

When They Were Sold

Trafficking of Women and Girls in 15 Provinces of Indonesia

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USAID
FROM THE AMERICAN PEOPLE

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examine debt bondage and contributed further with her research on the available definitions of debt bondage. We thank Lotte for her valuable inputs.

The report is based on extensive assessments of the prevailing situations of trafficking of women and girls in fifteen provinces of Indonesia. It is difficult to name each and every person who contributed by collecting and sharing information, but we wish to thank every government official that we met in course of the field visits, every NGO friend that volunteered information, and every survivor of trafficking who shared intimate personal details with the team members to improve our understanding of trafficking in Indonesia. Particularly to the last group, we wish to say that we very much appreciate your help because we have never experienced what you have.

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Keri Lasmi Sugiarti

Jamie Davis

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Jakarta, November 2006

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Acronyms

ACILS	<i>American Center for International Labor Solidarity (also: Solidarity Center)</i>
BAPPENAS	<i>National Development Planning Body</i>
Biro PP	<i>Women's Empowerment Office</i>
BP2TKI	<i>Indonesian Migrant Worker Placement Service Body</i>
BPS	<i>The Central Bureau of Statistics</i>
CBO	<i>Community-Based Organization</i>
CRC	<i>Convention on the Rights of the Child</i>
CSW	<i>Commercial Sex Worker</i>
CSEC	<i>Commercial Sexual Exploitation of Children</i>
CTTF	<i>Counter Trafficking Task Force</i>
Depsos RI	<i>Department of Social Affair of the Republic of Indonesia</i>
Dinsos	<i>Local Social Affair Office</i>
Depnakertrans	<i>Department of Manpower and Transmigration</i>
Disnaker	<i>Local Manpower Office</i>
Dinsonaker	<i>Local Manpower and Social Affair Office</i>
DKI	<i>Special Capital Area</i>
DPR	<i>The Indonesian House of Representatives</i>
DPRD	<i>Local House of Representatives</i>
GDP	<i>Gross Domestic Product</i>
HAM	<i>Human Rights</i>
HIV/ AIDS	<i>Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome</i>
ICMC	<i>International Catholic Migration Commission</i>
ICITAP	<i>International Criminal Investigative Assistance Training Program</i>
ILO	<i>International Labor Organization</i>
ILO-IPEC	<i>International Labor Organization - International Programme on the Elimination of Child Labour</i>
INGO	<i>International Non Government Organization</i>
IOM	<i>International Organization for Migration</i>
KBRI	<i>The Indonesian Embassy</i>
KPP	<i>Women's Empowerment Ministry</i>
KK	<i>Household Card</i>
KTP	<i>ID Card</i>
Kopbumi	<i>Consortium of Organizations for the Defense of Indonesian Migrant Workers</i>
KUHP	<i>Penal Codes/Criminal Codes</i>
LBH	<i>Legal Aid Body</i>
LBH APIK	<i>Legal Aid Body for Women and Children</i>
Meneg PP	<i>Women's Empowerment Minister</i>

Menkokesra	<i>Coordinating Minister for People's Welfare</i>
MoU	<i>Memorandum of Understanding</i>
NPA (RAN)	<i>National Plan of Action</i>
NGO	<i>Non Governmental Organization</i>
ORS	<i>One-Stop Service</i>
P2KPA	<i>Women and Children Crisis Center</i>
PAP	<i>Pre Departure Training</i>
PDRB	<i>Gross Regional Domestic Products</i>
Perda	<i>Local Government's regulation</i>
PELNI	<i>Indonesian National Ship Company</i>
PJTKI	<i>Indonesian Labor Supplier/Placement Agency</i>
PLB	<i>Cross Border Pass</i>
PPT	<i>One Stop/Integrated Service</i>
PPTKIS	<i>Private Migrant Worker Placement Agency (new term replacing PJTKI)</i>
PPTKLN	<i>Migrant Worker Education and Placement Agency</i>
PRTA	<i>Child Domestic Worker</i>
PSKW	<i>Panti Sosial Karya Wanita (Social Service Center for Women)</i>
Pusdatin	<i>Data and Information Center</i>
RAD	<i>Local Plan of Action</i>
RM	<i>Malaysia Ringgit (Exchange rates in this book: Rp 2500 = RM 1)</i>
Rp.	<i>Indonesian Rupiah</i>
RPK	<i>Special Service Room</i>
SBMI	<i>Trade Union of Indonesian Migrant Worker</i>
SK	<i>Decree</i>
STD	<i>Sexually Transmitted Disease</i>
SPLP	<i>Travel document in lieu of passport</i>
SLTP/SMP	<i>Junior High School</i>
SUHAKAM	<i>Malaysian Human Rights Committee</i>
TKI	<i>Indonesian Migrant Worker</i>
UN	<i>United Nations</i>
UNDP	<i>United Nations Development Program</i>
UNICEF	<i>United Nations International Children's Fund</i>
UPTD	<i>Local Technical Implementing Unit</i>
USAID	<i>United States Agency for International Development</i>
US\$	<i>United States Dollar (exchange rates in this book: Rp 9000 = US\$ 1)</i>
UU	<i>Act/Law</i>

Chapter I:

Background

Chapter I: Background

A. Purpose of the Report

In 2003, a report called *“Trafficking of Women and Children in Indonesia”* edited by Ruth Rosenberg was published by the American Center for International Labor Solidarity (Solidarity Center) and the International Catholic Migration Commission (ICMC). The report, prepared by the staff of the Solidarity Center and ICMC with funding support from the people of America and the United States Agency for International Development (USAID), helped in providing readers around the world with the much needed insight into trafficking in Indonesia. Until then, information about trafficking of Indonesian women and children, especially girls, was scattered over various documents and reports and was somewhat limited in its utility in the absence of a contextual framework. Rosenberg and team tried to consolidate the information that already existed about trafficking in Indonesia into one single volume and provided the much needed framework to analyze and interpret data relating to trafficking in women, girls and boys from and within Indonesia. Since then, three eventful years have passed when not only did new information about the extent and nature of trafficking in Indonesian women and girls emerge, but also a number of important events took place that are likely to influence the shape of things to come. The current report is expected to serve as a companion volume to the previous one in its attempt to bring the reader up to date on the developments in Indonesia during the three years from 2004 to 2006. This report will try to avoid repeating all that has already been said earlier except in cases where new issues have arisen, or new developments have taken place. It is not a new edition of the previous report, but only deals with events and patterns that have become visible in the meanwhile – particularly at local levels. Detailed analysis of the prevailing human trafficking situations in 15 provinces of Indonesia makes up bulk of this report, and it is expected that the report will offer greater utility to organizations and individuals who wish to roll out anti-trafficking interventions in any of those provinces.

While it is essential for any report on human trafficking to recapitulate definitions in order to put boundaries to discussions, it was felt that this volume should not dwell at length over forms of trafficking in Indonesia and factors leading to it as those had been rather comprehensively dealt with in the previous volume. On the other hand, attempts have been made to touch upon the emergent situations

in a number of provinces such as Banten, North Maluku, Papua, and South Sulawesi that called for their inclusion in this volume. Other notable inclusions are sections on the current migrant worker system that is under intense scrutiny over allegations of contributing to debt bondage and trafficking of migrant workers, debt bondage itself, the efforts made by government and non-government organizations in Indonesia to combat trafficking, and the effectiveness of legislation to combat trafficking, enacted during the last three years, by local governments and Counter-trafficking Task Forces (CTTFs) formed under the auspices of the National Plan of Action for the Elimination of Trafficking in Women and Children (NPA). After considerable thought, unlike in the previous volume, it was decided not to include international instruments and local legislation as appendices as those are now abundantly available on various websites – both in English and Indonesian. Instead, there is a compilation of known trafficking cases provided in the appendix that may help the reader better understand the nature of human trafficking in Indonesia.

Like the previous one, this report, too, was put together by the staff of the Solidarity Center and ICMC with funding support from the people of America through the U.S. Department of State's Office to Monitor and Combat Trafficking in Persons (G/TIP) and USAID's Jakarta mission.

B. Methodology

From 2001 to 2004, the Solidarity Center and ICMC in partnership with local NGOs, trade unions and mass-based organizations implemented anti-trafficking programs in 12 provinces of Indonesia. After 2004, work in two of these provinces, namely Bali and Lampung, was not continued in keeping with changing priorities. The work with NGO partners resulted in the collection of much information through visits, mentoring, joint activities, and reports. This process provided the Solidarity Center and ICMC a great deal of information about at least 10 of these provinces. For the purpose of compiling this report, information already available was supplemented by a series of study trips undertaken by Solidarity Center and ICMC program staff to a total of 15 provinces between January 2005 and June 2006. The five additional provinces to the 10 in which the Solidarity Center and ICMC were working at the time were selected through a process of brain-storming by the contributors, most of whom are experts on trafficking in women and girls in Indonesia having already worked on the issue for a number of years. The field studies, spread over five to 10 days in each province, involved numerous meetings with key informants, collection of records from relevant government offices, and observation in border crossing points. Key informants included provincial and local government officials, community and religious leaders, civil society activists, migrant communities and returned migrants, labor export agency staff, brokers and agents of different hues, women and girls in prostitution and those working in entertainment establishments. Analysis of the assessment results, together with the study of various reports and a large number of news clippings -- from both

national and regional newspapers -- led to the identification of a number of issues that merited further exploration.

In the next stage, four issues were subjected to a more detailed exploration. These are, as mentioned earlier, debt bondage as an instrument for trafficking, the currently prevalent migration and trafficking of Indonesian labor to Malaysia, the efforts made by government and non-government organizations in Indonesia to combat trafficking, and the relevance of laws and regulations in combating trafficking. This part of the research was carried out through more in-depth assessments, interviews, and search for information in secondary sources. To understand debt bondage in greater detail, a research was commissioned with a well-known Indonesian university. Furthermore, a national conference on debt bondage, held in September 2006, generated rich information and debates. All these fed the Overview in Chapter II - which is really a consolidation of all the learning from the field into an analytical framework broadly presented in the earlier report edited by Rosenberg.

Table 1.1
Field Assessment Schedule

Province	Approximate number of interviews	Assessment period
North Sumatra	25 people	April 23 - March 7, 2006
Riau Islands	20 people	February 2006
DKI Jakarta	15 people	February & April 2006
West Java	72 people	February 2005 & June 2006
Central Java	75 people	April & June 2006
East Java	87 people	February 28 - March 4, 2006 & June 2006
Banten	10 people	February & April 2006
Bali	75 people	April, 2006
West Nusa Tenggara	130 people	January 2005 & June 2006
West Kalimantan	30 people	February - August 2006
East Kalimantan	30 people	February, 2006
North Sulawesi	50 people	February 2006
South Sulawesi	74 people	March 13 - 21, 2006
North Maluku	75 people	March 20 - 25, 2006
Papua and West Irian Jaya	115 people	September, 2005

C. Trafficking Discourse in Indonesia

Trafficking discourse in Indonesia started growing in the early 2000s primarily fuelled by the plight of Indonesian women abused abroad -- in domestic work and in prostitution. The only understanding about trafficking that existed earlier was in the context of prostitution. Article 297 of the Indonesian Penal Code contains provisions for the prosecution of traffickers. However, this article has not been of much help to women and girls trapped in prostitution as, clearly, there was lack of clarity about what constituted trafficking, as well as because of the existence of contradictory legal provisions about age of consent and child prostitution. Furthermore, Indonesian women had been seeking work abroad for many years and a certain degree of abuse in their place of employment was perhaps considered to be within limits of tolerance by a largely patriarchal society at home¹. This is somewhat apparent from the lack of research and writings on trafficking in Indonesia until late 1990s.²

Different reports about sexual exploitation of women and girls started appearing in the Indonesian press from the early 2000s. Many of these were about sexual harassment abroad of traditional dancers from Bali also known as “cultural ambassadors”, growth of sex tourism in Batam, and paedophilia in Bali and Lombok. It is possible that Farid’s (Farid, M. *Sexual Abuse, Sexual Exploitation and Commercial Sexual Exploitation of Children in Indonesia* - a report prepared for UNICEF Indonesia, Jakarta, 1998) pioneering research on commercial sexual exploitation of children inspired this new interest in the press. However, what really caught public attention were probably the media reports in the early 2000s of serious physical injuries inflicted by employers on women like Nirmala Bonet in Malaysia and a woman trying to escape from a hotel in Tawau, Sabah at the risk of her life. The latter forced the Indonesian Ministry of Women’s Empowerment to conduct a field assessment in the state of Sabah in eastern Malaysia in 2003, which turned up a stunning figure of over 5,000 Indonesian women forced into prostitution in Sabah alone.

On the other hand, the adoption of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) in 2000 and the fact that Indonesia had become a signatory to it, made it obligatory for the Government of Indonesia to face the issue of human trafficking and deal with it. A National Plan of Action for the Elimination of

1 It appears that N. Katjasungkarna presented a paper called “*Aspek Sosioyuridis Aspek Masalah Pembantu Rumah Tangga dan Pekerjaan Rumah Tangga*” in a seminar on Women Workers: Problems and Policy organized, among others, by ILO Asia Regional Team for Employment Promotion as early as in April, 1992. However, there is hardly any evidence to show that the issue was either further researched or subjected to widespread debates during the rest of the decade.

2 An analysis of Bibliography provided by Rosenberg (2003b) *Trafficking of Women and Children in Indonesia*, pages 225 to 236), shows that of 73 specific documents studied by her in 2003 on child labor, domestic workers, prostitution and trafficking etc. in Indonesia, only 23 were published prior to 2000.

Trafficking in Women and Children (NPA) was adopted by Presidential Decree in 2002. Among other things, the NPA prescribed that suitable legislation should be put in place to deal with trafficking in persons comprehensively. Following the adoption of the Palermo Protocol and the passing of United States legislation on Trafficking in Persons (2001) a number of international NGOs started working on different aspects of trafficking of women, girls, and boys within and from Indonesia. Current discourses mainly follow these developments -- a majority of which took place between the year 2000 and now. As a result, in the recent years, new information is being generated rapidly.

A draft bill to “Combat the Crime of Trafficking in Persons” (Anti-trafficking Bill) is currently waiting to be debated in the Indonesian House of Representatives (DPR). It is hoped that the bill will be passed by the time this report goes to press. The purpose of this new law is to define trafficking within Indonesian law -- thus providing clarity on its meaning for law enforcers -- and create harsh sentences for those who commit this crime as well as stipulations on how the State will provide protection and services to trafficked persons.

D. Current Definition of Trafficking in Indonesia

Since the Anti-trafficking Bill is yet to be passed by the House of Representatives (DPR), traffickers are prosecuted under the Indonesian Penal Code (articles 55, 263, 264, 266, 267, 277, 296, 297, 332, and 378), the Child Protection Act (articles 79, 83, and 88), the Placement and Protection of Migrant Workers Act (articles 39, 102, and 104), the Manpower Act (articles 71, 74, 81, 82, and 83), and several articles of the Immigration Act. In 2005, the Penal Code and the Child Protection Act were the two most frequently used laws to combat trafficking. A detailed analysis of these acts and their intersections with trafficking in persons is provided in pages 195 to 215 of *Trafficking of Women and Children in Indonesia* by Rosenberg (2003b).

Even though the Anti-trafficking Bill is yet to be passed, drafts had been widely circulated and comments sought from different sections of policy makers and civil society. Many of the critiques and comments thus generated were used to modify the draft over and over again. According to the latest available draft of the Anti-trafficking Bill, dated July 12, 2006 (this is the one currently slated to be placed to the DPR for passing), Article 1 defines trafficking in persons as *“the process of recruitment, transportation, harboring, sending, transfer, or receipt of persons by means of threats, violence, abduction, confinement, falsification, deception, abuse of power or vulnerable position or debt bondage, or giving payment or benefit in order to gain consent of persons having control over others, for the purpose of exploitation or to cause exploitation, within or outside the country.”*

Exploitation, consent, and what constitutes a minor are defined separately in other sub-clauses of Article 1. This definition follows closely the one laid down by the

Palermo Protocol³ except for the explicit mention of debt bondage as one of the instruments used for trafficking women, men, girls, and boys. The other significant difference, so far, refers to the definition of a child. The Indonesian Anti-trafficking Bill adds a rider that in order to be considered a child, a person should not only be below the age of 18 years, but also never married.

Largely, the Trafficking Framework developed by the Solidarity Center and ICMC as presented by Rosenberg in 2003, with minor modifications, is likely to remain applicable in the Indonesian context since the draft Anti-trafficking Bill defines trafficking almost in line with the Palermo Protocol. It might be useful to review this Trafficking Framework in the context of the developments during the intervening years.

3 The UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children provides the following definition:

- (a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of prostitution of others, or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs;
- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;
- (d) "Child" shall mean any person below 18 years of age.

Solidarity Center/ICMC Trafficking Framework

Process	+	Ways/Means	+	Goal
Recruitment		Threat		Prostitution
or		or		or
Transportation		Coercion		Pornography
or		or		or
Transferring		Abduction		Violence/Sexual Exploitation
or		or		or
Harboring	A	Fraud	A	Forced Labor
or	N	or	N	or
Receiving	D	Deceit	D	Slavery/Similar practices
		or		or
		Deception		<i>Organ Harvesting</i>
		or		
		<i>Debt Bondage</i>		
		or		
		Abuse of Power		

1 + 1 + 1

Consent of the person trafficked is irrelevant

According to the Framework, if one condition from each of the three categories above is met, the result is trafficking. Consent of the victim is irrelevant if one of the means above is employed. For children, consent is irrelevant with or without the above-mentioned means. The words in italics have been added to the original framework in order to accommodate current debates about the use of debt bondage as an instrument to trap a person into a prolonged state of trafficking,

and to align the framework with the provisions about removal of organs described in the Palermo Protocol. While the debate on whether baby selling is a form of trafficking rages on, one of the determining factors might be that, as claimed often, some babies are actually sold for organ harvesting.

Chapter II:
An Overview of Trafficking
in Indonesia

Chapter II: An Overview of Trafficking in Indonesia

Abhijit Dasgupta

A. Extent of Trafficking

The extent of trafficking in Indonesia has been difficult to estimate not only because of the clandestine nature of trafficking but also because there is no uniform method of data collection. As a result, while on the one hand estimates of numbers which run into hundreds of thousands are quoted based on hearsay and unsound assumptions, available failure-time data⁴ (for example, the number of persons actually returned and reintegrated by the International Organization for Migration (IOM) and the number of prosecutions of traffickers by the police, etc.) raises serious questions about the otherwise reported extent of human trafficking in Indonesia.

The Indonesian Context

In international human trafficking discourses Indonesia was, prior to 2000, categorized as a country of origin -- meaning that women, men, girls and boys were trafficked from Indonesia across its national borders to other countries. Though data was available on the number of Indonesian women and men working abroad (mainly in Malaysia, Singapore and Saudi Arabia) both legally and illegally, such figures were not nuanced sufficiently to the extent of being able to identify those among them who might have been trafficked. There were anecdotal reports of Indonesian domestic workers abroad being abused and sometimes punished severely. Examples of such reports in the early 2000s include a highly publicized case of an Indonesian woman named Kartini sentenced to death by stoning in a Middle Eastern country after being wrongly accused of adultery as well as the case of Nirmala Bonet in Malaysia that demonstrated abusive situations faced by Indonesian domestic workers abroad. Data has also been published by the government and reported by the media from time to time on the deportation

⁴ Failure-time data is primarily a statistical concept which, very roughly, means data captured from "failed" cases. Use of failure-time data is resorted to when it cannot be predicted beforehand which of the events will end in a particular outcome. In the context of trafficking, what is obtained from those who escaped their traffickers either through administrative intervention or otherwise is "failure-time" data as opposed to real-time, that is, while they are still in a "trafficked" state. No quantitative estimates of numbers ought to be made on the basis of failure-time data as those escaping might constitute a very insignificant proportion of all trafficked persons.

of illegal Indonesian migrants from several countries, particularly Malaysia. Other than this, even five years back, there was no organized body of data that would reflect the extent of trafficking from Indonesia with any degree of accuracy. All that was known then was that Articles 324 to 337 of the Indonesian Penal Code dealt with committing a person to slavery or servitude.

In 2001, a year after the Republic of Indonesia signed the UN Protocol, the process of drafting a criminal law on "Suppressing the Trafficking in Persons" began. The draft law, in the form of a Bill recently pushed by a number of Indonesian National Parliament members, is currently waiting to be taken up in the November 2006 session. This law is reported to have defined trafficking in consonance with the definition (and clarifications) provided by the UN Protocol. However, in its absence, the Child Protection Act (23 / 2002 - Articles 83 and 88) and certain provisions of the Manpower Act (for example, Article 74) are used to deal with specific aspects of trafficking. Moreover, Article 297 of the Indonesian Penal Code and Article 65 of the Law on Human Rights (39 / 1999) also deal with slavery and servitude in the form of trafficking in persons. On the other hand, there are no laws directly relating to prostitution -- a significant form of domestic trafficking in Indonesia like most South and Southeast Asian countries. Prostitution is dealt with under ambiguous sections of the Indonesian Penal Code called "Crimes Against Decency" (Articles 289 and 296, Book 2, Chapter XIV) and Offences Against Public Order (Article 506, Book 3, Chapter II).

In 2002, a Presidential Decree (88 / 2002) was issued to put in place the National Plan of Action for the Elimination of Trafficking in Women and Children. This encouraged the governments of provinces and districts/municipalities of Indonesia to pass their own anti-trafficking regulations. A number of provincial, district, and municipal governments have enacted local regulations to combat trafficking and protect interests of migrant workers. A few others are waiting to pass similar local legislation.

The situation has not changed significantly since the 1990s about official data on trafficking. The Crime Investigation Board of the national Police Headquarters recorded 30 human trafficking cases in 2005, down from 179 in 2001:

Table 2.1:
Cases of Human Trafficking in Indonesia Years 1999-2005

Year	Total (number of Cases (Reported))	(Number of Cases) Submitted to the Public Prosecutor's Office	Percentage (of Cases Taken Up for Prosecution)
2001	179	129	72.07
2002	155	90	58.06
2003	125	67	53.60
2004	43	23	53.48
2005	30	8	26.66

Source: quoted from Task Force for National Plan of Action on the Elimination of Trafficking in Women and Children (2006, March:: 35)

It is not possible to say, only on the basis of this table, whether trafficking in persons is on the decline, or simply less numbers of cases are being reported now than before. An ominous implication of this data is that the proportion of cases that do not merit prosecution (frivolous complaints) for various reasons is also on the rise.

A compilation made by the Solidarity Center/ICMC of trafficking incidents during 2005 based on newspaper reports from regional press in 17 provinces and other sources could identify at least 130 trafficking cases (Table 2.2) involving, at a minimum, 198 traffickers and 715 trafficked persons being reported. Only 62 of these were taken up for prosecution. Details are available in Appendix B. These figures differ widely from those supplied by the Crime Investigation Board of the Indonesian Police.

Tabel 2.2:
Cases of Trafficking Reported in Indonesia During 2005

Province	Number of cases detected	Reason for trafficking					
		Baby selling / illegal adoption	Prostitution		Migrant Laborer	Domestic servitude	Others
			Inside Indonesia	Outside Indonesia			
North Sumatra	20	11	5	4			
Bengkulu	2	1	1				
South Sumatra	4	2	2				
Riau and Riau Island	36	8	15	7	7		1 (children forced into begging)
Lampung	3	1	1			1	

Province	Number of cases detected	Reason for trafficking					
		Baby selling / illegal adoption	Prostitution		Migrant Laborer	Domestic servitude	Others
			Inside Indonesia	Outside Indonesia			
Banten	1	1					
Jakarta	6	3		1	1		1 (foreign women forced to provide sexual services)
West Java	16	4	9	2	1		
Central Java	3				3		
East Java	6	1	4		1		
Bali	4		1				3 (pedophilia)
East Nusa Tenggara	1	1					
East Kalimantan	7		6	1			
West Kalimantan	2			2			
North Sulawesi	18		14		2	1	1
Papua	1	1					
Total	130	34	56	17	15	2	6
%	100.0	26.2	43.1	13.1	11.5	1.5	4.6

Source: *Trafficking Case Compilation (ICMC/Solidarity Center, 2006)*

A third source, though of a different nature, is the database maintained by IOM based on recovery and return of survivors of trafficking. According to the IOM database, between March 2005 and July 2006, IOM helped in returning 1,231 survivors of trafficking. 89% of those returned were women, 23% were below 18 years of age (including 1.3% infants), and over 57% were engaged as domestic workers. Close to 80% had been trafficked abroad.

The different sets of data referred to seriously opens to question the comprehensiveness of the numerical information on trafficking currently available in Indonesia. Needless to say, none of these sets of data provide any indication of the extent of trafficking in women, men, girls, and boys taking place from and within Indonesia.

Practical Difficulties in Finding Official Statistics Related to Trafficking in Indonesia

It is understood that the issues surrounding the availability of trafficking statistics in Indonesia, *prima facie*, are as follows:

1. Trafficking of women, men, girls, and boys takes place both within and across national borders of Indonesia. Very little organized data on domestic trafficking is currently available.
2. Other than trafficking of boys to off-shore fishing platforms (*jermals*) of North Sumatra and of younger girls as domestic helpers to urban families all over Indonesia, most of the domestic trafficking that takes place is for the purpose of prostitution. At present, because of the inadequacy of laws dealing with these three types, most of the domestic cases of trafficking go unrecorded.
3. Whereas the Department of Social Affairs (DEPSOS) compiles data on the number of acknowledged red-light areas (*lokalisasi*) spread across Indonesia and the number of women and girls engaged in brothel-based prostitution (see Appendix A), the Solidarity Center/ICMC field assessment in Papua argues that deception in recruitment, confinement to the employers' premises, and debt bondage could apply to a good proportion of women and girls in brothel-based prostitution, qualifying them to be labeled "trafficked". These conditions are hardly ever used either to identify trafficked persons or to prosecute offenders.
4. Similarly, conditions of migrant women workers in supermarkets, eateries and places of entertainment (karaoke bars, discotheques, etc) need to be studied in the context of the Palermo Protocol.
5. The figures available for illegal Indonesian migrants are mostly based on criteria set by foreign governments. Official figures published by the Government of Indonesia from time to time are based on deportations made by Malaysian and Saudi Arabian Governments. It is well known world over that destination countries find it convenient to treat trafficked persons as immigration offenders. As a case in point, the following table, extracted from the Coordinating Ministry for People's Welfare publication called "The Elimination of Trafficking in Persons in Indonesia" (2005: 30-31), raises a number of questions about definitions used.

Table 2.3:
Data on Return of Trafficking Victims from Malaysia and of Indonesian Migrant Workers with Problems for the Period of 2004 - 2005

Point of Return	Trafficking Victims	Migrant Workers with Problems
Medan	-	15,819
Dumai	120	35,382
Tanjung Pinang	-	84,255
Batam	-	15,532
Tanjung Balai Karimun	-	18,464
Jakarta	-	16,248
Semarang	-	1,691
Surabaya	-	55,784
Entikong	-	7,985
Nunukan	-	66,185
Tarakan	-	687
Pare-pare	-	29,664
Total	120	347,695

Source: *The Coordinating Ministry for People's Welfare Republic of Indonesia (2005: 30-31).*

Given concerns and anecdotal evidence of trafficking of Indonesian nationals, particularly women and girls to Malaysia and Saudi Arabia, the number of “trafficking victims” reported is indeed low. An obvious question that arises after looking at this table is what distinguishes “trafficking victims” from “migrant workers with problems”, and if there could have been more “trafficking victims” among “migrant workers with problems” that went undetected.

6. The role of labor export agencies (PJTKIs) in facilitating placement of Indonesians abroad have come under scrutiny from time to time because of alleged trafficking for prostitution abroad, falsification of documents, lack of transparency in disclosing terms of work, etc. In the recent past, according to newspaper reports, Jakarta Police brought charges of trafficking against 17 PJTKIs. Perhaps one issue that escapes attention is the legality of debts being created in the name of costs incurred on a person's behalf and confinement in PJTKI “holding centers” prior to departure to Malaysia and Saudi Arabia. There are reasons to believe that some of the women in PJTKI holding centers are already in the process of being trafficked.
7. With decentralized governance, local governments are no longer obliged to provide reports to central ministries. This had made compilation of data difficult at the national level.

B. The Major Purposes of Trafficking of Women, Girls, and Boys within and from Indonesia

Trafficking of Indonesian women, girls, and boys can be broadly classified into domestic and international. Within the country, according to the indications available, women and girls are trafficked primarily into prostitution -- both brothel-based and otherwise -- and into servitude as domestic helpers. Boys are trafficked to fishing platforms off the coast of Sumatra (*jermals*) -- though, reportedly, this form of trafficking has now decreased considerably because of sustained intervention by the International Labor Organization (ILO). They are also reportedly trafficked to fishing boats. There are many reports of baby selling -- in fact about a fourth of the incidents reported during 2005 (compiled by the Solidarity Center and ICMC) fall into this category (see Table 2.2). In addition, it is often argued that "contract marriages" entered into by foreign industrial workers in Indonesia is also a form of trafficking. Furthermore, there is increasing evidence that organized gangs traffic children to be engaged in begging. In the cross-border context, too, domestic helpers and prostitution are the two main purposes of trafficking women and girls, whereas for men, it is mostly work in plantations, construction sites and factories. Though assumed to be a common form of trafficking earlier, off-shore marriages -- particularly of women and girls from West Kalimantan -- may not result in as many trafficking situations as first predicted. The IOM database provides a pattern that fits the most widely believed discourse.

Table 2.4:
Distribution of Trafficking Survivors by Type of Exploitation
Source: IOM Database, July 2006
(With some inter-category consolidations made by authors)

Purpose	Within Indonesia	In other countries
<i>Exploited in Final Destination</i>	208	962
Domestic work including baby sitting	71	635
Forced prostitution	78	106
Hostesses etc. in entertainment establishment	14	62
Workers in plantations, construction sites and factories	24	103
Shopkeepers, mobile vendors and other labor	15	48
Forced pregnancy and baby selling	6	8
<i>Exploited in Transit</i>	34	27
Total	242	989

Source: IOM (2006b, August)

One notable piece of information that emerges from the exhibit above is that approximately 5% of the survivors reported exploitation -- sexual and otherwise -- while in transit, raising concerns about the role of PJTKI and their agents with respect to trafficking.

Towards a Better Understanding of Trafficking of Indonesian Women, Girls and Boys

According to most international discourses⁵, trafficking consists of the three distinct elements of recruitment, movement, and forced labor -- and perhaps even

5 The United Nations General Assembly defined trafficking as “the illicit and clandestine movements of persons across national borders... with the end goal of forcing women and girl children into sexually oppressive and exploitative situations for profit of recruiters, traffickers and crime syndicates, as well as other illegal activities related to trafficking such as forced domestic labor, false marriage, clandestine employment and forced adoption.” Trafficking, according to this definition, has three distinct components of movement (across national borders), conditions of forced (sexually oppressive) labor, and third party profits arising out of movement, forced labor, or both. The Palermo Protocol expands the earlier UN definition in the following ways:

- Firstly, it defines “movement” in much greater detail. Movement, in the context of trafficking, now clearly comprise any one or more of recruitment, transportation, transfer, harbouring and receipt;
- Secondly, the definition states with greater clarity than before, the means that can be adopted by the traffickers to induce movement of the trafficked person. Those are of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power, or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another;
- Thirdly, it defines a broader range of sites to which trafficking can lead; and
- Finally, it defines a child to be one under 18 years of age.

Further, according to Wijers and Lap-Chew, from the perspective of women, the violence of trafficking can operate on two equally important, but separate levels such as:

- the process of recruitment, and
- the context of work or services

Those levels must be separated because one can be an act of choice while the other an imposition of force, deceit or abuse. Since no past document specific to trafficking offered a definition unambiguously in women’s interests, they referred to two well-established and widely accepted international agreements: The League of Nations Slavery Convention of 1926 with its supplementary Convention of 1956, and the ILO Forced Labor Convention No. 29. The League of Nations Convention and its supplement condemned all slavery like practices including debt bondage and forced marriage. In article 2 of the ILO Forced Labor Convention, forced or compulsory labor is defined as “all work or services which is extracted from any person under the menace of any penalty and for which the said person has not offered him (her) self voluntarily”. Wijers and Lap-Chew proposed the following definitions for greater conceptual clarity:

- *Trafficking in women* - all acts involved in the recruitment and / or transportation of a woman within and across national borders for work or services by means of violence or threat of violence, abuse of authority or dominant position, debt bondage, and deception or other forms of coercion.
- *Forced labor and slavery like practices* amount to the extraction of work or services from any woman, or the appointment of the legal identity and / or physical person of any woman by means of violence or threat of violence, abuse of authority or dominant position, debt bondage, and deception or other forms of coercion. (Wijers, M. & Lap-Chew, L. *Trafficking in Women Forced Labor and Slavery-like Practices in Marriage, Domestic Labor, and Prostitution*, Foundation Against Trafficking in Women, The Netherlands, 1999)

They argued that recruitment and / or transportation must precede forced labor in order to distinguish trafficking from other acts of violence against women.

a fourth element of profits accruing to a third party. So, in order to determine if a woman, man, girl, or a boy was trafficked it is necessary to see if she or he was recruited with the specific purpose of labor/sexual exploitation, if she or he was moved from one place to another, if she or he was made to provide labor or services against her/his wish as well as the nature of labor or service, and if people other than her/him made financial gains in the process. Using this framework, it is possible to understand with greater clarity, how some of the purposes listed above create conditions conducive to trafficking.

In attempting to guess the number of trafficked persons, or even trying to arrive at any scientific estimate, it is important to understand that often the “trafficked” state is a transient one. A person may be trafficked initially, only to enjoy greater freedom at a later point in time. There are many examples from all over the world to say that a trafficked person has felt that she does not consider her current situation as exploitative. Conversely, it is possible that a legitimate recruitment, movement, and work situation will turn into one of confinement and forced labor with the passage of time, like the cases of some of those who try to change jobs while in another country, or whose travel permits expire.

Purposes of trafficking

a. Domestic work abroad

Using the above-mentioned framework, if recruitment is made through misrepresentation about earnings, and conditions of work; if there exists no clear definition of work, working hours, weekly holidays and leave; if there are unexplained pay deductions, or withholding payment of wages, confinement through confiscation of travel documents or otherwise, and/or sexual abuse; if recruiters, labor export agencies, placement agencies abroad, officials connected with the process of movement, or the employer derives undue financial benefit by the use of the services of the person concerned, then a domestic worker employed abroad can be categorized as a trafficked person.

