



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

Concluding observations on the second periodic report of Indonesia*

1. The Committee considered the second periodic report of Indonesia¹ at its 611th and 613th meetings,² held on 2 and 3 December 2025. At its 626th meeting, held on 11 December 2025, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the second periodic report of the State Party, which was prepared in response to the list of issues prior to reporting,³ and the additional information provided by the high-level delegation, headed by the Deputy Permanent Representative of the Permanent Mission of Indonesia to the United Nations Office and other international organizations in Geneva and by the Director General for Protection of the Ministry for the Protection of Indonesian Migrant Workers.

3. The Committee appreciates the open and constructive dialogue held with the delegation, the information provided by the representatives of the State Party and the constructive approach to the meetings, which allowed for joint analysis and reflection. The Committee is also grateful for the efforts made by the State Party to submit replies and additional information within 24 hours of the dialogue.

4. The Committee recognizes that the State Party, as primarily a country of origin of migrant workers, who are mainly employed in South-East Asia, East Asia, the Gulf States, the Middle East, and Australia and Türkiye, but also as a country of transit and destination, in particular for nationals of China, Japan and the Republic of Korea, has made some progress in protecting the rights of its nationals abroad and of foreign migrant workers and members of their families in the State Party. However, the Committee notes that the State Party faces several complex challenges to the protection of the rights of both migrant workers and members of their families within the territory or under the jurisdiction of the State Party and abroad.

5. The Committee notes that some of the countries in which Indonesian migrant workers are employed are not parties to the Convention, which may constitute an obstacle to the enjoyment by migrant workers of their rights under the Convention.

* Adopted by the Committee at its forty-first session (1–11 December 2025).

¹ [CMW/C/IDN/2](#).

² See [CMW/C/SR.611](#) and [CMW/C/SR.613](#).

³ [CMW/C/IDN/QPR/2](#).



B. Positive aspects

6. The Committee welcomes the efforts that the State Party has made to promote and protect the rights of Indonesian migrant workers and members of their families abroad and it notes with appreciation that Indonesia is a party to most of the fundamental conventions of the International Labour Organization (ILO).
7. The Committee welcomes the adoption of Law No. 18 of 2017 on Protection of Indonesian Migrant Workers.
8. The Committee also welcomes the following institutional and policy measures:
 - (a) The adoption of the Asta Cita and the National Medium-term Development Plan 2025–2029, in 2025;
 - (b) The 2025 agreement between the State Party and ILO on the application of ILO instruments, including for gender-responsive recruitment of Indonesian migrant workers;
 - (c) The regularization policy of June 2025;
 - (d) The regulations of the Ministry for the Protection of Indonesian Migrant Workers (regulations No. 1 to No. 4 of 2025);
 - (e) The creation of the Ministry for the Protection of Indonesian Migrant Workers, replacing the Indonesian Migrant Workers Protection Agency (Presidential Regulation No. 165 of 2024);
 - (f) The establishment of the Directorate for the Protection of Women and Children and the Eradication of Trafficking in Persons, under the Indonesian National Police, in 2024;
 - (g) The Action Plan on Strengthening Governance on the Placement and Protection of Indonesian Migrant Workers (Presidential Regulation No. 130 of 2024);
 - (h) The National Action Plan for the Prevention and Eradication of Trafficking in Persons, adopted in 2023;
 - (i) The comprehensive strategy for Indonesia (2022–2025) developed between the State Party and the International Organization for Migration (IOM), in 2022;
 - (j) The National Action Plan on Human Rights 2021–2025 (Presidential Regulation No. 53 of 2021), which includes mechanisms to combat trafficking in persons and identify victims.
9. The Committee views it as positive that the State Party voted in favour of the Global Compact for Safe, Orderly and Regular Migration, endorsed by the General Assembly in its resolution 73/195. It also notes as positive the State Party's decision on 9 December 2020 to serve as a Global Compact Champion country. Furthermore, the Committee views as positive the State Party's active participation in the regional review for the Asia and Pacific region from 4 to 6 February 2025.
10. **The Committee recommends that the State Party continue to implement the Global Compact for Safe, Orderly and Regular Migration, including through the finalization of the National Action Plan on the Global Compact for Migration, within the framework of its international obligations contained in the Convention and other international obligations, and in accordance with the Committee's general comment No. 6 (2024) on the convergent protection of the rights of migrant workers and members of their families through the Convention and the Global Compact for Safe, Orderly and Regular Migration.**

C. Principal subjects of concern and recommendations

1. General measures of implementation (arts. 73 and 84)

Legislation and application

11. The Committee is concerned:

- (a) That Immigration Law No. 6 of 2011 has not been fully brought into line with the Convention, and that it still criminalizes irregular migration;
- (b) That the enactment of legislation on domestic work has been long delayed;
- (c) That Law No. 11 of 2020 on Job Creation, known as the “Omnibus Law”, is not fully aligned with the Convention and requires stronger protections on labour and environmental issues, as well as strengthened monitoring and oversight mechanisms.

12. The Committee recommends that the State Party:

- (a) **Prioritize the full harmonization of its national legal framework – including Law No. 6 of 2011 and Law No. 18 of 2017 – with the Convention, repeal all legal provisions criminalizing migration, including those from Law No. 6 of 2011, and ensure that migrant workers and civil society are meaningfully involved in legal amendments affecting migrant workers;**
- (b) **Swiftly enact legislation for the protection of domestic workers and strengthen such legislation through the ratification of international treaties on domestic labour;**
- (c) **Ensure that all laws and policies applying to migrant workers and members of their families, including the “Omnibus Law”, comprehensively respect their human rights and incorporate a gender perspective and an intersectional perspective.**

Articles 76 and 77

13. The Committee notes that the State Party has not yet made the declarations provided for under articles 76 and 77 of the Convention.

