ENGLISH VERSION

RESPONSE TO THE LIST OF ISSUES AND THE STATE PARTY'S REPLY OF INDONESIA

On the Implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in the Republic of Indonesia

Submitted to:
The United Nations Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
November 10, 2025

In Preparation for the Review of Indonesia
During the 41st Session of the Committee
(1 – 11 December 2025)

The Indonesian National Commission on Violence Against Women
(Komnas Perempuan)

NATIONAL COMMISSION ON VIOLENCE AGAINST WOMEN
KOMNAS PEREMPUAN
KOMISI NASIONAL ANTI KEKERASAN TERHADAP PEREMPUAN

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Writing Team
Rizky Bangun Wibisono, Rr. Sri Agustini, Sondang Frishka Simanjuntak, Thaufiek Zulbahary, Yuni Asriyanti

Discussion Team
Aldi Pratama, Ani Maria, Anis Meilani, Christina Yulita, Fatma Susanti, Firhandika, Hayati Setia Inten, Marcella Dharma, Maria Ulfah Anshor, Ngatini, Nur Qomariyah, Suraya Ramli, Syafira Kesuma

Editor
Rizky Bangun Wibisono

Proofreader
Sondang Friska Simanjuntak

Design & Layout
A. Faricha Mantika

NATIONAL COMMISSION ON VIOLENCE AGAINST WOMEN
KOMNAS PEREMPUAN
KOMISI NASIONAL ANTI KEKERASAN TERHADAP PEREMPUAN

Komisi Nasional Anti Kekerasan terhadap Perempuan
Jl. Latuharhary No.4B, RT 1/RW 4, Menteng
Kecamatan Menteng, Kota Jakarta Pusat
Daerah Khusus Ibukota Jakarta, Indonesia 10310
Tel. +62 21 390 3963
Fax. +62 21 390 3911
mail@komnasperempuan.or.id
http://www.komnasperempuan.or.id

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Introduction

1. This report is submitted by the National Commission on Violence Against Women *(Komnas Perempuan)*, Indonesia's independent national human rights institution, with a specific mandate to promote a conducive environment for the elimination of all forms of violence against women.[1]

2. The report draws upon data and evidence collected through Komnas Perempuan's direct monitoring, complaints received from victims of violence, documentation from service providers within Komnas Perempuan's national network, and results of consultations held with civil society organizations and local stakeholders.[2] The analysis focuses on the implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, with a particular emphasis on the protection of women migrant workers.

Points of Appreciation

1. Komnas Perempuan commends the progress made by the Government of Indonesia in taking concrete and measurable steps to protect women migrant workers, including the following:

   a. Strengthening protection for women migrant workers through the integration of gender-responsive services and the enactment of Law No. 12 of 2022 on the Crime of Sexual Violence.

   b. Strengthening services through the issuance of Macro and Micro Standard Operating Procedures for Indonesian Diplomatic Missions by the Ministry of Foreign Affairs. These SOPs establish service flows and assistance mechanisms, including for extreme cases such as those involving the death penalty, as well as referrals for legal aid and emergency repatriation. When implemented consistently and inclusively, this framework can enhance cross-border protection, particularly for women migrant workers.[3]

1 The National Commission on Violence Against Women (*Komnas Perempuan*) is an independent state institution established by Presidential Decree No. 181 of 1998, and strengthened by Presidential Regulation No. 65 of 2005, as amended by Presidential Regulation No. 8 of 2024. Its mandate covers promoting public awareness on all forms of violence against women; conducting legal and policy reviews; monitoring, investigating, and documenting violations of women's rights; providing advice and recommendations to the Government, Parliament, Judiciary, and civil society to strengthen laws and policies that protect women's human rights; and advancing national, regional, and international cooperation to prevent and eliminate gender-based violence and discrimination.

2 Komnas Perempuan conducted a series of consultations in three regions—Mataram, East Lombok, and Jember—involving more than 60 civil society organizations from various backgrounds, including women's groups, academics, and families of migrant workers. In addition, national-level monitoring and consultations were held with the Migrant Women's Network, anti-trafficking networks, and relevant government institutions, including the Ministry of Human Rights (MoHR), the Ministry of Foreign Affairs (MoFA), the Coordinating Ministry of Law, Human Rights, Immigration, and Corrections (CMoLHRIC), and the Ministry of the Protection of Indonesian Migrant Workers (MoPIMW). Consultations involved other relevant Ministries/Agencies and National Human Rights Institutions (NHRIs) to acquire information on the implementation of the Convention.

3 Ministry of Foreign Affairs of the Republic of Indonesia, "Public Information of the Information

c. Cooperation between Indonesia and the Philippines in handling the case of the migrant worker sentenced to death, Mary Jane Veloso.[4] These measures reflect diplomatic commitment and protection efforts for migrant workers in extreme situations.

d. The provision of assistance and rescue measures for Indonesian migrant workers facing the death penalty abroad[5] including the granting of clemency to Meri Utami,[6] whose death sentence was commuted to life imprisonment.

