the International Convention for the Protection of All Persons from Enforced Disappearance.

36. Please provide any additional information on any important developments and measures in implementation of the Convention relating to the protection of the rights of migrant workers and members of their families that are considered a priority, including whether the State party envisages making the declaration under article 76 of the Convention recognizing the competence of the Committee to receive and consider State-to-State communications and/or the declaration under article 77 of the Convention recognizing the competence of the Committee to receive and consider individual communications.