14. The Committee recommends that the State Party make the declarations provided for under articles 76 and 77 of the Convention recognizing the competence of the Committee to receive and consider communications from States Parties and individuals concerning violations of the rights established by the Convention.

Ratification of relevant instruments

15. The Committee reiterates the recommendation that the State Party ratify or accede to, as soon as possible, the International Convention for the Protection of All Persons from Enforced Disappearance; the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the ILO Migration for Employment Convention (Revised), 1949 (No. 97); the ILO Domestic Workers Convention, 2011 (No. 189); the ILO Occupational Safety and Health Convention, 1981 (No. 155); the ILO Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29); the ILO Labour Inspection (Agriculture) Convention, 1969 (No. 129); the ILO Employment Policy Convention, 1964 (No. 122); the ILO Private Employment Agencies Convention, 1997 (No. 181); and the ILO Violence and Harassment Convention, 2019 (No. 190).

Comprehensive policy and strategy

16. The Committee notes with concern:

- (a) The absence of a comprehensive and cohesive national strategy guaranteeing the full range of rights for migrant workers and members of their families, both domestically and abroad;
- (b) That the State Party has yet to mainstream gender and incorporate an intersectional approach in its policies and strategies related to migration, especially as most Indonesian migrant workers abroad are women;
- (c) The insufficient outreach and awareness-raising for migrant workers in the State Party and those abroad on the initiatives and programmes available for the protection of their rights.

17. The Committee recommends that the State Party:

(a) **Develop a comprehensive, human rights-based, gender-sensitive and intersectional national migration strategy covering all aspects of the Convention that ensures protection for Indonesian migrant workers and members of their families domestically and abroad, and establish an implementation mechanism for that strategy with clear time frames, indicators and monitoring and evaluation benchmarks and with sufficient resources and include in its next periodic report information on its results;**

(b) **Mainstream gender and intersectionality in all its policies and strategies related to migration and ensure that they protect women and girls, including those with disabilities, from gender-based violence, online violence, harassment, online scamming, trafficking and gender-based discrimination;**

(c) **Strengthen its outreach and awareness-raising strategies for migrant workers in the State Party and abroad on access to and the use of resources available for the protection of their rights.**

Coordination

18. The Committee notes that the State Party created the Ministry for the Protection of Indonesian Migrant Workers and also notes additional measures aimed at improving coordination between government agencies on migration. However, it is concerned that lack of effective coordination persists, illustrated by the fact that multiple ministries still handle migration issues – including the migrant workers’ protection ministry, the immigration and corrections ministry, and the manpower, law, human rights and foreign affairs ministries – alongside two coordinating ministries.

19. The Committee recommends that the State Party:

(a) **Ensure a cohesive and strong legal and institutional framework for the protection of national and foreign migrant workers and their families, preferably through a single, high-level interministerial body equipped with a clear mandate and sufficient authority and resources;**

(b) **Implement a transparent, inclusive and time-bound transition of mandate from the Ministry of Manpower to the Ministry for the Protection of Indonesian Migrant Workers, enact outstanding regulations, and ensure that this new institution guarantees access to justice and remedies for migrant workers, carries out its oversight and monitoring mandate effectively, protects the rights of seafarers and migrant fishers, and addresses the structural drivers of irregular migration from a human rights perspective.**

Data collection and the right to privacy

20. The Committee notes various initiatives to improve data governance on migration and to align them with international standards, as well as the encryption and monitoring of digital platforms and the development of online training materials. However, it notes with concern:

(a) That significant disparities and inconsistencies remain in data collection on migration, as well as persistent barriers to collecting statistics on irregular migrants, both domestically and abroad;

(b) The need to improve existing mechanisms for the protection of the privacy of migrant workers, and to ensure compliance therewith by private actors, such as recruitment agencies.

21. The Committee recommends that the State Party:

(a) **Develop a data collection framework covering all aspects of the Convention, ensuring that it includes information disaggregated by gender, nationality, ethnicity, disability, age and migration status, and render such information publicly available;**

(b) **Ensure privacy and protection in data collection through reporting firewalls and access limitations, so that migrant workers, including those in irregular**

situations, can access services without fear of arrest, detention or deportation; ensure that private actors, including recruitment agencies, protect the privacy of migrant workers; develop digital literacy programmes for migrant workers, domestically and abroad, and regardless of their status; ensure access to the Internet for migrant workers in its territory; and develop modern digital platforms to facilitate migrant workers' interaction with authorities.

Independent monitoring

22. The Committee welcomes the roles of the National Commission on Human Rights (which was reaccredited with "A" status by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions in 2022), the National Commission on Violence Against Women, the National Commission on Child Protection and the National Commission for Persons with Disabilities. However, it is concerned about:

- (a) The lack of full implementation of the 2022 recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions;
- (b) The need to increase outreach by and access to national human rights institutions for migrant workers and their families, including for those abroad;
- (c) The lack of updated and consistent information on the performance and results of the national human rights institutions.

