



## Advocating for the Rights of Indonesia's Migrant Workers National Capacity Building Program, Jakarta, Indonesia

---

**Module 3, 22-25 November 2018**

### SUMMARY REPORT

---

#### PROGRAM OVERVIEW

The Diplomacy Training Program (DTP) in partnership with Migrant Forum in Asia (MFA) and Serikat Buruh Migran Indonesia (SBMI) are developing and delivering a capacity building program for Indonesian civil society advocates working to protect and promote the rights of Indonesia's migrant workers. The program is designed to build knowledge of rights in Indonesian and international law, to build advocacy skills and networks across Indonesia and countries of destination.

The program strategy forms part of DTPs broader theory of change, whereby the training of civil society advocates leads to influence of policies and programs relating to migration and enhanced protection and fulfillment of the rights of migrant workers. The training aims to ensure that the voices of migrant workers and their advocates are heard by governments and in intergovernmental processes. There is a focus on international standards and mechanisms. This is the fifth in this series of national level capacity building programs with previous programs held in Nepal, Sri Lanka, Bangladesh and Malaysia.

Indonesia, the program partners selected around 30 participants for the program, drawn from different organisations and networks across Indonesia. Over 50% of the participants are women and many are returned migrant workers. Some are domestic workers now working in Indonesia.



The program is delivered over 12 months in five modules of four days, with work continuing between modules. Participants are expected to complete all five modules. The content of the modules is developed with participants and responds to the issues and priorities of participants. Most of the sessions are conducted in Bahasa Indonesia, with experienced Indonesian experts and trainers donating their time and expertise.

Module 3 was held in Jakarta from 22-25 November 2018 with 26 participants.

Priority concerns identified by the participants in the program include:

- An unexplained and alarming rise in the deaths of Indonesian migrant workers in Malaysia (particularly from NTT)
- The need for parliament to adopt regulations to implement the new migration law (Law 18, 2017)
- The need for one-stop processing centres for migrant workers at the village level
- The ill-treatment and abuse of Indonesian seafarers – and the lack of legal protection of their rights
- The rights of children of migrants in Malaysia – especially on plantations
- The execution of Indonesian migrant workers / imposition of the death penalty

Each module begins with participant updates, including reflections on whether they have been able to apply the lessons of each module to their work – and any progress made.

At the end of previous module participants had joined together to make a written appeal to their government for Bahasa Indonesia translations of the Draft UN Global Compact on Safe Migration, and the Concluding Observations of the UN Committee on the Rights of Migrant Workers. This had been successfully followed up.

This module had a focus on building participants' knowledge on the rights of women migrant workers and domestic workers – with a focus on the UN Convention on the Elimination of Discrimination Against Women (CEDAW) and ILO Convention 189 on domestic workers. There were sessions on business and human rights and updates on the GCM and GFMD processes. Sessions also focused on building campaign strategies and working collaboratively. Participants worked together to develop advocacy strategies to respond to the rise in unexplained deaths of Indonesian migrants in Malaysia.

There was a practical exercise on lobbying and engagement with the government. Following practice sessions and preparations, participants in groups met with officials from the Ministry of Foreign Affairs, Ministry of Villages, and the Parliamentary Commission IX on Demography, Health, Manpower and Transmigration Affairs.

Participants were able to raise their specific concerns and raised questions about the responsibility of the government for the protection and promotion of the rights of MWs in Indonesia and in countries of destination.

## **PROGRAM CONTENT**

### **Building Advocacy Strategy**

**Facilitator: Taufik Zulfahri, Commissioner, Komnas Perempuan**

Taufik led sessions on how and why civil society needs to organise and work collaboratively to be effective in their advocacy/lobbying and in building a campaign. Promoting and ensuring the rights of migrant workers requires collaboration between CSOs – NGOs / TUs and others. Participants shared

their experience in building and sustaining partnerships and collaborations, and challenges involved in this. One of the issues identified by the participants is the increasing no. of (unexplained) deaths of Indonesian MWs in Malaysia. Participants worked on identifying their advocacy goals and targets, and a campaign strategy to ensure Indonesian MWs are better protected in Malaysia.