ARTICLE 1: Legal Framework, Policies, and Implementation

✳ (Responding to Questions 1–8)

1. Law No. 18 of 2017 on the Protection of Indonesian Migrant Workers (IMW Law) serves as the principal legal foundation for the protection of Indonesian Migrant Workers (IMW Law).[7] However, its implementation remains inadequate. From the 28 implementing regulations mandated under the IMW Law to be enacted within two years, these were later consolidated into 13 regulations, several of which have yet to be issued, including the Draft Government Regulation on the Supervision of Placement and Protection.[8]

2. Government Regulation No. 28 of 2025 on the Implementation of Risk-Based Business Licensing, which replaces Government Regulation No. 5 of 2021, does classify overseas labor placement as a high-risk business activity. However, it still fails to guarantee

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and Documentation Management Officer," Kemlu.go.id, 2025, https://e-ppid.kemlu.go.id/detail-informasi-publik/sop-kementerian-luar-negeri-dan-perwakilan-ri.

4 MJV is a Filipino migrant worker and victim of trafficking in persons who was sentenced to death in Indonesia for alleged drug trafficking. MJV was repatriated under the Transfer of Prisoners mechanism agreed upon by the Governments of Indonesia and the Philippines on 17 December 2024. This case has been reported in previous submissions.

5 Ministry of Foreign Affairs, 2024, Performance Report of the Directorate for the Protection of Indonesian Citizens (PWNI Directorate) 2024, https://kemlu.go.id/files/repositori/65397/174071018667c1212ae1402_LKJ_Dit__PWNI_2024.pdf

6 Meri Utami is an Indonesian migrant woman worker who is believed to be a victim of human trafficking and was sentenced to death in connection with an illegal drug-smuggling case. After spending more than 20 years on death row, Meri Utami was eventually granted clemency.

7 Indonesia, "Second Periodic Report Submitted by Indonesia under Article 73 of the Convention, Due in 2022" (United Nations Human Rights Treaty Bodies, 2025).

8 Eleven implementing regulations under the Law on the Protection of Indonesian Migrant Workers (PPMI Law) have been issued, including: (1) Government Regulation No. 22 of 2022 on the Placement and Protection of Migrant Seafarers and Migrant Fishing Vessel Crew; (2) Government Regulation No. 59 of 2021 on the Implementation of Protection for Indonesian Migrant Workers; (3) Government Regulation No. 10 of 2020 on the Placement Procedures of Indonesian Migrant Workers by BP2MI; (4) Presidential Regulation No. 90 of 2019 on the Indonesian Migrant Workers Protection Agency; (5) Minister of Manpower Regulation No. 7 of 2020 on Administrative Sanctions in the Implementation of Placement and Protection of Indonesian Migrant Workers; (6) Minister of Manpower Regulation No. 17 of 2019 on the Suspension and Prohibition of the Placement of Indonesian Migrant Workers; (7) Minister of Manpower Regulation No. 10 of 2019 on Licensing Procedures for Private Placement Agencies; (8) Minister of Manpower Regulation No. 9 of 2019 on Procedures for the Placement of Indonesian Migrant Workers; (9) Minister of Manpower Regulation No. 18 of 2018 on Social Security for Indonesian Migrant Workers; and (11) P2MI Regulation No. 17 of 2025 on the Placement Costs of Indonesian Migrant Workers.

adequate oversight and human rights protection. The simplification of licensing procedures aimed at facilitating business operations risks weakening state control over Private Placement Agencies (P3MI) and increasing the likelihood of violations of migrant workers' rights.

3. Regulation of the Minister for the Protection of Indonesian Migrant Workers (Permen P2MI) No. 17 of 2025 on Placement Fees for Indonesian Migrant Workers[9] reopens the possibility of imposing placement costs on prospective Indonesian migrant workers, which has the potential to undermine the principle of protection. This is particularly the case with respect to the implementation of fair and ethical recruitment based on the recruitment-free-of-charge principle, as stipulated in the Migrant Worker Protection Law (UU PPMI) and previous policies. This policy carries the risk of increasing the vulnerability of prospective Indonesian migrant workers to placement-related debt, exploitation, and human trafficking.
4. The planned revision of the IMW Law, as listed in the 2025 National Legislative Program, raises concerns that it may shift the focus of the law from protection to placement and expand the role of private actors without meaningful public participation, contrary to Constitutional Court Decision No. 91/PUU-XVIII/2020.
5. The 2022 Indonesia–Malaysia MoU ended a six-year gap without a formal bilateral agreement; however, it still fails to cover critical issues such as deportation, family reunification, and protection for undocumented migrant workers and their children. The implementation of the MoU has yet to demonstrate transparent and accountable monitoring mechanisms.[10]
6. Indonesia adopted the Global Compact for Safe, Orderly and Regular Migration (GCM) in 2018, yet the National Action Plan had not been ratified as of the end of 2025. This delay hampers the operationalization of national commitments toward safe, orderly, and human rights–based migration governance.
7. The National Medium-Term Development Plans for 2020–2024 and 2025–2029 have yet to explicitly recognize women migrant workers as a vulnerable group. Policy priorities continue to focus on remittances and the formal sector, while issues concerning women