23. **The Committee recommends that the State Party:**

- (a) **Develop a national strategy to implement the 2022 recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions and thus ensure the establishment of a transparent, participatory, disability-inclusive and plural selection and appointment process for the Commissioners, and ensure that its national human rights institutions have the authority to handle effectively complaints of gross violations of human rights in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and that they have sufficient human, technical and financial resources to discharge their mandates effectively;**
- (b) **Develop an outreach strategy to increase awareness of and access to national human rights institutions for migrant workers and their families, including those abroad, and ensure that such strategy is gender-sensitive, disability-inclusive and intersectional, and include in its next periodic report relevant information on results obtained, supported by statistics;**
- (c) **Ensure that all its national human rights institutions develop a data collection framework aligned with the Convention, and the availability of information on migrant workers and their families, including those in an irregular situation.**

Training on and dissemination of information about the Convention

24. The Committee notes the State Party's training initiatives covering the full migration cycle, including initiatives such as Desa Migran Emas (Golden Migrant Village) to strengthen local communities as hubs of safe migration, capacity-building programmes in villages, and mandatory pre-departure orientation programmes for migrant workers. However, it remains concerned about:

- (a) The need to increase the scope and outreach of training and dissemination initiatives for key stakeholders, including law enforcement officials, the judiciary and social services;
- (b) Training programmes that are focused mainly on Indonesian nationals abroad, with limited access for non-nationals to vocational guidance and training within the State Party and inadequate regulation and oversight of private recruitment agencies.

25. **The Committee recommends that the State Party:**

(a) **Strengthen training programmes on the rights of migrant workers and members of their families and make such programmes available to all officials working in migration, including law enforcement officials, border authorities, the coastguard, judges, prosecutors, labour inspectors and consular officials, as well as national, regional and local officials, social workers and members of civil society organizations, including migrants' organizations;**

(b) **Ensure that migrants residing in the State Party can access and benefit from capacity-building programmes on the Convention, and fully involve them in programmes to strengthen local communities as hubs of safe migration, ensuring that those programmes are gender-sensitive and disability-inclusive.**

Participation of civil society

26. The Committee acknowledges the fundamental role of civil society and human rights defenders in the protection of the rights of migrant workers and their families. It also acknowledges the contributions of civil society organizations in aiding returning migrants and defending seafarers' rights. However, concerns remain about the lack of permanent cooperation mechanisms with civil society, and about information received on interference with and threats to activities of organizations defending the rights of foreign migrant workers within the State Party.

27. **The Committee recommends that the State Party develop, in consultation with civil society organizations and defenders of migrants' rights, a permanent cooperation mechanism allowing their effective, continued and meaningful participation in migration policies, and take concrete measures so that defenders of migrant workers can carry out their fundamental role without interference and fear of reprisals.**

Corruption

28. The Committee notes the State Party's legal framework to address harassment, abuse of authority, bribery and extortion against migrants, through article 368 of the Penal Code, as well as the establishment of oversight bodies to ensure accountability across sectors. The Committee also acknowledges that migrant workers may, in principle, file complaints through accessible channels before competent authorities to pursue legal remedies for human rights violations. However, it is concerned about the significant barriers that prevent irregular migrants from effectively accessing complaint mechanisms, which may leave them vulnerable to harassment, corruption and abuse without recourse to justice. The Committee is particularly concerned that fear of detention or deportation may deter irregular migrants from reporting violations of their rights, thereby creating an environment of impunity for those who exploit or abuse vulnerable migrants.

29. **The Committee recommends that the State Party:**

(a) **Ensure that all migrants, regardless of their migration status, have effective access to all complaint mechanisms without fear of reprisals, detention or deportation, and establish protocols and firewalls between immigration enforcement and complaint procedures to encourage the reporting of abuse;**

(b) **Strengthen oversight mechanisms to investigate and prosecute cases of harassment, corruption and abuse of authority against migrants, particularly women migrant workers.**

2. **General principles (arts. 7 and 83)**

Non-discrimination

30. The Committee remains concerned at:

(a) The lack of a comprehensive legal framework on discrimination that incorporates all prohibited grounds of discrimination under articles 1 (1) and 7 of the Convention, at the lack of information on legal procedures available to address discrimination

and at the lack of statistics on cases of discrimination brought before authorities and their outcomes;

(b) Discriminatory provisions in the State Party's legal framework, such as visa restrictions for individuals with mental health conditions that might be detrimental to public order, under Law No. 6 of 2011 (art. 42);

(c) The stigmatization of and discrimination against national and foreign children born out of wedlock, discouraging and hindering child registration.

31. Based on joint general recommendations No. 38 and No. 39 of the Committee on the Elimination of Racial Discrimination / general comments No. 7 and No. 8 of the Committee on Migrant Workers on general and thematic guidelines for eradicating xenophobia and its impacts on migrants and others perceived as such, the Committee urges the State Party to:

(a) **Enact comprehensive legislation to protect migrant workers from discrimination, racism, xenophobia and social stigmatization, as well as legal procedures to prevent, address and sanction discrimination, and develop statistics on cases of discrimination reported to authorities and their outcomes;**

(b) **Repeal all discriminatory provisions that it retains on the books, including the visa restrictions for individuals with mental health conditions that might be detrimental to public order under Law No. 6 of 2011 (art. 42);**

(c) **Conduct campaigns against discrimination, racism, xenophobia, social stigmatization and gender-based violence, ensuring the full involvement of all stakeholders, including community and religious leaders, and abolish all discriminatory provisions and practices leading to the stigmatization of children born out of wedlock and protect them and their mothers from stigma and discrimination.**

Right to an effective remedy

32. The Committee notes the State Party's efforts to inform migrant workers and their families about available remedies. However, the Committee is concerned about the limited direct application of the Convention in lower courts; fear of retaliation and risk of expulsion discouraging migrants from filing complaints; the lack of data on resources and staff training for the effective handling of complaints; barriers to equal access to justice for all migrants, regardless of status; the continued use of immigration detention under Law No. 6 of 2011, deterring irregular migrants from seeking remedies; and insufficient disaggregated data on cases brought by migrant workers and their families, including those in irregular situations.