Most of the export of domestic workers from Indonesia takes place to the Middle East, Malaysia, Singapore, Hong Kong, and, more recently, to Taiwan. According to Malaysian officials, in 2004 there were 240,000 women migrant domestic workers in Malaysia and over 90 percent of them were Indonesian (Human Rights Watch, 2004a, July: 13). A Human Rights Watch report (2004a, July) on women migrants in Malaysia found enough evidence that recruiters misrepresented conditions of work and wages to be received, the would-be migrants were mistreated in holding centers, and once placed in jobs they were routinely abused, in varying degrees, by their employers. Many Malaysian labor agents and employers delay payment of wages to workers until the end of their standard two-year contracts, both denying the workers control over their wages and creating coercive conditions that make many workers unable to leave their place of

employment. The IOM database mentions at least one case of unwanted pregnancy (0.1%) among the survivors of trafficking returned from Malaysia inferring possible sexual abuse at the place of work. It can be argued that the risks of women and girls being trafficked into domestic servitude, especially in Malaysia, is significantly high, though this is not to say that it cannot happen in other countries. According to another Human Rights Watch report (2005a, December), similar abuses of domestic workers' rights take place in Singapore too. Table 2.5 is extracted from this report (2005a, December: Appendix C) and sums up succinctly the types of abuses faced by domestic workers in Singapore.

**Table 2.5:
Abuses Documented by Human Rights Watch**

Abuses experienced from an employment agent	Number of Interviewees
Six or more months of initial pay cut from salary	37
Threats, confiscation of personal items, overcharging, refusal to remove from abusive workplace, or physical abuse	27

Working conditions and abuses experienced from a current or former employer	Number of interviewees
Reported twelve or more hours of work per day	51
Reported sixteen or more hours of work per day	32
Reported one rest day per week	7
Reported one or two rest days per month	21
Reported no rest days	31
Did not receive full salary	12
Reported verbal abuses and threats	33
Reported physical abuse	13
Reported sexual abuse	6
Reported inadequate food	15
Reported restrictions on leaving the workplace	29
Conditions amounting to forced labor, debt bondage	15
Base	65

The practice in many Middle Eastern countries of sharing of a maid among members of extended families and other relatives could result in a situation of trafficking. Often, there are reports of sexual abuse faced by domestic workers in Arab countries. An excellent report by Anti-Slavery International (2006) argues that the forced labor issues of domestic workers in the Middle East and Gulf countries cluster around working conditions such as lack of precise definition of duties,

unreasonably long working hours sometimes stretching up to 14 – 16 hours a day, management of work through physical violence and verbal abuse, and invariably lower remuneration than what had been promised. Abuse is also found in living conditions such as lack of privacy and security (often from male employers' sexual advances), inadequate and sometimes inappropriate food, absence of concern for sickness and access to health care, denial of a social life, and disapproval of cultural habits.

However in the case of Malaysia, the risks of being trafficked into domestic work are compounded by the fact that probably more women and girls enter Malaysia -- particularly the states of Sabah and Sarawak -- illegally than legally to seek employment. By all accounts, there is an over-supply of Indonesian women and girls in Malaysia resulting in placement agencies in Malaysia offering various incentives to convert more and more families, who never engaged foreign maids before, into hiring one. One of the financial incentives offered is that the employer could recover the recruitment fee and other statutory levies from the employee (Field assessment to East Kalimantan, 2006) through wage deductions. Bilateral agreements between Malaysia and Indonesia on the rights and obligations of domestic workers have failed to give adequate protection in terms of working conditions -- leaving the possibility for continued abuse. These also permit employers to hold workers' passports, significantly restricting their movement and the right to return to their own country. Further, it allows monthly deductions up to 50% of the negotiated wage in repayment of loans and advances.

Though none of the reports referred to above are able to estimate the proportion of domestic workers -- especially from Indonesia -- who were deceived in recruitment and are currently held in a condition of forced labor, it can be seen that close to 10% are sexually abused, and 14% reported forced labor through debt bondage in Singapore, which, by all accounts, is regarded to have a better record of law enforcement. A later chapter will describe in greater detail how the current migrant worker system in Indonesia renders an aspiring domestic worker abroad vulnerable to debt bondage and trafficking.

b. Prostitution abroad / work in entertainment establishments

Trafficking for prostitution abroad must be viewed in the context of deception at the time of recruitment about place and nature of work, earnings, and work and living conditions as well as coercion en-route and exploitation of prostitution of a woman or girl by the employer. The employer may use threat, physical abuse, manipulation of debts, withholding of payment, and confinement to force the subject into prostitution.

Two countries are particularly notorious as destinations for trafficking for commercial sexual exploitation of Indonesian women and girls. These are Malaysia and Japan, though there are reports suggesting that some degree of sex trafficking

takes place to Singapore also. There is a difference in the way of recruitment for sex trafficking to Malaysia and Singapore on one hand, and Japan on the other. Whereas for Malaysia and Singapore women and girls are recruited with promises of jobs in karaoke bars and restaurants as singers, waitresses and hostesses, or even domestic workers; they are taken to Japan as cultural ambassadors or traditional dancers and then forced into providing sexual services. The latter phenomenon has been dealt in greater detail in the section on Bali in Chapter III.

Most of the prostitution in Malaysia and Singapore takes place under the cover of karaoke bars, private clubs, and hotels as the respective local administrations do not permit delineation and promotion of brothels and red-light areas. However, it is common knowledge that in Singapore, there are areas like Orchard Road and Geylang⁶ where prostitution is rife. There is also another point of view that Singapore has encouraged prostitution to move off-shore in the form of the island of Batam (Colombijn, 2003, July) (see the section on Riau Islands in Chapter III) in Indonesian waters. Federalism in Malaysia allows its individual states to take a stricter or a more lenient position on prostitution while discouraging it overall. According to some estimates, there could be over 150,000 women and girls engaged in prostitution in Malaysia (*Child Prostitution In*, 2005). Malaysian police statistics showed that about 5,000 foreign women were arrested for prostitution between November 2003 and 2006 -- mostly Indonesians, Chinese nationals, Thais, and Filipinos (*Malaysia Top Destination*, 2006).

Many women reported to police and to counselors in post-recovery centers that though they were recruited as domestic workers, they were handed over to owners of entertainment establishments after reaching Malaysia. The owners of the places of entertainment, agents, and recruiters profit considerably whereas the women and girls working there are left to scrounge on tips paid by the customers.⁷ Though there are claims that for women from certain ethnic groups (for example, the Toraja -- please see the section on South Sulawesi in Chapter III) the option to work in entertainment establishments in Malaysia is the most preferred one, the possibility that a good majority of Indonesian women and girls engaged (in prostitution) in Malaysian entertainment establishments have been trafficked is significantly high.

6 Popular literature such as *No Money, No Honey!: A Candid Look at Sex for Sale in Singapore* by David Brazil and newspaper reports abound in accounts of sex for sale on Orchard Road in Singapore. Orchard Road in Singapore is synonymous to the notorious Pat Pong district of Bangkok.

7 A detailed account of the process of systematic economic marginalization leading to forced prostitution, used by owners and managers of cafes and karaoke bars across Southeast Asia can be found in *Behind Locked Gates: Trafficking in Women and Girls to Papua* (International Catholic Migration Commission, Jakarta, 2005: pages 63 to 65). What happens in the entertainment establishments in Malaysia are minor variations of the same process, though there are reports that indicate abundant use of force to enforce compliance.

c. Marriage to foreigners

The past ten years have witnessed a rapid increase of the intra-Asia flow of cross-border marriages between Southeast Asia and East Asia. These marriages share two characteristics: 1) a gender and geographical imbalance -- that the majority are between men of wealthier countries and women from economically less developed countries; 2) a majority of the couples are introduced with the prior intention of marriage and have either no or a comparatively short period of courtship. In public and academic discourses, these marriages are often compared with the "mail-order bride" phenomenon in Europe, North America and Japan since the 1970s, in which women are regarded as commodities.

It is quite possible that marriage between Indonesian women and foreign men happened even earlier. Rosenberg (2003b: 107) mentioned that, as reported by Dzuhayatin and Silawati, in as early as 1993, approximately 34,000 women aged 14–18 years were sent to Hong Kong as brides in exchange of financial considerations. Also, starting in the early 1990s many women and girls from West Kalimantan were sent to Taiwan as wives of Taiwanese men. These women and girls could be called "mail-order brides" as most often such marriages were negotiated by agents in Indonesia, selected on the basis of their photographs by men abroad intending to procure an Indonesian bride, and, in most cases, the chosen women did not get to see their husbands till they reached Taiwan. Though the "mail-order" marriage of Indonesian women and girls is not restricted to Taiwanese men only⁸, the discussions will be restricted to mail-order brides in Taiwan because such marriages have led to a number of researches and inquiries in Taiwan generating a body of knowledge.

According to government tallies, the number of foreign spouses in Taiwan had reached 91,300 as of the end of 2002. Among them, 85,194 were women, while the remainder was men. In terms of nationality, Vietnamese women formed the largest group of foreign brides in Taiwan, totaling 42,713 at the end of 2002; followed by Indonesians at 10,662 (*Foreign Spouses*, 2003). In 1998, foreign spouses accounted for 7.13% of the people who registered their marriages during the year, a ratio that rose to 11.38% in 2001 and surged further to 11.65% in 2002. In 2005, the total number of foreign brides in Taiwan had risen to 300,000 -- 1.3% of Taiwan's population! (Yu-Ying Kuo and Yi Thun Hsu, 2005). Also quoted in Rosenberg (2003b: 107) is the figure of 27,000 Indonesian women married to Taiwanese men between 1987 and 2002. According to another report (Scholes, 1997), alarmed by the increasing number of foreign brides, the Taiwan government imposed a limit on the number of brides from certain countries that could enter Taiwan each year

8 See the section on West Kalimantan in Chapter III for examples. More examples can be found by referencing the "Straits Times" of 13 November 2006 which carried a news article *Spotlight: Michael Chong's advice: It's not a bed of roses* in which unfavorable references have been made to Indonesian mail-order brides in Malaysia. Scholes, too, mentions Indonesian internet brides in the US in the 1990s – though that might represent a different phenomenon altogether.

-- for Indonesian brides the number was limited to 360. It cannot be said with certainty if that is the reason for the practice of sending women from Indonesia to Taiwan as mail-order brides appears to have decreased in the recent years, but reports from West Kalimantan say that the phenomenon still exists (see the section on West Kalimantan in Chapter III). On the other hand, more Indonesian women are now opting to go as domestic workers to Taiwan because of higher wages⁹. There is no evidence yet to suggest that labor export agencies are using false job orders to procure Indonesian women for marriage to Taiwanese men. There would be scope for such speculation only if more recent data or future trends showed a disproportionate increase in the number Indonesian brides in Taiwan.

When it comes to the global trade in mail-order and internet brides, women often are willing participants -- whether out of a desire to find a supportive partner and economic security or as a means to gain legal entry into another country -- but that could be said of all women seeking jobs abroad. The trade-off in this case, however, is that foreign brides are dependent for their legal status on their grooms-to-be. It is perhaps incorrect to say all Indonesian women and girls who live their lives as foreign brides in Taiwan were trafficked. In order to determine their status, it is important to enquire firstly into whether they were forced into the marriage and if they were clearly told about the bridegroom's position in society, earnings, physical challenges, and other encumbrances as well as the legal status of children born in such marriages. Secondly, it is also necessary to determine if they were forced into household, home industry, or agricultural labor or forced to provide sexual services to other family members and friends -- as well as whether they had rights over their children. Finally, it is necessary to determine if the marriage meant disproportionate financial gains for the bride's family, or intermediaries. Another of Rosenberg's reference to 34,000 Indonesian girls "sold" as brides in Hong Kong is a much clearer case of trafficking.

A Taiwan Human Rights Report (2000) noted that "Foreign brides are an increasingly significant vulnerable group; adjustments to new living environments, language barriers, and lack of legal information cause their human rights to be easily ignored and/or neglected. In recent years, as the number of foreign brides has dramatically increased, so too has the rate of domestic violence increased enormously. This is most likely because these victims are isolated by language, background, and lack of information. Indeed, foreign brides are treated as merchandise imported to Taiwan: In addition to the threat of domestic violence, their rights to work, property rights, and rights to take care of their children have been fully ignored. This group of victims is easily neglected and thus requires more attention". While human rights abuses such as those mentioned in the report are common, it is probably incorrect to conclude that all mail-order brides from Indonesia to Taiwan are trafficked, though some of them could have been.

9 For detailed information on the placement of Indonesian migrant workers in the informal sector based on region and gender in 2004, see www.nakertrans.go.id/pusdatinnaker.

d. Workers in construction sites, plantations and others

According to the Indonesian Ministry of Manpower and Transmigration (Pusdatinnaker-Balifto, 2004), a total of 244,624 workers were placed abroad in 2004. Out of these, 47,333 (approximately 19%) were men. The three major countries that received male migrant workers from Indonesia were Malaysia (22,669), Saudi Arabia (11,248), and Jordan (9,708). Whereas in Saudi Arabia and Jordan, a majority of the male Indonesian migrant workers were employed in the construction sector, the same is not the case in Malaysia -- where in addition to construction, Indonesian migrant laborers work in plantations and as mobile vendors.

However, in the case of Malaysia, it is believed that there are many more undocumented workers than documented ones (see section on migration and trafficking in Chapter IV). As long back as in 1996, it was estimated that a million Indonesians, legal and illegal, worked in Malaysia (Jones, 1996). Currently, that figure is said to have gone up to 1.5 million -- at least 800,000 of them being illegal. As a majority of the legal job orders are for domestic workers, male job-seekers adopt other means to enter Malaysia. They largely depend on networks of private agents and labor contractors in Malaysia -- often based on ethnic affiliations. Undocumented immigrants are employed in small and family owned plantations (Netto, 2005) in remote areas of Sabah, Sarawak, and Selangore. They are also sucked into the popular contract worker system in Malaysia through which Malaysian employers avoid paying the levy on foreign workers as well as other statutory welfare obligations (Singh, 2005), and keep costs down. In this system, labor contractors provide workers to plantations and other industries against a contracted rate of payment, and in turn pay contract workers at a much lower rate. The contract workers take on various jobs on the plantations without becoming employees. They are unprotected by any labor regulation, are highly mobile and face risks of being arrested, detained, and deported. There can be many layers of contractors and sub-contractors involved in such operations. This lies at the core of trafficking of Indonesian men, women, and boys to the plantation sector in Malaysia. Though the construction sector employs the same methods to keep costs down, far more numbers are estimated to be exploited for labor in the oil palm plantations than in the construction sector in Malaysia. The modus operandi of recruitment and deployment of such labor is discussed in greater detail in Chapter III in the section on East Kalimantan as well as the section on West Kalimantan to a lesser degree. These workers, mostly undocumented migrants, are held in isolated camps by the gang-masters ("foreman" in the local parlance), bound by fictitious expenses converted into debt. Against a promised wage of approximately US\$ 4 per day, they get US\$ 2 in hand, and must use most of it to buy food at exorbitant rates. Those who are able to escape, return home poorer than they came. Clearly, they meet all conditions that would qualify them to be termed as trafficked persons.

It is reported that women make up nearly half the workforce on plantations -- mostly employed as herbicide sprayers (Sangaralingam, 2006). A study carried out by the Consumers' Association of Penang (CAP) in 2004 found that to earn US\$ 92 to 118 per month, the women had to work long hours six days a week. They had to put up with unacceptable conditions such as offensive remarks, coercion, and sexual harassment by their supervisors. Furthermore, they were not provided with any protective gear to save them from the hazardous effects of pesticide mist on their bodies. However, the same report also claimed that a good majority of them were local women born and brought up in plantations. They take up hazardous jobs so that they are not evicted from their dwellings -- often located inside or on the fringes of plantations. Though the working conditions are hazardous and exploitative, there is not enough evidence to conclude that, like men, women also are trafficked to work in plantations. Similarly, evidence produced by Rosenberg (2003b: 113-114) while pointing to a significant presence of child workers in plantations, is not sufficient to categorize the phenomenon as trafficking. On the other hand, the IOM database claims that 13% of those recovered and returned from plantations in Malaysia were indeed below 18 years of age. On the basis of field interviews carried out by the ICMC team in South Sulawesi, there are reasons to believe though, that sometimes boys in the age-group of 14 to 18 are among those who seek to enter Malaysia illegally in search of work.

Table 2.6:
Break up of Survivors of Trafficking by Age
Extracted from the IOM database - July 2006

(Destination) Country	Type of Exploitation	Infant	Children	Adults	Total
Malaysia	Plantation worker	0	10	68	78

Source: IOM (2006b, August)

e. Domestic work in Indonesia

In 2003, Agustinanto and Davis (quoted from Rosenberg, 2003b: 53) concluded that while the number of domestic workers in Indonesia was high, it was difficult to arrive at any reasonable idea of numbers given the fact that between 1990 and 1999 estimates of figures between 861,337 to 1.4 million domestic workers in Indonesia were arrived at by different sources. They also argued that since the workforce participation rate (as well as numbers) of urban Indonesian women was on the rise, the number of domestic workers in Indonesia was likely to increase, too. A 2002-'03 baseline survey conducted by the University of Indonesia and the International Program on the Elimination of Child Labor (ILO-IPEC) estimated that there were 2.6 million domestic workers in Indonesia, though this figure was hugely at variance with the number of 579,059 generated by the Indonesian Central Bureau of Statistics in 2001 (Human Rights Watch, 2005b, June). Close to 35% of the

2.6 million domestic workers were below 18 years of age -- 93% of the below-18 domestic workers being girls.

While discussing the methods of recruitment of domestic workers for urban household in Indonesia, Agustinanto and Davis (in Rosenberg, 2003b) had concluded that the role of recruiting agents was far less significant in the case of in-country domestic workers. The marginal role of recruiting agents could be attributed to the very different context of in-country domestic workers who earn considerably lower salaries than their international migrant counterparts, and are not ordinarily prepared to travel very far in search of domestic work. As a general pattern, such movements remain confined within the main islands -- Sumatra, Java, Borneo, Sulawesi, etc. Women and girls tend to move from resource-poor hinterlands towards economic hubs like Jakarta, Surabaya, Medan, Yogyakarta, Samarinda, Pontianak, and Makassar. Typically, Surabaya would attract more domestic workers from East and Central Java, Jakarta from Central and West Java, and Lampung, and Medan from North Sumatra, Aceh, West or South Sumatra. As a result, recruiting and moving a person for in-country domestic work involves less costs and therefore, are less profitable for traffickers who tend to build these costs up to perpetuate control over women and girls who become their clients. This, in turn, would mean that the risk of an in-country domestic worker being put under debt bondage is lower. A recent study (April - August, 2006) on Debt Bondage conducted by Atma Jaya Catholic University, Jakarta found it rather difficult to identify cases of debt bondage among in-country domestic workers (Atma Jaya Report, 2006).

However if newspaper reports are to be believed¹⁰, many domestic worker agencies operating in Jakarta claim to have more job enquiries from households in the city than they can meet. (As an expatriate living in Jakarta, the author wishes to add, as a personal anecdote, that he received a number of leaflets and fliers since his arrival in Indonesia 15 months back that contained phone numbers to be called if he required domestic workers -- cooks, maids, drivers, governesses and gardeners.) According to the Human Rights Watch report (2005b, June) mentioned earlier, such placement agencies can charge the employer as much as Rp 350,000 (US\$ 38.9) for procuring a domestic worker. In turn, recruiters are paid up to Rp 190,000 (US\$ 21) for each woman or girl brought to the agency. Many of these agencies target young rural women arriving in big cities looking for jobs rather than "casting their nets" in remote villages. The agencies work mainly in inter-city bus terminals and railway stations distributing leaflets to their targets. Only a few offer their recruits temporary accommodation.

On the other hand, working conditions for domestic workers in Indonesia are no less exploitative than those who find employment in other countries. The same Human Rights Watch report (2005b, June) lists transgressions such as long working

10 *The Jakarta Post* of November 18, 2006, page 5, carried a number of articles on domestic workers.

hours, lack of holidays and off-time, withholding of wages, lack of privacy, confinement, physical, mental and sexual abuse. Hasniati, a domestic worker in Makassar, was severely beaten by her employer on May 4 and 5 resulting in her death on May 7, 2006 (*The Jakarta Post*, May 8, 2006), which led to public outrage resulting in widespread destruction of urban property during the next seven days. IOM's database reported the recovery and return of 71 (out of a total 242 who had been trafficked within Indonesia) survivors of trafficking between March 2005 and July 31, 2006 who were allegedly exploited as domestic workers inside Indonesia. Out of them, 22 were children.

Two issues need to be addressed at this juncture. The first is: what is the extent of trafficking of domestic workers within Indonesia? Evidence implies that such trafficking exists, but it is not yet an extensive practice because financial gains from this type of trafficking are not substantial. The movement of women and girls from villages to cities is often not with professional recruiters -- but aided by friends and neighbors and unlike the case of foreign domestic workers, harboring and training are not elaborate processes involving large profits to be made. Unlike Malaysia, the employer in Indonesia still does not have to pay a levy to hire domestic workers. Forced labor and worst forms of child labor describe the existing situation more appropriately than trafficking. In all likelihood, trafficking for in-country domestic work happens more because of indebtedness of the worker's family to local loan sharks than being imbedded in the recruitment, transport, and placement system. However, most discourses on trafficking in Indonesia argue that a girl from a family in debt, unless she is particularly unattractive, is more likely to be trafficked into prostitution than domestic work as recovery of the principal sum, in the latter case, is quicker.

The second issue is whether in-country domestic work could potentially become a bigger target for traffickers. It can, firstly because Indonesian labor laws offer no protection to domestic workers, and secondly, given the large numbers involved, the domestic worker placement sector, in mega-cities like Jakarta, could become more organized and competitive in the future. A third contributing factor, though speculative, could be the growth of industrial and commercial activities in geographically remote areas requiring an influx of industrial workers and their families, and consequent demand for "trained" domestic workers that would outstrip local availability -- the way such economic growth is continuing to contribute to a rapid increase in trafficking for prostitution in Indonesia.

f. Domestic prostitution

An excellent account of the nature of commercial sex work in Indonesia was provided by Surtees (In Rosenberg, 2003b: 63-109). Though all the categories of commercial sex work described by her have exchange of sex for financial benefit as the common theme, they would differ from each other considerably in ways of organizing, the profile of women and girls who engaged in it, and the degree of

choice they could have exercised within the structure. Thus, commercial sex work that a *pecun* or *perek*¹¹ engages in is considerably more “at will” (notwithstanding the *pecun*’s personal and other compulsions to engage in this particular activity) compared to what a girl in a brothel (*lokalisasi*) has to endure. For the rest of this discussion, the central focus will be prostitution as practiced in locations where a woman or girl is expected -- by those who own and manage such locations -- to provide commercial sex on demand.

On the top of the list of locations where women and girls are in unwritten (and sometimes written -- pieces of papers the pimps make girls sign that allows pimps to avoid prosecution) contract to provide sex on demand in exchange of payment (not all the receipts necessarily coming to the providers of sex themselves) are the large number of *lokalisasi* (clearly delineated red-light areas) run under the so-called “supervision” of local governments. According to Jones, Sulistyaningsih, and Hull (1995: 13) “though set against the background of government promotion of brothels in the last (19th) century, the modern *lokalisasi* were formed in the early 1960s, as one element of promoting social discipline and control.” Outside *lokalisasi*, organized prostitution could still run from private brothels (as in Bali, Jakarta, North Sulawesi, North Sumatra, etc.), karaoke bars, discotheques, and cafes. Field assessments by the Solidarity Center and ICMC in 2005–2006 tend to infer that there are reasons to believe that those engaging in street prostitution using *warungs* selling tea and soft drinks as their base or walking the streets are controlled by pimps, and therefore not at liberty to leave the profession if they simply wished. Similarly, some of those engaged in other categories of commercial sex work could have been gradually brought to work -- through offers of protection or by blackmail, under “managed” conditions that forced them to remain in prostitution against their wishes (Emka, 2006). Furthermore, it is common knowledge that, if demanded, women working in massage parlors in Indonesia are obliged to provide sex to their clients. How much of this obligation is because of their affiliation to the establishment, or the need for additional income, is not clearly known. However, these contentions need to be verified through more in-depth studies. In the case of *lokalisasi*, other brothels, and tea-stall based prostitution, once chosen by a client, the woman or the girl is then obliged to provide sex against payment either on the premises, or off the premises -- in hotels, parks and open spaces. This is the kind of prostitution that encourages procurement of women and girls through trafficking because it is a source of significant income for all those who are involved in recruitment, transportation and harboring of women and girls procured for the purpose. The huge profits, unlike in the case of domestic work, arise out of repeated use of the trafficked woman or girl over several years to generate cash income.

11 “These are young urban women, often teenagers, who engage in indirect sex work, having sex with men for cash or, often, gifts....They can be found flirting and hanging out at bus stops, malls, pool halls, *warung* and other locations”

Whereas it has been argued variously that commercial sex work in Indonesia could have been worth anywhere between US\$ 1-3 billion annually in 1998 (Rosenberg, 2003b: 83), there are difficulties in estimating numbers of women and girls that are engaged in it. The IOM database records 54 women and 38 girls being recovered and returned from forced prostitution, karaoke bars and cafes between March 2005 and July 31, 2006 which does not reflect the widespread nature of trafficking for prostitution within Indonesia. It may be possible, though, to start with the base figure of 87,536 given out as the number of women in prostitution in 2004 by the Indonesian Department of Social Affairs to arrive at some understanding of the potential of trafficking to domestic prostitution (see Appendix A). The following table, derived from Jones, Sulistyaningsih and Hull (1995: 67) and the latest government figures show the change in numbers during the 10 years between 1994 and 2004.

Table 2.7:
Number of Women and Girls in Prostitution in the Identifiable Complexes Monitored by the Department of Social Affairs

	1993-94	2004	Change
Total number of women and girls	65,059	87,536	+ 22,477

The total number has increased by 22,477 during the ten year period. However, if it is assumed, based on numerous profiles of women in prostitution the world over, that a woman enters prostitution at the age of 15 and leaves at 35 years and therefore, has an average life of 20 years in prostitution, then the “natural” replacement (in ten years) will be that of at least 50% of those women and girls reported to be engaged in prostitution in *lokalisasis* and other “identifiable complexes”.¹² This means that only 32,500 of those women and girls enumerated in *lokalisasis* in 1994 would still be living there in 2004, and at least 55,000 women and girls would have been recruited to join prostitution during this time -- further, if NGOs working with women and girls in prostitution are to be believed, a good number of under-18 girls being among them. In fact, most NGOs working either for HIV/AIDS prevention or for providing services to survivors of trafficking (see Chapter III) claim that there is an increasing trend of younger girls being brought from villages to work as prostitutes -- in both *lokalisasis* as well as in street-based prostitution. Furthermore, the net growth in numbers between 1994 and 2004 indicates that trafficking of women and girls for in-country prostitution

¹² Surtees, in *Trafficking of Women and Children in Indonesia* (Rosenberg, 2003b), quotes a 2001 study by Dharmaputra and Utomo who found that out of 1,502 women in prostitution in Jakarta, Surabaya, and Manado 13.9% were 19 years and below, 55% were in the age group of 20 to 29 years, and the rest were over 30 years old.

is on the increase. So, it is possible to argue on the basis of the data provided by official sources alone that upwards of 5,500 women and girls are recruited to join prostitution each year. It is also possible to argue that the number of recruits annually has been increasing over the last 10 years. However, not all of them might have been trafficked.

It has always been difficult to estimate the number of women and girls engaged in prostitution outside *lokalisasi*. Almost all the provincial assessments carried out by the Solidarity Center and ICMC concluded that there might actually be a bigger number of women and girls based in karaoke bars and cafes who are confined and forced to provide sexual services. Debt bondage is used extensively to force them into prostitution. An assessment of trafficking of Indonesian girls to Papua in 2005 (ICMC, 2005) led to the finding that in six locations of Papua and West Irian Jaya provinces, as opposed to 1,077 women and girls enumerated in *lokalisasi*, 1,494 women and girls were confined in karaoke bars and forced to provide sexual services. This might be just as true for entertainment establishments operating in remote geographical locations (such as Riau Islands, Bangka Belitung, North Maluku, etc.) across the length and the breadth of Indonesia. Even without hazarding a guess about whatever might be the numbers, it can be inferred that such establishments are also an important destination for trafficked women and girls. Given the present structure of organized prostitution in Indonesia, it will continue to be the largest domestic stimulus for trafficking in women and girls.

g. Baby Selling

“Baby selling which is sometimes used as a means to circumvent legal adoption requirements, involves coerced or induced removal of a child, or situations where deception or undue compensation is used to induce relinquishment of a child. Baby selling is not an acceptable route to adoption and can include many attributes in common with human trafficking” (US Department of State, 2005).

Baby selling, or offering an infant procured from her/his mother for adoption, has been a contentious issue in the global trafficking discourse. Whereas child rights and pro-adoption activists believe that every child has the right to a secure and just future with equal opportunities; from the point of view of the mother, being forced to part with a child for adoption is at variance with her right to bring up her own child. Furthermore, without detracting from the legal and moral issues surrounding “baby selling”, it is perhaps necessary to examine the purpose of the “sale” before categorizing the act as trafficking. “Though baby selling is illegal, it would not necessarily constitute human trafficking where it occurs for adoption, based on the Trafficking Victims Protection Act, the UN Protocols on Trafficking in Persons and the Sale of Children, the 1993 Hague Convention on Protection of Children and Co-operation in respect of Inter-country Adoption, and definitions of adoption established by U.S. jurisdictions” (US Department of State, 2005).

Reports suggest that baby selling has been taking place in Indonesia since 1998 at the latest. On 12 November 2002, *The Jakarta Post* carried a piece of news called “Baby Trafficking Ring Busted”, which reported that the Tanjung Pinang police uncovered a syndicate that had been selling babies procured from Batu 15 *lokalisasi* on Bintan Island since 1998 (*Baby Traffickers*, 2002). Baby selling rings were identified also in West Kalimantan (*Indonesians Targeted*, 2002) in Indonesia and Sarawak (*Baby Factory*, 2002) in Malaysia. While Batam appears to be a place of transit for many such babies being clandestinely sold to couples from Singapore and Malaysia, the babies are procured from many parts of Indonesia. Table 2.2 shows that, during 2005, cases of baby selling were reported from at least 11 provinces including Riau Islands. One of the driving forces behind the rather widespread nature of baby selling is the high prices babies fetch in a black market that bypasses the lengthy procedures usually associated with international child adoption. It is reported that a baby could fetch between US\$ 4,000 – 5,000 in Malaysia at current exchange rates (*Baby Factory*, 2002).

It is significant to note that 34 cases, more than one-fourth of the “trafficking” incidents recorded in Indonesia during 2005, pertained to baby selling (Table 2.2). At the same time, 12 infants and a child suspected to have been sold were assisted by IOM during the 16 month period ending July 2006. Provincial assessment reports from North Sumatra, West Kalimantan, and Riau Islands also confirm that baby selling is very much a reality. Incidences of selling babies born to women in prostitution, in the holding centers of labor export agencies, and to migrant women workers abroad have been reported from the Riau Islands. NGOs claim that often these babies are separated from their mothers as part repayment of “debts”. Therefore, there seems that in some cases, baby selling may be a consequence of debt bondage.

“Some individuals assume that baby selling for adoption is a form of human trafficking because trafficking and baby selling both involve making a profit by selling another person. However, illegally selling a child for adoption would not constitute trafficking where the child itself is not to be exploited.... If an adopted child is subjected to coerced labor or sexual exploitation, then it constitutes a case of human trafficking” (US Department of State, 2005). Even if it cannot be claimed that baby selling, *per se*, is a form of trafficking, it is possible to infer that some babies sold are sourced from trafficked women and girls with unwanted pregnancies. If only it can be established that a baby has been sold specifically for organ transplant, or to be later used in prostitution, begging and/or other forms of indentured child labor, it may be argued that the baby was trafficked. On the other hand, in Indonesia, there are strong links between baby-selling and trafficking of women and girls as, more often than not, pregnancies are results of sexual abuses trafficked women and girls are subjected to structurally. It is perhaps not out of place to mention that it is a common practice for many returning survivors of trafficking to abandon unwanted children at points of entry to Indonesia. PP

Hidayatullah, a faith-based organization in Nunukan, East Kalimantan is known to accommodate many such children in a *pesantren* (Islamic boarding school) run by them.

h. Organized Begging Rings

A number of provincial assessments found evidence that poor children were being recruited and taken to other places to beg by some people who made profits from the earnings of the children. In some cases, these children were moved within the same province (in Bali for example), or to other provinces (like from South Sulawesi to East Kalimantan and the Riau Islands).

Two NGOs from Tanjung Pinang in Riau Islands, and Bontang in East Kalimantan reported about begging by children in the age group of 10-15 years being organized by an orphanage in Gowa, South Sulawesi. Apparently, the children were from Jeneponto, one of the poorest districts of South Sulawesi. Their parents were given some money by the organizers to allow them to leave home. The children worked from morning to evening, collecting alms, and they had collection targets to meet. Both the NGOs reported that a part of the earnings was shared with those who begged. None of the NGOs were convinced that the money these children collected was actually for the benefit of the orphanage they claimed to belong to. Similar reports also came from Bali. According to local NGOs, children from the districts of Karang Asem and Buleleng were taken to Denpasar to beg. Apparently, children were assigned zones within which to beg. The earnings, at the end of the day, were collected by the persons who organized them.

This is being reported as an emerging trend. There is not sufficient information about the extent of the problem, and the nature of exploitation that the child beggars are subjected to.

i. Contract Marriages

NGOs from Banten reported a practice called “contract marriages” which they felt was a form of trafficking. According to them, there are many foreign workers in the factories in and around Kragilan who take local women as wives for the period of their stay in Indonesia, which could be up to three years. The contract normally specifies that the bridegroom will build a house of certain value, depending on the length of the marriage, for the wife’s family. Though such marriages are sanctified through local custom, they have no legal basis. A similar practice is quite common in Sumbawa, West Nusa Tenggara surrounding the location of the Newmont gold and copper-mining facility. There also are indications of this in the Puncak area of West Java (during the provincial assessment, however, the ICMC team could not meet any “contract” wives).

What was understood is the contract marriages are primarily “neighborhood” phenomenon involving local women and girls. Exploitation is largely sexual and of reproductive labor. The “contract wives” were expected to provide “sex on call” to men who leave them after the specified period is over, besides doing other household chores such as cooking, cleaning, etc. When the NGOs in Banten were asked about the status of children born to the women during the period of contract marriage, they responded by saying that normally the men entering into such marriages “did not want children”. This leaves some lingering questions about the reproductive (and possibly other) rights of the women who enter such contracts. There were no satisfactory answers to the status of the brides once the contract is over. It might be worth finding out if such women and girls are allowed to live normal lives subsequently, or are permanently cast in the role of “contract brides” for one man after another.