### **Domestic Workers Rights and Legal Framework**

**Facilitator: Lita Anggraini, Coordinator, Jala PRT (National Network for Domestic Workers Advocacy)**

Lita introduced participants to the domestic workers rights and ILO Convention 189. The session also built knowledge of the Indonesian legal framework on migrant domestic workers (MDW). Lita highlighted that domestic workers have not been formally recognized under the legal framework in Indonesia, because the Domestic Workers Act is yet to be ratified by the Parliament. Campaigning and lobbying at the national level should be intensified to provide protection of domestic workers at the national level – this will help build momentum to ensure MDW are protected in countries of destination.

### **CEDAW – Women’s Rights and the Obligations of the Indonesian Government**

**Facilitator: Lily Purba, Former Chair, ASEAN Commission on the Promotion and Protection of the Rights of Women and Children**



This session by Lily helped develop participants understand of women’s rights as human rights and how gender affects labour migration and the particular harms experienced by women migrant workers in countries of destination. The session helped understand how CEDAW and the treaty reporting process can be integrated into advocacy strategies. CEDAW has particularly recognized vulnerabilities of women migrant workers in General Recommendation 26.

CEDAW can also be a useful advocacy tool for migrant worker advocates because of its wide ratification in the countries of destination (unlike the Convention on Migrant Worker - CMW) where many violations occur.

### **The Human Rights of Migrant Workers – and the Responsibilities of Business**

**Facilitator: Iman Prihandono, Faculty of Law, Airlangga University**

The private sector (business) plays a critical role in labour migration and the (mis)treatment of migrant workers – in recruitment, employment, remittances and insurance. The UN Guiding Principles on Business and Human Rights (UNGPs) were adopted in 2011 with input from NGOs / Tus / CSOs / Business. The UNGPs are organized around three pillars:

**Pillar 1:** State duty to **PROTECT** human rights

**Pillar 2:** Business responsibility to **RESPECT** human rights – the responsibility to respect means understanding their impact and “doing no harm”

**Pillar 3:** Access to effective **REMEDY**

Participants were divided into three groups to look into the violations caused by the fishing, palm oil and garment industries. The practical exercise helped participants understand how companies can be involved in human rights violations – and the responsibilities of government and business.

## **Lobbying and Engagement – Preparing the Advocacy Agenda** **Facilitator – MFA / DTP / SBMI**



Participants had the opportunity to engage and have a dialogue with the officials of the Ministry of Foreign Affairs, Ministry of Villages, and the Parliamentarians – Commission IX. The purpose of these engagement sessions was to build the knowledge and skills of participants in lobbying and advocacy and to develop their confidence. Participants were divided into three groups – to prepare their agenda and advocacy strategy. This was followed by a role-play.

A reflection session was organized after the dialogue with the officials from the ministry and parliamentarians to share about their experience. The overall reflection was positive – participants found the engagement very useful and interesting.

## **Regional / Global Processes Update – GCM, GFMD** **Facilitator: MFA / DTP / SBMI**

*The Global Forum on Migration and Development (GFMD)* is being held in Marrakech from 5-7 December, with the overarching theme “*Honouring international commitments to unlock the potential of all migrants for development*”. The debates at the forum will be structured around human rights, gender perspectives, whole-of-government and whole-of-society approaches. With the GCM being adopted in Marrakech in December – the focus of discussions will be on the linkages between the GFMD, GCM and the 2030 Agenda, and GFMD’s contribution to global dialogue and policy-making on migration and development – successes and challenges in addressing migration as a development issue.

*Global Compact for Migration (GCM)* - The final draft of the GCM will be adopted in Marrakech in December. Once the Compact is adopted this is expected to be the first, inter-governmentally negotiated agreement, prepared under the auspices of the United Nations, to cover all dimensions of international migration in a holistic and comprehensive manner. It presents a significant opportunity to improve the governance on migration, to address the challenges associated with today’s migration, and to strengthen the contribution of migrants and migration to sustainable development.

Participants discussed in plenary to highlight the plights of Indonesia’s MWs during the ‘Migration Week’ in Marrakech. Dina Nuriyati is attending the program in Marrakech and participants have decided to make a video to raise awareness against death penalty. The video has now been aired and is available online for viewing. Participants of the program shared the video through their social network platforms and tagged the GFMD official hashtags.