33. The Committee recommends that the State Party:

(a) **Ensure that migrant workers and members of their families, including those in an irregular situation, can lodge complaints with the competent State organs and obtain effective redress in the courts in cases where their rights under the Convention have been violated;**

(b) **Intensify efforts to ensure access to justice and free-of-charge legal aid for migrant workers and members of their families, including those in an irregular situation, in a statelessness situation, and those affected by trafficking in persons;**

(c) **Systematically collect and publish data on cases involving migrant workers, including through effective cross-jurisdictional evidence-gathering processes.**

3. Human rights of all migrant workers and members of their families (arts. 8–35)

Border management and migrants in transit

34. The Committee welcomes the State Party's membership in the Association of Southeast Asian Nations (ASEAN) and the ASEAN Economic Community, which promotes the free movement of skilled labour. However, it notes with concern:

(a) The inadequate framework for the protection of asylum-seekers and refugees, consisting of Presidential Regulation No. 125 of 2016 which also allows for the detention of

migrants and asylum-seekers, and the continued non-ratification of the Convention relating to the Status of Refugees (1951 Convention) and its 1967 Protocol;

(b) The lack of a comprehensive strategy to protect the Rohingya population in need of international protection and to ensure the respect of their rights;

(c) The need to ensure that all bilateral and regional agreements on migration and security, including those signed with the Government of Australia and the negotiations of the Bali Process, are compliant with the Convention and do not foster a security-based approach to border control, migration and management.

35. The Committee recommends that the State Party:

(a) **Develop a strong, legal-based framework for the protection of asylum-seekers, refugees and all those in need of international protection, anchored in the principles of non-refoulement, the prohibition of arbitrary or collective expulsions, respect of human rights and the presumption against detention, and ratify the Convention relating to the Status of Refugees (1951 Convention) and its 1967 Protocol;**

(b) **Improve the existing programmes for Rohingya refugees, and strengthen actions to protect them from hate crimes, xenophobia and racism, to ensure pathways for them to access legal work, to protect them from labour exploitation, and to ensure their access to health and to adequate water, sanitation and hygiene (WASH);**

(c) **Exert its diplomatic leadership to ensure that all bilateral and regional agreements on migration and security, including those stemming from negotiations with Australia, and the Bali Process, are compliant with the Convention and reflect a human rights-based approach to migration and border management.**

Labour exploitation and other forms of ill-treatment

36. The Committee welcomes the State Party's efforts to combat labour exploitation, including Regulation of the Ministry of Women's Empowerment and Child Protection No. 6 of 2024 on Guidelines for Child Protection in Supporting Community-based Efforts to Address Child Labour, the National Action Plan to Eliminate the Worst Forms of Child Labour, and phase II of the Indonesia Child Labour-Free Programme. However, it is concerned about:

(a) The increase of criminal networks targeting migrant workers for online labour exploitation, online scamming and illegal lending, as well as the increase of fake job advertisements on social media, false recruitment targeting youth for jobs in South-East Asia and for trafficking into scam centres where they are subjected to forced labour, threats and acts of violence, and strict isolation and are forced to pay a ransom;

(b) The lack of comprehensive data on labour exploitation within the State Party – especially in informal sectors – including on domestic servitude, forced and child labour, and sex tourism, while also noting the need to expand inspections and ensure the independence of labour inspectors;

(c) The continued use of corporal punishment under Qanun Aceh No. 6 of 2014 on Jinayah (Islamic Criminal Law).

37. The Committee recommends that the State Party:

(a) **Develop a comprehensive strategy to prevent, address and investigate cases of online labour exploitation, online scamming, illegal lending and digital exploitation targeting migrant workers, as well as the increase of fake job advertisements on social media, false recruitment targeted at youth, and trafficking into scam centres;**

(b) **Expand labour inspections, strengthen the independence of labour inspectors and improve data collection on labour exploitation;**

(c) **End the practice of corporal punishment and repeal all legislation allowing it, including under Qanun Aceh No. 6 of 2014 on Jinayah (Islamic Criminal Law).**

Due process, detention and equality before the courts

38. The Committee welcomes the efforts of the State Party to cooperate with Malaysian immigration authorities to ensure adequate deportation procedures in respect of its migrant workers. However, the Committee is concerned that Law No. 6 of 2011 allows the detention of irregular migrants and asylum-seekers for up to 10 years without judicial review, that detention is not treated as a last resort and that the State Party lacks updated information on the administrative and judicial remedies available in deportation procedures, as well as on the number of persons subjected to deportation.

39. **The Committee recommends that the State Party urgently amend Law No. 6 of 2011 to repeal all provisions allowing for immigration detention, and implement the Committee's general comment No. 5 (2021) by establishing in law a presumption in favour of freedom and ensuring that detention is a measure of last resort and strictly exceptional, and is necessary, proportionate and time-limited, with mandatory judicial review within 24 hours, as well as provisions providing for community-based or non-custodial alternatives, distinguishing detention from voluntary shelter placement and ensuring that shelters are separate and non-punitive.**

Conditions of detention for migrants

40. The Committee notes the State Party's efforts to improve immigration detention facilities, the monitoring visits by the National Commission on Human Rights, particularly to the Kupang detention centre in East Nusa Tenggara, and the establishment of the Cooperation for the Prevention of Torture and Ill-Treatment mechanism. The Committee further commends the State Party for securing pardons or clemencies for 28 Indonesian nationals sentenced to capital punishment. However, it remains concerned:

- (a) That persons in migration-related detention can be held in police stations or mixed with the general prison population;
- (b) About the lack of a formal national preventive mechanism fully aligned with international standards;
- (c) That the State Party needs to strengthen its bilateral and regional strategy to address cases involving Indonesian nationals facing capital punishment, especially migrant workers.