Gains are made mostly by the family of the girl, but there are agents in most of the industrial towns where foreign workers are employed who organize such marriages and “find” suitable brides. While this could well constitute violence committed against women primarily by their natal families as well as by their temporary husbands, it is difficult to classify contract marriages as trafficking as no significant movement of the women are involved. As reports go, nor are they immobilized and prevented from meeting their families and friends.

j. Other forms of trafficking

One of the known forms of trafficking of boys in Indonesia is in *jermals*, off-shore fishing platforms along the eastern coast of North Sumatra. Though significantly reduced because of sustained ILO efforts, the practice of employing young boys to work on *jermals* still continues. A detailed account of this form of trafficking can be found in the section on North Sumatra in Chapter III.

The IOM database also mentions some cases of men and women being trafficked to work as shopkeepers, mobile vendors, etc. -- however, neither is this widespread nor is much known about this. From some of the testimonials of migrant domestic workers (Human Rights Watch, 2004a), it was learnt that in addition to housework, they were expected to manage shops owned by their employers. Mostly, this was mentioned in the context of the list of chores they had to perform, and not as something they particularly resented. During the provincial assessment of South Sulawesi, a few informants mentioned that sometimes undocumented migrant women were engaged in Malaysia as shopkeepers and vegetable sellers. No further information was available about their living and working conditions.

In Summary

The table below attempts to sum up the important features of the different purposes for which trafficking in persons is practiced in Indonesia.

Table 2.8:
Basic Features of Some of the Better Known Purposes for Trafficking Indonesian Women, Men, Girls and Boys

Purpose	Recruitment channels	Move-ment patterns	Ultimate destination	Profile of recruits	Numbers involved	Risk of traf-ficking	Priority
Domestic work Abroad	Well spread out; highly organized	Closely supervised and often accompanied	Mostly to Malaysia, but also to Singapore, Taiwan, Saudi Arabia, etc.	Women and girls	Very high	High	High
Prostitution abroad/ work in entertainment establishments	Fairly spread out with existence of some pocket areas; organized – often the same as above	Closely supervised and often accompanied	Mostly to Malaysia, but also to Singapore, Japan, etc.	Women and girls	Moderate	Moderate	Moderate
Marriage to foreigners	Localized; Organized	Not known	Mostly to Taiwan	Women and girls	Low	Low	Low
Work in construction sites, plantations etc.	Fairly spread out with existence of specific pocket areas; Organized	Closely supervised	Mostly Malaysia	Mostly men, but also women and boys	High	High	High
Domestic work in Indonesia	Widespread; mostly informal and peer-based	Random, rarely organized and accompanied	Mostly within the same island. However, Javanese domestic workers are found in other islands, too.	Women, girls and sometimes, boys	High	Moderate to low	Moderate
Domestic prostitution	Widespread; highly organized	Closely supervised and accompanied	Widespread with a few exceptions	Women and girls	Moderate	Ex-tremely high	High

Purpose	Recruitment channels	Move-ment patterns	Ultimate destination	Profile of recruits	Numbers involved	Risk of traf-ficking	Priority
Baby selling	Fairly widespread; organized	Accompa-nied	Mostly Malaysia and Singapore	Both girls and boys	Low	Negligible	Low
Organized begging rings	Localized; organized	Accompa-nied	Localized according to currently available information	Both girls and boys	Low	Moderate	Low
Contract marriage	Localized; informal	Local	Localized	Women and girls	Low	None	Low

The labels used in the chart above are based on information gleaned from different sections of this report and are subjective. Still, it helps in conceptualizing the different purposes for which women, men, girls, and boys are trafficked in Indonesia and where the policy makers should focus in order to achieve enduring results. On the whole, it can be said that domestic work abroad, work in plantations and construction sites abroad, and prostitution inside Indonesia are the three major purposes that stimulate trafficking of Indonesian women, men, girls and boys.

C. Trafficking Routes

Trafficking routes were classified by Rosenberg according to areas of origin, transit, and destination – international as well as within the country. She described the major international and domestic trafficking routes and charted by compiling a list of places of origin, transit, and destination. In this section, attempts will be made to update some of the already available information in the context of more contemporary learning.

A fresh look at sources and destinations

The provincial assessments indicated that all provinces of Indonesia were, by and large, both sources and destinations. Furthermore, using available time-series data compiled by the Department of Social Affairs annually on the number of women and girls in prostitution, it is possible to challenge some of the existing myths. Table - below compares the number of women and girls in prostitution between 1994-'95 and 2004 reported by provinces. For the purpose of the following analysis, figures for some of the new provinces were merged with those from which they were carved out, since only 27 provinces (including East Timor) existed in 1994-'95 as opposed to the current number of 33.

Table 2.9:
Number of Women and Girls in Prostitution
(Period 1994 - 1995 and 2004)

	Number of Women and Girls in Prostitution in <i>lokalisasi</i> and other identifiable areas		Net Increase in 10 years	Likely number of new recruits between 1994 and 2004 after factoring in 50% replacement	Gross inflow to prostitution in identifiable areas Rank
	1994 - '95	2004			
Nanggroe Aceh Darussalam	149	193	44	118	25
North Sumatra	4,850	5,584	734	2,159	10
West Sumatra	132	312	80	246	24
Riau and Riau Islands	4,277	6,874	2,597	4,736	2
Jambi	494	1,220	726	973	17
South Sumatra	7,728	6,117	-1,611	2,253	9
Bengkulu and Bangka Belitung	375	4,247	3,872	4,059	5
Lampung	3,512	3,218	-294	1,462	14
DKI Jakarta	9,000	9,515	515	5,015	1
West Java and Banten	6,175*	7,293	1,118	4,205	4
Central Java	8,842	9,018	176	4,597	3
DI Yogyakarta	1,307	1,464	157	811	18
East Java	14,190	10,733	-3,457	3,638	6
Bali	849	2,129	1,340	1,765	11
West Nusa Tenggara	758	389	-369	10	26
East Nusa Tenggara	290	567	277	422	22
West Kalimantan	1,656	2,324	668	1,496	13
Central Kalimantan	1,088	1,942	854	1,398	15
South Kalimantan	826	1,164	338	751	20
East Kalimantan	4,449	3,739	-710	2,935	8
North Sulawesi and Gorontalo	1,106	860	-246	799	19
Central Sulawesi	400	735	335	535	21
South and West Sulawesi	621	1,427	806	1,116	16
South East Sulawesi	435	483	48	266	23
Maluku and North Maluku	987	2,047	1,060	1,553	12
Papua and West Irian Jaya	1,074	3,958	2,884	3,221	7

* The figure used is for 1993-94

Only five provinces demonstrated that the number of women and girls in prostitution had decreased (column 4) over the 10 years in question -- significant among them being East Java and East Kalimantan. Furthermore, the extent of prostitution in six other provinces was insignificant. The rest of the 23 provinces (equivalent to 16 of 1994-'95) saw increases in the number of women and girls in prostitution. If numbers had increased, then there must have been fresh inflow of women and girls into prostitution in these provinces. So, all these 23 provinces, potentially, could be destinations for traffickers.

The fifth column of the table estimates the flow of newly recruited women and girls into prostitution in the provinces assuming that 50%¹³ of those who were in prostitution during 1994-'95 would have left it by 2004. All 33 provinces show gross inflow -- varying between 10 and 5,927. If it is accepted that organized prostitution is one of the chief purposes of trafficking of women and girls, then it stands to reason to argue that all 33 provinces of Indonesia, in different degrees, could have been destinations for trafficked women and girls.

Some other highlights are that firstly, South Sumatra and Bangka Belitung have seen the biggest inflow of women and girls into prostitution in the recent years followed by Jakarta, Riau and Riau Islands. Whereas Jakarta and Riau Islands have been, for long, in the spotlight as destination areas for trafficking into prostitution, South Sumatra and Bangka Belitung's emergence at the top is indeed a surprise. Though there are anecdotal reports about the rapid spread of prostitution in Bangka Belitung in recent years, it is normally bypassed by most of the trafficking discourses in Indonesia. The four provinces on the island of Java occupy the next three places in ranking. Papua, East Kalimantan, North Sumatra and Bali complete the top 12 provinces that account for almost 64% of the fresh inflows of women and girls into prostitution. Provincial assessments have also demonstrated that organized prostitution is not confined only to big provincial cities like Surabaya and Medan; though a bulk of it may be concentrated in and around big cities, it is also fairly spread across the provinces. The second substantive inference that can be made on the basis of the data above is that shrinking numbers of women and girls in *lokalisasi* and other identifiable places of prostitution do not necessarily mean that trafficking no longer takes place to such locations. Any location that has had a history of bustling prostitution will continue to be a popular destination for traffickers (for example, East Java and East Kalimantan) even if prostitution in those places might appear to shrink lately. This is so because of high replacement needs of the already high count of women and girls in prostitution in those places. Thirdly, it is possible to infer that during the last ten years traffickers have developed new destinations (such as Bangka Belitung, Riau Islands, Halmahera,

13 The basis of selecting 50% as the replacement rate for a period of 10 years was explained earlier in this chapter. Figures arrived at are indicative and could change if the assumptions changed. For example, if more accurate information was available on the age-profile of women and girls in prostitution in Indonesia, a closer estimate could have been arrived at. The purpose of this table is to establish certain general principles and not make estimates of the number of women and girls trafficked.

Papua, etc.) where, because of their geographical locations, the traffickers find it easier to isolate the women and girls and hold them in captivity.

The rest of this section is entirely based on Solidarity Center/ICMC experiences, and the extensive field assessments carried out in 15 provinces. Information that is used to write this section was gathered from key informants and through observation.

Major routes

a. International routes

It has been the contention of this report that trafficking from Indonesia to cross-border destinations is embedded in the migration system itself, and traffickers do not necessarily use different routes than those used by documented and undocumented migrant workers. In terms of migration of documented workers, all those wanting to go to the Middle Eastern and Arab countries must depart through Soekarno-Hatta Airport in Jakarta. The same restriction applies to migrant workers going to Taiwan and other East Asian destinations. The government of Singapore specifies Batam as the only departure point for Indonesian migrant workers intending to go to Singapore. There is no concrete evidence to suggest that traffickers use other routes with respect to these countries.

Prevention of trafficking to Malaysia is more complicated because of the existence of a large number of regular and irregular routes. Migrant workers to Malaysia may travel by air to Penang, Kuala Lumpur, Kuching, or Kota Kinabalu; use numerous sea-routes from Belawan (North Sumatra) to Penang, from Dumai (Riau) to Port Dickson, from Tanjung Balai Karimun (Riau Islands) to Johor, and from Nunukan (East Kalimantan) to Tawau; and cross land border at Entikong in West Kalimantan into Sarawak. Additionally, undocumented workers are known to take lesser known land and sea-routes to both western (Port Klang, Johor Baru, etc.) and eastern (Sarawak and Sabah) Malaysia. These could comprise island hopping (as in the case of Sebatik island off the coast of Sabah -- since half of Sebatik belongs to Malaysia), using obscure trails through rivers and highlands in the island of Borneo (Kalimantan), or taking boat rides from the coast of Sumatra to unguarded beaches in peninsular Malaysia from where they travel by road to Kuala Lumpur. It is therefore important to understand how traffickers reach some of these jumping off points.

The main jumping off points lie along the coast of North Sumatra -- it is where peninsular Malaysia is closest to Indonesia, the numerous islands of Riau, and in the provinces of East and West Kalimantan. Asahan (particularly Tanjung Balai, which is also a regular port and gate for documented workers, from where boats leave for Port Klang in Malaysia) in North Sumatra, Dumai in Riau, Tanjung Balai Karimun and Batam in the Riau Islands, Entikong in West Kalimantan, and

Nunukan in East Kalimantan are some of the important points where traffickers are known to transit.

b. The two corridors to Malaysia

Most of trafficking to Malaysia takes place through two major corridors – commonly known as the eastern and the western corridors. The western corridor is composed of two points of departure to Malaysia (and Singapore) -- Batam and Entikong. Once people cross into Sarawak through Entikong, they can then travel by air from Kuching to Kuala Lumpur. Traffickers from most of Sumatra and the western part of Java use this corridor. To reach Batam other than by air, women and girls are first brought to Kualatungkal in Jambi province by road from most parts of Sumatra, and by road and ferry from West and Central Java. From Kualatungkal, they are transported to Batam by ship. The other popular route to Batam from central and eastern parts of Java and Nusa Tenggara is by ships directly from Surabaya and Kupang respectively. The relatively less popular western corridor to Entikong is through Jakarta and Pontianak in West Kalimantan. A shorter version of the corridor leads to Dumai and Tanjung Balai Asahan and it is primarily used by traffickers from the island of Sumatra. Some people from West and East Java use this route too.

The station of departure to Malaysia (and Brunei) served by the eastern corridor is Nunukan. The eastern corridor connects the whole of Sulawesi to Nunukan through the port of Pare Pare in South Sulawesi, and most of eastern Java through the ports of Surabaya and Balikpapan or Surabaya and Pare Pare. Ships from a number of ports in East and West Nusa Tenggara ply to Nunukan. This corridor is extremely popular with both documented and undocumented migrants. Makassar is another station of departure from Sulawesi, though less popular, used by those wishing to travel to Hong Kong, Japan, Taiwan, or the Middle East. However, all such migrants must also pass through Jakarta.

c. Domestic routes

Except in the cases of trafficking to remote parts of Indonesia such as Papua, the Maluku, and the Riau Islands for the exploitation of prostitution of women and girls, routes used for trafficking within Indonesia are not very well defined. This is because, more often than not, long distance movements are not involved. Though women and girls from Java are found in domestic work and in prostitution in most other parts of Indonesia, trafficking often takes place within the same island, the same province, or even the same district. As family debt, rather than deception, is often the instrument used to coerce younger girls into servitude, sometimes the traffickers do not feel the necessity to move women and girls through great distances. Thus girls from Indramayu are trafficked to Jakarta which is only a few hours away, and women from East Java are trafficked to Semarang and Surabaya. Similarly, women and girls from Lampung and some districts

of West Java are brought to Cilegon in Banten, and a common destination for girls from East Java (especially Banyuwangi) is Denpasar and Sanur in Bali. The traffickers operate with the confidence that even if the girls run away and return home (which is not easy because of the heavy surveillance in the *lokalisasi* and entertainment establishments), the traffickers will be able to persuade the parents to hand the girls back. That is not to say that deceit in the form of well paid jobs in supermarkets, restaurants, etc. are not used by recruiters. Some domestic routes carry traffic both ways. For example, women and girls from East Java are trafficked to East Kalimantan through Surabaya and Balikpapan. The same route is used to traffic women and girls from East Kalimantan to Surabaya.

However, there are some established routes, too, for trafficking into domestic prostitution. These are primarily for remote locations such as Riau Islands, the islands of Maluku and North Maluku, and Papua -- where promises of well paid jobs are used as bait. The routes to Batam and other locations in Riau Islands are the same as those used by migrant workers and traffickers. There are two well known routes to Papua -- the first one, from North Sulawesi, starts from the port of Bitung and leads to different ports of Papua and West Irian Jaya. This route is used to traffic women and girls from North Sulawesi to Papua. A variation of this route leads to locations in North Maluku such as Ternate and Tobelo. As a matter of fact, there is a direct ship from Bitung to Tobelo popular with traffickers who move women and girls from Manado to entertainment establishments in Tobelo. The other commonly used routes to get women and girls across to Papua starts at Surabaya. This route is used by traffickers from East Java. A variation of this route is used by traffickers from East Nusa Tenggara -- starting in Kupang. Currently, not much is known about the routes used by traffickers to bring women and girls to the islands of Bangka and Belitung.

Ships used as means of transport

Perhaps unwittingly, ships play an important role in facilitating trafficking. Provincial assessments -- particularly in Papua and East Kalimantan -- describe how so many points of origin and destination are connected by the network of Pelni ships. It is no wonder that the Pelni ports of call are also the hubs used by traffickers to take trafficked women and girls further inland. Batam, Tanjung Priok (Jakarta), Surabaya, Balikpapan, Pare Pare, Bitung, Ternate, Sorong, etc. are cases in point. A labor broker in Nunukan confessed that the ship *Agomas* offers him free passage to Pare Pare with the understanding that he will use the same ship to bring back migrant workers from Pare Pare to Nunukan.

Table 2.10:
Indicative List of Important Trafficking Routes in Indonesia

Destination / Border crossing point	Points of Embarkation / Transshipment	Used by traffickers from
Penang, Malaysia	Belawan (North Sumatra)	North Sumatra
Port Klang, Malaysia (for Kuala Lumpur)	Tanjung Balai Asahan (North Sumatra)	Northern provinces of Sumatra, whole of Java
Port Dickson, Malaysia (for Kuala Lumpur) Bengkalis, Karimun, Batam	Dumai (Riau)	Northern parts of Sumatra
Singapore, Johor Baru (Malaysia) Batam, Karimun	Kualatungkal (Jambi)	Southern provinces of Sumatra, whole of Java, East and West Nusa Tenggara
Singapore, Malaysia, Batam, Karimun	Tanjung Priok (Jakarta)	Whole of Java, East and West Nusa Tenggara
	Surabaya (East Java)	Central and East Java, East and West Nusa Tenggara
Sarawak, Malaysia (for Kuala Lumpur) through Entikong	Tanjung Priok (Jakarta), Pontianak (West Kalimantan)	South Sumatra, West Java
Sabah, Malaysia through Nunukan	Surabaya (East Java), Balikpapan (East Kalimantan)	Central and East Java, East and West Nusa Tenggara
	Pare Pare (South Sulawesi)	Whole of Sulawesi
Papua	Bitung (North Sulawesi)	North Sulawesi
	Ujung Pandang (Makassar)	South Sulawesi
	Surabaya (East Java)	Java, Nusa Tenggara
	Kupang (East Nusa Tenggara)	East Nusa Tenggara
Ternate (North Maluku)	Bitung (North Sulawesi)	North Sulawesi
Tobelo (North Maluku)	Bitung (North Sulawesi)	North Sulawesi

D. Indonesia as a Destination Country

(by Fatimana Agustinanto and Sally I Kailola)

Wu Ping (26) and Shen Hong Xia (25), two women from China, filed a report against one Yang Fang alias Yang Xiao Hui (34) to a Police special service facility for women (RPK) in Jakarta for deception. The women were promised jobs as karaoke assistants in Jakarta enabling them to earn up to US\$ 55 per night. Upon arrival, they found that they had to provide sexual services to clients. Also, earnings were much less than what was promised. Wu Ping and Shen Hong Xia

could not stand being forced into prostitution and decided to run away (*Amoy RRC Dipaksa*, 2006). The Indonesian press has been agog with similar reports. In keeping with emerging trends in many of the Southeast Asian countries, there is increasing evidence of foreign women -- particularly from China and some of the post-communist Central Asian countries -- being procured for the purpose of prostitution.

Extent of the problem

The case narrated above is a pointer to the fact that Indonesia is not only a country of origin for trafficked women and girls but it is also a destination for traffickers. This contention is supported by the contents of the Trafficking in Persons Report of 2005 by the United States Government. However, there is very little documented information that could give a clearer idea of the nature and extent of trafficking of foreign women to Indonesia. Most of what is available are investigative reports by print and electronic media about the growing presence of foreign women who engage in prostitution in Indonesia.

There are no dependable estimates of numbers. This is because most of the trafficking for prostitution is carried out under cover. Available information is limited to anecdotal references. An agent who provides foreign sex workers to his clients claimed that from 2000-2003 the number of foreign women in prostitution had reached 5,000. Subsequently, it started decreasing (*150 Titik Operasi*, 2006). Meanwhile, the records in the National Police Headquarter in Jakarta indicate that at least 600 foreign sex workers were arrested in raids conducted during the past five years (*Cungkok, Geliat Genit*, 2006). However, this figure is no indicator of the extent of trafficking to Indonesia because: firstly, there could have been many more women who were not unearthed by raids, and secondly, not all the foreign women engaged in prostitution may have been trafficked. Actually, many of the women from Central Asia who engage in prostitution in places like Dubai and Bangkok come on their own accord. On the other hand, if media reports are to be believed, then most of the women were subject to deception in the manner described in the story narrated earlier (*Amoy RRC Dipaksa*, 2006). Some of the foreign women engaging in prostitution in Indonesia were girls under the age of 18 years (Saputra, 2006). Being a child qualifies them to be categorized as trafficked in keeping with the definition used in the Palermo Protocol.

Such women and girls are usually placed at night entertainment establishments and fitness centers located in big cities throughout Indonesia. Other than Jakarta (Saputra & Suhartono, 2006), some cities identified are Denpasar (*Foreign Sex Trade*, 2006), Pekanbaru (Dison, 2005), Surabaya (Arifinatio & Dofi, 2003), Medan, Bandung, Semarang, Makassar and Balikpapan (*PSK Asing Diuber*, 2006).

Countries of origin and system of recruitment

Women and girls trafficked to Indonesia come from various countries such as China, Thailand, Taiwan, Uzbekistan, Netherlands, Poland, Russia, Venezuela, Spain and Ukraine (US Department of State, 2005). According to some reports there are more Chinese women than from any other country. The provinces in China that feature prominently as the source are Guangxi, Sichuan and Henan (Dison, 2005). Most of the women were promised jobs as karaoke accompanists in the big cities of Indonesia with a high salary. Before leaving their countries, they were made to pay for costs for visa, passport and airfare of up to US\$ 1,900. Upon arriving in Jakarta, they are then forced into prostitution and distributed to night entertainment and fitness establishments in the bigger cities (*Amoy RRC Dipaksa*, 2006).

A pimp claimed that there is a syndicate that regularly distributes foreign sex workers that operates, at a minimum, in Batam, Jakarta, Surabaya and Bali (*Foreign Sex Trade*, 2006). The Central Immigration office confirms its existence. This Indonesian syndicate works with another syndicate abroad that sends women to Indonesia. It was unearthed during a police investigation against two women from Uzbekistan engaging in prostitution in Indonesia and their traffickers (*International Sex Syndicate*, 2006). The Immigration department had apprehended 28 Chinese prostitutes who were past offenders. They had been detained before in Batam, Medan and Jakarta, and extradited. Later they re-entered Indonesia and were found to be operating in Surabaya (Ramadhan, Noor, 2003). Traffickers use different ways to bring women into Indonesia. One of them is with the 451 visa index code that allows entry to singers and musicians (*Cungkok, Geliat Genit*, 2006). Others enter with tourist visas (*67 PSK Asing*, 2005).

Places and conditions of work

Initially, traffickers and pimps make the women work as karaoke accompanists, singers at night entertainment establishments, fitness centers, and massage parlors. Subsequently, they are forced to provide sexual services if the clients demand. The role of pimps is vital because they link up clients with these women. It is mainly because most of the trafficked foreign women do not speak English, let alone Indonesian.

Foreign sex workers seem to be allocated to clients with high paying capacity. Their rates are high by local standards. Pimps charge clients US\$110 to 275 for an hour with the women. A woman may have to serve up to four clients per night. Generally the women only receive 30% of the fee and the balance is shared between the agent/pimp and the owner of the establishment where the sex is transacted (*Cungkok, Geliat Genit*, 2006), which are karaoke bars, discotheques, spas, saunas and exclusive massage parlors in luxurious hotels. In Jakarta alone, 150 exclusive entertainment establishments employ foreign women (*150 Titik Operasi*,

2006). Pimps limit the mobility of the foreign women by keeping them in secured apartments or rented houses when not working. They have people to escort them whenever they need to go out or shopping (Saputra & Suhartono, 2006). This way the women are prevented from running away or approaching the police.

Responses to Problems and Challenges

The Government of Indonesia, in this case the Immigration Department and police, has responded to this problem by raiding night entertainment establishments, apprehending foreign women and deporting them. According to Immigration Department records, 216 women were deported in 2004, most of them Chinese (*Geliat Pramuria Impor*, 2006). In the Jakarta police (Polda Metro Jaya) jurisdiction, 82 women were arrested and deported in 2005 (*Foreign Sex Workers*, 2006). Seventy-six of them were from China, one from Mongolia, two from Russia and three from Uzbekistan. They were deported for violating Immigration law No. 9 of 2002, specifically article 50, for abuse of visa privileges (*Geliat Pramuria Impor*, 2006). The Head of the Jakarta Police Public Relations Division, Kombes Tjiptono, said that police have apprehended women for working while visiting Indonesia on a tourist visa (*67 PSK Asing*, 2006). He also pointed out that the visas for some of the women had expired. Though the practice of deporting foreign women found engaged in prostitution is in keeping with international patterns, such a response by Indonesian authorities indicate a very limited understanding of trafficking -- especially involving foreign nationals. Little has been done to date to investigate how and why the women came to Indonesia.

Chapter III:

Provincial Assessments

A. North Sumatra

Fatimana Agustinanto



Province name	: North Sumatra
Capital city	: Medan
Borders	
North	: Aceh Province
South	: West Sumatra Province and Riau Province
West	: Indian Ocean
East	: Strait of Malacca
Area	: 72,427.81 km ²
Population	: 12,333,974 people (in 2004)
Population density level	: 170 people per km ²
Number of districts	: 18 (Asahan, Binjai, Dairi, Deli Serdang, Humbang Hasundutan, Karo, Labuhan Batu, Langkat, Mandailing Natal, Nias, Nias Selatan, Pakpak Bharat, Samosir, Serdang Bedagai, Simalungun, Tapanuli Selatan, Tapanuli Utara, Toba-Samosir).
Number of municipalities:	7 (Sibolga, Medan, Tanjung Balai, Binjai, Pematang Siantar, Tebing Tinggi and Padang Sidempuan)

(Source: *Profil Daerah, Depdagri, 2006; Kode dan Angka Wilayah, Depdagri, 2006*)

Table 3.1
Human Development & Gender Development Index - 2002

Indicator	Unit	Value		Rank in Indonesia
		North Sumatera	Indonesia	
Adult women literacy level	%	94.3	85.7	6
Adult men literacy level	%	97.9	93.5	6
Length of schooling (women)	Year	8.0	6.5	6
Length of schooling (men)	Year	8.9	7.6	6
People without access to clean water	%	41.8	44.8	15
People without access to health facilities	%	30.4	23.1	15
Expenditure per capita	IDR '000	589,2	591,2	7
Open unemployment	%	10.7	10.6	*

Source: BPS/BAPPENAS/UNDP, 2004a: 103. 105. 106 113. 148

* Open unemployment ranking not available

1. North Sumatra at a Glance

North Sumatra is one of the western provinces of Indonesia with an area of 72,427.81 square kilometers and inhabited by 12,333,974 people in 2004. The population density level is 170 persons per square kilometer.

The literacy level of North Sumatra is ranked sixth in the country – making it better in comparison to most provinces in Indonesia. The same applies to the length of schooling for both males and females in the province. The level of per capita expenditure is adequate and the percentage of people with access to clean water and health facilities is still higher than the average level of other Indonesian provinces.

Geographically, North Sumatra is located close to Malaysia and has busy ports that connect the province with Malaysia. These ports play a significant role in the trafficking of women, girls and boys from North Sumatra with Malaysia as the major destination.

2. Forms of Trafficking in North Sumatra

In general, North Sumatra is regarded as a source and transit area for the trafficking of women, boys and girls. Individuals from the province are trafficked for various purposes, such as:

- Trafficking of women and girls for domestic work abroad (Malaysia)
- Trafficking of women and girls for prostitution abroad (Malaysia) or in the country (North Sumatra province and Riau Islands Province)
- Boys from North Sumatra are trafficked to work on *jermals* (fishing platforms) found off-shore in the Strait of Malacca.

Trafficked women and girls transiting through North Sumatra primarily come from Java Island and are trafficked to Malaysia for domestic and sex work. The municipalities and districts within North Sumatra reported as source and transit areas include Medan, Deli Serdang, Serdang Bedagai, Tanjung Balai and Asahan¹⁴ (field assessment, 2006).

North Sumatra is also a destination area for trafficked individuals, albeit on a smaller scale. Most trafficked persons are from Java and were trafficked to the province for sex work in brothels. In addition, numerous children under 18 work as domestic workers in a number of municipalities and districts in the province. The municipalities and districts reported to have identifiable locations selling the sex of prostituted children include Simalungun, Deli Serdang and Medan¹⁵ (field assessment, 2006).

14 Data processed from PKPA and Pusaka Indonesia.

15 Data processed from PKPA, Pusaka Indonesia, Solidaritas Perempuan Deli Serdang, RPK Polres Deli Serdang and Kejaksaan Negeri Deli Serdang.

a. The North Sumatra-Malaysia Route:

Trafficking of Women and Girl Migrant Workers for Domestic Work

Some districts (Deli Serdang and Serdang Bedagai) in North Sumatra have developed into supply areas for migrant workers to Malaysia. The number of registered migrant workers going to Malaysia from or through North Sumatra increases every year. In 2004, the number stood at 11,955. In 2005, the number totaled 15,845 – an increase of 3,890 (BP2TKI North Sumatra, 2005). These numbers exclude those who migrate without proper documents, underscoring the fact that the actual number may be considerably higher. For example, it is widely said that many women from the area migrate without being documented.

The number of women migrant workers originating from or transiting through North Sumatra to Malaysia has been increasing each year. Many of them work in the informal sector, which is usually more prone to trafficking situations as the workplaces for these jobs are more difficult for law enforcement officials to monitor for violations. In 2004 the number of registered women migrant workers totaled 959. In the next year, the total jumped to 5,848 (BP2TKI North Sumatra, 2005). The combined total for these two years was 6,807 -- representing more than 24% of the total number of all documented migrant workers departing from or through North Sumatra to Malaysia. By comparison, more than 70% of all registered Indonesian migrant workers during the period of 1999 to 2000 were women (Rosenberg, 2003a: 44). One could assume from these statistics that many more women could be migrating without being registered.

The number of women migrant workers documented to have experienced problems is not insignificant. In 2004 – 2005, the BP2TKI North Sumatra office recorded 1,192 women migrant workers with problems. Although there is no official information about how many of them worked in the informal sector such as domestic work, these women migrant workers are noted as working in both the formal and informal sectors. It is suspected some of them were trafficked – particularly those who worked as domestic workers, as most of them had been deceived about their work conditions.

During the period of 2000 – 2005, the Indonesian Embassy in Kuala Lumpur, Malaysia provided temporary shelter to nearly 10,000 migrant workers with problems, mostly women.¹⁶ Most of them had been working as domestic workers before encountering problems, such as unpaid salaries, confinement and abuse by their employers (interviews at the Embassy, July 2005). Not all of the migrant workers accommodated by the Indonesian Embassy, however, were from the North Sumatra. The Vice Chairman of Commission E, DPRD of North Sumatra,

16 The data was obtained from the Indonesian Embassy in Kuala Lumpur during a visit by Commission VIII of the DPR in July 2005.

Rafriandi Nasution SE, in an official visit to Malaysia in February 2006, found that out of 128 migrant workers staying at the Indonesian Embassy at that given point in time, 28 were from the North Sumatra (Harian Waspada, March 7, 2006). Most of them were believed to have been survivors of trafficking.

The majority of the women migrant workers trafficked to work as domestic workers have been found to be adults above 18 years of age. However, a few of them are children. A NGO that deals with migrant worker issues stated that out of 33 survivors of trafficking who worked as domestic workers, 31 were adults, and only two were young girls (TPBMSU, 2006). It is difficult to estimate the percentage of adults and minors among women migrants from North Sumatra in general from this single source of information. However, it is assumed that most of them are adults.

Calos/recruiters use various methods to deceive aspiring migrant workers. According to the information gathered by the NGO North Sumatra Migrant Worker Defense Team (TPBMSU), which provides assistance to trafficked migrant workers, recruiters usually offer good salaries for work in Malaysia. In reality, many of them get much lower than the amount promised to them, or sometimes, are not paid at all. Recruiters coordinate all departure procedures, including documentation such as passports and visas. The prospective migrants are required to make a down payment of an equivalent to US\$ 330 - 440 to the recruiter. In reality, many of the recruiters simply take the money and vanish. Candidate migrant workers who ask for refunds and cancel their departures are forced to pay a cancellation fee of an equivalent of US\$ 220. These are actually scams that end up in large fees for aspiring migrants before they get started (TPBMSU, 2006).

A popular exit gate for prospective migrant workers to Malaysia is Teluk Nibung Port in Tanjung Balai – from where ferries ply to Port Klang, Malaysia. In addition to using this route, many migrant workers are also brought through Bagan Asahan before finally departing to Port Klang (field assessment, 2006).

Several modes of transportation were found by the ICMC assessment team (2006) as being used by traffickers to transport and traffic women, girls and boys to Malaysia. These included Indonesian passenger ferries and small fishing boats from which the migrant workers were transferred to Malaysian boats once they reached the maritime border between the two countries. Cargo boats have also been known to have been used to transport trafficked persons to Malaysia.

Upon arrival in Malaysia, migrant workers face the final consequences of the scams made by their Indonesian recruiters. According to TPBMSU, some workers do not receive salaries for periods ranging between three to seven months as repayment for processing fees, regardless of the fact that the workers might have actually paid those sums already. In one extreme case, a worker never received any salary during her first employment in Malaysia (interview with trafficked women by

TPBMSU). In addition to salary deductions or not getting paid at all, the workers also had to work long hours. One woman said that she had to work from 5 a.m. until 9 p.m. without any break or rest (TPBMSU Report, 2006). Another woman reported that she had to work until 2 a.m. and then had to wake up two hours later at 4 a.m. to start again. Similarly, a woman worker was sent back without pay before the contract ended (Solidaritas Perempuan Deli Serdang, 2006).

Some other forms of exploitation of migrant domestic workers in Malaysia documented by two NGOs, Solidaritas Perempuan-Deli Serdang (SP-DS) and TPBMSU are:

- Physical torture (i.e. the agent or the employer beat them or burnt them with cigarettes);
- Involuntary confinement for days on the premises of the placement agent in Malaysia;
- Insufficient food (many receiving only one meal a day);
- Religious intolerance (not allowed to pray).

Such pressures and generally dismal working conditions lead many migrant workers to run away from their employers and seek new jobs with other employers. As a result, many of them become illegal migrants in the eyes of Malaysian authorities as their first employer still holds their legal documents.

“I once worked in Malaysia. I migrated legally to Malaysia and became illegal afterwards. I became illegal because I ran away from my employer. I ran to the woods and slept there. Six months later I got a new job. “

(Ms. Zul – a survivor of trafficking, interview by TPBMSU, 2006).

However, finding a new employer does not mean that their problems are over - there is always the Malaysian Immigration Department which detect the fact that they are now working without legal documents. Others who were not fortunate enough to find new jobs and do not want to be constantly chased by Immigration authorities opt to return to Indonesia with whatever little money they are left with.