9 Regulation of the Minister for the Protection of Indonesian Migrant Workers (Permen P2MI) No. 17 of 2025 on the Placement Fees for Indonesian Migrant Workers revokes Regulation of the Agency for the Protection of Indonesian Migrant Workers No. 09 of 2020 on the Waiver of Placement Fees for Indonesian Migrant Workers, as well as Regulation of the Agency for the Protection of Indonesian Migrant Workers No. 1 of 2021 on the Amendment to Regulation of the Agency for the Protection of Indonesian Migrant Workers No. 09 of 2020 on the Waiver of Placement Fees for Indonesian Migrant Workers.

10 The MoU's provisions on social security are limited to requiring the Government of Indonesia to ensure that all Indonesian domestic migrant workers (*PRT Migran*) are registered under Indonesia's national social security scheme before departure to Malaysia, while obliging the Government of Malaysia to ensure that every employer enrolls PMID in the Foreign Workers Compensation Scheme under the Workers' Social Security Act 1969 [Act 4] and provides health insurance coverage. Regarding return and repatriation, the MoU stipulates that both Parties shall facilitate the safe return of PMID upon the expiration of their employment contracts.

domestic workers, access to reproductive health, and survivor recovery have not been systematically integrated.[11]

8. The National Action Plan on Trafficking 2020–2024 was only enacted in 2023 through Presidential Regulation No. 19 of 2023, and it remains insufficiently gender-responsive and lacks a victim-centered approach in restitution, rehabilitation, and assistance mechanisms. Komnas Perempuan also notes the continuing criminalization of trafficking victims, which contradicts the principle of non-penalization. As of the end of 2025, *RAN TPPO* 2025–2029 had not yet been issued.[12]
9. The 2024 Memorandum of Understanding among five institutions strengthened the Ministry of Foreign Affairs' role as the primary coordinator for the protection of Indonesian citizens abroad but did not provide specific protection measures for women migrant domestic workers
10. Komnas Perempuan's monitoring on *Dimensions of Torture and Cycles of Violence against Women with Psychosocial Disabilities in Custodial-Like Settings* identified that several former migrant workers housed in the Wonosobo Social Rehabilitation Center suffered mental health disorders resulting from labor-related stress, economic pressure, and structural violence.[13]
11. The prohibition of recruitment shelters has not been fully enforced, despite the PPMI Law mandating the elimination of recruitment and sheltering practices prior to overseas placement. In practice, shelters operated by P3MI continue to exist, with weak oversight and dominance of intermediaries (*calo*) exploiting information gaps and high placement costs.[14]
12. Komnas Perempuan's 2022 monitoring across five Overseas Job Training Centers

11 For instance, the indicator and target table in the National Medium-Term Development Plan (*RPJMN*) 2020–2024 explicitly sets the goal of increasing the percentage of Indonesian migrant workers employed in the formal sector—from 57% in 2020 to 70% in 2024. This reflects a policy focus on remittance generation and formal employment, while issues concerning women domestic workers, access to reproductive health services, and recovery for survivors of violence remain insufficiently integrated into national planning. See: RPJMN 2020–2024, Annex 1 – Narrative Document, https://perpustakaan.bappenas.go.id/e-library/file_upload/koleksi/migrasi-data-publikasi/file/RP_RKP/Dokumen RPJMN 2020-2024/Lampiran 1. Narasi RPJMN 2020-2024.pdf

12 Komnas Perempuan, "CATAHU 2024: Menata Data, Menajamkan Arah: Refleksi Pendokumentasian dan Tren Kasus Kekerasan terhadap Perempuan" (Jakarta: Komnas Perempuan, 2025).

13 Komnas Perempuan, "Laporan Pemantauan Komisi Nasional Anti Kekerasan terhadap Perempuan: 'Hukuman Tanpa Kejahatan'. Dimensi Penyiksaan dan Daur Kekerasan Terhadap Perempuan dengan Disabilitas Psikososial di Lokasi Serupa Tahanan (RSJ dan Pusat Rehabilitasi)," komnasperempuan.go.id, 2025, https://komnasperempuan.go.id/laporan-pemantauan-ham-detail/laporan-pemantauan-komisi-nasional-anti-kekerasan-terhadap-perempuan-hukuman-tanpa-kejahatan-dimensi-penyiksaan-dan-daur-kekerasan-terhadap-perempuan-dengan-disabilitas-psikososial-di-lokasi-serupa-tahanan-rsj-dan-pusat-rehabilitasi.