41. **The Committee recommends that the State Party:**

- (a) **Ensure that migrants are not held in police stations or with the general prison population;**
- (b) **Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which would require the establishment of a formal national preventive mechanism in accordance with international human rights law;**
- (c) **Strengthen the strategy to address cases of Indonesian migrant workers sentenced to capital punishment, exert bilateral and regional leadership in line with international standards and raise awareness about the negative implications of capital punishment for the rights of migrant workers.**

Expulsion

42. The Committee is concerned that irregular migrant workers and their families face insufficient consideration of their specific circumstances in cases of expulsion and deportation, and also at the insufficient information on the expansion of provincial task forces, limiting efforts to improve regular migration pathways.

43. **The Committee recommends that the State Party:**

- (a) **Ensure that administrative proceedings for expulsion are fully regulated by law and in accordance with articles 22 and 23 of the Convention, and include a right to appeal with automatic suspensive effect;**

(b) **Guarantee access to support services and free legal representation for persons subject to an order of expulsion, including asylum-seekers and stateless persons;**

(c) **Develop mechanisms, including bilateral agreements, to prevent the expulsion of migrants without a proper screening for international protection, and to uphold the principle of non-refoulement and the prohibition of collective and arbitrary expulsions;**

(d) **Strengthen the implementation of policies and mechanisms designed to provide alternatives to expulsion, including the right to asylum, complementary protection, leave to remain on humanitarian grounds and other forms of regularization.**

Consular assistance

44. The Committee welcomes the State Party's efforts to strengthen consular assistance for Indonesian migrant workers, as well as the designation of 29 Indonesian missions as integrated protection missions, and that 19 missions are equipped with temporary shelter facilities, the majority of which are designated for the use of women and children. It also notes the Safe Travel application, which is directly integrated with consular protection functions. However, it notes with concern:

(a) The lack of updated and comprehensive information on the overall number of Indonesian migrant workers abroad, both regular and irregular, on the concrete results of pathways for regularization and on the attention provided by shelters and welcome centres;

(b) The different levels of consular protection abroad for migrant workers, including regarding legal assistance in procedures of detention and deportation and regarding visits to detention centres.

45. **The Committee recommends that the State Party:**

(a) **Develop comprehensive statistics on the number of Indonesian migrant workers abroad, both regular and irregular, and provide information on the results of regularization procedures and the attention provided by shelters and welcome centres;**

(b) **Guarantee an equal and consistent level of consular protection abroad for migrant workers, making sure that it is gender-sensitive, includes support services, and provides free legal representation in cases of detention, expulsion and asylum-seeking, and that it also ensures systematic visits to detention centres, and documentation of the treatment of migrant workers, including migrant children; and recommends that the State party report data on consular visits and outcomes in its next periodic report.**

Remuneration and conditions of work

46. The Committee notes the State Party's commitment to reviewing labour agreements to uphold equal treatment, including equal pay, and welcomes governmental recruitment systems with Germany, Japan and the Republic of Korea based on bilateral agreements. However, it remains concerned that domestic workers are excluded from protections under Law No. 13 of 2003, at the persisting gaps in the implementation of Law No. 23 of 2004, particularly regarding commercial sexual exploitation, and at the limited available data on compliance with equal treatment principles, especially for migrants recruited through informal channels and for irregular migrant workers in the State Party.

47. **The Committee recommends that the State Party amend Law No. 13 of 2003 and related legislation to guarantee equal pay for all migrant workers, regardless of their status, and equal protection on wages, working hours, rest days, and freedom of association, to ensure that labour inspectorates operate independently from immigration authorities to encourage safe reporting of abuse, and to clarify recruitment agencies' responsibilities regarding contract compliance, compensation, repatriation and monitoring.**

Social security

48. The Committee welcomes the information on the national social security system available for Indonesian migrant workers and for foreign workers employed within

Indonesian territory, as well as the complementary layers of insurance that exist for migrant workers abroad. It notes positively the social security agreements concluded with Malaysia and the Republic of Korea. However, it notes with concern:

(a) The need to ensure that irregular migrant workers in its territory and abroad can fully access social security, as required under articles 27 and 28 of the Convention;

(b) The need for a road map to overcome challenges hindering the conclusion of additional bilateral and regional agreements to guarantee social security for Indonesian migrant workers abroad.

49. The Committee recommends that the State Party:

(a) **Ensure that irregular migrant workers and members of their families, both domestically and abroad, can subscribe to a social security scheme and are informed of their rights in this regard;**

(b) **Develop a strategy, and avail itself of technical assistance as appropriate, to overcome barriers to bilateral and regional social security agreements.**

Medical care

50. The Committee acknowledges the existence of BPJS Ketenagakerjaan (the Social Security Administrator for Employment) for Indonesian migrant workers but expresses deep concern over systemic barriers to timely, affordable and gender-responsive healthcare, including:

(a) The insufficient measures to ensure that undocumented migrant workers in the State Party and abroad can access health services, due to legal status and fear of accessing clinics;

(b) Reported cases of gender-specific violations, including forced contraception and sexual violence in Overseas Job Training Centres;

(c) Severe occupational health risks for sea-based workers, with over 80 per cent reporting shifts of more than 16 hours, 20 per cent facing forced-labour indicators, and 1,156 complaints in 2024 alone, often without treatment or compensation;

(d) Systematic exclusion of migrant workers' children from healthcare due to missing legal identity papers and weak civil registration processes.