Irrespective of whether migrant workers with such problems were trafficked to Malaysia or not, they must return with the help of agents (*calo / tekong*). Migrants with problems depart by Indonesian barges returning from Port Klang after unloading cargo, and are dropped off at Tanjung Balai and Bagan Asahan in North Sumatra, or some go on to the Riau Islands. Each migrant worker has to pay between US\$ 140 to 220 for a return trip to North Sumatra. The captain of the barge gets about US\$ 83 for each returning migrant, Malaysian Marine police are often paid US\$ 14 – 28, and Indonesian immigration and other authorities also often get a share of US\$ 5.50 to 11. Upon their arrival in Bagan Asahan in North Sumatra, migrant workers often have to pay further extortion fees of US\$ 55 to 88 to be allowed to return to Java Island, and also an additional US\$ 11 for “services” they do not need.

According to key informants, no less than 200,000 migrant workers returned using these means from Malaysia since 1997 through 2004. They were not only from North Sumatra but also from West Nusa Tenggara, East Nusa Tenggara, East Java, Central Java, West Java, Banten, Yogyakarta, Lampung, West Sumatra, and Jambi. The volume of revenue thus generated by different sets of exploiters must be huge, and this is the prime motive behind subjecting prospective migrant workers to different kinds of malpractices.

Other forms of dangers await those who return to their hometown such as what happened to Nita (not a real name), a woman migrant worker from West Kalimantan. She was smuggled to Kuala Lumpur as a domestic worker, and was forced to return to Indonesia after two months because her travel documents expired. Not having enough money to go back to Kalimantan, she went to Tanjung Balai, North Sumatra where she was approached by a certain Ms. Meg. Ms. Meg agreed to help Nita to go back to Malaysia, and started processing her documents. Fortunately, while all this was happening, the police arrested Ms. Meg for trafficking women to Malaysia for prostitution:

"...In early March, the police came to Ms. Meg's house at 1 a.m. I was shocked. They said she often sold women to Malaysia for prostitution."
(Sumut Pos, March 11, 2006).

b. Trafficking of women and girls for prostitution

There are various reasons why aspiring migrant workers are vulnerable to manipulations by unscrupulous agents. Such aspiring migrant workers are often from poor families and want to improve their financial situation. Some are motivated to get away from discordant family situations such as divorce, or remarriage by one or more of the parents, etc. Recruiters are usually persons close to the families of the aspiring migrant workers, such as neighbors, friends and relatives who are aware of these circumstances and make full use of such vulnerabilities (field assessment, 2006).

Geographically, the Malaysian coast lies close to that of North Sumatra, and can be reached within an hour by air, and three hours by fast ferries. The Teluk Nibung port in Tanjung Balai municipality is perhaps the most frequently used harbor to transport trafficked migrant workers. The ICMC assessment team found that prospective workers are picked up on arrival by agents who accommodate the prospective workers temporarily in the houses of the agents. After a few days, the prospective workers are told that they have to work as prostitutes. If they refuse, then the agent will ask for a refund of all the expenses and the claim could vary from the equivalent of US\$ 330 to 500 (interview, 2006). Some workers were forced into paying their agent US\$ 1,000 because they had signed a blank paper before their departure from Indonesia (Kompas, June 24, 2004). Since the aspiring migrants have too little money to start with, it is not possible for them to pay these fictitious

debts and they are finally forced into prostitution to pay it off. If the women migrants try to resist serving clients, they may be severely beaten. Some are also stripped and have hot chili powder smeared over their body, especially in their most sensitive parts (field assessment, 2006). Some trafficked migrant workers escape by fleeing from the hotel or the brothel where they are being kept and manage to enlist the help of Malaysian citizens – mostly taxi drivers, to take them to the Malaysian police or to the Indonesian missions in Malaysia.

It is not easy to obtain reliable data about the numbers trafficked for prostitution from North Sumatra to Malaysia. In an official visit to Malaysia in February 2006, the Vice Chairman of Commission E of the Local House of Representatives (DPRD), Rafriandi Nasution SE, found that 60 women from North Sumatra were detained in a women's prison in Kajang, Malaysia for not having legal documents. Nasution was of the opinion that these women had been deceived and trafficked into sex work (Harian Waspada, March 7, 2006).

Some locations known to be the destinations for trafficked women and girls from North Sumatra to Malaysia for forced prostitution include a number of karaoke bars in Pucung (The Jakarta Post, March 1, 2006) and a particular slum area in Johor Baru (Kompas, June 24, 2006).

Common tricks played by traffickers

Women and girls are trafficked to Malaysia for both labor exploitation and prostitution. There are similarities between methods used by recruiters in Indonesia and their Malaysian collaborators for both trafficking for prostitution as well as exploitation of their labor. Both promise easy jobs with attractive salaries using expeditious processes involving use of valid passports containing falsified information, and bypassing the requirement of a valid work visa. They are promised jobs requiring little skills such as domestic work, baby sitting or work as shop attendants, waitresses, gardeners, and workers in a factory. To make it more enticing, traffickers promise attractive salaries in Malaysia -- sometimes as much as seven times higher than what the same jobs would earn in Medan. The workers are also falsely informed that they do not need to pay anything for documentation and transportation (field assessment, 2006).

Traffickers often use *aspal* passports (which are valid but contain false information). In many cases, the migrant is asked to use another person's passport, which has a different name and home address than their own. Mina, a trafficked migrant worker was asked to use the passport of someone named Rina from Kisaran, while Yanti was given the passport of Junawati from Gunung Tua, South Tapanuli (interview, field assessment, 2006). Traffickers send migrant workers to Malaysia not on valid working visas but on tourist visas that expire within a month. These are then renewed for a social visa valid for three more months. The use of *aspal* passports and non-work visas put trafficked women and girls into

vulnerable situations. These trafficked individuals are often arrested and punished for violating local immigration laws by the Malaysian Immigration Department.

The cycle of trafficking of women and girls

In some cases, the trafficking of women and girls between Indonesia and Malaysia through North Sumatra are carried out by organized groups. Trafficking between the two countries is easy due to the pervasive corruption among the immigration officers of both countries.

The Criminal Division Director of the North Sumatra Provincial Police Office (Kombes Pol.), Ronny Franky Sompie, affirms that trafficked women and girls who are forced into prostitution and later recovered by Malaysian Immigration authorities continue to be the targets of traffickers (Analisa Medan Daily, March 1, 2006). Efforts to re-traffic these unfortunate women and girls start with the *tekongs* or *calos* who are given access to the list of Indonesian prisoners arrested in Malaysia for prostitution. Armed with this information, the *tekong*/*calo* contact the agent who initially sent the migrant to find out if she/he is willing to bear all the expenses required to return the trafficked women and girls to Indonesia and then send them back to Malaysia, with the promise that she/he agrees to deal with them once they are back in Malaysia. Once the deal is concluded, the agent advances money to the *tekong*/*calo* to arrange for the return of the trafficked women and girls. The *tekong*/*calo* contacts the Indonesian Embassy in Malaysia to prepare the *SPLP* (a travel document in lieu of a passport). The *SPLP* costs between US\$ 30 to 40. Once the *SPLP* is ready, the *tekong*/*calo* replaces the original photo with the photo of the person to be re-trafficked. Using the falsified *SPLP*, the *tekong*/*calo* then arranges the return of the individual to be re-trafficked by contacting the Malaysian Immigration Department and obtaining air tickets to fly back to Polonia airport Medan. Once the targeted women and girls arrive in Medan, an agent is designated to pick them up and provide them with *aspal* passports. The re-trafficked individuals are forced to return to Malaysia using the falsified passports after spending a few days in Medan. The agents use debts to force the women and girls to go back to Malaysia. They are sent back through Teluk Nibung Port in Tanjung Balai. Back in Malaysia, a placement agency is “waiting” for them. Those who get into this cycle find it extremely difficult to escape. It is clear from the scenario that the same migrant worker placement agents in Malaysia are also involved in the trafficking of women and girls for prostitution.

c. North Sumatra to Riau Islands and Riau:

Trafficking of women and girls into prostitution

Batam and Tanjung Balai Karimun islands are located in Riau Islands province, which is another destination area of trafficked women and girls from North Sumatra to be forced into prostitution. There is a proliferation of karaoke bars,

massage parlors and brothels on these islands, making it a popular target for traffickers. There are at least 74 bars/karaoke halls operating in Batam alone that engage around 830 women from outside Batam¹⁷; and at least three *lokalisasi* consisting of 95 brothels housing 1,096 sex workers from different provinces of Indonesia, exist on the island of Karimun. There are several prostitution spots in Bagan Baru and Bengkalis in the mainland Riau province (field assessment, 2006), as well as in the Teleju area and Dumai where women and girls from North Sumatra are trafficked (PKPA, 2003). Official data on the number of trafficked women and girls from North Sumatra forced into sex work in Riau Islands province and Riau province is very difficult to obtain. PKPA, a NGO in North Sumatra that deals with trafficking issues, has come across 13 cases of women and girls from North Sumatra who were trafficked to Riau Islands and Riau provinces during the period of 2002 - 2003.

From information collected during the assessment by the ICMC team, it was gathered that another method of deception employed by traffickers is offering jobs as waitresses in restaurants in Riau Islands and Riau with a sizeable salary of up to US\$ 110 per month (field assessment, 2006). In one case, a woman was promised a “job” but was locked up and raped for 15 days by the recruiter before she was sold to a pimp. Usually, traffickers know their targets well (i.e. as a friend or a relative). Street children and orphans are easy prey, too, like the 12 year old street girl from Binjai municipality in North Sumatra who was recruited by a trafficker. Besides Binjai, the other areas that have been identified to be sending areas for trafficked women, girls and boys are Medan and Deli Serdang (PKPA, 2003).

Trafficked women and girls are brought to bars, karaoke halls, massage parlors or prostitution spots using land and sea routes. Only upon arrival do the trafficked individuals realize that they have been deceived. The pimp usually informs them that he / she bought them from their recruiter and repaid all the expenses of the recruiter including transportation and meals. Therefore, the trafficked individuals are indebted to the pimp, leaving them no alternative but to repay their debts through prostitution. They are also threatened with abuse if they refuse to “work” (field assessment, 2006). To repay debts, all earnings made by a trafficked woman from serving clients (US\$ 5.50 to 11) have to be handed over to the pimp. In addition, she also has to pay other costs such as meals (US\$ 5.50 per week), room (US\$ 1.10 per day) and weekly protection money (US\$ 1.30). She is forced to buy personal embellishments such as clothes, shoes, cosmetics, etc. from suppliers fixed by the pimp (usually at exorbitant prices) on payment installments (interview, field assessment, 2006). This ensures that the trafficked individual is indebted to the pimp for an indefinite period of time.

17 ICMC's Assessment results on trafficking in Riau Islands in February 2006. Data collected in this assessment included written documents provided by NGOs and local government as well as interviews with NGO activists, local government staff and police (for more details, see section on Riau Islands province).

Sometimes trafficked women, especially girls, try to escape from brothels and a few of them are successful. Those who attempt but fail face serious consequences such as physical battery, made to run around a field with a heavy load, and being shorn of their hair by pimps (field assessment, 2006).

Dian and Rani's Story

Dian and Rani (not real names) are close friends and neighbors in Medan. One day, they met another friend who offered them a job in Pekanbaru in Riau and, unsuspectingly, they followed their friend to Pekanbaru. In Pekanbaru, they were brought to the Teleju area and forced to prostitute themselves. Rani, who often refused clients, was frequently beaten, verbally threatened and shaved bald by her pimp. Fortunately, a client who fell in love with Rani paid US\$ 100 for her release and that of Dewi from the brothel, and helped them to return to Medan.

Source: PKPA, 2003

d. North Sumatra as a destination area:

Trafficking of women and girls into prostitution

North Sumatra is also the destination for women and girls from West and Central Java who are trafficked to brothels. Trafficking for prostitution also takes place within North Sumatra. In a case reported by the local press, three girls from Medan aged 14-17 were trafficked to a brothel in Bandar Baru. They were detained illegally, raped by the traffickers, and eventually forced to provide sex to clients (Sumut Pos, February 27, 2003).

The official number of trafficked women, girls and boys forced into prostitution in brothels of North Sumatra is difficult to come by. However, it is assumed that the number is not insignificant since the sex industry in this province is flourishing. In 2004, the *lokalisasi* and other identifiable places of prostitution in North Sumatra province had at least 5,584 women and girls directly engaged in the activity (Pusdatin Kesos Department of Social Affair, 2004). The Child Protection Committee said that in the municipality of Medan alone there were around 500 prostitution spots (The Jakarta Post, April 27, 2006). Those spots are suspected to involve trafficked young girls who are under 17 years of age. Most of them are from areas outside of North Sumatra, and it is believed that they were forced into prostitution through deception and lies.

The following describes known modus operandi of traffickers of women and girls to North Sumatra. It is important to note, though, that not all traffickers use the same method. The ICMC assessment found the use of the methods described below.

Traffickers usually recruit women and girls by offering undemanding jobs such as attendants in shops in Medan, selling hand phones, or as domestic workers in Malaysia. Such promises are used to convince the trafficked individuals that they need to be taken to North Sumatra en route to Malaysia. They are usually transported to North Sumatra by bus. Upon arrival in the province, they are sold to bidders and taken to different locations including a number of *lokalisasi* in several municipalities/districts (Medan municipality and the districts of Simalungun and Deli Serdang) (field assessment, 2006). Traffickers put up trafficked women and girls for sale to pimps from different brothels. ICMC has information that a 21-year old single woman was sold for the equivalent of US\$ 330. The sale price is the amount of debt that the woman was supposed to have incurred. The woman said that she had thought of escaping, but being unfamiliar with the area and worried about the guards finding her, had quickly changed her mind. Another woman who tried to run away was found and subsequently locked up as punishment.

The fees trafficked women and girls receive for various “services” they render are low (US\$ 5.50 for a short session out of which they may keep US\$ 4.40; US\$ 33 for spending the night with a client, from which they may only receive US\$ 9) (Interview, 2006). Trafficked individuals have no real recourse to pay their debts as they are made to “work” incessantly just to cover their previous debts. In addition, they are made to borrow further amounts from the pimp to meet their daily subsistence needs.

To top it off, trafficked individuals are vulnerable to unwanted pregnancies and drug addiction. A trafficked woman, who was exposed to drug use by her clients, said that after she was put to work in a brothel, she got pregnant and, not knowing who the father of her child was and not having the means to support her, she eventually gave away the baby girl to other people who might take care of her (Interview, 2006).

e. Trafficking of Boys for Labor Exploitation in Jermals

A *jermal* is an offshore platform used for fishing. *Jermals* could be of different sizes ranging from 30 meters to 50 meters in length and 60 to 80 meters in width located not less than 10-25 kilometers from shore. It takes two to four hours to get to them by boat. In North Sumatra, *jermals* can be found off-shore in the Malacca Strait in the more than 15 clusters spread along the coast of four districts, namely Langkat, Deli Serdang, Asahan and Labuhan Batu (Sofian et al., 2003: 18).

The number of *jermals* seems to be dwindling from year to year. In 1998, there were about 369. In 2000, there were 159 *jermals*, decreasing down to 153 in 2001, 114 in 2002 and only 91 in 2003 (Sofian et al., 2003: 19). However, the above numbers are believed to be the minimum and the real numbers could be considerably more. It is claimed that some *jermal* owners do not register their platforms with the local Fishery Department.

It is very much a concern that *jermal* owners employ boys below the age of 18 years. It is heartening to note though that significant efforts by local NGOs in cooperation with provincial and local government have checked increasing engagement of young boys in *jermals*. A NGO survey in 1988 had estimated that there were at least 1,072 boys working on the platforms. Five years later, in 2003, the estimated number of boys working on *jermals* had gone down to only 38 (Sofian et al., 2003: 8, 22).

The boys that work on *jermals* are categorized as trafficked because they are recruited, moved from their homes, and then confined in *jermals* in the ocean. They work under hazardous and forced labor conditions. Some *jermals* may have up to 4 to 9 boys working on a crew that can be as high as 16. Their ages range from 13 to 15 (Sofian et al., 1999: 17, 27).

According to two studies conducted by Sofian et al. (2003; 1999), trafficked boys who work on *jermals* come mostly from villages far inland. Some villages identified as the origin of trafficked boys include Bangun Sari, Banjar, and Punggulan villages in Air Joman sub-district in Asahan. Other villages known to be sources of trafficked boys are located in several of the province's districts, including Langkat, Deli Serdang, Simalungun, Labuhan Batu, Tanah Karo, Dairi, North Tapanuli, South Tapanuli and Nias. Most of the boys did go to school at one time, but eventually dropped out or did not continue a higher level of education. Below is the data collected on the level of educational attainment of boys working on *jermals*:

Table 3.2:
Education of *Jermal* Boys

No.	Final Education Attained	Total
1.	Elementary School, completed	21
2.	Elementary school, not completed	7
3.	Junior High School, completed	9
4.	Senior High School, not completed	1
	TOTAL	38

Source: Sofian et al., 2003: 42

From the above data, it would appear that the majority of the boys completed elementary school only. One among them had gone to senior high school but did not graduate.

"Here, if a kid does not go to school, he will go to a jermal. It has been going on since 15 or even 20 years ago."

- M. Manalu, father of a boy who works on a *jermal*

(Quoted from *Jermal Watch*, 2003b: 1)

"To be honest, almost all of the kids who drop out from school in Parsaoran will go to work on jermals." - Syahrir Sembiring, Chief of Simalungun Village

(Quoted from *Jermal Watch*, 2003b: 9).

The studies show that traffickers usually involve the *jermal's mandor* (foreman) or owner (rarely though) in the recruitment process. The *mandors* approach parents and promise them that the boys will have jobs sorting and drying fish on the shore when, in reality, they actually will be employed on the *jermal* out in the middle of the sea. This ruse is used to deceive families who reside in plantations or in urban areas, and have little idea about how sea fishing is organized, or how *jermals* work. For the people who live in the coastal area and know what *jermals* are, traffickers truthfully tell them that they will be employed on a *jermal*. However, they lure them with false promises of attractive salaries (usually not mentioning how much amenities such as lodging, meals, drinks, cigarettes, and clothing will cost) and that saying they would be free to eat as much fish as they wanted (Sofian et al., 2003: 43).

Studies report that the *jermal mandor* or owner pays the *calos* (illegal recruiters) to get boys to work on *jermals*. The *calos* utilize many methods to entice boys such as telling them that they will be employed in factories and get good salaries. Some agents resort to more desperate methods like kidnapping street boys and forcing them to work on *jermals* (Sofian et al., 2003: 18).

Apart from the methods described above, the use of peers is also brought into play. The *mandor* encourages the boys who are already employed on the *jermal* to recruit their friends for a commission ranging between US\$ 2.20 to US\$ 11 for every friend successfully enlisted (Sofian et al., 2003: 44). This modus operandi creates the unfortunate situation whereby a trafficked boy inadvertently becomes a trafficker himself.

On the *jermal*, trafficked boys are put to work immediately after they arrive. There is no significant change in the working conditions as found by the 1998 study and its sequel in 2003. The hours are long, usually lasting from early morning going until late at night, under the heat of the sun or drenching rain (approximately for seven hours a day during the low season, and up to 18 hours a day during the peak season). They operate traditional fishing equipment such as a folding net lifter, and dry and sort fish. Working more hours is not reflected in their pay as the boys

only receive US\$ 11 to 19 per month, which is paid to them only after three months of work. Also, they are not allowed to go home before they have completed at least three months of work. After being forced every hour by the *mandor* to lift the fishing nets, whatever sleep they get is by lying down on wooden beams with salt sacks for blankets (Sofian et al., 2003: 18, 23, 30).

These trafficked boys are also sometimes sexually assaulted (genital stroking, forced to masturbate and being subjected to sodomy) by adult workers and the *mandors*.

"I was afraid that Bang Tagor would throw me into the sea if I refused. He is very cruel. I did not do anything although I felt so much pain in my anus," he muttered. "I felt something enter me, I was sure that it was Bang Tagor's penis. He shook his body."

(Quoted from Sofian et al., 2003: 36)

Living in such horrendous conditions made some of the trafficked boys want to escape from the *jermal* by jumping into the sea in the middle of the night using only cooking pans as buoys. In an incident, some boys were rescued by a fishing boat after floundering at sea for more than eight hours (Sofian et al., 2003: 30).

Several of the trafficked boys reported that they asked to be returned home after they realized that they had been duped into working on the *jermal*. In response to this, the *jermal mandor* demanded they pay a compensation fee – money that the boys did not have. The *mandor* then threatened to thrust a bamboo spear into their stomachs if they did not resume working.

"You will work or die here. Try to run away and this spear will go deep into your stomach."

(Quoted from Jermal Watch, 2003a: 12)

These horrendous working conditions led the Government of Indonesia to include work on *jermals* in Act Number 1 of 2000 on the Worst Forms of Child Labor. As they have been falsely recruited and moved to the *jermal*, they should also be considered as trafficked.¹⁸

f. Child Trafficking for Domestic Work

Domestic workers are found in abundance in the big cities of Indonesia, including urban settlements in North Sumatra. A domestic worker is required to perform all the household chores such as cleaning the house, cooking, washing clothes, tending the garden, and looking after children. The changes in the role of urban women in the last two decades resulted in many women, who previously stayed at home and tended to household duties, to seek employment outside. This

¹⁸ According to Presidential Decree Number 59 of 2002 on the National Plan of Action for the Elimination of the Worst Forms of Child Labor.

necessitated the need for engaging domestic workers to substitute for women's traditional place in the household. Domestic workers are usually women – many girls being among them. The Indonesian Central Bureau of Statistics, in 2001, estimated that there were 570,059 domestic workers in Indonesia (Utami, 2005: 51). The ILO-IPEC (2003) survey estimated this number to be much higher at 2,593,399 (p. 52).

The majority of domestic workers are adults. However, there are also a significant number of young girls under the age of 18 who become domestic workers. From the 2001 statistics of the Central Statistics Bureau, 26.7% (of the 570,059) or about 152,184 domestic workers were children (quoted from Utami, 2005: 51). The ILO-IPEC's 2003 survey recorded that out of 2,593,399 domestic workers in Indonesia, 34.82% or 688,132 were child domestic workers (Utami, 2005: 52).

In the North Sumatra Province, the ILO-IPEC did a similar survey and recorded that out of 36,129 domestic workers, 15.27% or about 4,202 were child domestic workers (Utami, 2005: 52). A child below the age of 18 years who works as a domestic worker may be categorized as trafficked especially if she has to work under conditions of forced labor and physical abuse since she was recruited and moved from her home. Although the trafficked girl or boy is often recruited with consent (more out of filial piety than their own urge to be gainfully employed), it does not preclude them from being categorized as trafficked.

According to a Human Rights Watch (2005c, June) research report on child domestic workers in Indonesia, conducted in Java, Sumatra, the municipality of Medan and one area outside Medan (an area where child domestic workers come from), children are recruited by potential employers, friends, relatives or labor agencies from remote and underprivileged areas. They are recruited with promises of getting good pay. They are not informed about specific work details such as working hours, duties and responsibilities, and entitlements of leisure and off days.

Most trafficked girls said that they work from 14 to 18 hours a day and seven days a week. The employers almost always restrict their freedom of movement and do not allow them to leave the workplace even if they want to visit their family, friends or just receive guests. This isolates them from the outside world. In some extreme cases, in addition to working 18 hours a day, some of them experienced physical and sexual harassment. The employers often withhold the trafficked girls' salaries and will usually only pay it to them when it is time they return home. This condition prohibits the girls, who come from remote places, from leaving.

"I have completed my elementary school but my family did not have enough money to send me to high school, so I had to start working as a domestic worker in North Sumatra. At that time I was still thirteen years old. My employer never beat me but always said dirty words. My male employer always called me a

“slut” and took me out to a rented room outside. It made me not feel safe. I was so afraid. They fed me once a day; if I ate more than once my female employer called me a pig. I was always starving - that’s why I tried to always eat bigger portions. I did not have a day off. I was feeling under pressure because I could not leave the house even if I wanted to visit my mother or relatives. No one could see me, my employer did not allow me (to receive guests).”

– Vina, Medan, December 15, 2004.

(Quoted from Human Rights Watch, 2005c, June)

3. Other Issues Related to Trafficking in North Sumatra

a. Child Labor in the Fishery Sector

The ILO /IPEC (2004e), in collaboration with researchers from the FISIP USU, conducted a quick survey on child labor in the off-shore fishery sector.¹⁹ This survey revealed that 1,622 to 7,157 boys work on fishing boats of different sizes. The survey interviewed 150 child respondents -- all of them boys aged 13-17 years. Some of them had been working since they were 10 years old. Most of the respondents dropped out of school prior to working. The majority did not complete elementary school or did not continue to junior high school.

The situation described above would indicate that one of the indicators for the large number children engaged in labor in both the fishery sector and the fish platforms is the high rate of school dropouts. Dropping out of school might have roots in pervading poverty, or a culture in which ability to earn is given priority over education. The results of a 2005 ILO survey found that in one municipality in North Sumatra (Asahan), 46% of school children dropped out before completing elementary school, 29% completed elementary school but did not continue further to junior high school, 19% dropped out while in junior high school, and 6% completed junior high school but did not continue to high school (The Jakarta Post, June 14, 2005). Most of the boys said they got information about job vacancies on boats from friends or even their parents. They accessed jobs through acquaintances, friends or other family members who work as boat crew.

The study determined that the boys work long hours, 17-19 hours a day with only 5-6 hours of sleep. However, most of them said that they did not experience any assaults from other crew members. They complained about being scolded often for doing things carelessly or not doing what the senior crew told them to do. Some of the boys left because of this to work on other boats. Boys who work on boats are usually told their salaries in advance for each trip. On average, a child worker will earn from US\$ 2.20 to US\$ 2.80 daily, paid upon completion of the trip. They are given a 10-day break monthly but have to work all days of the week.

¹⁹ For more detailed information on this phenomenon please see ILO-IPEC (2004e). Child Labor in Offshore Fishery: A Rapid Assessment

In total, they receive around US\$ 11 – US\$ 22 a month. Most of them leave work because they are treated unfairly, especially with regards to the wage system and the unequal number of fish distribution among the workers. Some of the more common work hazards that the boys have to face are falling overboard, falling into the boat storage room, acquiring infections caused by fish bones or fish hooks, being poisoned or getting skin irritations due to being around certain types of fish, and being hit by hook sticks. Some kids get stuck in the hydraulic system causing permanent physical disabilities.

Boys who work together with their parents or relatives on a smaller boat (less than 5 GT) have a different problem. They only receive half the pay of boys who work in bigger boats, and sometimes their fathers or relatives decide how much they should get.

Child workers in off-shore fishery (fish boat) areas are not considered to be trafficked. There is no exploitation or forced labor involved. The children still receive social support from their families, and are free to go home after being away for 2 to 6 days. They are free to leave the jobs or move to other boats whenever they want to. In addition, there is no evidence of sexual assaults similar to the ones experienced by the trafficked boys on *jermals*. However, this is a serious issue that the policymakers need to pay attention to. Children are not supposed to work such long hours, sometimes up to 17 hours a day. They are exposed to serious accidents and the probability of permanent disabilities. All children have the right to school education, to be able to play, and to grow up in a healthy environment.

b. Illegal Adoption of Children of Nias

In March 2005, three months after the Indian Ocean tsunami hit Aceh province, a very strong earthquake rocked Nias Island, which is part of North Sumatra. The quake left many people dead -- estimated to be more than one thousand. The quake also left many children of Nias soft targets of trafficking syndicates. Traffickers, who claimed to represent orphanages or foundations caring for vulnerable children, persuaded parents to let them take away their children. According to a study conducted by PKPA, such people promised parents that their children would be adopted by rich people in Medan, and would be able to continue their education (The Jakarta Post, December 19, 2005). A few months later, the parents lost all contact with them and they never saw their children again.

These people are suspected to have trafficked children not only from Nias to Medan but to other places within Indonesia as well, including Java. A Jakarta Post newspaper article dated June 21, 2005 reported that 10 children from Nias with ages ranging from 3 to 7 years had been taken away by four people who claimed that they were staff from a foundation named YWAM based in Cipayung, East Jakarta. Other suspected traffickers said they were from a foundation called YHB

in Parung, Bogor, West Java. They did not leave addresses or contact numbers when they took the children away without the consent of the parents or the local government. One community leader in Nias claimed that hundreds of Nias children were taken to different places throughout Indonesia after the quake (The Jakarta Post, June 21, 2005). This is supported by the findings of Sofian (from PKPA) stating that around 72 Nias children, aged 4-12 had been adopted illegally by people in Medan, Jakarta and Bandung (The Jakarta Post, December 19, 2005).

c. Baby Selling

There is an ongoing debate among stakeholders on the current practices of infants sold illegally. The debate is whether this is a form of trafficking or illegal adoption of infants. Regardless of the debate on this issue, there have been reports about attempts to transport infants from North Sumatra to Singapore via Batam. As quoted in the Batam Pos, dated January 12, 2006 and Tribun Batam, January 16, 2006, the police of Lubukbaja, Barelang, Batam rescued six infants originating from Medan, North Sumatra. The suspect bought the four babies for US\$ 660 each and was planning to sell them in Singapore for US\$ 3,300 each. Babysitters, who were paid US\$ 3 daily, were hired to take care of the infants before they were sold.

4. Local Government and NGO Responses to Combat Trafficking

North Sumatra is relatively well ahead of other provinces in Indonesia in terms of its counter trafficking efforts. In general, all stakeholders including the government and civil society have a good understanding of trafficking related issues. This awareness is quite evident in the government's will to combat human trafficking seriously.

The Provincial Government of North Sumatra has produced a number of policies to counter trafficking. One of them is Provincial Regulation Number 6 of 2006 on the Elimination of Trafficking in Women and Children in addition to Governor Decree Number 24 of 2005 regarding the Provincial Plan of Action on the Elimination of Trafficking in Women and Children.

The Government and civil society have made considerable efforts to combat trafficking for the past four years which are described below:

Government Policies to Combat Trafficking:

- Provincial Regulation No. 6 of 2004 on the Elimination of Trafficking in women and Children.
- Provincial Regulation No. 5 of 2004 on the Prevention of the Worst Forms of Child Labor.
- Governor Decree No. 560/2060/of 2005 on the formation of the Monitoring Team for Departure and Return of Indonesian Migrant Workers at Belawan Port, Medan.

- Governor Decree No. 560/2270/of 2005 regarding the formation of the Monitoring Team for Departure and Return of Indonesian Migrant Workers at Polonia Airport, Medan.
- Governor Decree No. 463/1211/K/of 2002 on the formation of a North Sumatra Action Committee regarding the Elimination of the Worst Forms of Child Labor.
- Governor Decree No. 24 of 2005 regarding the Provincial Action Plan on the Elimination of Trafficking in Women and Children.
- Tanjung Balai Mayoral Decree No. 568/13.A/K/2005 regarding the formation of a Municipality Action Committee on the Elimination of the Worst Forms of Child Labor; inclusive in this policy is the Municipality Plan of Action on the Elimination of the Worst Forms of Child Labor.
- Tanjung Balai Mayoral Decree No. 562/508.a/K/2005 on the formation of the Monitoring Team for Departure and Return of Indonesian Migrant Workers at Teluk Nibung Port, Tanjung Balai.
- Asahan District Executive Decree No. 377-PbP/2005 on the formation of the Integrated Team for Combating Acts of Violence and Trafficking in Women and Children.
- Asahan District Executive Decree No. 177-SOSO/2005 on the formation of the district Action Committee on the Elimination of the Worst Forms of Child Labor.

Besides producing the above policies, the government also instituted the following programs:

- Increased the state budget for the empowerment of women and children for Binjai municipality in 2006 amounting to Rp 200 million.
- Awareness-raising of many of the policies listed above.
- Joint effort with ILO-IPEC to eliminate the practice of using child workers on *jermals*.
- Creation of a one-stop service (out-patient) *puskesmas* (public clinic) at Tanjung Morawa for trafficked persons in need of assistance.
- Establishment of a One-Stop Service Center for trafficked persons at Bhayangkara Hospital in Medan.
- Establishment of 16 Special Service Rooms (RPK) as of October 2006 in several district / municipality level police stations. These facilities have some capacity to provide services to trafficked individuals.
- Public discussions on trafficking on private radio stations, often conducted by police and NGO guests.

Counter Trafficking Efforts by the Civil Society (NGOs, Social Organizations, and Community Organizations)

Briefly described, the efforts made the civil society have comprised:

- Providing consultation and legal aid for trafficked women, girls and boys.

- Campaigning in vulnerable communities on the dangers of trafficking and helpful tips on safe labor migration abroad.
- Providing shelter/safe accommodation for trafficked women, girls and boys.
- Providing drop-in centers, inclusive of services, for trafficked women, girls and boys.
- Providing small-scale loans for women living in labor migration source villages for them to start small businesses as an alternative to risky migration.
- Conducting studies/research on *jermals*.

B. Riau Islands

Anis Hamim



Province name	: Riau Islands
Capital city	: Tanjung Pinang
Borders	
North	: South China Sea
South	: South Sumatera Province and Jambi Province
West	: Singapura, Malaysia and Riau Province
East	: Malaysia and West Kalimantan Province
Area	: 8,084.01 km ²
Population	: 1,198,526 people (in 2004)
Population density level	: 148 people per km ²
Number of districts	: 4 (Karimun, Bintan, Lingga, Natuna)
Number of municipalities	: 2 (Tanjung Pinang and Batam)

(Source: *Profil Daerah, Depdagri, 2006; Kode dan Data Wilayah, Depdagri, 2006*)

Table 3.3:
Human Development & Gender Development Index – 2002

Indicator	Unit	Value		Rank in Indonesia
		Riau Island	Indonesia	
Adult women literacy level	%	95.5	85.7	16
Adult men literacy level	%	97.4	93.5	16
Length of schooling (women)	Years	8.0	6.5	16
Length of schooling (men)	Years	8.6	7.6	16
People without access to clean water	%	58.9	44.8	16
People without access to health facilities	%	29.7	23.1	16
Expenditure per capita	IDR '000	588,3	591,2	5
Open unemployment	%	10.1	10.6	*

Source: *BPS/BAPPENAS/UNDP, 2004a: 103, 105, 107, 113, 185*

* Open unemployment ranking not available

1. Riau Islands at a Glance

Riau Islands was carved out of the province of Riau in 2004. Facts would tend to indicate that Riau Islands is one of the more affluent provinces of Indonesia -- it's per capita expenditure being the fifth highest in the country. In terms of its human development index, however, (level of literacy, number of years spent in school, people without access to health facilities and clean water) it ranks considerably lower, pointing to wide income disparities within the province -- between regions, or between occupations, or both.