## **NEXT STEPS AND FOLLOW-UP**

The final session of the module focused on identifying some clear steps / strategies forward. Program participants agreed to continue working in-between modules. One of the issues identified by the participants is the increasing no. of (unexplained) deaths of Indonesian MWs in Malaysia. Participants have divided tasks to collect information / data and meet with the Ministry of Foreign Affairs and Ministry of Labour to discuss the issues. At the provincial level they will lobby for effective pre-

departure orientation. At the ASEAN level they will work on sending information to AICHR, and at the UN level they send information to Special Procedures. Participants have identified individuals who will take lead on each of these tasks and set timeline for each activity.

In plenary, participants suggested content and expectations for the next module. They identified the following issues to be considered for inclusion in modules 4 and 5: *ILO standards and complaints mechanism; sea farers; rights of the children and families of MWs; Embassy / mission engagement exercise; role of Komnas Ham and of SUHAKAM (in Malaysia to help protect MWs rights in Destination countries); advocacy skills – further training and practice.*

**Module 3** concluded with the completion of evaluation forms and sharing of reflections. The feedback on the module was positive, with participants particularly valuing the engagement with government.

Representatives of the program partners thanked participants and trainers for their valuable time and for sharing their knowledge.



## Program Schedule

	<b>Day 1 – Thu – Nov 22</b>	<b>Day 2 – Fri – Nov 23</b>	<b>Day 3 – Sat – Nov 24</b>	<b>Day 4 – Sun – Nov 25</b>
<b>Morning 1 09:00 to 10:30</b>	<i>8.30 – 9.00: Registration</i> Welcome Remarks – – Introduction to Module 3 – What has happened for the last two months	<i>Recap - Participants</i>  <i>Dialogue with Ministry of Foreign Affairs</i>  <i>Dialogue with Ministry of Villages</i>	Building advocacy strategy – Unexplained Deaths of NTT Migrants in Malaysia	<i>Recap - Participants</i>  The Human Rights of Migrant Workers – and the Responsibilities of Business Case Studies - Seafarers - Workers in Malaysia – Palm Oil and Construction
<b>Facilitator(s)</b>	DTP/MFA	SBMI	DTP/MFA/ SBMI	Iman Prihandono
<b>Tea 10:30-10:45</b>	<b>10:30-10:45</b>		<b>10:30-10:45</b>	<b>10:30-10:45</b>
<b>Morning 2 10:45-12:30</b>	Recap - Module 1 & 2  Identification of issues for discussion with the government and parliament	Return to program venue.	Domestic Workers – - Domestic Workers Rights and Legal Framework - ILO – C189	Holding Business Responsible – Developing Strategies - Case Studies Continued - Seafarers - Workers in Malaysia – Palm Oil and Construction
<b>Facilitator(s)</b>			Lita Anggraini	Iman Prihandono
<b>Lunch 12:30 – 1:30</b>	<b>12:30 - 1:30</b>		<b>12:30 - 1:30</b>	<b>12:30 - 1:30</b>
<b>Afternoon 1 1:30-3:00</b>	Lobbying and Engagement – Preparing the advocacy agenda for the meeting with MOFA, Ministry of Villages, MOL and Parliamentarians	Participants sharing and reflection from the engagement with parliament and ministries	Women’s Rights and Migrant Workers and the Obligations of the Indonesian Government	Updates on GCM, GFMD  Indonesia CSO recommendations for GCM/GFMD Meetings in Morocco
<b>Facilitator(s)</b>	Bobi/Savitri	Dina Nuriyati	Lily Purba	SBMI/MFA
<b>Tea 03:00 – 03:15</b>		<b>3:00-3:15</b>	<b>3:00 – 3:15</b>	<b>3:00 – 3:15</b>
<b>Afternoon 2 3:15-4:45pm</b>	Preparation continued.  Practical Exercise - Role Play	Building Support/Links/Partnership for Advocacy – Civil Society collaboration - How to build it more effectively – locally and across borders - Deaths of Indonesians in Malaysia Sharing of experience/ best practices/ advocacy strategy	CEDAW and General Recommendation 26 on Women Migrant Workers	Planning for Module 4 Evaluation of Module Closing
<b>Facilitator(s)</b>	Hari/Bobi/Savitri/ Dina	Taufik Zulfahri	Lily Purba	DTP/MFA/SBMI
<b>Evening Events</b>		<b>Solidarity Night</b>		