51. The Committee urges the State Party:

(a) **To facilitate the accessibility of health insurance coverage for all Indonesian migrant workers, regardless of status, and ensure that they can access it without fear of detention or deportation;**

(b) **To investigate and prosecute all cases of forced contraception and sexual violence in Overseas Job Training Centres, and provide comprehensive, gender-sensitive, survivor-centred health and psychosocial support to survivors;**

(c) **To strengthen occupational health and safety protections for sea-based migrant workers, including portable insurance and cross-border compensation mechanisms;**

(d) **To ensure access to healthcare for children, regardless of a lack of documentation and birth registration.**

Birth registration and nationality

52. The Committee notes efforts by the State Party to register children of Indonesian migrant workers born abroad and recognize their nationality, and notes positively the increased rates of birth registration. However, it remains concerned:

(a) That birth registration policies vary across regions and among Indonesian representations abroad, and that stigma persists in cases of birth registration of children of migrant workers born out of wedlock;

(b) That the legal framework for birth registration (including art. 32 of Law No. 24/2013) may hinder birth registration by establishing short time frames and fines in case of lack of compliance, which could also lead to abuses, corruption and high administrative costs, and that birth registration procedures remain slow and complex, increasing the risk of statelessness.

53. In line with joint general comments No. 3 and No. 4 of the Committee and No. 22 and No. 23 of the Committee on the Rights of the Child (2017), the Committee recommends that the State Party:

(a) **Streamline and standardize procedures for birth registration of children of migrant workers, both documented and undocumented, across regions and in Indonesian representations abroad, and prevent and counter stigma in cases of birth registration of children of migrant workers born out of wedlock;**

(b) **Ensure that the legal framework for birth registration enables, facilitates and promotes birth registration, reduce administrative costs and remove sanctions and fines, increase awareness-raising campaigns on the importance of birth registration targeted at migrant communities, in multiple languages, and accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

Education

54. The Committee welcomes the State Party's efforts to provide education for children of Indonesian migrant workers abroad, including through embassy-supported schools. However, it remains concerned about:

(a) The limited information on measures to ensure equal access to education for children of migrant workers – both regular and irregular – within the State Party, as is required under article 30 of the Convention;

(b) Insufficient measures to guarantee education for children of foreign migrant workers in the State Party, regardless of migration status;

(c) The lack of information on mother tongue learning and cultural identity preservation, as is outlined in article 31 of the Convention.

55. In line with joint general comments No. 3 and No. 4 of the Committee and No. 22 and No. 23 of the Committee on the Rights of the Child (2017), the Committee recommends that the State Party:

(a) **Ensure that all children of migrant workers, including children with disabilities, have equal access to preschool, primary and secondary education within the State Party, regardless of migration status, in compliance with article 30 of the Convention;**

(b) **Establish reporting firewalls between immigration and law enforcement authorities and education providers to ensure that families in irregular situations can safely enrol their children in school;**

(c) **Provide comprehensive data in its next periodic report on the enrolment, attendance and completion rates for children of migrant workers, particularly those in irregular situations, and detail measures taken to support mother tongue learning and cultural identity preservation under article 31 of the Convention.**

Transfer of earnings and savings upon termination of stay

56. The Committee recognizes the vital role of remittances for the families of Indonesian migrant workers and the national economy, and notes positively that Presidential Regulation No. 76 of 2017 enables the diaspora to open bank accounts, own properties and set up companies in Indonesia; the initiatives for the economic empowerment and mentorship of migrant workers; the fact that banking laws and regulations do not place limits on outbound or inbound transfers for migrant workers; initiatives for the reduction of transfer costs; and the expansion of digital remittance channels. However, it remains concerned that:

(a) The State Party has yet to ensure that migrant workers in its territory, regardless of their status, benefit from its programmes and initiatives on banking, economic empowerment and the digital economy;

(b) No financial literacy or awareness-raising programmes have been reported for foreign migrant workers in the State Party, particularly for irregular migrants, which creates unequal access to financial education and services.

57. The Committee recommends that the State Party:

(a) **Ensure that all migrant workers in its territory, particularly those with irregular status, can benefit from its policies on the digital economy, banking and economic empowerment;**

(b) **Implement financial and technological literacy programmes for foreign migrant workers, particularly for irregular migrants, ensuring that these are gender-sensitive and disability-inclusive.**

4. Other rights of migrant workers and members of their families who are documented or in a regular situation (arts. 36–56)

Right to vote and to be elected in the State of origin

58. The Committee welcomes the State Party's steps to guarantee the exercise of voting rights by Indonesian migrant workers residing abroad, particularly through Law No. 7 of 2017, and the adoption of General Election Commission Regulation No. 25 of 2023 and Decision No. 66 of 2024, which facilitate participation in national elections. It further notes positively the high rates of voter registration overseas, as well as the high turnout in voting (81.48 per cent). However, it is concerned that:

(a) Indonesian migrant workers abroad do not appear to have the right to stand for election in their State of origin, as the current electoral laws require candidates for legislative and executive offices to reside within the State Party, thereby limiting their full political participation as guaranteed under article 41 of the Convention;

(b) A strategy is needed to overcome challenges identified, such as irregularities in voter registration, the risk of inaccurate or duplicate data, and vulnerabilities in postal or drop-box voting when verification is limited.

59. The Committee urges the State Party:

(a) **To take additional measures to guarantee the right of all Indonesian migrant workers and members of their families living abroad to vote and be elected, to increase their registration and participation in all future elections, and to ensure the accessibility and availability of polling stations and the presence of independent observers;**

(b) **To develop a comprehensive and time-bound strategy to overcome identified challenges to fully ensure the voting rights of migrant workers.**

Work permits and residency

60. The Committee notes the adoption of Law No. 63 of 2024 on the third amendment to Law No. 6 of 2011 on immigration, and that under the current legal framework, individuals with valid travel documents and visas have the right to enter and exit the State Party, as well as to obtain visas, residence permits and stay permits. However, it is concerned that the administrative framework does not appear to provide adequate and sufficient pathways for regularization of migrants in irregular situations.

61. The Committee recommends that the State Party provide adequate and sufficient pathways for regularization of migrants in irregular situations, ensure their effective implementation, and track the results.