14 Komnas Perempuan, Laporan Pemantauan Praktik Penampungan Perempuan Pekerja Migran Indonesia dalam Proses Penempatan, 2024, https://komnasperempuan.go.id/laporan-pemantauan-ham-detail/laporan-pemantauan-praktik-penampungan-perempuan-pekerja-migran-indonesia-dalam-proses-penempatan-komnas-perempuan-2024

(BLKLN) revealed human rights violations and acts of violence against prospective Indonesia women migrant workers (IWMW), including forced contraception, restricted communication and mobility, labor exploitation, inhumane disciplinary sanctions, and sexual violence without effective complaint mechanisms, highlighting high vulnerability to human trafficking practices.[15]

13. Joint monitoring by Komnas Perempuan and *KuPP*[16] identified violations in BLKLN and immigration detention centers, including threats to the principle of *non-refoulement*, indications of human smuggling, and restricted access to legal aid and communication for detained women. Detention conditions were overcrowded, unsanitary, and insensitive to the needs of women, children, and persons with disabilities. *KuPP* also recorded instances of domestic violence against detained asylum-seeking women who lacked access to recovery services. The *KuPP* recommended strengthening the capacity of officers, establishing clear legal mechanisms for detainees from conflict-affected countries, and enhancing gender-responsive and human rights–based protection, including non-custodial alternatives for vulnerable groups.

14. The Government has regulated pre-departure training for prospective migrant workers through Government Regulation No. 59 of 2021 and BP2MI Regulation No. 9 of 2020. However, limited budget allocations have led to reliance on private BLKLN, which charge high training fees (20 to 40 million rupiah) with poor training quality. Training materials and Pre-Departure Orientation Programs have yet to integrate gender perspectives and workers' rights principles.[17]

ARTICLE 2: Enforcement of Rights and Non-Discrimination

✳ (Responding to Questions 9–11)

1. The implementation of the CMW Convention in national legal practice remains limited. To date, at least two Constitutional Court decisions have referred to the principles of the Convention, including Decision No. 83/PUU-XVII/2019[18] and No. 127/PUU-XXI/2023[19]

15 *Ibid*.

16 Cooperation for the Prevention of Torture (KuPP) is NHRIs' initiative that Established in 2016, currently there are six institutions member of KuPP (National Human Rights Commission, National Commission on Violence against Women, Commission on Child Protection, Ombudsman RI, Witness and Victim Protection Agency, Nataional Commission on Disability). KuPP advocating for the ratification of OPCAT and endorsing the establishment of National Preventive Measures (NPM) against torture, KuPP performs regular visits to detention centers and prisons, capacity building activities, policy dialogues, and public campaigns.

17 National Commission on Violence Against Women (Komnas Perempuan), "Proceedings of the Civil Society Consultations on the Convention on Migrant Workers," 2025.

18 Constitutional Court Decision Number 83/PUU-XVII/2019 concerning the submission of a judicial review of Article 5 letter d54 paragraph (1) letters (a) and (b) and Article 82 letter (a) and Article 85 letter (a) of Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers against the 1945 Constitution of the Republic of Indonesia, https://www.mkri.id/public/content/persidangan/putusan/putusan_mkri_7238.pdf

19 Constitutional Court Decision Number 127/PUU-XXI/2023 concerning the submission of a judicial

both related to the Law on the Protection of Indonesian Migrant Workers. The application of similar jurisprudence remains uncommon.

2. Access to justice and administrative mechanisms for migrant workers remains limited. Many women migrant workers still face service refusals or delayed responses in countries of destination and from Indonesian diplomatic missions abroad. Women migrant domestic workers face multiple barriers due to the closed nature of their workplaces and limited access to communication. Court processes also often fail to uphold justice for women victims.[20]

3. Komnas Perempuan's Annual Report from 2018 to 2024 documented 1,368 cases of violence against women migrant workers, including physical, sexual, economic, and psychological violence. Human rights violations continue to recur, including trafficking in persons, confiscation of documents, forced contraception, debt bondage, and forced marriage, particularly in Malaysia, Saudi Arabia, Hong Kong, and Singapore.[21] Cases of overcharging, forced marriage, and sexual coercion are also widespread, with little to no sanctions imposed on abusive recruitment agencies. Data from migrant worker organizations confirm that most of these cases occur in the domestic work sector (44%) and seafaring sector (15%).[22]

4. Mechanisms for restitution and compensation remain limited to victims of trafficking in persons, with no specific schemes for migrant workers who experience violations outside the trafficking framework. In several death cases, repatriation and compensation costs were borne by civil society organizations due to weak accountability from employers and private recruitment agencies.[23] Rehabilitation and social reintegration services provided by KP2MI are also limited in capacity and reach.

5. The COVID-19 pandemic worsened the situation of women migrant workers. Mass

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review of Article 4 paragraph (1) letter c, Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers against the 1945 Constitution of the Republic of Indonesia, https://www.mkri.id/public/content/persidangan/putusan/putusan_mkri_11289_1732854126.pdf

20 In several cases, complainants seeking assistance were returned to the same private recruitment agencies (P3MI) responsible for their exploitation, reflecting the limited effectiveness of existing protection and referral mechanisms. These include KP2MI complaint services and consular protection through Indonesian missions abroad all of which remain limited in ensuring migrant workers' access to justice and administrative remedies.