The province consists of four regencies: Karimun, Bintan (formerly Riau Islands district under Riau province), Lingga, Natuna as well as two municipalities: Batam and Tanjung Pinang. Bintan, Batam and Karimun are where a significantly large part of the population lives. These three islands also form the hub of activities of traffickers and their agents because of their strategic positions in the "SIJORI" development triangle.

Batam: A Case of Development Gone Wrong

Batam was originally planned to be an industrial hub in the "Singapore - Johor - Riau" (SIJORI) growth triangle - a concept launched by the President of Singapore, Lee Kuan Yew in 1989. In the years to come, the Indonesian government offered a number of concessions to foreign investors to persuade them to come to Batam - including the waiver of environmental impact laws. In early 2006, there were over 2,500 registered factories in Batam spread over 83 industrial areas. According to sources in the Contract and Minimum Wages department of the Ministry of Manpower, 150,000 to 250,000 persons work in these factories.

Batam has also grown up as a huge entertainment center not only for the migrant men working on the island but also for tourists from Singapore. Visitors to Batam, mainly from Singapore and Malaysia, rose from 60,000 in 1985 to 1.14 million in 1999. Apart from resort hotels and luxury golf courses, the 3,800 prostitutes working in the five red-light areas and 102 other establishments (karaoke bars, discotheques, and massage parlors) of Batam are said to attract weekend tourists from the two neighboring countries. The number of prostitutes working on the three islands of Batam, Bintan, and Karimun is estimated to be close to 6,300 - many of them trafficked from West Java and different parts of the island of Sumatra, including Aceh.

Sources: Colombijn (2003); ICMC field assessment to Riau Islands, (2006).

Trafficking of women and girls to Riau Islands takes place primarily for sexual exploitation in the large number of entertainment establishments in Batam, Tanjung Pinang, and Tanjung Balai Karimun. In addition, there are reports suggesting the presence of trafficked child beggars in Batam and child workers in hazardous local industries in Tanjung Pinang etc. such as those processing swallow's nests for export. Incidences of selling babies born to women in prostitution, in labor export agency holding centers, and to migrant women workers abroad have been reported from Riau Islands. Though it cannot be claimed with any degree of conviction that baby selling is a form of trafficking, it is possible to infer that some babies sold are sourced from trafficked women and girls with unwanted pregnancies (see table 3.7: Sample of known Trafficking Cases in Riau Islands, for details). This connection itself merits further exploration into the causes and consequences of baby selling that has plagued Riau Islands for some time now.²⁰

Since three important government- approved embarkation/ disembarkation points are located in Riau Islands, it is also an important transit area for traffickers and their agents. A number of labor export agencies (PJTKIs) have their holding centers here, too. In 2005, there were at least two incidents in which PJTKIs were prevented from sending under-age girls and unregistered migrants abroad (see table 3.7).

Though there is little data to claim that Riau Islands is a sending area, too, there are some indications of women and girls being trafficked from the information provided by local service providers (see Table 3.5). Furthermore, easy money in prostitution and absence of livelihood options encourage local teenagers to moonlight as "freelancers". Some of these girls get gradually pulled into prostitution rings which they may find difficult to escape. Juli's story is a typical example of this phenomenon:

"Juli is the youngest of four children born to a Melayu mother from Batam and a migrant Javanese father who came to the island in the 1980s. Juli went to senior high school and was good in her studies. She speaks English fluently. Juli's father was unable to support her education after she completed senior high school, and at 17 years of age, she went to Johor to work in a restaurant. After a year, pregnant, she came back to her parents. She refuses to talk about how she conceived – she will never say if she was forced into prostitution in Johor. A few months after her child was born, single mother Juli started visiting an ill-reputed Batam discotheque called "The Pasifik" to find dancing partners in order to earn "some money for the baby's milk". Because of her language skills, foreign men liked her. In the process, she developed addictions to alcohol and "Ecstasy". Some time back in December

20 We are aware that baby selling has been taking place since, at least, 1998. On 12 November 2002, the Jakarta Post published a news article called "Baby Trafficking Ring Busted" by Fadli which reported that the Tanjung Pinang police uncovered a syndicate that had been selling babies procured from Batu 15 red-light complex on the Bintan Island since 1998.

2005, when life-style issues became irreconcilable, Juli left her father's home, and started living with a taxi driver who also protects her and pimps for her. Juli's married elder sister looks after Juli's child in exchange of 500,000 rupiahs (US\$ 55.50) per month. Juli's current monthly requirement is over 3 million rupiahs at a minimum. A job in a restaurant or a bar would fetch her only 400,000 (US\$ 44.40) to 700,000 rupiahs (US\$ 77.80) plus tips."

(Interview by ICMC Assessment team, February 2006)

There are many girls like Juli in Batam – some employed by pubs as hostesses and others, simply freelancing and making a living off “tips” and “extras”. Some of them are controlled by men who live off the women’s earnings. Krista, a “sexy dancer” from Batam travels all over Indonesia with her troupe. She has to drug herself before shows in order to be able to perform extremely strenuous feats on stage, and must entertain customers when asked (Interview by ICMC Assessment team in Manado, August 2005 and Batam, February 2006).

2. Riau Islands as a Destination and Transit area

a. Trafficking of Women into Sexual Exploitation and Domestic Work

Magnitude of the problem

The three islands of Batam, Bintan, and Karimun in Riau Islands receive women, girls and boys trafficked for domestic sexual exploitation and as migrant workers in transit to Malaysia and Singapore. Anecdotal evidence suggests that many of the migrant workers are sexually exploited in their places of employment. During 2005 – 2006, local NGOs reported having provided shelter and other services to 237 trafficked women in Riau Islands -- 162 in Batam (Irwan, 2006)²¹, 49 in Karimun (Kaseh Puan, 2006); and 26 in Bintan (Kemala Bintan, 2006).

Separately, it is possible to estimate the number of trafficked women forced into prostitution in Riau Islands. A research by Jones in 1995 found that 10% of 5,000 sex workers working in Batam were girls below 18 years of age (quoted from Wagner, article in *Jurnal Perempuan*, 1999, October 29: 24). Ten years later, in 2004, Yayasan Mitra Kesehatan dan Kemanusiaan (YMKK), a NGO working with trafficked women and girls, estimated that there were around 5,000 sex workers in Batam -- 5% of them being less than 18 years of age. This meant that there were at least 250 girls in prostitution in Batam -- perhaps, trafficked. Most of the women and girls in prostitution work in *lokalisasi* and other entertainment establishments like karaoke bars, discotheques, and massage parlors. See Table 3.4 below for a current estimate of number of women and girls in prostitution in Riau Islands:

²¹ This number is compiled from some data sources at Kantor Pemberdayaan Perempuan (KANPP)'s shelters holding 55 victims, Dinas of Social Affair Batam holding 20 victims, RPK Polresta Bareleng holding 30 victims and Yayasan Setara Kita Batam holding 57 victims (collected in a field assessment by Irwan, February 2006)

Table 3.4:
Number of sex workers in three areas of Riau Islands

Sr. no.	Municipality / District	Red-light Areas or <i>lokalisasis</i>		Other Entertainment Establishments		Total number of prostitutes in Riau Islands
		Number of locations	Estimated number of prostitutes	Number of locations	Estimated number of prostitutes	
1.	Batam	5	830	102	2,952	3782
2.	Bintan	4	295	19	581	876
3.	Karimun	3	1,430	15	200	1630
Total		12	2,555	136	3,733	6,288

Source: Field observation by ICMC Team, February-April, 2006

According to this estimate, there were 6,288 sex workers in Riau Islands in April, 2006. Forty-one percent or 2,555 of them worked in *lokalisasis* who are acknowledged providers of sexual services. The other 59% or 3,733 women and girls provide (and are forced to provide) sexual services to customers visiting other places of entertainment such as massage parlors, pubs, cafes, lounge, discotheques and cheap hotels. Sixty percent of all sex workers in Riau Islands work in Batam, 26% in Karimun and 14% in Bintan.

According to ICMC observations, approximately 25% of those women and girls working as prostitutes in massage parlours and bars were under 18²². Therefore the number of teenage prostitutes is at least 933 in Riau Islands, and thirdly, since all of them are brought to Riau Islands from other provinces, they were trafficked because they were under 18 years, transported, and deployed in prostitution. However, there may be other women who are also trafficked to Riau Islands. There are two arguments supporting this position. Firstly, all the 12 *lokalisasis* (perhaps with the exception of Vila Garden in Tanjung Balai Karimun) on the islands of Batam, Bintan, and Karimun are located in isolated and difficult to access places. All these *lokalisasis* are enclosed and watchmen guard their entrances round the clock in the pretext of collecting "toll" fees from those who wish to enter. While some of the prostitutes working in *lokalisasis* might have gone there knowing what they might be required to do, and may have mobility within the enclosures of the *lokalisais*, it is not very certain if they can leave the red-light areas unescorted.

²² "According to Lola Shirin T. Wagner, the Chairperson of the Batam-based Humanity and Health Partner Foundation (YMKK) and an expert on prostitution in Batam, some 30 to 60 percent of the sex workers operating in Batam, Tanjung Pinang, and Tanjung Balai Karimun are children (The Jakarta Post, June 10, 2004, *Fifteen thousand Child Sex Workers in Riau*, Fadli). The observations of the ICMC Assessment team is that younger girls were more likely to be found in karaoke bars and among those provided by hotel based pimps for guest entertainment.

Secondly, the phenomenon of “rotating” prostitutes between *lokalisasi* referred to later in this section is indicative of the brothel managers’ control over the women and the girls. Therefore, there are good evidences to suggest that there are more trafficked prostitutes than only the under-18 girls.

Origin of trafficked women and girls

Data on the places of origin of 130 out of the 237 women and girls assisted by the shelters of Kan PP shelter in Batam, Yayasan Kaseh Puan in Tanjung Balai Karimun, and Yayasan Kemala Bintan in Tanjung Pinang could be obtained and are shown as follows:

Table 3.5:
Indicative Places of Origin of Women and Girls Trafficked to Riau Islands

No.	Province of origin	Number	Percentage (%)
1	Banten	2	1.5
2	Jakarta	2	1.5
3	West Java	38	29.2
4	Central Java	15	11.5
5	East Java	14	10.8
Total Java			54.5
6	Aceh	8	6.2
7	North Sumatra	10	7.7
8	West Sumatra	1	0.8
9	Jambi	6	4.6
10	Riau Islands	7	5.4
11	Lampung	9	6.9
Total Sumatra			31.6
12	East Nusa Tenggara	6	4.6
13	West Nusa Tenggara	5	3.8
14	South Sulawesi	4	3.1
15	West Kalimantan	2	1.5
16	Bali	1	0.8
	Total	130	100

Source: Profile data of clients compiled from Data Kan PP Batam, Kaseh Puan Tj. Balai Karimun, and Kemala Bintan Tj. Pinang.

From Table 3.5 above, it is observed that over half of the trafficked women and girls came from West Java (29.2%), Central Java (11.5%) and East Java

(10.8%). NGOs working with women and girls in prostitution in Riau Islands independently confirmed the pattern. According to them, one in four of the trafficked women came from areas of West Java like Indramayu, Karawang, Sukabumi, Cirebon and Cianjur (Interviews with NGOs, February – April, 2006).

Routes and Modus Operandi

Batam, Bintan, and Karimun islands are destinations for domestic trafficking for sexual exploitation. Furthermore, it is a transit area for trafficking and people smuggling to western Malaysia. Table 3.5 does indicate that some women and girls from Riau Islands itself are trafficked as seven of the 130 women and girls to whom services were provided came from the Riau Island itself.

Modus operandi of domestic trafficking

Traffickers to Batam, Karimun and Bintan use the tested and widely adopted method to traffic women and girls. Traffickers or their agents recruit women and girls from small villages and offer them good jobs promising attractive salaries in Riau Islands - Batam in particular. Once they arrive, the women and girls are forced into prostitution (see Table 3.7). In many cases, trafficked women are recruited individually by traffickers' agents or people close to them called *calos*. They are people who are remunerated by traffickers for each woman or girl they are able to procure for the trafficker. In some cases, women who have made good money in prostitution and turned into traffickers thereafter recruit their friends and relatives from within their immediate circle of acquaintances – often, from the same villages or sub-districts they belong to. *Calos* also recruit women and girls from places they are familiar with, or they belong to. Local NGOs observe that *calos* often recruit their own neighbors. *Calos* show off how prosperous they are in order to convince parents of young girls that migration will bring similar gains for their families, too. So far no indications have been found of the complicity of PJTKIs or other companies in recruitment for domestic trafficking.

As a place of employment, Batam has advantages over Bintan or Karimun in luring women or in convincing parents to send their daughters there. Types of jobs offered are as workers in factories and hotels, and as waitresses in restaurants. Often, the recruiters offer to take fresh recruits to Batam by plane. Other than being a source for great excitement for a village girl who has hardly ventured out of her *kampung* before, air transportation also helps the recruiter to put a bigger debt on the recruits in terms of cost of bringing them to Batam.

Because of its strategic and geographical advantages, trafficked women – especially the younger ones -- are first brought to Batam, and according to most of the information available, put to work in karaoke bars and hotels initially where customers are willing to pay high prices for “teen” sex. However, Batam is not the end destination for trafficked women and girls. After working for several months in Batam, they are rotated among different prostitution sites in Karimun and Bintan. Pimps play a big role in shifting women and girls from one establishment

to another. NGOs claim that more than 200 women every month are brought in and out, moved between the three islands to work as sex workers.

International Modus Operandi Trafficking:

Domestic trafficking to Riau Islands is sometimes a sub-plot of international trafficking to Singapore and Malaysia. There are three ways in which it could happen. First, women are recruited in order to be provided with jobs in Malaysia and Singapore. When they arrive in Riau Islands on transit, they are not sent abroad as promised, but forced to work in Riau Islands as domestic workers or sex workers. The following quote from a news report broadcast on SCTV describes the ordeal of women and girls deceived in this way:

"... Victims were promised jobs as domestic workers in Johor Baru, Malaysia. They have never been there until now. Some of them received harsh treatment like being confined in a stuffy room for two months. Some of them were even abused and sexually harassed. When they were in Tanjung Pinang, they worked as domestic workers without payment, saying that they were under job training before being sent abroad. ..."

(Quoted from *Anggota Sindikat Perdagangan*, 2005)

The second method involves those women who are sent to work as domestic workers in Malaysia and Singapore and fail medical / skill tests after reaching their destinations. Those women are sent back to Riau Islands where they have to work as domestic workers without salary or are forced into prostitution. Siti (not real name) from Cirebon, tells her story:

"... A sponsor, who is actually a relative, promised me a job in Malaysia. He brought me to a PJTKI in Jakarta. There I obtained my ID card and passport. The PJTKI agent then brought me to Tanjung Pinang. In January 2006, I could finally go to Malaysia and work for an Indian family. After working for one month, my employer sent me back to Tanjung Pinang claiming that I was sick. I never received my salary because the agent said it was all deducted to cover his expenses. The deductions would go on for four more months. I was then sent to Tanjung Pinang and forced to work there to pay off my debts to the agent."

(Interview with trafficking survivor by Kemala Bintan, 2006)

Ecosoc research (Palupi, 2005) supports this finding in the context of sending Indonesian domestic workers to Singapore. Indonesian migrant workers who are declared "unfit" to continue working in Singapore are returned to Batam, where many experience exploitation – including being forced into prostitution. According Ecosoc (Palupi, 2005: 72), returning to Batam is a "punishment" for women migrant workers who agents and employers do not like so that they can be exploited even more. Some of returnees are employed in Batam, or are forced into prostitution, or are sent back to work illegally in Malaysia.

The third way in which women are deceived is by offering them employment as domestic and other workers in Malaysia or Singapore, and then forcing them into prostitution in the foreign country. Some of them are able to run away. Some of the more fortunate ones are able to contact their agents and obtain fresh documents in Batam. The “fresh document” is very important for them since their past documents were held by their employers or agents.

Dita (not her real name), a woman from Jambi, told her story to Kaseh Puan:

Dita, a first-year high school student was promised work in a restaurant in Malaysia. She was brought to Tanjung Balai Karimun with only 2 million Rupiah in her pocket that she would use to get her passport. After being there for three days, Dita was transported to Batu Pahat, Malaysia and handed over to a pimp there. She was forced to work as a sex worker in a karaoke establishment. She was able to escape from the place after some time. Soon after, she met a PJTKI agent (that turned out to be illegal) who promised her a better job. The agent brought her back to Batam to get new documents.

(Interview with trafficking survivor by Kaseh Puan, 2006)

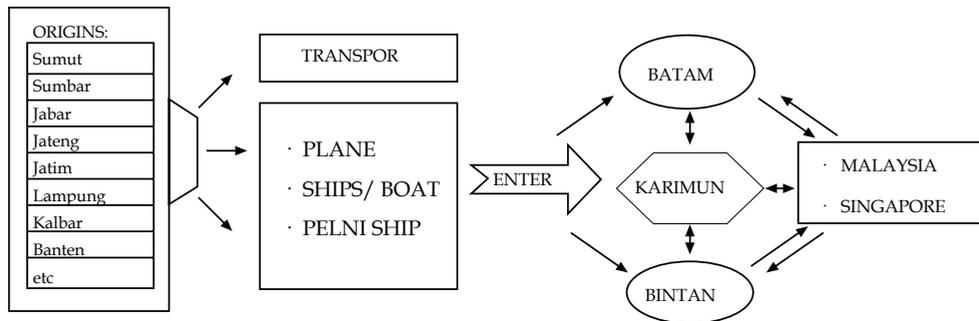
Domestic and international trafficking are closely related

According to information provided by NGO service providers in Riau Islands, the trafficking cases encountered by them, on the basis of a sub-sample of 104, are divided almost equally between local and overseas. Since far more women and girls migrate to Singapore and Malaysia through the different points of embarkation / disembarkation in Riau Islands than those coming to the islands of Batam, Bintan, and Karimun for employment, from this data it can only be inferred that women and girls promised employment in Batam, Tanjung Pinang, and Tanjung Balai Karimun run far greater risks of being trafficked than those transiting through Riau Islands to Singapore and Malaysia.

**Table 3.6:
Comparison of Domestic and International Trafficking Data
from the Shelters of KanPP (Batam) and
Yayasan Kaseh Puan (Tanjung Balai Karimun)**

Destination of Survivors of Trafficking	Number
Batam and Tj. Balai Karimun	50
Malaysia and Singapore	54
Total	104

The following diagram shows the links between domestic trafficking to Riau Islands and international trafficking to Malaysia and Singapore via Riau Islands:

Figure 1: Trafficking route in Riau Islands

From figure 1 above we could see that women who are trafficked to Riau Islands can be moved to any of the islands there. They could also be trafficked to Malaysia and Singapore. Those who have been trafficked or sent illegally to Malaysia and Singapore sometimes get abandoned and return to Riau Islands to become sex workers.

Work Conditions and Exploitation

Working without pay, large debts, restrictions on movement, and physical abuse are some situations that trafficked women and girls experience - just like what the women tell us below about their being promised work in Malaysia but then being forced to work as domestic workers in Tanjung Pinang:

"When we were in Tanjung Pinang, we were employed as domestic workers without any payment, with the reasoning that we were being trained before being sent abroad. Some of us were treated badly like being confined in stuffy rooms for two months. Some of us were even abused and sexually harassed by the guards..."
(Quoted from Anggota Sindikat Perdagangan, 2005)

Some women, who were trafficked to Tanjung Balai Karimun, received death threats. This is what eight women told a NGO that sheltered them:

"I was threatened with death when I refused to serve clients. I was forced to serve clients for a week and the pimp took all the money."
(Interview with a trafficking survivor, Kaseh Puan, 2006)

NGOs in Tanjung Pinang also receive reports on debt bondage that agents inflict on women they traffic. Siti, from Cirebon, went through this:

"...I was employed as a domestic worker in a household and was promised to be paid 250,000 Rupiah (US\$ 27.8) per month. Bu, my agent, took all my salary arguing that I owed her some money. My debt was as high as 6 million Rupiah (US\$ 667). The agent forced me to work to pay off my debt. I ran from the house because I could not stand it anymore."
(Interview with a trafficking survivor, Kemala Bintan, 2006)

Trafficked women and girls also experience restriction of movement, like what happened to Tuti from Malang, who was forced to work as a prostitute in Tanjung Pinang:

"I was put on the second floor of a store-house. I was not allowed to go out. I never got paid because clients paid directly to my pimp. She only gave me two meals a day and I had to buy one meal a day from her. The next day I had to serve clients to pay off my debt."

(Interview with a trafficking survivor, Kemala Bintan, 2005)

3. Trafficking for Exploitation of Migrant Workers and Other Forms of Suspected Trafficking

Apart from trafficking for sexual exploitation, Riau Islands also sees trafficking for migrant worker exploitation, child beggars and child labor. Sufficient information is not available to treat these issues comprehensively in this report. The descriptions provided here are only indicative of the nature and the extent of the problems.

a. Trafficking of migrant workers

It is estimated that annually 40,000 to 60,000 migrant workers transit through Riau Islands. In 2004, the Government of Indonesia, through the Ministry of Manpower and Transmigration Decree No. KEP/80/MEN/V/2004 designated Batam as the only gate for sending women migrant domestic workers to Singapore. All PJTKIs that recruit women from anywhere in Indonesia to work as domestic workers in Singapore have to send them via Batam. There are 42 PJTKIs operating in Batam to recruit migrant workers to Singapore and Malaysia. Almost all of them are branches or representative offices while their head offices are elsewhere. Only two of them have their head office in Batam.

Riau Islands is an important transit area for sending as well as returning migrant workers. Based on information provided by NGOs, in 2005 the number of deported migrant workers returning to Indonesia through Riau Islands was not less than 10,000 (Kemala Bintan, 2006). It is not clear if all deportees returned to their respective homes safe and sound. In one case reported in 2005, NGOs found that a number of the deportees were intercepted by *calos* who took them away from the government's official shelter and put them up in a warehouse rented by PJTKI representatives. *Calos* collected commissions of Rp 100,000 to 150,000 for each migrant worker from PJTKI agents who offered to send them back to Malaysia. However, no information is available about how the deportees fared in their next visit to Malaysia (Interview with Kemala Bintan, 2006).

The Batam Social Affairs Office reported that the Indonesian General Consulate in Johor Baru returns around ten migrant workers with problems from Malaysia to

Batam everyday. An estimated seven out of the ten are usually seen as having been trafficked (Interview with Batam Social Affairs Office, 2006).

b. Child trafficking for begging

There is evidence of child trafficking to Bintan Island for begging. In May 2006, Kemala Bintan reported that there were boys and girls aged seven to 17 years old from Gowa, South Sulawesi on Bintan Island claiming to raise funds through donations for a foundation. The foundation provided no facilities to accommodate the children in Bintan. Instead, the foundation put them in mosques to sleep at night with days being spent working in the street. The boys and girls worked from 7 a.m. to 6 p.m. in groups of seven supervised by one adult. The supervisor ensured that the girls and boys worked according to his instructions and that he collected whatever money they got from begging. The girls and boys begged outside of shops in traditional markets, malls and residential areas. They were able to keep 10% of the money they earned. According to Kemala Bintan, the same children were also sent to Nunukan and Batam for the same purpose – canvassing charity collections on behalf of a foundation. There have been no reports indicating that these children have ever been sent beyond the border to neighboring countries like Malaysia or Singapore.

Kemala Bintan doubted if the money collected was really for any foundation. Even if it was true, this practice would still be considered human trafficking as the children were exploited to work as beggars that, on one side, could jeopardize their values and morals. By definition, all practices of transporting girls and boys for hazardous work could be categorized as trafficking of children.

Based on the documents collected, Kemala Bintan believed that there is a foundation called “Alkabiru” that is registered in Gowa, South Sulawesi and shelters orphans and stranded kids. However, they doubted that the foundation purposefully mobilized the kids to collect donations for the foundation operations. Instead, they believed that the group of adults using these children misused the foundation’s name to collect money for themselves by using the kids (Interview with Kemala Bintan, 2006).

c. Child Labor

The Tanjung Balai Karimun Manpower Office gave an example of child labor on Karimun Island. Many children in the age-group of 14-17 years work in “swallow’s nest” factories that employ small girls and boys. These are local children who work for nine hours a day from 8 am to 5 pm and can be paid significantly less than adult workers.

In the opinion of Manpower officials, employment of school drop-out children by factories raises some questions. On the one hand, these children no longer go

to school and their parents need them to help family income. On the other hand, Manpower Law No. 23/2003 prohibits child labor. The Manpower Office prefers to take a “humanitarian” approach by allowing the children to be engaged gainfully.

4. Efforts to Eliminate Human Trafficking

Local government responses and efforts in Riau Islands

Since 2003, local governments in Riau Islands have made significant efforts in Batam, Bintan and Karimun islands to combat trafficking in women and girls. Some of the government initiatives are described below:

Batam Municipality:

- In 2004, the Government of Indonesia, through Ministry of Manpower and Transmigration, designated Batam as the only “gate” for sending women migrant workers for domestic work in Singapore. This policy was aimed at ensuring better screening of the competence of the intending migrant worker before they actually reached Singapore. The government built a training facility called the “Batam International Training Center” for this purpose. Here, women migrant workers receive the final Pre-Departure Training (PAP) for 3 to 4 hours before they leave for Singapore. They are also provided with information about what they should do if they have problems with employers. Immigration officers explain issues related with travel documents and other aspects of living abroad.
- The establishment of a Counter-trafficking Task Force (CTTF), based on a mayoral decree in 2005, led to better coordination of efforts to combat trafficking in Batam Municipality. The Task Force consists of representatives of different government departments and NGOs.
- In Batam, return of trafficking survivors is handled by the local Social Affairs Office. For those who are not identified as trafficked, the office provides temporary stay and return services based on the Government of Indonesia’s “Abandoned People Scheme”. At the same time, NGOs are encouraged to facilitate access to government services for trafficked persons. In collaboration with IOM, they facilitate the return of trafficked persons.
- The Women’s Empowerment Bureau provides shelter services for survivors of trafficking, and trafficked women and girls are provided with free medical care at public hospitals managed by the Health Office.
- The police in Batam have been taking a considerable interest in prosecuting traffickers. Six cases were lodged in 2005-2006 in which traffickers were punished.

Tanjung Pinang and Bintan Island:

- Awareness of human trafficking as a serious human rights and criminal justice issue is relatively new in Tanjung Pinang, although this municipality has been a transit and a destination area for many years now. Generally, local government sees trafficking as a migrants' problem and a part of a crime. Also, trafficking is not a priority for the local government. As a result, trafficked men and women are deported by the authorities at the earliest opportunity.
- In January 2006, the local government of Tanjung Pinang municipality set up a Counter-Trafficking Task Force based on a Mayoral Decree (No. 24 of 2006).

Tanjung Balai Karimun:

- In December 2005, Tanjung Balai Karimun established a Counter-Trafficking Task Force based on District Executive Decree No. 02.A of 2005.
- Before the establishment of the task force, local government only carried out raids as a way to curb prostitution in the area. Their actions were taken mainly at the behest of local religious leaders who hold that prostitution is a social disease. The raids have so far failed to eradicate prostitution in Karimun.

Local NGOs responses and efforts

- Many NGOs have been working on prevention and rescue efforts for trafficked women since 2000. They work with local government to receive and return the trafficked individuals. However, there is no NGO that provides lawyers or legal aid for trafficked women who want to file complaints to Batam police.
- In Tanjung Balai Karimun, Yayasan Kaseh Puan is one of the NGOs working on counter-trafficking since 2004. Kaseh Puan carries out campaigns to explain the plight of prostitutes who have been trafficked. They educate local government and police to investigate trafficking of prostitutes. Kaseh Puan has been providing assistance, temporary shelter and return services since 2004. This NGO helped in providing shelter to 45 trafficked persons in 2005.
- In Tanjung Pinang, the NGOs working on trafficking are relatively new. One of them is Yayasan Kemala Bintan that started working only in 2005. Their most significant work involves provision of direct services for trafficked women and children. Ever since they started to provide such services, more and more trafficked persons seek help from NGOs. Fifteen women were rescued and received assistance from NGOs in Tanjung Pinang. Most of the women were referred by the police and the local government.

**Table 3.7:
Sample of known Trafficking Cases in Riau Islands during 2005**

Brief Description	Jurisdiction	Date	Source	Number trafficked	Number arrested
Trafficking in Women and Girls					
Subjects were deceived with promises of a well paying job in Batam, but ended up in prostitution	Polsek Caringin, Bogor	04/09/05	http://www.pikiran-rakyat.com	2	2
Four girls were promised jobs as waitresses in restaurants and bars, but forced to become prostitutes in Batam	Polresta Sukabumi	05/27/05	http://www.tempo.co.id/hg	4	2
Underage girls were trafficked to Tanjung Pinang to be exploited as prostitutes	Polsek Margaasih	06/18/05	http://pikiranrakyat.com	5	2
Subject was kidnapped and sent to Riau Islands to work as prostitute	Polresta Bogor	10/11/05	http://www.suarakarya-online.com	1	
Two women trafficked to Batam	District Court of Batam	10/13/05	http://www.mediaindo.co.id	2	1
A 17 year old girl was promised job as a domestic worker, but forced to become a prostitute in Batam	Polres Indramayu	11/24/05	http://www.liputan6.com	1	2
Two women and three underage girls trafficked to Batam to be exploited as prostitutes	Polres Bengkulu	12/01/05	http://www.riaupos.com	5	3
Woman promised job in Batam, but sold into prostitution	Polres Simalungun	12/06/05	http://www.hariansib.com	1	1
Eight Cases were reported	Women and girls trafficked for sexual exploitation from West Java and Bengkulu			13 girls and 8 women - 21 in all were rescued	13 traffickers were arrested

Brief Description	Jurisdiction	Date	Source	Number trafficked	Number arrested
Baby Selling					
Owner of a labor export company was selling babies of women migrant workers born in the holding center to clients overseas	Polresta Tanjung Pinang	04/20/05	http://www.liputan6.com	1	1
Babies were obtained from prostitutes, sent to Batam and sold in Singapore	Polsek Bukit Intan	10/17/05	http://www.riaupos.com		1
Babies were obtained from pregnant Indonesian workers deported from Malaysia to be sold in Singapore and Malaysia	Polresta Tanjung Pinang	11/14/05	http://www.metrورياu.com	4	2
Woman sold her own baby because of economic reasons	Polsek Sekupang	11/29/05	http://harianbatampos.com	1	
Four cases were reported	Except in one case, all babies were born in Riau Islands only			Number of babies recovered is not clearly stated	Four persons were arrested. In another case, a mother was accused of selling her baby
Migrant Worker Fraud					
Thirteen out of 31 migrant workers to be sent to Malaysia were children	Polresta Tanjung Pinang	09/21/05	http://liputan6.com	31	1
A labor export company sent 28 women workers to Malaysia illegally	Polresta Tanjung Pinang	10/06/05	http://liputan6.com	28	1

C. DKI Jakarta

Sally I. Kailola



Province Name	: DKI Jakarta
Borders	
North	: Java Sea
South	: Bogor District, West Java
West	: Tangerang District, Banten
East	: Bekasi District, West Java
Area	: 740.92 km ²
Population	: 9,111,651 people (in 2004)
Population density level	: 12,297 people per km ²
Number of municipalities	: 5 (Central Jakarta, South Jakarta, West Jakarta, East Jakarta, and North Jakarta)

(Source: *Profil Daerah, Depdagri, 2006; Kode dan Data Wilayah, Depdagri, 2006*)

Table 3.8:
Human Development & Gender Development Index - 2002

Indicator	Unit	Value		Rank in Indonesia
		Jakarta	Indonesia	
Adult women literacy level	%	97.2	85.7	1
Adult men literacy level	%	99.3	93.5	1
Length of schooling (women)	Years	9.8	6.5	1
Length of schooling (men)	Years	11.1	7.6	1
People without access to clean water	%	30.3	44.8	1
People without access to health facilities	%	2.9	23.1	1
Expenditure per capita	IDR '000	616,9	591,2	1
Open unemployment	%	14.0	10.6	*

Source: BPS/BAPPENAS/UNDP, 2004a: 103, 105, 108, 113

* Open unemployment ranking not available

1. DKI Jakarta at a glance

DKI Jakarta is primarily seen as Indonesia's capital city rather than as an individual province. Jakarta is by far the country's most populous metropolitan city with more than 9,111,651 people (in 2004); it is also the most densely populated province with 12,297 people per km² in 2000. Most Jakarta residents are immigrants, with the exception of Jakarta's native people, the Betawi.

Development and gender indicators reveal that DKI Jakarta is the most advanced province in Indonesia. Indicators in literacy, education levels, numbers of people with access to clean water and health facilities, as well as expenditure per capita are all ranked number one in the country and far exceed Indonesia's averages. However, these high ranks do not exclude Jakarta from trafficking problems. The section below describes Jakarta's position as a metropolitan city and how its role as a major transportation hub impacts the province's trafficking problems.

2. Trafficking of Women and Children in DKI Jakarta

As the capital city, Jakarta has always played a special role as both a receiving and transit area for trafficking practices. However, new findings also recognize Jakarta as a sending area, particularly to international destinations. Specific trafficking forms in Jakarta include: sexual exploitation of women and children, child domestic workers, international migrant workers and illegal drug trade. Although baby selling and the exploitation of street children have not been widely recognized as forms of trafficking, both issues will be discussed among the other trafficking issues in Jakarta in order to highlight some important information concerning these topics.

a. Trafficking of Women and Children for Sexual Exploitation

Problems, Data and Estimations

There is currently no accurate integrated data available on the number of women and children trafficked into forced prostitution in Jakarta. Data produced by the Coalition of Women (Koalisi Perempuan) (quoted by Darmoyo & Adi, 2004: 2) shows that 381 children in Jabodetabek (Jakarta, Bogor, Depok Tangerang and Bekasi) were trafficked for sexual purposes from March 2000 to March 2001. However, to understand the true magnitude of this issue, it is important to look at data on all prostitutes to identify how many of the adult women were brought into prostitution by means of deception or force after being transported from their places of origin. By law, child prostitution (under 18 years old), is automatically recognized as a form of trafficking, as a child working in the sex industry cannot be seen as a voluntary option. In most situations, community pressure leads the child into prostitution.

Prostitution in the Capital City

In order to get a picture of sex trafficking in Jakarta, one should take a look at the general prostitution situation. Although there is no research that provides accurate data on the percentage of sex workers in Jakarta who have been trafficked, a look at the general number of prostitutes (particularly children) can provide a sense of the magnitude of the problem.