5. Promotion of sound, equitable, humane and lawful conditions in connection with the international migration of workers and members of their families (arts. 64–71)

Children in situations of international migration

62. The Committee welcomes the State Party's efforts to establish a child welfare system, including social safe houses, home visits and psychosocial support, as well as its legal provisions allowing unaccompanied and separated children to be relocated outside immigration detention centres. However, the Committee remains concerned that:

(a) Inter-agency coordination for the protection of children of migrant workers remains weak and the legal framework lacks comprehensive protections for migrant children in irregular situations, leaving them especially vulnerable;

(b) There is insufficient information on how unaccompanied and separated children are guaranteed the right to be heard in proceedings affecting them, as is required under article 12 of the Convention on the Rights of the Child;

(c) No measures have been reported to prevent violence in alternative care settings, such as staff conduct rules and independent monitoring.

63. In line with joint general comments No. 3 and No. 4 of the Committee and No. 22 and No. 23 of the Committee on the Rights of the Child (2017), the Committee recommends that the State Party:

(a) **Improve inter-agency coordination for the protection of children of migrant workers and extend full protection under the child welfare system to all migrant children, including those in irregular situations;**

(b) **Ensure that all unaccompanied and separated children have the right to be heard and to participate meaningfully in all decisions affecting them;**

(c) **Establish clear behavioural codes for staff working with migrant children and create independent monitoring mechanisms for all facilities where migrant children are placed.**

Sea-based migrant workers

64. The Committee notes with concern:

(a) That sea-based migrant workers (migrant seafarers and migrant fishers) face dire work conditions and excessive working hours, increasing their vulnerability to forced labour, trafficking and modern slavery;

(b) The existence of two licensing regimes for sea-based migrant worker recruiting agencies, in two different government institutions (the Ministry for the Protection of Indonesian Migrant Workers and the Ministry of Transport), in contravention of Law No. 18 of 2017, hindering the protection of sea-based migrant workers;

(c) The lack of sufficient oversight and protection mechanisms to ensure respect of the rights of sea-based migrant workers.

65. The Committee recommends that the State Party:

(a) **Conduct a comprehensive assessment on the situation of sea-based migrant workers, and develop a strategy, in consultation with sea-based migrant workers and migrants' rights defenders, to align their work conditions to the Convention, ensuring that it includes safeguards against forced labour, trafficking and modern slavery, and independent oversight mechanisms, and guarantees access to justice and remedies;**

(b) **Implement a sole regime for sea-based migrant worker recruiting agencies, under the authority of the Ministry for the Protection of Indonesian Migrant Workers, and ensure that is compliant with Law No. 18 of 2017 and the Convention;**

(c) **Implement an independent and robust oversight mechanism for the protection of sea-based migrant workers.**

Climate change

66. The Committee notes with concern the threat that climate change represents for the State Party, disproportionately affecting migrant workers and their families and rendering them more vulnerable to human rights violations. It further notes with concern the information received that Omnibus Law No. 11 of 2020 weakened environmental protection mechanisms, and the lack of information on the outcome of the complaint filed by young Indonesians in 2022 before the National Commission on Human Rights for lack of compliance with mitigation measures.

67. The Committee recommends that the State Party:

(a) **Develop a comprehensive and gender-sensitive strategy on climate change and disaster risk reduction, ensuring that it includes measures to address the specific and unique needs of migrant workers and their families and that contribute to building their resilience and effective adaptation to climate change;**

(b) **Ensure that Omnibus Law No. 11 of 2022 does not hinder environmental protection mechanisms, and provide information in its next report on the outcome of the complaint filed before the National Commission on Human Rights regarding lack of compliance with mitigation measures.**

International cooperation with countries of transit and destination

68. The Committee welcomes the State Party's participation in ASEAN frameworks, and its bilateral agreements with countries employing Indonesian migrant workers. However, it remains concerned:

(a) That the State Party has not entered into bilateral agreements with countries of origin of migrant workers in Indonesia, and that existing agreements do not guarantee equal treatment for foreign workers regardless of status;

(b) That Indonesian migrant workers, especially women domestic workers, continue to face violence, exploitation and abuse abroad – including torture, sexual violence, wage theft, and surveillance – particularly in Asian and Middle Eastern countries;

(c) That the moratorium on 21 Middle Eastern countries applying the *kafalah* system lacks rights-based alternatives and may restrict safe migration pathways, and that domestic workers seeking employment in the Middle East may lack access to safe, non-discriminatory and rights-based mechanisms to prevent exploitation.

69. The Committee recommends that the State Party:

(a) **Develop a strategy for entering into bilateral agreements with countries of origin of migrant workers in Indonesia, and ensure that existing agreements are fully aligned with the Convention;**

(b) **Take urgent measures to address violence, torture and exploitation of Indonesian migrant workers abroad – especially women domestic workers – through stronger diplomatic engagement, consular protection, and robust safeguards in agreements;**

(c) **Actively engage in regional processes such as the Colombo Process and Abu Dhabi Dialogue to promote fair recruitment and migrant rights, replace the moratorium on 21 Middle Eastern countries with non-discriminatory, rights-based alternatives, and advocate for the abolition of the *kafalah* system.**

Recruitment agencies

70. The Committee welcomes the State Party's governmental recruitment systems with Germany, Japan and the Republic of Korea based on bilateral agreements, allowing direct recruitment under public administration, as well as the government-supervised recruitment procedures through an integrated system. However, the Committee remains concerned at the insufficient monitoring mechanisms to ensure compliance with Law No. 18 of 2017, and the limited information on the effectiveness of ministerial regulation 4/2025, and that workers

continue to face exploitation, excessive fees and deceptive recruitment practices, including from brokers, and shortcomings in the operation of one-stop service centres.