21 Komnas Perempuan, "CATAHU 2024: Menata Data, Menajamkan Arah: Refleksi Pendokumentasian dan Tren Kasus Kekerasan terhadap Perempuan" (Jakarta: Komnas Perempuan, 2025).

22 The report of SBMI states that between 2010 and 2023, there were 5,664 complaints involving Indonesian migrant workers. The highest number of cases occurred among migrant domestic workers, totaling 2,608 cases (46 percent), followed by fishing vessel crew with 747 cases (13 percent), factory workers with 643 cases (11 percent), construction workers with 486 cases (9 percent), and trafficking in persons cases through online scam schemes with 283 cases (5 percent). Meanwhile, the organization of migrant workers and former migrant workers, Kabarbumi, recorded 2,941 complaints between 2015 and 2024, classified into three clusters: labor rights violations, gender-based violence, and violence against children, which often overlap.

23 Komnas Perempuan, "CATAHU 2021: Perempuan dalam Himpitan Pandemi: Lonjakan Kekerasan Seksual, Kekerasan Siber, Perkawinan Anak dan Keterbatasan Penanganan di Tengah Covid-19" (Jakarta: Komnas Perempuan, 2021).

deportations occurred from Malaysia and other destination countries, including children[24] alongside an increased workload without personal protective equipment, wage deductions, violence, and stigma as virus carriers. Many workers relied on solidarity and support from civil society groups. The International Organization for Migration recorded a rise in trafficking in persons cases.[25]

ARTICLE 3: Exploitation, Forced Labor, Vulnerable Sectors, Migrant Children, Abuse of Authority, and Trafficking

✳ (Responding to Questions 12–14, 22, 31)

1. From 2018 to 2024, Komnas Perempuan received 70 complaints related to trafficking in persons cases. Two modes of trafficking were recorded: online mail-order bride and online-based trafficking, with cross-border locations and perpetrators.[26] Since 2019, the recruitment of migrant workers and mail-order brides through social media and fake agencies has continued to increase, leading to widespread labor exploitation and various forms of violence.
2. Komnas Perempuan recorded a close link between labor migration, drug smuggling, trafficking, and GBV.[27] Victims of trafficking often fail to obtain justice and are instead criminalized, as seen in several cases, including the V case in Garut West Java, which showed overlaps between child marriage, domestic violence, trafficking in persons, and cybercrime, where the victim was charged under the Pornography Law. Stigma against victims of gender-based violence remains strong, leading to social exclusion, including from educational environments. Media coverage and social pressure often obscure the elements of trafficking and reinforce sexist stereotypes, especially in cases involving sexual exploitation. Cases such as those of MJV and MU show that the criminalization of cross-border trafficking victims continues, even though they were exposed to exploitative and deceptive recruitment situations.
3. Migrant children, especially those without documents, are in some cases detained with their parents in overcrowded facilities with limited food, basic services, and no access to education.[28] These conditions violate the principle of the best interests of the child and show weak cross-border protection.

24 *Ibid*.

25 IOM Indonesia, "IOM Indonesia 2022 Year in Review" (Jakarta: IOM Indonesia, 2022).

26 National Commission on Violence Against Women (Komnas Perempuan), "Call for Inputs on Migrant Domestic Workers and Trafficking in Persons," 2025; National Commission on Violence Against Women (Komnas Perempuan), "Proceedings of the Civil Society Consultations on the Convention on Migrant Workers," 2025.

27 Komnas Perempuan, "Laporan Pemantauan: Kekerasan Terhadap Perempuan dalam Pusaran Migrasi, Perdagangan Manusia dan Narkoba: Interseksi dan Penghukuman," 2019, https://komnasperempuan.go.id/laporan-pemantauan-ham-detail/laporan-pemantauan-kekerasan-terhadap-perempuan-dalam-pusaran-migrasi-perdagangan-manusia-dan-narkoba-interseksi-dan-penghukuman.

28 Komnas Perempuan, 2025, "Call for Inputs on Migrant Domestic Workers and Trafficking in Persons,"

4. Minister of Manpower Decree No. 260 of 2015, which prohibits the placement of domestic workers in 21 Middle Eastern countries, remains in force and has not been revoked, even though the policy is not in line with the 2017 CMW Committee recommendations. The moratorium policy has not been followed by protection measures or a timeline for implementation, leading to an increase in irregular migration, including through umrah visa channels, and raising the risk of trafficking in persons. A prohibition approach without protection guarantees has instead worsened the vulnerability of migrant domestic workers to exploitation and trafficking in persons. Komnas Perempuan reiterates this concern, as stated in its 2017 report, that the moratorium policy may worsen the vulnerability of migrant domestic workers to trafficking practices.[29]

5. The Government has not yet ratified ILO Convention No. 189 on Decent Work for Domestic Workers or Convention No. 190 on Violence and Harassment in the World of Work. The Draft Law on the Protection of Domestic Workers has also not been enacted after 21 years of advocacy, leaving domestic workers, including migrant domestic workers, in a vulnerable position to violence and exploitation.