Prostitution in Jakarta was first documented during the colonial period of the Dutch East India Company (VOC). The word for prostitution was not directly acknowledged in the Betawi language during the pre-Islamic and Islamic periods. Over time, the Betawi have referred to prostitutes using indirect terms such as "scarlet women" or "night butterflies" (*Bisnis yang Tahan*, 2006) or in ways that tried to legitimize the practice as an occupation such as "commercial sex workers" (CSW). Betawi natives have also used the Chinese language word *cabo* and the Portuguese word *moler* when referring to prostitutes (*Bisnis yang Tahan*, 2006). Prostitution further increased after Indonesian independence in 1945.

In 2004, the International Labor Organization's International Program on the Elimination of Child Labor (ILO-IPEC) conducted a Rapid Assessment on Child Trafficking for Prostitution in Jakarta and West Java. Assessment results identified at least 147 spots suspected as receiving places for the trafficking of girls for sex work, half of them being registered businesses. ILO-IPEC (2004b: 23) estimated that the 147 locations in Jakarta had 4,704 adult sex workers and 1,020 prostituted children. Adult sex workers and prostituted children either work independently or under the control of pimps or under the management of night clubs, bars, massage parlors or malls. On average, they were found to be working 6 to 13 hours a day, mostly at night, and were vulnerable to drugs, alcohol, and physical, psychological and sexual abuse.

As indicated in the table below, entertainment spots (discotheques, bars, cafes, karaoke) have the greatest number of sex workers. To understand the magnitude of this issue, the reader should note that this particular study of 147 locations only covered about 15% of the total potential prostitution spots in Jakarta. In 2002, the Jakarta Tourism Office registered 1,120 entertainment spots. The estimated number of prostituted children would be much higher if all of the entertainment spots had been included in the assessment. According to Farid and Irwanto (2001), child prostitution is a hidden phenomenon and that it should be assumed that we can see only one fifth to one ten of the real number of children trafficked into such exploitation. Using this assumption, ILO-IPEC estimated that there were 23,520 adult sex workers and 5,100 prostituted children in Jakarta (ILO-IPEC, 2004b: 23).

Table 3.9:
Estimated numbers of adult sex workers and prostituted children
based on location and types of prostitution in Jakarta

Location	Unit	Sex workers	Prostituted Children	TOTAL
Discotheque/bar/café/ karaoke	81	2,035	450	2,485
Massage parlors	23	677	39	716
Hotel	12	329	122	451
Street/park/mall	26	833	224	1,057
Red-light areas/ <i>lokalisasi</i>	5	830	185	1,015
Total	147	4,074	1,020	5,724

Source: ILO-IPEC (2004b: 23)

Previously in 2000, Jakarta's Social Affairs office identified around 120 spots where sex was for sale. The greatest numbers were found in Central Jakarta (*Ada 120 titik*, 2000). Waluyo, Head of the Sex Workers Rehabilitation division of the Social Affairs office in Jakarta, reported that 115 of the locations were broken down as follows:

Table 3.10:
Prostitution spots in Jakarta - Year 2000

No	Area	Number of spots
1	Central Jakarta	38
2	West Jakarta	21
3	North Jakarta	19
4	South Jakarta	19
5	East Jakarta	18
	Total	115

Source: DKI Jakarta Social Affairs office, 2000

To establish a clearer picture of the prostitution situation in Jakarta's five areas, the following descriptions provide some details of each area:

Central Jakarta

Prostitution in Central Jakarta is located in entertainment spots and on the streets. Even in daylight, it is easy to find street sex workers on Jalan DI Panjaitan, Jalan A Yani and many more (*Prostitusi di Jakarta*, 2003). In addition to street prostitution, many businesses provide sexual services under the pretext of massage parlors, spas and bars/cafes. When a TV station investigative journalism team visited several of these alleged spots (*Kisah Budak*, 2006), they found at least five young girls being prostituted.

West Jakarta

In West Jakarta's government website, Deputy Mayor H. Murdhani has boasted that his municipality possessed the most entertainment spots in DKI Jakarta (*Tempat Hiburan*, 2005). According to another source, West Jakarta has 105 spots with around 10,000 workers²³, many of them in the Taman Sari area. The Mangga Besar area (known as Mabes), which runs from Jalan Gajah Mada to Jalan Jayakarta is full of stores, brothels, night clubs, massage parlors, gambling establishments, discotheques, billiard halls – many of which offer various sexual services (*Bisnis yang Tahan*, 2006).

The Mabes area is known as an old area, with old roads and old entertainment establishments. The street is named 'Route 60' after the No. 60 public bus that has plied this area for a long time now. It is not a secret that the streets between stores and malls turn into areas that sell sex in the evening. Young women with luring outfits and make-up peddle themselves here. Transactions take place when a man indicates that he wants one of the women. If the woman agrees, they go to a place to carry out the business. Oftentimes there will be pimps offering women to men passing by. They bluntly say "Do you need someone to sleep with?"
(Quoted from *Liputan Khusus: Bisnis Hedonis*, 2006)

In addition to the places mentioned above, dozens of rented houses in Taman Sari, Kota and Mangga Besar have become brothels (*Prostitusi di Jakarta*, 2003). Hotels in the Pasar Baru area are also common places where clients and prostitutes spend their time together.

South Jakarta

Some of the places well-known as prostitution spots in South Jakarta are in Melawai Raya, Panglima Polim, Barito, Mahakam and Falatehan Road (Agus, 2005). In some of these areas, street prostitutes are visible starting from 9 p.m. onwards; many of them are teenagers. Five or six sex workers are often grouped together under a pimp, who negotiates transactions with clients (*Prostitusi di Jakarta*, 2003).

23 It must be assumed that not all of them are sex workers. Many are employees engaged in the "legal" aspects of the business establishment (i.e. waitresses, cashiers, security guards, etc.)

There is also a new trend in which sex workers roam malls in South Jakarta, such as Kalibata (*Geliat PSK Mall*, 2005) and Blok M (*Dewi Pernah Melayani*, 2005). Once the prostitute has agreed to go with a client, the chosen hotel determines the transaction rate.

Maya (an alias), a sex worker claiming to be a college student in the Leteng Agung area, admitted that her rate depends on the hotel to which her client takes her. It averages around 500 thousand rupiah (US\$ 55.60) and her clients usually take her to HS hotel in the Cawang area near a hypermarket store or KS hotel in Duren Tiga, South Jakarta. Maya said that once she gets a client, she introduces him to her bodyguard [pimp]. The client then books her upon the bodyguard's approval.
(source: *Dewi Pernah Melayani*, 2005)

East Jakarta

There is no exact data on the number of sex workers in East Jakarta. However, Bangun Mitra Sejati (BMS), an NGO working on this issue, estimated that there were around 800 girls of 12 to 18 years old that were forced to become prostitutes at cafes, hotels and coffee shops (*Child Prostitution*, 2005). One commonly known prostitution area in East Jakarta is Prumpung. Although it is uncertain when Prumpung became a prostitution area, local residents report that prostitution grew along with the Jatinegara train station around the 1950s. There are around 15 clusters of prostitution spots in East Jakarta scattered around local residents' houses and the train railway up to Viaduct Park (*Hitam Putih*, 2006). Other spots can be found in front of Cipinang Prison, Cipinang, Prumpung, Cakung, behind PT JIEP and Jalan Pemuda (*200 PKL dan PMKS*, 2006). The Boker area in Ciracas is also still an active prostitution spot that conducts its business inside blue tents, even after numerous police raids (Firman, 2005).

North Jakarta

Historically, North Jakarta has been known for its *lokalisasi* – red-light districts where prostitutes live and carry out their business under the careful watch of their full-time managers. The largest known “official” *lokalisasi* was Kramat Tunggak, which closed in 1998. However, according to the KAKI Foundation, prostitutes from this red-light district have continued their work and are now spread throughout North Jakarta. Some still work in *lokalisasi*, while others work from temporary locations that can be rented at an hourly rate. Two prevalent areas prostitutes have moved to are Rawa Malang, a *lokalisasi*, and Rawa Bebek, which has many places for hourly rentals.

a) Prostitution in Rawa Malang

Rawa Malang is a complex consisting of 77 houses/brothels. Each house has an “owner”, pimp (*Papi/Mami*), bartender (who acts as a broker) and the sex workers. According to Yayasan Anak dan Perempuan (YAP, 2006), the total number of sex

workers in Rawa Malang may be as many as 925. The same source says that most of them come from Indramayu (80%) and the rest come from Lampung as well as Karawang and Bandung in West Java and many other areas. Their ages range from 15 to 30 years old.

YAP interviews in 2006 found that most Rawa Malang clients were fishermen, factory workers, low-ranking government officials, police officers, container truck drivers and other men of similar economic means. Each sex worker may have one to two clients per day and receive Rp 50,000 – Rp 200,000 (US\$ 5.6 – 22.2) for 1-2 hours of services or Rp 100,000 – Rp 300,000 (US\$ 11 – 33) for services lasting an entire night.

b) Prostitution in Rawa Bebek

Rawa Bebek is a prostitution location called ROYAL, located along a railway that stretches from Kota to Rangkas Bitung, Tangerang and Bogor, occupying a half kilometer-long area under two RWs (smallest government unit). The occupants have built 165 small *warung* to sell drinks and simultaneously serve as places for sex workers to wait for their clients. Fourteen 10-room hostels occupy the lower side of the railway to accommodate sex workers and their clients. The small *warung* are open from 7 p.m. to 6 a.m. while the hostels are open 24 hours. Around 700 sex workers operate here, living in the homes of their pimps or rented houses/ rooms in Muara Baru, Pasar Ikan, Jembatan Gantung, Kolong and Telukgong.

In addition to the two above-mentioned locations, the Head of Mental Propriety of the local government reported that some sex workers operate independently in some prostitution areas like Rawa Malang (Cilincing), Kali Jodo (Penjaringan), and massage parlors. It is suspected that most traditional massage parlors in North Jakarta are prostitution establishments. The Head of Mental Propriety of South Jakarta stated “Almost all massage parlor workers in North Jakarta do ‘other things’ too.” Many of them are former Kramat Tunggak workers (*Hampir Semua*, 2005).

Child Prostitutes in Jakarta

Jakarta’s local government has mapped out specific areas that have the greatest numbers of prostituted children, including: Prumpung in North Jakarta, Grogol in West Jakarta, Tanah Abang in Central Jakarta, Jatinegara and Ciracas in East Jakarta and Blok M in South Jakarta (*Child Prostitution*, 2005).

Places of Origin and Trafficking Methods

Places of origin

ILO-IPEC’s (2004b: 22) rapid assessment stated that most prostituted children in Jakarta came from Indramayu, Subang, Cirebon, Karawang, Cianjur, Sukabumi,

Kuningan and South Bandung in West Java as well as Banten. A small percentage also came from Solo, Purwokerto, and Cilacap in Central Java and Surabaya, Malang, Blitar, Pati, Madura and Banyuwangi in East Java. Some prostituted children were sold within Jakarta by their own families. The mass media has highlighted this problem, as is demonstrated in the example below:

...call her 'Dahlia'. She was sold as a sex worker by her mother, NS, who lives in Kampung Bulak, South Jakarta. Dahlia was sold when she was 15 and her case was disclosed when she was 18. When she could not bear it anymore, she reported this to her relatives who had no idea that she was forced into prostitution. The relatives then reported it to the police. NS admitted that she started her business in 2002 and had been taking "orders" by phone. Sex workers are often under 18 years old and cost Rp 500,000 – Rp 1,000,000 (US\$ 55.6 – US\$ 111).

(Quoted from Women sells daughter, 2006)

Recruitment

The following describes the most common modus operandi that traffickers use to trap people into forced prostitution, as shown in sample trafficking cases found from Rawa Malang complex.

Girls from outside Jakarta forced into prostitution are recruited by brokers (Interview with YAP, 2005) who usually loan money (about three million rupiah) to parents in exchange for a daughter of the broker's choice. Pimps pay brokers about Rp 300,000 (US\$ 33) for each girl they recruit.

Girls "bought" through such transactions cannot refuse to go with the broker as they feel a sense of obligation to obey and help their families (Interview with YAP, 2005). Some parents were told that their children would be placed into prostitution, but many were led to believe that their daughters were employed at restaurants and cafes or as a domestic worker. Usually the brokers promise employment in a restaurant or café with a monthly wage of Rp 100,000 – Rp 500,000 (US\$ 11 – 55.60) (Interview with YAP, 2005). It is only upon arrival that they realize they were tricked after they have already accumulated debt from the money loaned to their parents, which they must pay off before being freed.

Besides brokers, friends, neighbors and even relatives are involved in recruitment. The girls are usually lured by stories told by friends, neighbors or relatives who return home after migrating for work about how easy they can earn money by working in the city. Trust in people close to them motivates them to leave even more.

Methods of deception and abuse of power

The methods mentioned above show how deception and fraud are used by traffickers, who often follow this by use of force and abuse of power. Deception and fraud happens during initial recruitment, when the parents and their

daughters are lied to about the type of work and the terms of payment. Sometimes, these girls do not receive any salary at all and face severe abuse if they refuse to do as they are told. Abuse of power often occurs within the family when the girls are forced by their parents into prostitution or in cases when the parents sell their daughter to recruiters. In situations of adult women, some wives are forced by their husbands to go into prostitution to work for money.

Movement and routes

For cases in Rawa Malang, trafficked women are often placed on a bus by a broker from their village (i.e. from Indramayu to Pulogadung bus terminal). They are then taken by a motorcycle taxi driver (*ojek*) from the terminal to Rawa Malang. Meanwhile trafficked women and girls from outside Java (like Lampung) often are placed on sea transportation to Bakauheni or Merak seaport and then continue to Pulogadung bus terminal and then to Rawa Malang.

Work Conditions: Trapped and Exploited

Trafficked women and girls have difficulties returning to their home villages for the following reasons (Interview with YAP, 2005):

- They feel they must be the “obedient child” and feel obligated to contribute to family income and stay in the work their parents put them in.
- They feel society will not accept them anymore and do not believe they can start a new life as a “good person” after being a sex worker.
- They feel they have to pay off their debt to pimps and are responsible for sending money to their families to pay for their daily needs.
- Parents become dependent on their income and repeatedly go to the *lokalisasi* for additional money from their daughters – thus perpetuating the debt, making it difficult or even impossible to pay off.

As mentioned in the previous section, women and girls trapped in prostitution generally do not know that they will be placed into prostitution and feel surprised when they learn that they have been tricked into sex work. Some of the conditions they are placed into identified by the ILO-IPEC rapid assessment (2004: 45-49) include:

- Working 6 to 13 hours per day;
- Having 1-4 clients per night; 2-3 hours for short-term and more than 10 hours for long-term bookings;
- Experiencing physical, psychological and sexual abuse from clients and pimps;
- Being unable to leave until paying off a debt they were tricked into.

The following story is quoted from *Liputan 6* on SCTV, which investigated trafficking of girls in Jakarta (*Kisah Budak*, 2006), based on interviews with trafficked women and girls for sexual exploitation:

The TV team met a girl called Gadis (not her real name). Just like her, most women at that establishment were working under coercive threats by a human trafficking syndicate. Most of them were recruited from villages and told that they would be working in restaurants. After their families received 15 to 30 million rupiah (US\$ 1,667 – 3,333) as a loan, these young girls were forced into work to appease men’s sexual desires.

In contrast to the easy-going attitude of the men seeking sexual gratification at these establishments, these young girls face a difficult situation as they cannot escape from the syndicate’s claws due to the debt their parents have accrued. In order to pay off 15 million rupiah in debts, these girls must service many clients in rooms as small as 3x4 meters. Servicing each client only reduces the debt by 65 thousand rupiah (US\$ 7.20), meaning that they will have to service at least 230 clients before the debt is paid off in full.

However, the pimps are very clever. Before the debts are paid off, they often offer even bigger loans in order to lure the girls back into debt. Gadis reported that she was promised a loan of 200 million rupiah (US\$ 2,220). “Well, I have to pay it off by working this way” she said.

Besides being trapped in debt, the women are under 24-hour surveillance by thugs and bodyguards that pimps pay to make sure the girls do not run away. It is no surprise that most of these girls are depressed and hope to get out soon.

b. Trafficking of Women and Children for Domestic Work

Problems, Data and Estimations

“Child domestic workers are best for tasks like babysitting, being playmates to employers’ children, housecleaning, and other household chores. Child domestic workers are also more preferable because their salary is much less than adult domestic workers, they are easy to teach and do not demand too much...”

(quoted from Darmoyo & Adi, 2004)

Trafficking of children also occurs for the purpose to place them into exploitative domestic work. Although limited data is available on trafficked domestic workers, the Central Statistics Bureau (BPS) has estimated that there are 70,792 child domestic workers in Jakarta. A study by ILO-IPEC in 2004 concluded that out of a total of 801,566 estimated domestic workers employed in Jakarta, 192,764 of them were children – a figure nearly three times larger than the BPS estimate (ILO-IPEC, 2004f: 27).

A major issue of concern domestic workers face is abuse by their employers, which only exemplifies the problems trafficked domestic workers must undergo. Rumpun Gema Perempuan, an NGO working on domestic worker issues, documented 120 cases of domestic worker abuse in the past two years in Jakarta (*Police on the Case*, 2006).

Profile and Modus Operandi

The age of child domestic workers

The ages of child domestic workers usually range from 14 to 18, as shown in the following table:

Table 3.10:
Domestic workers according to age and research area

Age (years)	Pulo Asem Utara	Kemuning	Total
< 14	3	2	5
15 - 18	11	14	25
>19	22	35	37
Total	36	51	87

Note: There were 3 male domestic workers found.

Source: Darmoyo & Adi, 2004: 58

A local NGO working in partnership with ILO-IPEC found children under 15 years old, and even as young as eleven working as domestic workers (Human Rights Watch, 2005b, June), even though one lawyer working for a domestic worker supplier agency in Jakarta stated that only girls above 15 years of age are recruited as domestic workers (Human Rights Watch, 2004a).

DKI Jakarta's local government forbids children under 15 years of age to be employed in domestic work, through Regulation (*Perda*) DKI Jakarta No. 6 of 1993. The regulation requires children between the ages of 15 and 18 years old to obtain a letter from their parents providing their permission to work. However, in reality, this regulation is often violated due to the local government's lack of supervision and enforcement. According to one labor supplier agency, agencies never check birth certificates to ensure their prospective domestic workers are of legal age.

Places of origin and recruitment process

Darmoyo & Adi (2004: 40) stated that 21 interviewed child domestic workers came from West Java (Rangkas Bitung), Central Java (Purwokerto, Pati), D.I. Yogyakarta (Gunung Kidul), Lampung and East Java (Ngawi). Friends and relatives who work as domestic workers, vegetable sellers, *ojek* drivers, construction workers, etc. tend to play a big role in recruitment because they have easy access to information about new openings for potential domestic work (Darmoyo & Adi,

2004: 43). However, these informants usually do not have sufficient information about salaries or conditions of employment. For example, one domestic worker felt deceived because she was promised payment of Rp 150,000 (US\$ 16.70) per month, but ended up with only Rp 90,000 (US\$ 10), while others were promised Rp 100,000 (US\$ 11) per month and ended up with only Rp 40,000 (US\$ 4.40) (Darmoyo & Adi, 2004: 44).

Human Rights Watch (2005b) reported that recruiters benefit greatly from placing children into domestic work. A recruiter in Jakarta explained that if he recruited at least 13 children a month, he would receive Rp 190,000 (US\$ 21) for each child he brought to the agency. Thus, a recruiter who places 13 children into domestic work each month can earn three times the amount of Jakarta's minimum wage of Rp 671,843. The agency in turn would receive Rp 350,000 (US\$ 38.90) per child from employers. Agencies have admitted they often keep up to 100 girls waiting to be placed into domestic work.

Human Rights Watch (2005c: 12) provided a description on how agencies in Jakarta recruit child workers:

An official at a domestic worker supplier agency said that girls placed by the agency are paid between Rp 250,000 and 300,000 (US\$ 27.77-33.33) per month and work fourteen hours a day. But labor agents at the same agency told us that they promised wages of up to Rp 400,000 (US\$ 44.44) to prospective child domestic workers in the villages they visit. "When I visit the village, I tell parents that the salary in Jakarta is Rp 350,000 to 400,000 (US\$ 38.88-44.44). I don't tell them about hours of work, but I tell them they may do house work or babysitting," said Tarsiyah, a labor agent.

Similarly, another labor agent told Human Rights Watch, "I go to the village and ask parents whether they want their daughter to work in Jakarta – they will be paid a good salary. I tell them that the work is housework or babysitting. I don't tell them the hours of work or vacation. I tell them the salary is Rp 400,000 (US\$ 44.44). Zubeida, age 16, was recruited by the same labor agency and was initially told her salary would be Rp 350,000 (US\$ 38.88), but at the time she was placed with an employer she was told her salary would be Rp 250,000 (US\$ 27.77). In the end, Zubeida was paid only Rp 100,000 (US\$ 11.11) by her employer.

Exploitation

Many children working as domestic workers are too young to legally work; they are often forced to work long hours seven days a week without holidays. They receive a minimal salary, if anything. They are deceived during the recruitment process, and many are not allowed to contact their family. In some cases, they

experience physical, psychological and sexual abuse (Human Rights Watch, 2005c: 20). The work relations between domestic workers and their employers is merely one of power where employers have total power over their domestic workers. Employers often abuse their power to exploit domestic workers (Human Rights Watch, 2005c: 70). This assertion is supported by Darmoyo & Adi (2004) who found in their research that exploitation came in the form of long work hours, forced labor, physical and verbal abuse, unpaid wages, debt bondage and document confiscation.

c. Trafficking of Indonesian Women as Drug Couriers

Jakarta plays a role as part of an international drug trafficking route, both as a sending and receiving area which has been well known by the National Police's Drugs Directorate since 2001.

Data from the Department of Foreign Affairs in July 2003 shows 25 drug cases abroad in which 30 Indonesians were prime suspects, half of whom were women. The perpetrators were arrested in Thailand, Argentina, Pakistan, Ecuador, Chile, Peru, Australia, Colombia, China, Venezuela and the United States. Each were charged with a variety of crimes, such as carrying, smuggling and/or distributing ecstasy pills, cocaine, MDMA as Inex's main ingredient and methamphetamine pills. None of them were accused of being users. The likelihood that these women were utilized as couriers is further supported by the fact that many were caught in transit areas, such as airports (10 cases), seaports (2 cases) and international borders (1 case).

Recruitment Methods

Qualitative research by Irianto et al. (2005) on *Trafficking of Women in Drugs Distribution* showed that some Indonesian women who became drug couriers were lured into the business through interpersonal relationships with male drug traffickers. Some women date the men, marry them or are trapped in debt with them. Irianto's research (2005) reveals that most of the men came from African countries. In most cases, female recruiters are either married or have close relationships with male foreigners (p. 67).

Jakarta as a Receiving Area

No area in the capital city is free from drugs. Jakarta Governor Sutiyoso stated in his speech celebrating Jakarta's 479th anniversary that drug abuse was one of the biggest problems in the capital city. He stated that drugs were nearly as easy to obtain in Jakarta as cigarettes (*'Megapolitan' model*, 2006). NGOs and the Jakarta Central Police Office identified 74 locations as places where drugs are sold and used (ILO-IPEC, 2004a: 1). ILO-IPEC determined that children addicted to drugs could be found in many of these places with the following distribution;

Table 3.12:
Children Addicted to Drugs
- According to Where they were Found

Area	Percentage
West Jakarta	23.9%
Bekasi	19.6%
East Jakarta	16.3%
Central Jakarta	9.8%
Bogor	5.4%
North Jakarta	5.4%
Depok	2.2%

Source: quoted from ILO-IPEC (2004a: 32)

The above data was obtained from interviews with 92 respondents -- 30 of whom were children below 18 years old. But among the other adult respondents, many of them admitted that they began using drugs when they were teenagers.

Although West Jakarta was found by the researchers to have the most drug-related activities, it is unclear if one should conclude that this municipality has a larger problem than others since drug activity may increase/decrease and move from one place to another. Nonetheless, history indicates that illegal drugs have been most easily accessible in the Mangga Besar area, including Grogol. ILO-IPEC's research showed that 50% of the 92 respondents interviewed in three Jakarta areas admitted they were involved in drug production. The three areas assessed were West Jakarta, East Jakarta and Central Jakarta. It would seem safe to assume, then, that no one area is particularly more vulnerable to drug activity in Jakarta than another.

Drug Traffickers are often Foreign Males

Irianto's research (2005) disclosed the involvement of foreigners in drug selling. According to their data, 20 drug traffickers arrested and sentenced to death came from Nepal, Angola, Nigeria, Pakistan, Thailand and Netherlands. Five others were from Indonesia. The data in Table 3.13 breaks down drug convictions from 2000–2002 and shows that the majority of those sentenced came from Nigeria and other African countries.

Table 3.13:
Drug Convictions Based on Nationality (Polda Metro Jaya 2001)

Nationality	Year			Total
	2000	2001	2002	
Nigerian	21	10	19	50
Pakistani	3	1		4
Arab	2	7	2	11
Liberian	2	1		3
Ivoirian	1			1
Togo	1			1
Swiss	1	1	1	3
German	1			1
Angolan	1			1
Filipino	1			1
Togo	1			1
Guinean	1			1
South Korean	1			1
Zimbabwean	1	4	2	7
Dutch		3	1	4
South African		2		2
Australian		1		1
Cameroonian			2	2
Iranian			3	3
Singaporean			1	1
English			2	2
Malaysian			1	1
Jamaican			1	1
Tanzanian			2	2
American			1	1
Other		1	2	3

Source: ILO-IPEC (2004a: Annex 2)

The Director of the Anti-Drug division of the Jakarta Police has said that Africans come to Indonesia for different reasons. Some visit for business purposes, while others come for vacation. He said many of them attempt to create drug distribution networks in Indonesia and that many had already been convicted of varied crimes like fraud, counterfeiting and drug trafficking (*Cuci Uang*, 2004). They sometimes recruit young girls by deception, debt bondage or coercion, and force them to carry drugs – placing these girls into extremely dangerous situations.

There are four identified connections between the trade of illegal narcotics and women. The first is during the recruitment stage when the main perpetrator develops an interpersonal relationship with a woman (as discussed above in subheading *Recruitment Methods*). Irianto's research (2005: 16) showed that the male perpetrators often escaped punishment by testifying that the women

couriers carried the drugs voluntarily. The second connection involves the profit gained from the illicit trade – in that the male perpetrators benefit far more than the women. The women who serve as couriers only earn a small salary or never receive their promised salary. The third connection involves efforts to isolate the women by transporting them from one place to another, including crossing international borders. The fourth connection can be found in the form of abuse carried out through deception and use of violence by the male perpetrators, especially those who married the women they've recruited.

d. Trafficking of Women and Children for International Migrant Work

Trafficking of women and children is closely related to migration as it is about the movement of human beings/individuals from one country to another.

(Dzuhayatin and Silawati, 2004)

Jakarta as an international migrant worker transit area

Jakarta plays an important role in the trafficking of migrant workers in Indonesia mainly due to its function as a major transit point for prospective migrant workers originating from other parts of Indonesia. There are hundreds of labor export agencies and holding centers full of prospective migrant workers in and around the capital city. Tanjung Priok seaport in Jakarta is a major departure and arrival gate for migrant workers. It should be noted, however, that nearly all of the migrant workers passing through Jakarta come from other provinces in Indonesia.

Migrant workers departing from Jakarta mostly go to countries in the Middle East. This is supported by data from the BP2TKI Office of the Ministry of Manpower showing that a total of 165,404 workers went to Middle East countries in 2005, whereas a total of 44,050 workers went to Asia-Pacific countries in the same year.²⁴ This is most likely due to the fact that Jakarta is close to Banten province, where the country's largest international airport, Soekarno-Hatta, is located. Migrants who are going to Asia-Pacific countries could go via other transit points such as Medan, Nunukan, Banjarbaru, Semarang, Palembang, Mataram, Surabaya, Pontianak, Yogyakarta, Makasar, Bandung, Kupang and Riau (Pusdatinaker-Balitfo).

As mentioned above, Tanjung Priok seaport is mostly used by labor export agencies to send their workers overseas or to other transit points in Indonesia. There are also migrant workers who transit in Jakarta and then take land transport to other transit points -- for example from Jakarta to Banten where they can depart from Merak seaport.

²⁴ see http://www.nakertrans.go.id/ENGLISHVERSION/ind_workers.php accessed in October 2006.

Tanjung Priok seaport is usually used by Indonesian migrant workers to go to Malaysia or Singapore. Many of the workers deported from Malaysia for working without proper documents transit back through Tanjung Priok seaport on their way home. Research by Palupi & Buntoro (2005: 48) supports this by stating that 62% of migrant workers returning to Indonesia via Tanjung Priok had been deported, whereas only 25% were returning due to individual cases and 13% because of end of their contract. Many migrant workers returned via Tanjung Priok are documented as having suffered from unpaid wages, forced prostitution and unwanted pregnancy. The Trade Union of Indonesian Migrant Workers (SBMI) recorded data on migrant workers returning via Tanjung Priok seaport:

Table 3.14:
Migrant Workers Arriving at Tanjung Priok Seaport
January - December 2005

No.	Month /Year	Number of Migrant Workers
1.	January 2005	1,865
2.	February 2005	1,542
3.	March 2005	736
4.	April 2005	491
5.	May 2005	435
6.	June 2005	409
7.	July 2005	845
8.	August 2005	682
9.	September 2005	611
10.	October 2005	804
11.	November 2005	645
12.	December 2005	704
	Total 1 year	11,751 people

Source: SBMI (2006: 53)

SBMI (2006: 55) also recorded that they assisted a total of 110 trafficked persons in Jakarta during January to December 2005 -- 52 of them were adult women and 21 of them were children. SBMI also assisted 16 migrant workers to return to their place of origin (p.60).

Role of labor export agencies

Jakarta is recognized as a transit area due to the fact that many labor export agencies are headquartered and operate in Jakarta. Labor export agencies play the primary role in dealing with migrant workers from recruitment to departure. However, many of these agencies operate using illegal procedures, worsening the trafficking problem. Prospective workers are sometimes uninformed of the agency's legal status and tend to trust whatever is offered to them, not realizing the dangers and vulnerabilities they will face from migrating illegally. In 2004, the *Konsorsium Pembela Buruh Migran Indonesia* (KOPBUMI), a network of NGOs working on migrant worker issues, documented 1,600 migrant workers with problems (including many problems that could be categorized as trafficking). A total of 720 of them migrated abroad using the services of labor export agencies; others migrated through the help of individual *calos* or other unofficial networks.

According to Minister Erman Suparno, 386 (80.1%) of 477 labor export agencies in Indonesia are located in Jakarta (*Perlindungan Hukum*, 2006). In order to recruit prospective migrant workers from villages, it is very common for these agencies to have local branches and recruiters. Recruitment of prospective migrant workers increased significantly when the Pelita VI Cabinet (1994-1996) of Suharto's Administration allowed full authorization to labor export agencies to negotiate and manage the placement of migrant workers overseas -- thus quickening the pace of the overall migrant deployment process. This decision also decreased government control and supervision of the process -- thus weakening the government's ability to provide effective protections for workers. As a result, it is now common practice for recruiters and agencies to charge illegal and inflated fees to prospective workers for transportation, training and administration. These supposed "recruitment fees" have doubled the incomes of recruiters; the more workers a person recruits, the more money they earn. Recruiters compete with each other to recruit as many workers as they can - many using deception and false promises to lure potential workers (UGM, 2004).

According to Anis Hidayah of the NGO Migrant Care, thousands of people opt to migrate abroad without following the government's lengthy bureaucratic process - and there are many recruiters and labor export agencies willing to facilitate this. Currently, a prospective migrant worker has to go to 25 to 40 desks in order to seek a job overseas through legal channels. Potential migrant workers may sometimes be willing to pay a little extra to quicken the process (*Supaya Pahlawan*, 2006). As a result, migrants using these services automatically become vulnerable to exploitation with little to protect them. Many other migrant workers go abroad thinking they have done so legally but then find out later that their labor export agency committed violations, placing the migrant worker in danger. SBMI (2006) has documented specific cases in which migrant workers encountered serious problems caused by their labor export agencies as outlined in the table below.

Table 3.15:
Case Data of Prospective Migrant Workers who have to cancel their departure due to problems with Agents/Brokers or Labor Export Agencies

No	Planned destination	Number of workers	Cause	Location of Violation
1.	Japan	90 people	Deceived by agents	Bekasi
2.	Middle East	20 people	Inhumane treatment at holding center	JABODETABEK
3.	Korea	7 people	Deceived by agents	Jakarta
4.	Taiwan	5 people	Deceived by brokers and Inhumane treatment	Jakarta
	Total	122 people		

Source: SBMI (2006: 59)

Such cases are receiving increased coverage by the mass media. One example of a case occurred in 2005, involving two unlicensed holding centers for female migrant workers in South Jakarta. Upon discovering these centers, a team of Jakarta police and the Department of Manpower raided the facilities and found 80 women who had been staying there for a month. Their living conditions were unbearable, as there was only one roofless bathroom with 5 toilets for all 80 women to share. The rescued women were taken to the Manpower Ministry's holding center in Ciracas, East Jakarta. The police also took the holding center's owner into custody (*Dua Tempat Penampungan*, 2005).

3. Other issues related to trafficking

a. Baby Selling

Although opinions differ on whether baby selling can be categorized as trafficking, no one can argue that the issue needs attention – thus the reason of touching upon it here. Although baby selling is sometimes perceived as a humanitarian action that simply bypasses legal procedures, it can be categorized as trafficking when the baby or mother are exploited and/or abused. Illegally adopted babies are extremely vulnerable to exploitative treatment. (See Chapter II for more information on how trafficking and baby selling are connected.)

Baby selling is often difficult to detect because the people involved in the crime are usually relatives or close friends. Executive Director Adriana Venny of Yayasan Jurnal Perempuan, an NGO in Jakarta, reported that the number of cases of sold babies and young girls have been on the rise. Seven source areas of concern include

Jakarta, Indramayu, Bali, Pekanbaru, Samarinda, Kupang and Ambon (Hayati, 2005).

Data from the National Commission for Child Protection (Komnas PA) in 2005 identified an increasing number of baby selling cases that included involvement of international syndicates: 102 cases were found in 2003 and 192 were identified in 2004 (*Mendesak UUU*, 2005). The syndicates bought babies for Rp 250,000 to Rp 300,000 and sold them to couples from Australia, Singapore, Hong Kong, the United States, Germany and Ireland for around Rp 10 million, or to Indonesian couples for one or two million rupiah.

The mass media has frequently reported baby selling cases in Jakarta and in neighboring areas. These reports²⁵ describe cases in which the babies were obtained from mothers that come from poor families, from teenagers with unwanted pregnancies, and from unmarried migrant women workers.