71. In line with its general comment No. 1 (2011) and the Guiding Principles on Business and Human Rights, the Committee recommends that the State Party:

- (a) Reinforce the regulatory regime for private recruitment agencies and strengthen the existing licensing system for recruitment agencies to ensure the rights of migrant workers in accordance with the Convention, and address shortcomings in one-stop service centres;**
- (b) Enhance recruitment monitoring and inspections to prevent private recruitment agencies from charging excessive fees for their services and from acting as intermediaries for abusive foreign recruiters;**
- (c) Ensure that private recruitment agencies provide complete information to individuals seeking employment abroad and that they guarantee the effective enjoyment of all agreed employment benefits, in particular salaries;**
- (d) Investigate and sanction unethical and/or illegal practices by recruiters;**
- (e) Adopt a “no placement fees” policy for persons intending to work abroad.**

Return and reintegration

72. The Committee welcomes the efforts of the State Party to ensure smooth reintegration of Indonesian migrant workers, including the establishment of the Return Facilitation Team by the Ministry for the Protection of Indonesian Migrant Workers. However, the Committee is concerned about the insufficient information on repatriation, reintegration and social reinsertion programmes for migrant workers, including those with disabilities, and the results of those programmes; the lack of gender-responsive services for the reintegration of returning women migrant workers; the absence of awareness-raising campaigns to highlight the positive contributions of women migrant workers and to combat stigmatization they face upon return to Indonesia; and the insufficient support mechanisms to address the economic, social and psychological challenges faced by returning migrant workers, including those who may have experienced abuse or exploitation abroad.

73. The Committee recommends that the State Party:

- (a) Ensure that all returns are carried out in accordance with international law, including the Convention, and with due process guarantees, with respect to non-refoulement and protection against arbitrary and collective expulsion;**
- (b) Conduct nationwide awareness-raising campaigns to recognize the contributions of migrant workers, particularly women, to the economy and development of Indonesia, and to combat stigma and discrimination upon their return;**
- (c) Take effective measures to facilitate the return and durable reintegration of returning migrant workers and members of their families into the economic, social and cultural life in the State Party, and ensure gender-responsive and disability-inclusive support to address the specific physical and mental health needs of those who have experienced violence and abuse;**
- (d) Strengthen the capacity and expand the mandate of the Return Facilitation Team to provide comprehensive reintegration support, including access to healthcare, education for returning workers’ children, and assistance with social security portability;**
- (e) Conclude bilateral or multilateral mobility or readmission agreements, ensure that they are implemented in conformity with the Convention and ensure that they include appropriate procedural guarantees.**

Trafficking in persons

74. The Committee notes the State Party’s initiatives to combat trafficking in persons, including the National Action Plan for Combating Trafficking in Persons and the

Cyber-Trafficking Response Team. It further notes the establishment of a hotline to report violence against women and children, including trafficking, and the recent establishment of the Directorate for the Protection of Women and Children and the Eradication of Trafficking in Persons. However, the Committee notes with concern:

(a) The lack of a plan for the domestic implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, of adequate cooperation mechanisms between agencies, of an integrated case-screening system, of a referral mechanism for trafficking victims and of adequate procedures for redress, recovery or compensation, as well as the retention of legal provisions setting forth a statute of limitations of 11 years for trafficking cases;

(b) The need for a specific strategy to prevent, investigate and sanction cases of trafficking in high-risk sectors, including sea-based migrant workers; and that the Trafficking in Persons Task Force has not held a nationwide coordination meeting, nor has it ensured the meaningful involvement of civil society;

(c) The absence of comprehensive and updated information on investigations, prosecutions and judgments relating to trafficking and on reparations provided to victims.

75. The Committee recommends that the State Party:

(a) **Strengthen its anti-trafficking policies, as well as its early identification procedures, and reinforce mechanisms for support, referral, rehabilitation and social integration of trafficking victims, including access to shelters, legal aid, medical care and psychosocial services, while expanding gender-responsive and child-friendly training for law enforcement officials, the judiciary and frontline personnel, in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;**

(b) **Develop a specific strategy to prevent, investigate and sanction cases of trafficking in high-risk sectors, including sea-based migrant workers, and ensure that the Trafficking in Persons Task Force is fully operational, with the involvement of civil society;**

(c) **Develop comprehensive and updated information on investigations, prosecutions and judgments on trafficking and on reparations provided to victims.**

6. Dissemination and follow-up

Dissemination

76. The Committee requests the State Party to ensure the timely dissemination of the present concluding observations, in the official language of the State Party, to the relevant State institutions at all levels, including to government ministries, the legislature, the judiciary and relevant local authorities, as well as to non-governmental organizations and other members of civil society.

Technical assistance

77. The Committee recommends that the State Party further avail itself of international and intergovernmental assistance for the implementation of the recommendations contained in the present concluding observations in line with the 2030 Agenda for Sustainable Development. It also recommends that the State Party continue its cooperation with specialized agencies and programmes of the United Nations system.

Follow-up to concluding observations

78. The Committee requests the State Party to provide, within two years (that is, by 1 January 2028), written information on the implementation of the recommendations contained in paragraphs 12 (legislation and application), 19 (coordination), 63 (children in situations of international migration) and 65 (sea-based migrant workers) above.

Next periodic report

79. The State Party's third periodic report is due by 1 January 2031. The Committee will adopt a list of issues prior to reporting under the simplified reporting procedure at one of its sessions preceding that date, unless the State Party has explicitly opted for the traditional reporting procedure. The Committee draws the State Party's attention to its harmonized treaty-specific guidelines.⁴

⁴ [HRI/GEN/2/Rev.6](#).