6. Consultations with civil society indicate allegations of extortion, neglect of reports, and illegal levies at the local level. Most cases were addressed only through position rotation without transparent ethical or criminal proceedings, showing weak accountability mechanisms among protective authorities.[30]

7. Minister of Women's Empowerment and Child Protection Regulation No. 8 of 2021 has established integrated services for victims of trafficking in persons, but its implementation remains inconsistent across regions. Many victims, including women migrant workers, are not identified and even criminalized because officials do not understand the criteria for victims. Dissemination of the Anti-Trafficking Law and SOPs on integrated services remains limited, as do safe and dignified migration campaigns and trafficking prevention programs. Public awareness of the risks of trafficking in persons and gender-based violence against migrant women, particularly those without documents, also remains low.

ARTICLE 4: Legal Process and Detention

✳ **(Responding to Questions 15–17)**

1. Although the legal framework guarantees the right to legal assistance and interpreter, many migrant workers, both documented and undocumented, undergo legal proceedings without adequate support. Findings from Komnas Perempuan reports

29 The Indonesian National Commission on Violence against Women, "Independent NHRI Report Regarding the Implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in Indonesia." (OHCHR, 2017).

30 National Commission on Violence Against Women (Komnas Perempuan), "Proceedings of the Civil Society Consultations on the Convention on Migrant Workers," 2025.

show that the state generally provides legal and diplomatic assistance only when the migrant worker already faces the threat of execution, not from the early stages of legal proceedings.[31] Many reports indicate delays or lack of consular intervention, especially for women migrant domestic workers and undocumented workers. Komnas Perempuan received reports that around nine percent of deportees were infants and children under five years old who were detained for months without birth certificates, nutritious food, or health services. In Sabah, Malaysia, indefinite detention continues in overcrowded facilities with minimal basic needs.[32]

2. There is still no regular monitoring mechanism for detention centers and repatriation processes; oversight remains limited to incidental reports, complaints, or large-scale cases.

3. Reports from Komnas Perempuan show arbitrary arrests of migrant workers, including those who still possess valid documents. Arrests are carried out collectively or individually without individual examination and without legal assistance, causing many workers to be forced to confess guilt.[33]

ARTICLE 5: Protection Abroad

✳ **(Responding to Question 18)**

1. Consultations with CSO found cases of service refusal by Indonesian diplomatic missions and the imposition of repatriation costs on victims. This situation forces many undocumented migrant workers to return through unofficial routes that carry high risks of violations and trafficking.

2. Migrant domestic workers employed under direct hiring arrangements are vulnerable to criminalization and lose access to legal protection, consular assistance, and social security. This situation increases the risk of exploitation and violence without effective oversight mechanisms.

3. In several diplomatic representations, migrant workers who report to the mission are sent back to employment agencies or employers despite being suspected of exploitation without risk assessment and without consent. This practice contradicts the survivor-centered protection principle. Shelters at Indonesian missions remain

31 Komnas Perempuan, "Kematian Berulang. Perjuangan Perempuan Pekerja Migran Terpidana Mati dan Keluarganya Merebut Hak Hidup. Laporan Pemantauan Dampak Hukuman Mati terhadap Pekerja Migran dan Keluarganya," komnasperempuan.go.id, 2025, https://komnasperempuan.go.id/laporan-pemantauan-ham-detail/kematian-berulang-perjuangan-perempuan-pekerja-migran-terpidana-mati-dan-keluarganya-merebut-hak-hidup-laporan-pemantauan-dampak-hukuman-mati-terhadap-pekerja-migran-dan-keluarganya.

32 Komnas Perempuan, "Catatan Tahunan," Komnas Perempuan, 2025, https://komnasperempuan.go.id/catatan-tahunan.

33 Komnas Perempuan, "Kematian Berulang: Perjuangan Perempuan Pekerja Migran Terpidana Mati dan Keluarganya Merebut Hak Hidup. Laporan Pemantauan Dampak Hukuman Mati terhadap Pekerja Migran dan Keluarganya," 2025.

limited, and the number of female staff is insufficient. Legal assistance, psychosocial services, and responses to gender-based violence are not implemented consistently, causing many women migrant workers to seek help from civil society organizations.

4. Migrant domestic workers often face isolation and restrictions on communication in the workplace, while consular responses are often slow and not effective in preventing violations before violence occurs. Komnas Perempuan's 2024 Annual Report documented 119 cases consisting of sexual violence, physical violence and exploitation, and psychological and economic violence.[34]

5. Komnas Perempuan draws attention to the case of Susanti binti Mahfudin, an Indonesian migrant worker in Saudi Arabia who is currently on death row. This case reflects the multiple vulnerabilities faced by women migrant workers, including departing underage without state protection, working without legal access, and receiving no assistance from the beginning. The legal process was carried out without an interpreter, legal counsel, or psychosocial support. As of 2025, 157 Indonesian citizens, including women migrant workers, face the threat of the death penalty.