An article in 2005 told of two baby selling suspects who promised dozens of mothers-to-be who were undergoing economic hardship that they would pay for all maternity costs as long as the mothers gave their babies away. Sometimes the suspects obtained babies through maternity hospitals. For example, one nurse in Grogol, West Jakarta, provided medical assistance to poor mothers-to-be and mothers who did not want their babies. During such assistance, the nurse offered to facilitate the selling of the baby. Interestingly, the suspects were women – as are many of the other brokers discovered in baby selling cases. The suspects' illegal activities were discovered after a Singaporean couple returned the baby they bought, reporting that it was infected with HIV. Both suspects admitted that they had sold around 80 babies (*Sindikatan Penjualan*, 2005).

b. Beggars and Street Children

Even after children have been put through a rehabilitation center, families often request them to go back to "work" on the street. "I once earned 20 thousand rupiah a day", said Diah (10 years old), a girl who sings on Otista Street, East Jakarta.

(source: *Anak Jalanan*, 2003)

Many street children are breadwinners for their families and can be seen at countless traffic lights in Jakarta, such as at the Karet Pejompongan cemetery area, around Pasar Senen, along Arteri Pondok Indah, at train stations, bus terminals and around Hotel Indonesia. The Department of Social Affairs estimated that

25 Several articles covering baby selling cases include: *Polisi Belum Tahu Jumlah Bayi yang Dijual*, 2005 (www.kompas.com); *Sindikatan Penjualan Bayi di Ciputat Dibongkar*, 2005 (www.liputan6.com); *Kembali Terjadi Kasus Jual Beli Bayi, Berkedok Pengacara Korban Pelecehan*, 2004 (www.tabloidnova.com); *Empat Tersangka Penjual Bayi ke Luar Negeri Masih Diburu*, 2005 (www.tempointeraktif.com); *210 Bayi dijual Dalam Lima Tahun Terakhir*, 2005 (www.tempointeraktif.com); *Polisi Ungkap Sindikat Perdagangan Bayi*, 2004 (www.tempointeraktif.com).

there were 8,436 street children in Jakarta in 2005 (quoted from *To Give or*, 2006). The local government has 32 social shelters to provide services to these children, excluding the many other drop-in centers that are scattered throughout the city. Unfortunately, street children brought into shelters and drop-in centers almost always return back to the streets (*Anak Jalanan*, 2003).

There is no data on the number of street children who have been trafficked. However, there is information that clearly shows that street children in Jakarta are extremely vulnerable to exploitation, abuse and trafficking.

4. Counter Trafficking Efforts

Policy and Local Regulations by the Government of DKI Jakarta

The local government of DKI Jakarta has passed some regulations (*Perda*) that are relevant to trafficking issues:

- Governor Decree No. 6485/1988 closing the red-light district (*lokalisasi*) of Teratai Harapan Kramat Tunggak, in North Jakarta.
- DKI Jakarta local government passed a policy to provide alternative occupations for prostitutes through Local Regulation No. 6 in 1993 on Welfare Empowerment for Commercial Sex Workers in DKI Jakarta.
- DKI Jakarta Governor Decision No. 1099 of 1994 to establish an *Implementation Manual* on the above local regulation emphasizing that the work relation between domestic workers and their employers should be stated in a written agreement containing each party's rights and obligations.
- Local Regulation No. 6 of 2004 on Manpower (the articles regulate child labor and worst forms of child labor).

DKI Jakarta Government Actions:

Jakarta's local government has taken the following direct and indirect steps to combat trafficking of women and children:

- In 2004, the Headquarters of the Indonesian National Police conducted activities to build the capacity of law enforcers to combat trafficking: 1) January - Training on Protection of Child Rights, in cooperation with UNICEF, Embassies of New Zealand and France, the University of Indonesia's Criminology Department, and the NGO Mitra Perempuan; 2) April - Training on Counter Trafficking in Persons, in cooperation with ICITAP; 3) May - Training for Officers of the Special Women's Desk to combat Trafficking in Persons, in cooperation with IOM, the New Zealand Embassy, Derap Warapsasi, YMKK and Yayasan Jurnal Perempuan; and 4) May - Training on Trafficking in Persons, in cooperation with UNICEF and the French Embassy; 5) June - Training on Trafficking in Persons, in cooperation with IOM, the Police of Australia and England, and Derap

Warapsari; 6) December – Training on Protection of Child Rights, in cooperation with UNICEF, the Police of New Zealand and the Philippines, the Criminology department of University of Padjadjaran, Bandung, judges, and NGOs.

- In 2004, the Department of Social Affairs established the Children’s Social Protection House (RPSA) with a capacity of 30 children in the Bambu Apus area of East Jakarta.
- The Jakarta Capital Police Station established 10 Special Women’s Desks managed by female police officers to provide specific assistance to women and children experiencing violent crimes (including trafficking).
- The Department of Social Affairs, with assistance from the Directorate of PRTS & KTK and the Directorate for Poverty and the Directorate of Children, initiated an empowerment effort for sex workers by providing rehabilitation services at Cipayung Rehabilitation Center and providing them with new occupational skills and helping them to return to their home villages. The Cipayung Rehabilitation Center has been operating since 1959 as a temporary shelter for people with social problems.
- Establishment of Kedoya PSBKW Jakarta Barat Harapan Mulia Center, as a referral from Cipayung for sex workers taken into custody during raids on establishments selling sex.
- Establishment of Panti Sosial Karya Wanita (PSKW) Mulya Jaya Pasar Rebo Center as a referral place from the Cipayung center which is owned by Jakarta local government.
- Jakarta Government’s Office for Mental Propriety and Social Welfare disseminates information in conjunction with the health, religious and manpower departments in the Rawa Malang area at least 6 times per year.

Efforts by International Organizations, NGOs and other Institutions

Many international NGOs working on trafficking issues are based in Jakarta. They work closely with the government on both national and local levels. Involved organizations include the Solidarity Center (ACILS), ICMC, The Asia Foundation, Save the Children and the International Organization for Migration (IOM).

Many Jakarta-based Indonesian NGOs also work directly and indirectly on trafficking problems. Below is a breakdown of NGOs categorized by areas of focus:

Local NGOs working in legal aid, media and advocacy:

- Tribhuana Tunggaladewi Foundation (YATRIWI) Women’s Crisis Center Jakarta
- Legal Aid Association, Jakarta
- Mitra Perempuan Women’s Crisis Center
- Legal Aid for Indonesian Women Association for Justice (LBH APIK), Jakarta
- The Consortium for the Defense of Migrant Workers (KOPBUMI), Jakarta

- Migrant Care, Jakarta
- The Trade Union of Indonesian Migrant Workers (SBMI), Jakarta
- Yayasan Jurnal Perempuan, South Jakarta

Local NGOs that facilitate medical, psychological and rehabilitation assistance including legal aid to trafficked victims:

- Youth Clinic Yayasan Pelita Ilmu, South Jakarta
- JARAK, East Jakarta
- YKAI, Central Jakarta
- Gema Perempuan, South Jakarta
- Kusuma Buana
- Solidaritas Perempuan

Local NGOs working on female domestic workers' issues:

- Rumpun Gema Perempuan, Jakarta
- KOMPAK Indonesia

Local foundations assisting and rescuing prostituted children;

- Yayasan Anak and Perempuan – YAP (Children and Women Foundation), North Jakarta
- Bandungwangi Foundation

And many more ...

D. West Java

Farida



Province Name	: West Java
Capital	: Bandung
Borders	
North	: Java Sea
South	: Indian Ocean
West	: DKI Jakarta and Banten Province
East	: Central Java Province
Area	: 36,925.05 km ²
Population	: 39,130,756 (in 2004)
Population density level	: 1,060 people per km ²
Number of districts	: 16 (Bogor, Sukabumi, Cianjur, Bandung, Garut, Tasikmalaya, Ciamis, Kuningan, Cirebon, Majalengka, Sumedang, Indramayu, Subang, Purwakarta, Karawang, Bekasi)
Number of Municipalities	: 9 (Bandung, Banjar, Bekasi, Bogor, Cimahi, Cirebon, Depok, Sukabumi, Tasikmalaya)

(Source: *Profil Daerah, Depdagri, 2006 & Kode dan Data Wilayah, Depdagri, 2006*)

Table 3.16:
Human Development & Gender Development Index - 2002

Indicator	Unit	Value		Rank in Indonesia
		West Java	Indonesia	
Adult women literacy level	%	90.5	85.7	21
Adult men literacy level	%	95.7	93.5	21
Length of schooling (women)	Years	6.7	6.5	21
Length of schooling (men)	Years	7.7	7.6	21
People without access to clean water	%	53.0	44.8	11
People without access to health facilities	%	19.0	23.1	11
Expenditure per capita	IDR '000	592.0	591.2	17
Open unemployment	%	12.9	10.6	*

Source: *BPS/BAPPENAS/UNDP, 2004a: 103, 105, 108, 113, 186*

* Open unemployment ranking not available

1. West Java at a glance

West Java is Indonesia's most populous province and the home of over 16% of Indonesia's total population. Agriculture, forestry and fishing account for 31% of those in employment, with industrial processing and manufacturing accounting for 17%, trade, hotels and restaurants accounting for 22.5%, and other services accounting for 29%, with the remainder engaged in the mining sectors. The main export commodities of West Java are garments and textiles, which account for 53.6% of the province's total exports valued at US\$ 1.56 billion annually. Other export products include steel, footwear, furniture/rattan products, electronics, and aircraft components (Dinas Perindustrian Jateng, n.d).

Despite a developing industrial base in its urban areas, the province's unemployment rate is worse than the national average at 12.9% – which translates into 2.19 million of the province's 16.9 million persons of working age (BPS West Java, 2004). Some of those unemployed include workers laid off in recent years from Indonesia's vulnerable textile industry. Tens of thousands of textile workers – mostly women – have been laid off, with more than 10,000 in a three-month period in 2005 alone (*Setelah Kenaikan*, 2005). On average, girls discontinued schooling after less than 7 years and boys after slightly less than 8 years – which means that large numbers of children aged 12-18 years are likely seeking work opportunities as well. The province is ranked third (following East Java and Central Java) for the largest number of people living in poverty totaling 12.1% or 4.3 million of its residents.

These economic figures help explain why West Java is such a huge source area of people seeking job opportunities outside of their village or town. Many are attracted to seek work in neighboring Jakarta and many others look further to other parts of Indonesia or abroad. Such a large movement of people looking for work provides traffickers with many opportunities to trick countless women, men, girls and boys from West Java into forced labor or prostitution.

2. West Java's trafficking situation

Each year, tens of thousands of women, men, girls and boys from West Java migrate to look for work in other areas of the country and abroad. Although some of these migrants are from urban areas, most originate from the province's rural areas. These migrants are usually motivated to find a better job and income than what is available to them at home. As trafficking generally corresponds to migration patterns (it has been said that traffickers "fish" from the "river" of migration), West Java is a major "source" or "sending" area of migrating workers who are vulnerable to trafficking. Many of these workers are trapped by traffickers into forced labor as domestic workers or other kinds of labor as well as into forced prostitution within Indonesia or abroad.

Reported trafficking cases

It is not known how many people from West Java are trafficked each year. This is due to the fact that the crime is hard to detect by law enforcers and that most persons who are trafficked often never report their case – either because they are not able to or are too frightened or embarrassed. Therefore, the data that is known should be looked at as only the “tip of an iceberg”.

The International Organization for Migration (IOM) supported facilities in Jakarta, Surabaya, Pontianak and Makassar that provided services to a total of 320 trafficked persons (315 of whom were female) originating from West Java between March 2005 and July 2006. The following provides some detail on the age of these trafficked persons as well as the type of labor exploitation they were trafficked into:

Table 3.17:
Trafficked persons from West Java who obtained services from IOM-supported facilities between March 2005 and July 2006

Type of Exploitation	Age of Trafficked Person			Total
	Infant	Child	Adult	
Nanny/babysitter	0	0	5	5
Domestic worker	0	20	167	187
Forced prostitution	0	24	63	87
Plantation worker	0	1	1	2
Factory worker	0	0	3	3
Shopkeeper	0	0	5	5
Hostess	0	2	11	13
Waitress	0	0	3	3
Not work	1	0	0	1
Exploitation at transit ²⁸	0	2	4	6
Cleaning Service	0	0	1	1
Baby selling	2	1	0	3
Forced pregnancy	4	0	0	4
TOTAL	7	50	263	320

Source: IOM (2006a, September)

26 IOM does not explain what type of exploitation this includes.

The IOM data does not provide information on the types of abuse experienced by the trafficked persons beyond the type of labor they were placed into. The difference between forced pregnancy and baby selling seems unclear according to the data – as forced pregnancy indicates the trafficking and exploitation of the mother rather than of the babies. It is also not clear how many of these cases were of international trafficking versus domestic trafficking.

The Government of Indonesia's 2006 trafficking report presents information on 30 trafficking cases registered and handled by police throughout Indonesia during 2005 as compiled by the Crime Investigation Board of the Police Headquarters (Task Force for NPA, 2006 March). West Java police handled only one of these cases. It is not clear if this case was one of those reported by IOM. Information in the report regarding previous years did not show a breakdown by province, making it unclear if any were connected to West Java. On the other hand, the West Java Provincial Police Office stated that it handled cases involving 65 trafficked persons from 2002 to 2003 – most of these regarding trafficking into forced prostitution and baby selling.²⁷

Trafficking cases have also been documented by Indonesian NGOs based in West Java as well as the media. The following are reports known to the Solidarity Center:

- Media clippings compiled by the Data and Information Center (Pusdatin) of the West Java Child Protection Institution (LPA) in 2003 showed that the media reported on cases involving at least 138 trafficked persons originating from West Java. Most of the articles covered cases in which children were trafficked into commercial sex work or forced labor in a factory. A few stories reported baby selling (Pusdatin LPA West Java, 2003).
- The Trade Union of Indonesian Migrant Workers (SBMI) reported handling cases involving six migrant workers originating from West Java who were trafficked in 2005²⁸ (SBMI, 2005). These migrant workers were from Cirebon, Bekasi, Sukabumi, Bogor and Rangkas Bitung.
- Of the 73 migrant workers originating from West Java who were stranded at the Indonesian Embassy in Malaysia during a visit by a *Waspada* journalist in May 2005, 34 of them reported that had been forced into prostitution (accessed July 28, 2005 from www.waspada.co.id).
- Data from print media during 1999-2000 compiled by Irwanto et al. (2001) indicated that at least 15 girls from West Java were trafficked to Batam, Tanjung Balai Karimun, Palembang, Tanjung Batu, Riau and Jakarta for the purpose of forced prostitution.

²⁷ Presentation paper provided by the Crime Division of West Java Police to the Solidarity Center during a field assessment meeting in November 2004.

²⁸ SBMI reported that it had identified 84 trafficked persons from different parts of Indonesia in its cases handled throughout 2005.

- ANTV reported on September 22, 2003 that seven girls from Bandung were trafficked to Bali into sex work.
- The Solidarity Center/ICMC Trafficking Compilation (see Appendix B) also showed a total of 23 cases for Central Java with 6 in 2004, 16 in 2005 and 1 through May 2006.

a. Forms of trafficking in West Java:

International migrant workers:

West Java is a major source area for international migration. Many of the workers migrating to other countries suffer from unfair practices and crimes committed by the large number of middlemen involved in the process (i.e. *calo*, labor export agencies and foreign employment agencies) as well as their employers abroad. In some cases, these crimes can be considered as trafficking (see Chapter II for a description of what constitutes trafficking, particularly for international migrant workers).

Information on numbers of migrant workers originating from West Java

It is not known how many migrant workers from West Java depart for jobs overseas each year. What is clear is that although some are properly registered with the Manpower Office in their district before leaving, most are not. Of those who are not registered in their district, some are likely registered with Manpower officials in the place of training and transit (which is most likely in the Greater Jakarta Metropolitan area). However, many migrant workers are never registered with any Indonesian authorities at all before leaving the country to work abroad.

West Java Manpower officials are on record for expressing their frustration at not being able to keep accurate records of the numbers of migrant workers leaving the province each year. The head of the West Java Manpower Office, for example, was quoted by *Pikiran Rakyat* (dated June 15, 2006) as saying that many labor export agencies in the province did not report the departure of their migrant workers to his office. Manpower officials in Karawang district also explained that they had difficulty in collecting data on migrant worker departures due to the same reason (*Pikiran Rakyat*, April 21, 2006). This perhaps should not be surprising given a report in April 2005 by *Tempo* stating that many labor export agencies were operating in West Java without a license. In Karawang district, for example, the media report stated that only six of 125 labor export agencies that were recruiting workers in the district were properly registered with the Manpower Office (*Tempo*interaktif, April 25, 2005).

For these reasons, the data that is available on numbers of migrant workers originating from West Java is far from complete – even for numbers of those who

are properly registered. Through much effort, the Solidarity Center was able to piece together the following information on registered migrant workers from West Java from 2002-2005:

**Table 3.18:
Data on Numbers of Registered Migrant Workers²⁹**

Information Sources	Year of Placement			
	2002	2003	2004	2005
West Java Manpower Office		3,382		
BP2TKI (West Java)			1,454	3,267
Sukabumi district Family Planning and Women's Empowerment Office			17,384	21,654
Karawang district Manpower Office				2,791
Garut district Social Welfare, Education, Manpower and Transmigration Office	829			
Total	50,761			

The total number known from these sources for the four-year period must be far less than the reality. Given the fact that the single district of Sukabumi had recorded more than 21,000 migrant workers departing in 2005 should indicate that the figure for the entire province was far larger. It is likely, for example, that many of the 209,454 migrant workers who were registered with the Manpower's BP2TKI Jakarta office before departing to Asia-Pacific and Middle Eastern countries in 2005 originated from West Java rather than Jakarta³⁰. It is a proven fact that many Indonesians migrate for work abroad without registering with government officials. This is a reality in West Java as much as it is in other parts of Indonesia. In March 2005, for example, the Garut district Manpower Office halted the departure of 22 migrant workers from Nekarmurti and Bungbunan sub-districts when they found these workers had not been registered and were about to be sent abroad through illegal procedures (Pikiran Rakyat, March 13, 2005). In January 2006, West Java Provincial Police halted another 22 migrant workers who

²⁹ Total number of migrant workers in the table above could be less if there was overlapping information between information provided by BP2TKI, West Java Provincial Manpower Office and Manpower Offices at Kabupaten Level

³⁰ see http://www.nakertrans.go.id/ENGLISHVERSION/ind_workers.php (accessed in October 2006). The data in this website does not indicate the area of origin of each migrant worker - only the city from which they were registered by BP2TKI as having departed from before going abroad.

were out to be sent illegally to Singapore through Husein Sastranegara Airport in Bandung (Suara Pembaruan, January 26, 2006).

Problems reported by migrant workers

Many migrant workers returning through official routes such as Soekarno-Hatta International Airport in Jakarta and in border areas such as Batam or those who have ran to Indonesian embassies in the foreign countries they are working in have reported problems and crimes committed against them while working abroad – some of which can be considered as trafficking. Such reports come from registered and unregistered migrant workers alike. The Institute of Economic and Social Rights issued a report from the results of a study on returning migrant workers who were processed through Soekarno-Hatta's Terminal III (special terminal for migrant workers) from January through August 2004 (Palupi & Buntoro, 2005: 39). The report stated that during this period, 9.9% of all migrant workers returning through Terminal III from Asia-Pacific countries reported to officials that they had experienced problems while working abroad. It also said that 13.7% of migrant workers returning from the Middle East reported problems. Such problems included: unpaid salaries, contracts that did not correspond with the actual job provided, physical abuse, sexual harassment and assault, medical problems due to work (either through sickness or an accident), and issuance of improper travel documents and visas (Palupi & Buntoro, 2005). Many of these problems are often associated with trafficking – though it is not clear that all migrant workers reporting these problems can be categorized as having been trafficked. Given the fact that West Java is a major source area for labor migration, there is no doubt that many of those reporting problems were from West Java.

Some information on abuse and exploitation of migrant workers originating from West Java has been documented. However, it is difficult to know which cases should be categorized as trafficking as more details are needed to make such a determination. The following data has been collected by the Solidarity Center/ICMC:

- The Cirebon-based NGO Forum Warga Buruh Migran Indonesia recorded that of the 250 migrant workers that departed from Serangwetan village in the Babakan sub-district of Cirebon to work in the Middle East, 10 had returned pregnant or had given birth due to rape, four returned without ever receiving any salary, one reported she had been abused, and another one was reported as missing (FWBM Cirebon, 2006).
- Data from Paguyuban Wanita Peduli Buruh Migran (2006) a NGO in Kuningan district indicated that 13 of 113 migrant workers from Babakan Mulya village in Jalaksana sub-district had received less salary than promised and/or were moved from one workplace to another with no clear

reason.³¹ Many also reported they had been kept by their Indonesian labor export agency in a holding center for longer than the legal maximum time (some reported they had been kept detained for up to a full year before being sent abroad).

- This same NGO also documented that 12 of 86 migrant workers from Sidamulya village in Jalaksana sub-district reported problems, including being sent abroad with improper documents, being placed in jobs different than promised, and returned due to pregnancy (unclear if rape was involved) (Paguyuban Wanita Peduli Buruh Migran, 2006).
- The national secretariat of the *Konsorsium Pembela Buruh Migran Indonesia* (KOPBUMI) recorded in 2004 that of the total of 1,159 migrant workers whose families had lost contact with them, 729 were from Sukabumi district in West Java. Although some of these workers were probably not experiencing problems, it is likely that many of them lost contact with their families because of abuse, confinement and trafficking.
- In July 2005, *Liputan 6* reported that four women migrant workers from Sukabumi complained to the district Manpower Office for having been abused and forced to work without being paid (www.liputan6.com accessed in July 26, 2006).

Modus Operandi

Much profit can be made from migrant workers. Often such profit is made through criminal acts against the migrant worker by migration middlemen (recruiters, labor export agencies and foreign employment agencies), government officials, employers and criminal syndicates. Recruiters look for prospective workers in rural village communities, where poverty is common, and promise good high-paying jobs abroad. Some recruiters are licensed to recruit for labor export agencies. Others are not licensed. These recruiters, often referred to as *calos* or *sponsors* fetch a commission for each person recruited to the highest bidding labor export agency or may send recruits to other non-licensed brokers to facilitate the migration process through improper channels. Nearly all of these middlemen will, at a minimum, misrepresent some aspect of the agreement – or, at worst, utterly deceive the prospective worker concerning wages, costs, working conditions, type of job, etc.

Calos sometimes provide the prospective worker's family a "down payment" on future wages as an extra incentive. This is added to the debt that begins to accumulate during the migration process. *Calos* also often build relationships with village chiefs and community leaders who, in turn, can influence parents' decisions when it comes to prospective workers who are minors. Many of these village officials cooperate with *calos* by providing letters stating a minor is older than is the

31 Time period for the data is unclear.

reality – making it possible to apply for an identity card that will state a false age which then is used to apply for a passport.

Once recruited, the prospective migrant worker is sent to a labor export agency or handed over to other *calos* who will facilitate the processing of travel documents, training, and work with agents in the foreign country for job placement. Many prospective workers are below legal ages for migration – so their documents are falsified to show an older age. Most prospective workers do not have the financial means to pay for all costs up front. An arrangement is usually made in which the prospective worker's costs are deferred until the worker's salary can be deducted to pay it off. Such arrangements generally place the worker into situations akin to debt bondage – immobilizing the worker in a state of bondage until all debts are paid off. Often such debts accumulate from inflated or illegal charges and “credit” is extended at exorbitant interest rates. (See section on “Debt Bondage” in Chapter IV for more details of how debt can entrap workers into trafficking.)

Migrant workers trafficked

Suwarno (not his real name) approached many women and girls at their homes in Subang district, West Java and offered them jobs in a supermarket in Singapore. He told them they could earn Rp 1.2 – 1.5 million per month. Suwarno even offered one girl's family a loan of Rp 500 thousand that could be repaid later using the girl's future wages. He sent each prospective worker to a labor export agency, which paid Suwarno Rp 800,000 per recruit. The agency sent at least 30 of the prospective workers to Ms. Eva (not her real name) in Singapore through illegal procedures. Ms. Eva then sent the women and girls to Kuala Lumpur, where some were placed into forced labor as domestic workers and others into prostitution.

Source: Metro, January 2, 2004, also see similar case in Kompas, February 11, 2005 (www.kompas.com accessed Juni 12, 2006).

Many migrant workers have reported being abused and mistreated in the holding centers of labor export agencies. Such abuse includes illegal confinement (to ensure workers cannot run away before paying off their debts), intimidation and violence, sexual harassment and inhumane living conditions. Many labor agencies force prospective migrants to work in local households for no compensation as a means to “practice” their training (such free labor is sometimes demanded for weeks if not months). Details of abuses experienced by prospective migrant workers are described in several reports on Indonesian migrant workers (see Wardhani et al., 2004: 7-61).³²

³² Also see the sections on “pre-departure” in the following Human Rights Watch reports “Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia”, July 2004, Volume 16, No.

b. Trafficking into Forced Prostitution

Trafficking for the purpose of placing women and children into forced prostitution is very much a reality in West Java. Poor rural areas that are sources of workers for international and domestic migration are also source areas for sex trafficking as well. Women, girls and some boys from West Java are placed into sexual servitude abroad, in other parts of Indonesia, as well as within the province. Some prostitutes in West Java originate from other parts of the country. West Java has many establishments that sell sex – many of which are clustered together in well-known red-light areas. Such establishments include cafes, billiard halls, hotels, massage parlors, karaoke lounges and salons. Prostitution can also be found on streets, in parks and in malls. In Bandung, the National Child Protection Commission (Komnas PA) has identified at least 825 places where sex is sold, including prostituted children (*Child Prostitution Rising*, 2006).

Although not all women in prostitution can be categorized as having been trafficked, all children under 18 years-old have been, by definition, trafficked and many adult women have also been trapped into sexual servitude.³³ The Social Welfare Office recorded in 2003 a total of 6,276 sex workers throughout West Java – and that 1,800 (28.7%) of them were below the age of 18 (quoted from ILO-IPEC, 2004d: 21). The ILO-IPEC (2004d: 21) estimated in a 2004 report that these Social Welfare Office figures were, at a minimum, five times too small and stated that the real figures were likely to be at least 31,380 sex workers throughout West Java with at least 9,000 (28.7%) of them below the age of 18.

The ILO-IPEC report stated that child prostitution could be found in West Java in Bekasi, Karawang, Subang, Cianjur, Sukabumi, Depok, Bogor and Ciamis. Many of these child prostitutes originated from Cirebon (city and district), Bandung (city and district), and Indramayu. The report also said that many prostituted children found in Jakarta originated from Indramayu, Subang, Cirebon, Karawang, Cianjur, Sukabumi, Kuningan and South Bandung (ILO-IPEC, 2004d: 18-19). Another known receiving area of trafficked women and children from West Java is Batam and other parts of Riau Islands. *Paguyuban Keluarga Besar Indramayu* (Association of people from Indramayu) in Batam has reported that at least 6,300 women and girls from Indramayu were in Batam working as commercial sex workers (Pikiran Rakyat, November 11, 2005). Prostituted children found in the City of Bandung have been reported to have come from within Bandung district (Gunung Halu, Cililin, Soreang, Ciwidey, Pengalengan), Indramayu, Sukabumi, Garut, Sumedang, Majalengka, Kuningan, Tasikmalaya, Subang, Cirebon and other areas like

9(B); and “Maid to Order: Ending Abuses Against Migrant Domestic Workers in Singapore”, December 2005, Volume 17, No. 10(C).

33 The definition of trafficking under the UN Protocol specifically states that consent is irrelevant when the case involves a child. Therefore, all cases in which a child is involved in prostitution should be considered trafficking unless the girl is never removed from her home. In cases involving an adult, consent is irrelevant if any means such as deception or violence is used. See Chapter I for the definition.

Banyumas, Boyolali (Central Java) and Bojonegoro (East Java) (Pikiran Rakyat, January 14, 2004).

The ILO-IPEC report (2004d: 115) found that the initial brokers in the recruitment/trafficking process were generally someone whom the trafficked children were familiar with but then the next intermediaries were strangers. In some cases, fraud or deception was used in promising certain job opportunities so that the children were tricked into prostitution. Those facilitating the trafficking process were parents, relatives, husbands, friends, acquaintances, labor recruiters, pimps, and even local government officials.

A UNICEF report from 2004 focused on child prostitution in Indramayu district – which is known throughout Indonesia as a source area of commercial sex workers, including children. Many studies and media reports have pointed to the fact that prostitution in Indonesia’s major cities, and even abroad, has been frequently connected with Indramayu. Prostitution has become very openly practiced in Indramayu itself – often from sidewalk vendors (*warung remang-remang*), particularly along the North Coast Highway (Unicef, 2004b: 6). The study also found that many parents of prostituted children felt shame but nevertheless decided to take advantage of the economic benefits from the exploitation of their child. Abuse and violence were found to be a part of daily life for every child prostitute, even though many of the children had a high degree of autonomy and independence in deciding where to live and work (Unicef, 2004b: xv - xviii).

The media have reported a practice of “contract marriage” (especially in Sukabumi and Cianjur districts) that may sometimes be considered as trafficking.³⁴ The newspaper *Metro Bandung*, for example, reported 13 girls from Cikancung, Cicalengka were sold by brokers to Arab men using the term “contract marriage”. The report said that virgin girls were valued at Rp 10 million while non-virgin girls were valued at Rp 300,000–400,000 (Metro, February 27, 2003. In Pusdatin LPA Jabar, 2003). For more information, see the sections on “contract marriages” and “marriages to foreigners” in Chapter II.

c. Domestic Worker - within Indonesia

Many women and girls from West Java have migrated away from home to find jobs as domestic workers within Indonesia. Some of them experience abuse and unfair practices at the hands of their employers, sometimes amounting to a situation of trafficking. ILO-IPEC published a survey in 2004 on child domestic workers in which it estimated the number of domestic workers employed throughout the country totaled 2,593,399 – with an estimated 688,132 being children. For West Java, the survey estimated that the total number of domestic

³⁴ See Metro, February 27, 2003 in Pusdatin LPA Jabar, 2003. Also see <http://www.justiceforthe poor.or.id> (accessed on 28 Juli 2006).

workers employed within the province was 276,939 – and that 112,045 (40.05%) of them were children (ILO-IPEC, 2004f: 27). It must be assumed that most of these domestic workers originated from within the province but that some could have migrated from neighboring provinces as well. The estimate for Jakarta totaled 801,566 domestic workers – 192,764 (31.5%) of them were children. As Jakarta receives many migrating workers from other parts of the country to fill these jobs, one must assume that a significant portion of them were filled by migrants from West Java (particularly given the close proximity of the province with the capital city). This same assumption could be argued when looking at the estimate for the total number employed throughout Indonesia.

Children working as full-time, live-in domestic workers are especially prone to conditions that can be hazardous to their growth and mental well-being. Many are forced to work long hours with little time for rest and no access to continued education. In some circumstances, the domestic worker (especially children) can be categorized as having been trafficked (see Chapter II for more on trafficking connected to domestic work in Indonesia). In addition to the ILO-IPEC survey mentioned above, Human Rights Watch published an excellent report in 2005 on abuses of child domestic workers in Indonesia. The report highlights cases in which some children were found to have been trafficked (Human Rights Watch, 2005b, June).

In addition to research reports, the media has also publicized cases in which domestic workers in Indonesian households have been abused – including the following:

- Ika (24), a domestic worker from Bengkayang, West Kalimantan, was tortured by her employer in Tambun, Bekasi, West Java (Warta Kota, August 4, 2006).
- Karsih (16), a domestic worker from Karawang, West Java, was abused by her employer in East Bekasi (Kompas, March 1, 2004).

Like their international counterparts, domestic workers employed in Indonesian households are vulnerable to exploitation and abuse in the form of unpaid salary, confinement/bondage, forced labor and physical or sexual assault.

d. Child labor

Child labor can be found throughout West Java in various forms. Not all such labor is exploitative and hazardous to the child, especially if the child is able to continue attending school and the work is not for more than 3-4 hours per day. However, some work can be categorized as being “hazardous” physically and/or psychologically – endangering the well-being of the child. Any child migrating away from home to engage in hazardous work can be potentially categorized as being trafficked. The most recognizable form of hazardous child labor connected

to trafficking is child prostitution and child domestic work – both discussed in sections above.

In 2004, ILO-IPEC estimated that the number of children in West Java aged 10-17 years-old engaged in work totaled 529,317 (*Pikiran Rakyat*, April 26, 2004). It is likely that many of these children lived at home and worked alongside parents or relatives – and cannot be categorized as having been trafficked. But a significant number have also likely migrated to work away from home. The media articles compiled by Pusdatin LPA West Java indicate that some children have been trafficked into factory work, for example. An article by *Metro* dated February 17, 2006 reported that police raided an embroidery factory in Saritem Bandung that had 12 children locked up and working without wages. The report said that the *calo* that recruited the children had received Rp 20,000 for each child he sent to the factory (Pusdatin LPA Jabar, *op.cit*).

3. Efforts to counter trafficking

Over the past three years, the provincial government and several district/municipality governments in West Java have taken action to address trafficking in terms of establishing policies and mechanisms to prevent trafficking and enforce laws against traffickers as well as providing services to trafficked persons.

These government policies and actions include:

- The provincial government of West Java has formed a Committee for the Elimination of the Worst Forms of Child Labor, Child Trafficking and Child Sexual Commercial Exploitation through Governor Decree No. 43 of 2004. Provincial legislators of West Java have also developed a draft regulation on Human Trafficking and have formed a legislative committee to work on the bill. Similarly, the provincial government's legal bureau of the state secretariat has developed similar draft bill.³⁵
- The district government of Indramayu formed a Task Force and developed an Action Plan on the Elimination of Trafficking in Persons especially Women and Children in 2005. The district government also passed Regulation No. 4 of 2005 on the Prevention and Prohibition of Trafficking of Children into Commercial Sexual Exploitation.
- The district government of Sumedang has formed a Committee on the Elimination of the Worst Forms of Child Labor.
- The city government of Bandung has formed a committee on the Elimination of the Worst Forms of Child Labor and has developed a local Action Plan on Child Protection.
- The district government of Cianjur passed Local Regulation No. 15 of 2002 on the Protection of Indonesian Workers from Cianjur Abroad.

³⁵ This information was obtained through a general Internet announcement from Institute Perempuan on 6 July 2006.

- The district government of Sukabumi passed Local Regulation No. 13 of 2005 on the Protection of Indonesian Workers from Sukabumi Abroad.