ARTICLE 6: Employment & Social Security

✳ **(Responding to Questions 19 & 20)**

1. Findings from Komnas Perempuan show that women migrant workers in the domestic sector receive wages 30% to 50% lower than local workers, and many seasonal and fisheries jobs remain undocumented without formal contracts or decent working hours.[35]

2. Standard employment contracts are not applied consistently. Consultations conducted by Komnas Perempuan indicate the practice of dual contracts, which disadvantages workers in wages and overtime rights. Oversight of working conditions across sectors in destination countries remains limited, especially for domestic work, which is often excluded from national labor laws in many destination countries such as Malaysia, Singapore, Hong Kong, and Taiwan.[36]

3. Access to social security schemes, including old-age benefits, work accident and death insurance, and vocational scholarships, is available. However, migrant workers still face administrative barriers in claiming these benefits. The absence of BPJS representatives in destination countries and the lack of bilateral or multilateral social security agreements make the benefits non-transferable, leaving undocumented workers completely outside these schemes.[37]

34 Komnas Perempuan, "CATAHU 2024: Menata Data, Menajamkan Arah: Refleksi Pendokumentasian dan Tren Kasus Kekerasan terhadap Perempuan" (Jakarta: Komnas Perempuan, 2025).

35 Komnas Perempuan, "Laporan Pemantauan HAM Pekerja Migran & Mekanisme Penanganan Korban Pelanggaran HAM," 2025, https://komnasperempuan.go.id/laporan-pemantauan-ham-detail/laporan-pemantauan-ham-pekerja-migran-and-mekanisme-penanganan-korban-pelanggaran-ham.

36 National Commission on Violence Against Women (Komnas Perempuan), "Proceedings of the Civil Society Consultations on the Convention on Migrant Workers," 2025.

37 *Ibid*.

4. Consultations between Komnas Perempuan & CSO show cases of discrimination in consular services against migrant families, where undocumented families face the risk of refusal or even deportation when seeking services at embassies or consulates. The phenomenon of *"anak oleh-oleh"* highlights the absence of effective identity protection and the ongoing stigma toward migrant families, even though Constitutional Court Decision No. 46/PUU-VIII/2010 guarantees every child's right to identity regardless of their parents' marital status.[38]
5. Public awareness and outreach on birth registration and citizenship status remain limited and are often carried out in an uncoordinated manner, leaving civil society organizations to fill the gap without systematic government support. As of 2025, there has been no significant progress toward accession to the 1954 and 1961 Statelessness Conventions, despite repeated recommendations from international human rights mechanisms, NHRI, and civil society.

ARTICLE 7: Social Rights & Participation

✳ (Responding to Questions 23 & 25)

1. Access to education and training for migrant workers and their families remains limited. Based on Komnas Perempuan's consultations, there is still no comprehensive policy that guarantees education for the children of migrant workers, especially those whose parents are undocumented. Many children are denied access to formal schools because they lack citizenship documents, while alternatives such as Community Learning Centers remain risky due to raids and immigration inspections.[39]
2. Education and training programs for migrant workers also remain limited in scope. Initiatives such as cooperation between the Ministry of Foreign Affairs and The Open University deserve recognition for expanding access to higher education and language training for women migrant workers, but implementation remains uneven and does not yet include the fulfillment of basic education rights for migrant children.

ARTICLE 8: Irregular Migration & Reintegration

✳ (Responding to Questions 27–30 & 32)

1. The state's commitment to addressing undocumented migration, including cases involving women and unaccompanied children, continues to progress but still requires strengthening. Consultations conducted by Komnas Perempuan show that irregular migration remains high in border areas and regions with long migration traditions such as Madura, West and East Nusa Tenggara. This is mainly due to limited information, high placement costs, and weak protection within official migration channels.[40]

38 *Ibid*.
39 *Ibid*.
40 National Commission on Violence Against Women (Komnas Perempuan), "Proceedings of the Civil

2. As of 2022, Indonesian migrant workers were present in 142 countries, but there were fewer than ten active bilateral agreements.[41] This indicates a weak legal basis for protection and results in high vulnerability, including within the kafalah system.

3. Repatriation and reintegration programs for migrant workers are not yet fully integrated or sustainable. The return process usually ends at administrative procedures without adequate social, economic, or psychological support. As a result, many women migrant workers who are victims of violence return to their home regions without access to recovery or empowerment. Coordination among ministries, local governments, and villages, as well as an integrated data system, must be strengthened to effectively monitor and support continued protection for returning migrant workers.

4. The government's placement and protection data system does not yet include categories of gender-based violence, making these risks unrecognized in protection policies and prevention strategies.

5. The mechanism for identifying trafficking victims remains fragmented and uncoordinated, causing many victims to go unidentified or even be criminalized, including in drug and death penalty cases. The lack of a victim-centered perspective often leads law enforcement officials to fail to classify cases as trafficking in persons. Although the Ministry of Foreign Affairs' assessment form is confidential to protect victims' privacy, independent oversight is still needed to ensure accountability and a victim-centered approach. Several cases, including those in Sabah, show that trafficking assessments have been used for citizenship administrative cases, reflecting a poor understanding of the context of exploitation and victim vulnerability.

Recommendations

Komnas Perempuan urges the Committee to convey the following recommendations to the Government of Indonesia.

1. The Government should ensure that the revision of Law No. 18 of 2017 on the Protection of Indonesian Migrant Workers strengthens human rights standards and guarantees substantive equality for women migrant workers by: (1) establishing participatory monitoring of placement and protection; (2) ensuring cooperation between the Government, national human rights institutions, and civil society in the implementation and monitoring of the Convention.

2. The Government should (1) Ensure implementation of the 2022 Indonesia–Malaysia Memorandum of Understanding on the Placement and Protection of Indonesian Migrant Domestic Workers through regular monitoring and evaluation and effective sanctions against non-compliant employers; (2) strengthen protection-oriented

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41 Satu Data Indonesia, "MOU Penempatan dan Pelindungan Pekerja Migran Indonesia Tahun 2022," Data.go.id, February 24, 2025, https://data.go.id/dataset/dataset/mou-penempatan-dan-pelindungan-pekerja-migran-indonesia-tahun-2022.

bilateral agreements, including verification and evaluation of destination countries under Article 31 of the PPMI Law, cross-border social security arrangements, and effective coordination among the Ministry of Foreign Affairs, Ministry of Manpower, KP2MI and other relevant institutions.

3. The Government should (1) Adopt the 2025–2029 National Action Plan on the Prevention and Handling of Trafficking in Persons that is gender-responsive and ensures assistance and recovery services for women and child victims; (2) implement the Integrated Service SOP for Victims of Trafficking in Persons (Regulation of the Ministry of Women's Empowerment and Child Protection No. 8 of 2021) consistently across all regions; (3) revise the Anti-Trafficking Law to cover new patterns of exploitation, including through digital media and for drug smuggling purposes, with reference to General Recommendation No. 38 (2020).
4. The Government should Adopt the National Action Plan on the Global Compact for Migration as a framework for safe, orderly and humane migration policies.
5. The Government should (1) Ensure accessible, free, and gender-responsive protection and recovery services for all women migrant workers regardless of migration status; (2) provide adequate resources for legal aid and protection at all stages of migration; (3) ensure all Indonesian missions apply gender-responsive and survivor-centered approaches with sufficient trained staff and support.
6. The Government should (1) Ensure that courts and law enforcement apply the principles of the CMW Convention in cases involving migrant workers; (2) guarantee equal access to legal aid, interpreters, and safe complaint mechanisms for all migrant workers; (3) end the criminalization of undocumented workers and those in direct hiring schemes; (4) ensure effective implementation of the Law on Sexual Violence in migration contexts, including prevention, protection and recovery, and prohibit forced contraception as a condition of employment.
7. The Government should (1) Ratify ILO Convention No. 189, ILO Convention No. 190 and ILO Protocol No. 124; (2) adopt the Domestic Workers Protection Law as a national framework for the protection of domestic workers, including migrant domestic workers; (3) revoke Minister of Manpower Decree No. 260 of 2015 on the prohibition of placement of domestic workers to the Middle East, which has contributed to irregular migration.
8. The Government should (1) Strengthen policies guaranteeing the rights of children of migrant workers to identity, education, and basic services without discrimination; (2) ensure protection for children detained with their parents abroad in line with the best interests of the child.
9. The Government should (1) Ensure protection of all detainees in line with the principle of non-refoulement, limit the duration of immigration detention, and develop non-custodial alternatives consistent with international human rights standards; (2) strengthen accountability and coordination among relevant institutions, in particular

the Ministry of Foreign Affairs, Ministry of Manpower, BP2MI and Ministry of Social Affairs, in handling deportation and smuggling cases; (3) ratify the Optional Protocol to the Convention against Torture and establish an independent national preventive mechanism to monitor detention conditions and ensure humane and gender-responsive standards.

10. The Government should (1) Expand and strengthen One-Stop Service Centers (LTSA) to ensure transparent, accountable, and broker-free services; (2) integrate legal education and prevention of irregular migration into pre-departure programs and public information activities.

NATIONAL COMMISSION ON VIOLENCE AGAINST WOMEN
KOMNAS PEREMPUAN
KOMISI NASIONAL ANTI KEKERASAN TERHADAP PEREMPUAN

Komisi Nasional Anti Kekerasan terhadap Perempuan
National Commission on Violence Against Women
Jl. Latuharhary No.4B, RT 1/RW 4, Menteng
Kecamatan Menteng, Kota Jakarta Pusat
Daerah Khusus Ibukota Jakarta, Indonesia 10310
Tel. +62 21 390 3963
Fax. +62 21 390 3911
mail@komnasperempuan.or.id
http://www.komnasperempuan.or.id