Several non-governmental organizations are active in combating trafficking – and they are too many to list completely here. Some provide a variety of services, including:

- The Balqis Women Crisis Center in Cirebon;
- Child Drop in Center of Yayasan Bahtera;
- The Fatayat NU shelter in Depok;

Many of the non-government organizations – including the Indramayu Scouts with support from the Solidarity Center/ICMC and UNICEF – have been active in conducting prevention efforts through education campaigns. UNICEF has also initiated a free birth certificate program in Subang district (The Jakarta Post, April 6, 2005).

E. Central Java

Farida



Province Name	: Central Java
Capital City	: Semarang
Borders	
North	: Java Sea
South	: Indian Ocean and Yogyakarta Province
West	: West Java Province
East	: East Java Province
Area	: 32,799.71 km ²
Population	: 32,952,040 people (in 2004)
Population density level	: 1005 persons per km ²
Number of districts	: 29 (Banjarnegara, Banyumas, Batang, Blora, Boyolali, Brebes, Cilacap, Demak, Jepara, Brogoban, Karanganyar, Kebumen, Kendal, Klaten, Kudus, Magelang, Pati, Kab. Pekalongan, Pemalang, Purbolinggo, Purworejo, Rembang, Kab. Semarang, Sragen, Sukoharjo, Kab. Tegal, Tengganggung, Wonogiri, Wonosobo)
Number of municipalities	: 6 (Semarang, Surakarta, Magelang, Salatiga, Pekalongan and Tegal)

(Source: *Profil Daerah, Depdagri, 2006; Kode dan Data Wilayah, Depdagri, 2006*)

Table 3.19:
Human Development & Gender Development Index - 2002

Indicator	Unit	Value		Rank in Indonesia
		Central Java	Indonesia	
Adult women literacy level	%	80	85.7	12
Adult men literacy level	%	91.6	93.5	12
Length of schooling (women)	Years	5.9	6.5	12
Length of schooling (men)	Years	7.2	7.6	12
People without access to clean water	%	39.8	44.8	6
People without access to health facilities	%	20.9	23.1	6
Expenditure per capita	IDR '000	594.2	591.2	13
Open unemployment	%	8.1	10.6	*

Source: BPS/BAPPENAS/UNDP, 2004a: 103, 105, 108, 186

* Open unemployment ranking not available

1. Central Java at a glance

Central Java is Indonesia's third most populous province after West Java and East Java. Although Central Java's population is only about 3 million less than the populations of these two neighboring provinces, its GDP represented only 8.45% of Indonesia's total GDP in 2004 compared to 14.45% and 15.07% for West Java and East Java respectively (Tambunan, 2006: 5). The percentage of people living in poverty in Central Java stood at 21.11% in 2004 – much higher than West Java's 12.1% and somewhat higher than East Java's 20.08% (Tambunan, 2006: 12). Of Central Java's 16.11 million people of working age³⁶, 8.1% were estimated to be unemployed – translating into more than 1.3 million people. On average, girls discontinued schooling after less than 6 years and boys after slightly more than 7 years – which means that large numbers of children aged 12-18 years are likely seeking work opportunities.

These statistics, along with recent mass layoffs in Central Java's textile industry in recent years, explain why Central Java is consistently in the top three provinces in terms of numbers of registered migrant workers departing for employment abroad each year. Countless other residents of Central Java also migrate abroad without registering or leave home to find jobs in other parts of the country. Labor migration is seen by residents of Central Java as a good option to improve their economic conditions since there is often a lack of economic opportunities at home. In addition to this, the urban centers of Central Java, particularly Semarang and Surakarta, attract migrants from rural areas looking for work in the city. It is this large movement of people looking for work that makes human trafficking a real problem in this province.

2. Central Java's trafficking situation

In 2004, Central Java was ranked third in Indonesia in terms of sending registered migrant workers abroad, with Malaysia, Saudi Arabia, Singapore and Hong Kong as the primary international destinations. Many more have also migrated abroad with passports bearing false information and/or improper visas or with no documents at all. There is ample evidence that many of these migrant workers – those properly documented and those who are not – have suffered from exploitation, abuse and human trafficking at the hands of employers, labor agents and brokers. Many residents of Central Java also migrate for work to other parts of Indonesia, where some are trafficked into forced prostitution, slave-like domestic work and other exploitative types of labor such as begging. Because of this massive flow of thousands of migrants looking for work – and some becoming deceived and trapped by traffickers – Central Java is known as a major “source area” for trafficking.

36 See <http://www.jawatengah.go.id/framer.php?SUB=potensi&DATA=nakertrans>.

Some of the destinations for these migrants include parts of Central Java itself, particularly the larger urban centers of Semarang and Solo. Some migrants, many of them children, are trafficked into forced prostitution, abusive domestic work, begging or another form of exploitative labor. As such, these urban areas are known as “receiving areas” for trafficking.

Many of the people migrating to destinations outside of the province – particularly if they wish to work abroad – transit through the province’s key transportation hubs such as Semarang (airport and seaport), Solo (airport) and Cilacap (airport) where some would also apply for their travel documents. These transportation centers can be considered as “transit areas”. As these transit areas coincide with the province’s receiving areas for trafficking, some migrants believing they will transit in these places may, instead, be immediately placed into forced prostitution or abusive work.

Reported trafficking cases

It is not known how many people from Central Java are trafficked each year. This is due to the fact that the crime is hard to detect by law enforcers and that most persons who are trafficked never report their case – either because they are not able to or are too frightened or embarrassed. Therefore, the data that is known should be looked at as only the “tip of an iceberg”.

The International Organization for Migration (IOM) assisted in provided services to a total of 111 trafficked persons (108 of whom were female) originating from Central Java between March 2005 and July 2006. The following provides some detail on the age of these trafficked persons as well as the type of exploitation they were trafficked into:

Table 3.20:
Trafficked persons from Central Java who obtained services supported by IOM between March 2005 and July 2006

Type of Exploitation	Age of Trafficked Person			Total
	Infant	Child	Adult	
Domestic worker	0	6	71	77
Forced prostitution	0	2	5	7
Factory worker	0	0	2	2
Hostess	0	2	10	12
Laborer	0	0	3	3
Exploitation at transit ³⁷	0	2	6	8
Baby selling	1	1	0	2
TOTAL	1	13	97	111

Source: IOM (2006a, September)

37 IOM does not explain what type of exploitation this includes.

The IOM data does not provide information on the types of abuse experienced by the trafficked persons beyond the type of labor they were placed into. It is also not clear how many of these cases were of international trafficking versus domestic trafficking.

Data from police does not show any trafficking cases related to residents of Central Java, making it clear that none of the cases handled by IOM were taken up by police. The Government of Indonesia's 2006 report on human trafficking showed that none of the 30 cases of trafficking compiled from 2005 were connected to Central Java as reported by the Crime Investigation Board of the National Police Headquarters (Task Force for NPA, 2006, March). Information from previous years did not show a breakdown by province, making it unclear if any were connected to Central Java. The Central Java Police Criminal Division also has no clear records on trafficking. Although the police are sure that some trafficking cases have been handled, it does not know how many of the 589 cases referred to Special Service Rooms (RPK) throughout the province from 2000 through November 2004 were related to trafficking (Task Force for NPA, 2006, March). There are many possible reasons for this. Most possibly it could be due to confusion over what constitutes a trafficking case since trafficking has not yet been defined. Police are thus forced to arrest traffickers under a variety of crimes that may be "components" of trafficking, such as assault, rape, deception, etc. It is likely that Police find it difficult to identify which of these cases involved trafficking when they compile such statistics.

Trafficking cases have also been documented by Indonesian NGOs based in Central Java. The following are reports known to the Solidarity Center/ICMC:

- The Social Analysis and Research Institute - Solo recorded that throughout 2004-2005 it provided assistance to 38 trafficked persons.
- The Legal Resources Center – Kajian Jender dan HAM (LRC KJHAM) in Semarang recorded that in 2004 it handled 6 cases involving 14 persons trafficked into forced sex work. In 2005, the Center handled 4 trafficking cases involving 4 Indonesian migrant workers (Faturaji, 2006).
- The Child Protection Forum of Cilacap provided services to at least 7 children trafficked into prostitution in 2005.
- The Solidarity Center/ICMC Trafficking Compilation (see Appendix B) also showed a total of 9 cases for Central Java with 6 in 2004 and 3 in 2005.

a. Forms of trafficking in Central Java: International migrant workers:

Central Java is a major source area for international migration. Many of the workers migrating to other countries suffer from unfair practices and crimes committed by the large number of middlemen involved in the process (i.e. *calo*, labor export agencies and foreign employment agencies) as well as their employers abroad. In some cases, these crimes can be considered as trafficking (see Chapter

II for a description of what constitutes trafficking, particularly for international migrant workers).

Information regarding registered migrant workers

As discussed above, there is little information on the number of people from Central Java who have been trafficked. However, there is data on registered international migrant workers originating from Central Java – all of whom can be vulnerable to trafficking as well as other related crimes. The statistics compiled on registered migrant workers can provide some information on the overall trends of labor migration from Central Java – including numbers of migrants, their areas of origin, destination countries, gender and type of work.

The government's Migrant Worker Placement Service Agency (BP2TKI) recorded a total of 380,690 Indonesians as having migrated abroad for work in 2004 – 33,777 (8.9%) of them were from Central Java (Dit.Sospen PPTKLN Depankertrans, 2005). This means that nearly 1 in every 10 registered Indonesians working overseas is from Central Java. The local Manpower Office of Central Java, however, shows very different numbers for the same year: a total of 14,879 registered migrant workers from Central Java (Disnakertrans Jateng, 2006). It is not clear why these numbers are so different – though it can likely be attributed to a lack of coordination in the two documentation systems.

The data provided by BP2TKI does not provide details regarding where migrant workers originated from within the province. However, the following table shows the data from the Central Java Manpower Office as broken down by districts and municipalities for the years 2003-2005.

Table 3.21:
Registered Migrant Workers by District / Municipality in Central Java

No.	District / Municipality	Year			Total
		2003	2004	2005	
1.	Kota Semarang	517	2,957	432	3,906
2.	Kab. Kendal	1,599	1,485	726	3,810
3.	Kota Salatiga	12	456	-	468
4.	Kab. Semarang	85	652	-	737
5.	Kab. Grobogan	1,172	685	-	1,857
6.	Kab. Pekalongan	82	717	-	799
7.	Kota Pekalongan	2	141	149	292
8.	Kab. Batang	39	123	92	254
9.	Kota Tegal	59	9	5	73
10.	Kab. Tegal	-	-	30	30

11.	Kab. Brebes	90	116	-	206
12.	Kab. Pati	73	-	-	73
13.	Kab. Rembang	15	23	16	54
14.	Kab. Kudus	5	25	-	30
15.	Kab. Jepara	-	-	383	383
16.	Kab. Blora	10	-	-	10
17.	Kota Magelang	125	364	118	607
18.	Kab. Magelang	124	64	-	188
19.	Kab. Temanggung	-	378	-	378
20.	Kab. Wonosobo	45	-	-	45
21.	Kab. Kebumen	251	71	438	760
22.	Kab. Purworejo	190	322	22	534
23.	Kab. Surakarta	27	103	209	339
24.	Kab. Klaten	207	1,072	583	1,862
25.	Kab. Sragen	622	-	-	622
26.	Kab. Boyolali	17	-	38	55
27.	Kab. Karanganyar	75	334	84	493
28.	Kab. Banyumas	684	-	-	684
29.	Kab. Cilacap	4,484	4,536	4,011	13,031
30.	Kab. Banjarnegara	59	246	418	723
	TOTAL	10,670	14,879	7,754	33,303

Source: Disnakertrans Jateng (2006)

From the table above, it can be seen that 30 of Central Java's 35 districts and municipalities had registered migrant workers during these years. Oddly enough, some of the districts that registered significant numbers of migrant workers in some years did not register any in other years (such as Kab. Semarang, Grobogan, Sragen, and Banyumas). It is not clear why this occurred, though one could speculate that there were problems with documentation or that migrants decided to either register elsewhere or migrate without registering at all. The largest source areas according to this data were Kota Semarang (totaling 3,906), Kendal (3,810), Grobogan (1,857), Klaten (1,862), and Cilacap (13,031).

One must look at the figures for Cilacap with a degree of suspicion as it tops the list with numbers far higher than the other districts/municipalities. Although it is probable that many residents of Cilacap do migrate abroad, it is also likely that residents from neighboring districts register in Cilacap instead of their own district. This possible explanation is supported by the fact that the numbers of registered migrant workers for Cilacap's neighboring districts are non-existent or small even though these are generally known as source areas for migrant workers. On top of this, Cilacap is an important administrative center which serves these

neighboring districts in terms of issuing passports. Therefore, prospective migrant workers need to come to Cilacap to obtain passports before they can depart for work abroad. No less than 22 labor export agencies are licensed to operate in Cilacap with 10 more seeking licenses (Disnakertrans Cilacap, 2004). Thus, it is apparent that Cilacap is not only a major source area for migration but it joins Semarang as an important transit area as well.

Overall, the information from Table 3.21 is useful in providing a picture of which districts and municipalities may be main source areas for labor migration. However, these numbers should be viewed with some degree of skepticism given the irregularities pointed out above. Given the fact that many migrants do not properly register (as will be discussed below), the figures cannot be seen as completely definitive.

In terms of destination countries, Malaysia is by far the most popular among registered migrant workers from Central Java followed by Saudi Arabia and Singapore – though the latter two have shown fluctuations in numbers. The following table shows numbers of registered migrant workers and their destinations.

Table 3.22:
Number of Registered Migrant Workers from Central Java
According to their Destination Countries

No.	Placement Destination	Year			Total
		2003	2004	2005	
1.	Malaysia	6,293	7,161	5,100	18,554
2.	Saudi Arabia	2,473	3,527	329	6,329
3.	Singapore	1,004	2,700	1,345	5,049
4.	Hong Kong	464	1,369	660	2,493
5.	UAE	168	-	-	168
6.	Taiwan	64	-	265	329
7.	Korea	17	105	54	176
8.	Brunei	5	16	1	22
9.	Other destination	82	1	-	83
	TOTAL	10,670	14,879	7,754	33,303

Source: Disnakertrans Jateng (2006)

Although Malaysia is shown in Table 3.22 as the most popular destination, the data from Table 3.23 does not match this. Table 3.23 shows the value of remittances sent home by migrant workers from Central Java according to records from the Central Java Manpower Office.

Table 3.23:
Remittances of Migrant Workers from
Central Java for 2006 through April

No.	Country of Employment	Remittances (in rupiah)	Number of Migrant Workers
1.	Saudi Arabia	132,648,009,116	42,834
2.	Singapore	101,690,877,583	18,291
3.	Malaysia	86,514,713,159	28,931
4.	Korea	831,192,269	63
5.	Taiwan	1,727,049,520	42
6.	Hong Kong	20,149,318,004	7,663
7.	Other	20,483,034,045	2,400
	TOTAL	364,044,194,696	100,224

Source: *Disnakertrans Jateng (2006)*

What is most noticeable from this table is that Malaysia ranks third in value of remittances and second in terms of numbers of migrant workers (far less than Saudi Arabia). One explanation for this could simply be that Indonesian migrant workers in Malaysia are sending money home through informal networks which cannot be documented. However, this data could also indicate that significant numbers of Indonesians working in Malaysia are not receiving wages for their labor, which could be an indicator of trafficking. A wide range of reports document cases in which Malaysian employers and agents withhold wages from Indonesian workers as a way to control them and deter them from running away (see Human Rights Watch report, 2004a for description of this practice).

The Central Java Manpower Office data also provided information on the gender breakdown of migrant workers as well as whether they were placed in jobs in the formal sector (i.e. factories, plantations, construction, etc.) or the informal sector (i.e. domestic workers).

Table 3.24:
Gender and Sector of Work for Registered Migrant Workers
Originating from Central Java

Year	Formal		Informal	
	Male	Female	Male	Female
2003	173	546	2,636	7,315
2004	767	3,064	93	10,935
2005 *	1,460		6,294	
TOTAL	6,010		27,273	

* Breakdown by gender not available

Source: *Disnakertrans Jateng (2006)*

The number of registered workers placed into informal work during these years was more than 4.5 times as many as the number placed into formal work. A total of 21,877 registered women migrated in the years 2003 and 2004 as opposed to a total of 3,669 men – a ratio of nearly six women to every man who migrated. It should be noted that jobs in the informal sector are less regulated by the destination country governments than jobs in the formal sector. Law enforcers also have a more difficult time detecting legal violations in the private homes and small businesses that employ these workers – making informal sector jobs more dangerous in terms of potential for trafficking.

Unregistered migrants

It is likely that many migrants from Central Java register with Indonesian government officials in transit areas such as Jakarta, Batam or Medan. Therefore, Central Java authorities may not have documented their migration. However, it is a well-established truth that many Indonesians working abroad are not registered with Indonesian government authorities at all. Many of these workers were smuggled into a destination country without any travel documents or entered with documents that have false information or improper visas. These workers are at more risk of being trafficked than registered workers due to the fact that their host country views them as “illegal migrants”. Traffickers and perpetrators of other crimes against migrant workers find it easier to control and abuse unregistered workers as they can threaten to report them to police for arrest and deportation. With Central Java one of Indonesia’s main source areas for labor migration, it must be assumed that many residents of the province migrate abroad each year in this manner and that they are at high risk of trafficking.

The Kebumen district Manpower Office has said it believed many residents of the district migrate abroad without registering with their office. They stated in a

presentation in 2004 that the remittances of migrant workers sending money to families in the district were much higher than could be earned by the numbers of migrant workers registered in the district.³⁸ Manpower officials in Karanganyar have also publicly stated they believed many residents from the district have migrated abroad for work without registering with them. During field assessments from January through October 2005, district Manpower officials found evidence that a total of at least 675 residents of Matesih, Kebak Kramat and Tawangmangu sub-districts were working abroad at the time but that only 110 of them had registered before doing so (Tempointeraktif, www.tempointeraktif.com accessed on May 23, 2006).

Similarly, there seems to be a significant difference in the number of passports being issued in Cilacap compared to the number of registered migrant workers from the area. The Immigration Office of Cilacap – which is responsible for issuing passports to residents of Cilacap as well as residents in neighboring Banjarnegara, Banyumas, Purbalingga, and Kebumen districts – reported that it issued a total of 30,205 passports in 2003 (Disnakertrans Cilacap, 2004). During the same year, these five districts registered a total of 5,478 migrant workers – making the number of passports 5.5 times more than the number of registered migrant workers. Certainly, many of these passport applicants were not intending to travel abroad for work. However, given the distinct possibility that many workers who should be registering in the neighboring districts register in Cilacap instead (which is against proper procedures), it is likely that many more ignore procedures of registering at all. With so many labor export agency branches operating in Cilacap, it is also a distinct possibility that these agencies may actually be processing significant numbers of workers without registering them. However, further investigation is needed before any final conclusions can be made.

It is clear that many migrant workers use tourist visas to enter the country they wish to work in. Some do so knowing this is not proper procedure and that if they were found working on a tourist visa they could be arrested and deported. Others, however, are either misled by their labor agent as to the consequences of using a tourist visa or are led to believe they are entering the foreign country on a work visa. In a *Jakarta Post* article of July 15, 2005, then Minister of Manpower Fahmi Idris estimated that over 40,000 Indonesians were using tourist or social visas to find work in Malaysia. Many of these migrant workers, particularly women and girls, are handed over to Malaysian employment agents for job placement. If the agent is reasonably honest, then they are likely to place the woman or girl in a household and convert the Social Visa to a work visa. However, if the agent wishes to exploit the migrant, then it is easy to do so as they typically hold the

38 During a field assessment visit by Solidarity Center staff to the district Manpower Office in November 2004, Kebumen officials said that remittances received at Bank BRI and Bank BNI totaled Rp 46.5 billion for the period of 2003. They concluded that these remittances were far higher than the amount that could be earned by the registered migrant workers that could still be abroad during this period.

passport and can easily use threats of turning the migrant over to authorities if they do not do as they are told – resulting in slave-like labor or forced prostitution (see section on migration and trafficking in Chapter IV as well as the section on West Kalimantan where many Indonesians transit to cross into Malaysia using tourist visas). *Tempo Interaktif* reported in March 2005 that Sukoharjo District Police thwarted an attempt by labor agents to send 20 migrant workers to the Netherlands using tourist visas (www.tempointeraktif.com accessed on May 26, 2006).

Finally, it is clear that records compiled by different institutions often do not match with each other – such as those compiled by BP2TKI and the different levels of Manpower Offices from the district / municipality level to provincial on up to national. The large difference in numbers between figures reported in 2004 by BP2TKI and the Central Java Manpower Office has already been noted above. Another example can be seen in that the Cilacap Manpower Office reported a total of 4,819 migrant workers in 2003 (Disnakertrans Cilacap, 2004), whereas the Central Java Manpower Office recorded a total of 4,484 (a difference of 335 people or 9.3%). There should be cause for concern regarding this as it would be more difficult for the State to provide protection to workers who get lost in the shuffle of bureaucracy. They would become nearly as vulnerable to crimes and abuse as workers who never registered at all.

Problems reported by migrant workers

Many migrant workers returning through official routes such as Soekarno-Hatta International Airport in Jakarta and in border areas such as Batam or those who have ran to Indonesian embassies in the foreign countries they are working in have reported problems and crimes committed against them while working abroad – some of which can be considered as trafficking. Such reports come from registered and unregistered migrant workers alike. The Institute of Economic and Social Rights issued a report from the results of a study on returning migrant workers who were processed through Soekarno-Hatta's Terminal III (special terminal for migrant workers) from January through August 2004 (Palupi & Buntoro, 2005: 39). The report stated that during this period, 9.9% of all migrant workers returning through Terminal III from Asia-Pacific countries reported to officials that they had experienced problems while working abroad. It also said that 13.7% of migrant workers returning from the Middle East reported problems. Such problems included: unpaid salaries, contracts that did not correspond with the actual job provided, physical abuse, sexual harassment and assault, medical problems due to work (either through sickness or an accident), and issuance of improper travel documents and visas (Palupi & Buntoro, 2005). Many of these problems are often associated with trafficking – though it is not clear that all migrant workers reporting these problems can be categorized as having been trafficked. Given the fact that nearly one out of every ten registered migrant

workers come from Central Java, there is no doubt that many of those reporting problems were from Central Java.

Legal Resources Center – Kajian Jender dan HAM (LRC KJHAM) Semarang recorded that in 2005 they received 4 cases with 4 victims on trafficking cases for migrants worker (Faturaji, 2006). These migrant workers and many others have also reported unfair practices and abuse by the middlemen (recruiters, labor export agencies, foreign employment agents, etc.) facilitating their migration and job placement process. Some of these practices can be categorized as trafficking – or, at a minimum, can place the worker in danger of trafficking. Recruiters look for prospective workers in rural village communities, where poverty is common, and promise good high-paying jobs abroad. Some recruiters are licensed to recruit for labor export agencies. Others are not licensed. These recruiters, often referred to as *calos*, can fetch a commission for each person recruited to the highest bidding labor export agency or may send recruits to other non-licensed brokers to facilitate the migration process through improper channels. Nearly all of these middlemen will, at a minimum, misrepresent some aspect of the agreement – or, at worst, utterly deceive the recruit concerning wages, costs, working conditions, type of job, etc.

Calos sometimes provide the prospective worker's family Rp 100,000 to Rp 200,000 (US\$ 11 to 22.2) as a “down payment” on future wages as an extra incentive. This is added to the debt that begins to accumulate during the migration process. *Calos* also often build relationships with village chiefs and community leaders who, in turn, can influence parents' decisions when it comes to prospective workers who are minors or who have not yet left home. Many of these village officials cooperate with *calos* by providing letters stating a minor is older than is the reality – making it possible to apply for an identity card that will state a false age which then is used to apply for a passport.

Once recruited, the prospective migrant worker is sent to a labor export agency or handed over to other *calos* who will facilitate the processing of travel documents, training, and work with agents in the foreign country for job placement. Many prospective workers are below legal ages for migration – so their documents are falsified to show an older age. Most prospective workers do not have the financial means to pay for all costs up front. An arrangement is usually made in which the prospective worker's costs are deferred until the worker's salary can be deducted to pay it off. Such arrangements generally place the worker into situations akin to debt bondage – immobilizing the worker in a state of bondage until all debts are paid off. Often such debts accumulate from inflated or illegal charges and “credit” is extended at exorbitant interest rates. (See section on “Debt Bondage” in Chapter IV for more details of how debt can entrap workers into trafficking).

Many migrant workers have reported being abused and mistreated in the holding centers of labor export agencies. Such abuse includes illegal confinement (to

ensure workers cannot run away before paying off their debts), intimidation and violence, sexual harassment and inhumane living conditions. Many labor agencies force prospective migrants to work in local households for no compensation as a means to “practice” their training (such free labor is sometimes demanded for weeks if not months). Details of abuses experienced by prospective migrant workers are described in several reports on Indonesian migrant workers³⁹ (Wardhani et al., 2004: 7-61). Police in Cilacap raided a house in December 2005 where prospective migrant workers were being held prior to being trafficked (see box below).

Migrant Workers Illegally Confined

The Child Protection Forum of Cilacap provided services to seven women and girls who were held in a house in Cilacap in what appeared to be a situation in which the workers were about to be trafficked. The prospective workers originated from several districts of Central Java (including Kendal, Purwokerto, Purbalingga, and Brebes) as well as from outside of the province (including Pamekasan, Madura). Only one was a resident of Cilacap. They had been sent previously to Jakarta for training and to have their travel documents processed. But instead of departing for foreign destinations to work, they were taken to Cilacap for no apparent reason and detained in the house of a “sponsor”. Police raided the residence in December 2005 and freed the women and girls following a tip off by neighbors.

Source: Suara Merdeka, December 7, 2005

Some migrant workers have reported being threatened to be sent to Batam if they do not please their foreign employers (Human Rights Watch, 2005a, December: 21). For those that are sent to Batam due to these reasons, there is a great likelihood they would be trafficked into forced prostitution (Wardhani et al., 2004: 83-142). There is also evidence that schemes to send Indonesians to Japan under “internship programs” result in forced labor for no compensation. The Perisai Foundation of Semarang handled a case in 2005 involving 10 senior high school students that were sent to Japan as interns. These students reported that they were forced to work with no salary for a month before they were returned to Indonesia (interview with Ova, Perisai Foundation Semarang, March 2006).

b. Trafficking into forced prostitution – domestic and international

Trafficking for the purpose of placing women and children into forced prostitution is very much a reality in Central Java. Poor rural areas that are sources of workers for international and domestic migration are also source areas for sex trafficking

³⁹ Also see the sections on “pre-departure” in the following Human Rights Watch reports (2004, July & 2005, December).

as well. Women, girls and some boys from Central Java are placed into sexual servitude abroad, in other parts of Indonesia, as well as within the province. Some prostitutes in Central Java originate from other parts of the country. Central Java has many establishments that sell sex, many of which are clustered in urban areas. Some of these are in government-recognized *lokalisasi* (red-light districts) made up of brothels, karaoke bars, discos, etc. Others operate outside of *lokalisasi* with cafes, billiard halls, hotels, massage parlors, karaoke lounges and salons serving as legitimate business fronts. Well-known prostitution complexes can be found at Sunan Kuning on Jalan Simpang Lima and Jalan Pemuda in Semarang as well as the Silir red-light district in Surakarta. Street prostitution can also be found, especially in Semarang.

Although not all women in prostitution can be categorized as having been trafficked, all children under 18 years-old have been, by definition, trafficked and many adult women have also been trapped into sexual servitude.⁴⁰ The International Labor Organization's International Program for the Elimination of Child Labor (ILO-IPEC) estimated in 2004 that there were approximately 8,495 sex workers throughout Central Java – and that 3,177 (37.4%) of them were below the age of 18 (ILO-IPEC, 2004d: 17). The estimated numbers for Semarang were 2,237 total sex workers – 975 (43.6%) of whom were children. The table below shows the types of locations that sell sex in Semarang along with the estimated numbers of women and children associated with each. The estimate that about 70% of Semarang's street prostitutes were children (a very high percentage) may explain why the city's overall percentage of child prostitution at 43.6% is higher than that of the province at 37.4%.

Table 3.5:
Estimates of Numbers of Sex Workers and
Prostituted Children in Semarang

Places	Total Number of Sex Workers		Prostituted Children	
	Data from research	Estimated total	%	Total
Brothel	614	614	20	122
On Streets	180	540	70	378
Café	50	150	50	225
Discotheques	35	105	20	21
Hotel	30	90	50	45
Billiard Center	40	120	30	36

⁴⁰ The definition of trafficking under the UN Protocol specifically states that consent is irrelevant when the case involves a child. Therefore, all cases in which a child is involved in prostitution should be considered trafficking unless the girl is never removed from her home. In cases involving an adult, consent is irrelevant if any means such as deception or violence is used. See Chapter 1 for the definition.

Massage Parlor	190	570	20	144
Karaoke	13	39	10	3
Spa/sauna	3	9	10	1
Total	1,155	2,237	43.6	975

Source: ILO-IPEC (2004d: 16)

Until 2005, street prostitutes in Semarang could be found in the Simpang Lima area and Jalan Pemuda. Many were attached to street food vendors, who were their pimps. However, Setara Foundation reported in 2005 that the number of child prostitutes operating in the Simpang Lima area declined to only 5-10 following a crackdown on street vendors by law enforcement officials. Following this, it was believed that the women and child prostitutes moved to different places rather than quitting prostitution (interview with Odi Shalahudin, Setara Foundation, May 2006).

According to the ILO-IPEC study, most children were between 14 and 17 years old when first trafficked into sexual servitude. Of the 36 respondents that ILO-IPEC (2004d: 18) used as samples for their study, 16.66% were 14 years old when they were first prostituted, 25% were 15 years-old, 19.4% were 16 years-old, and 22.2% were 17 years-old. A total of 8.33% were 13 years-old when starting.⁴¹

The ILO-IPEC study (2004d) found that most of the child respondents they talked to worked six or seven days a week with two to five customers per day on average. Respondents generally earned from Rp 300,000 to Rp 1 million (US\$ 33.3 – 111) per month (prostituted boys earned nearly the same as girls). Most sent the money home to their family and reported that they were able to visit their family once every two weeks to a month on average (ILO-IPEC, 2004d: 25). These conditions indicate some freedom of movement and an income better than the average wage for alternative work, such as for domestic workers. However, it must be noted that intimidation, violence and exploitation from pimps, street thugs, and even police was found as being ever present with these children (p. 27).

A UNICEF report from 2004 focused on child prostitution in Surakarta – where prostitution of both adult women and children is openly practiced, particularly in Laweyan sub-district. However, prostitution exists in a more hidden manner in neighboring Banjarsari sub-district (Unicef, 2004: 7). The study also estimated that 41.2% of the children involved in prostitution in Surakarta lived with their parents, indicating that these children cannot be categorized as trafficked persons, though they were being sexually exploited and abused. Abuse and violence were found to be a part of daily life for every child prostitute, even though many of the children had a high degree of autonomy and independence in deciding where to live and work (Unicef, 2004: xvi-xviii).

⁴¹ The remaining 8.33% were 18 years-old when first starting.

The Kakak Foundation also conducted a study on child prostitution in Surakarta in 2003. In terms of how children became involved in prostitution, Kakak found that recruiters were often friends, neighbors, relatives or *calo*. Often the recruiter was currently or was once a sex worker. Various methods were found to be used to traffic children into prostitution, including many elements of debt bondage (for more information on debt bondage, see Chapter IV). The following table summarizes Kakak's findings.

Table 3.26:
Methods Used by Traffickers of Girls into Prostitution in Central Java

Type of Method	Action Used
Deception	Promised legitimate job in a café → but work turns out to be forced prostitution
	Promised Rp 800,000 - 1,000,000 salary for job → but compensation is far less or non-existent
	Promised free meals → but actuality is that they must pay (usually at inflated rates)
	Promised free new clothes → but forced to pay for such items (usually at inflated prices)
	Can go home anytime as long as they ask permission → but no such freedom is allowed
	Promised that there is no fee for migration costs → but these costs are presented as a debt that must be paid back (usually at inflated prices)
Force / Violence	Personal belongings/ money are taken away so as to diminish the girl's ability to escape
	Threats, violence and rape are commonly used to control the girl during migration or soon after arrival at the place of "employment"
Abuse of Power	Some parents knowingly sell their child into prostitution - sometimes they take "loans" as an advance on wages
Persuasion	Persuaded to come along with close friend who is already willing to go

Source: Kakak Foundation (2003: 32 - 33)

The Kakak Foundation also found evidence that many children from Central Java are trafficked for prostitution to areas outside of the province. The following table summarizes the source areas, transits and destinations found by Kakak.

Table 3.27:
Trafficking Routes for Prostitution with Central Java
as Source and/or Destination Areas

Area of origin	Transit Area	Destination
Solo	Yogyakarta	Jakarta
Muntilan	Purwokerto	Medan
Café Bambu (Solo)	Café in Gading (Solo)	Plumbon (Bekonang-Sukoharjo)
Kleco (Solo)	Unknown	Jakarta
Kerten (Solo)	Hotel & pimp's house in Surabaya	Dolly (Surabaya)
Solo	Jakarta, Lampung, Bengkulu	Pulau bay
Solo	Jakarta, Batam, Medan	Malaysia
East Nusa Tenggara	Unknown	Solo
Wonogiri	Unknown	Solo
Ciamis	Unknown	Surabaya (escaped to Solo)

Source: Kakak Foundation (2003: 33 – 34)

International Trafficking for the Purpose of Forced Prostitution

Many Indonesians are falsely promised legitimate jobs in foreign countries, only to find out when they arrive that they are forced into prostitution instead.

In 2004, 18-year-old Deasy (not her real name) and four of her friends were promised work as waitresses in Kuala Lumpur. Recruited in Semarang, they were told that they did not have to pay for any of the costs of migration. They departed for Batam, where agents arranged all of the necessary documents for work. A week later, they flew to Kuala Lumpur and were then brought to Subang, Malaysia. They were shocked when the employer forced them to provide sexual services to clients. Deasy said: "Every day, they forced us to work as prostitutes. If we refused, samseng (bodyguards) would beat us. We could only hold out for about two weeks, after which we gave in and worked as prostitutes for six months with no pay. We didn't receive a cent."

Source: Kompas, February 14, 2005

c. Trafficking into domestic work

Many women and girls from Central Java have migrated away from home to find jobs as domestic workers within Indonesia. Some of them experience abuse and unfair practices at the hands of their employers, sometimes amounting to a situation of trafficking. ILO-IPEC (2004f) published a survey in 2004 on child domestic workers in which it estimated the number of domestic workers employed throughout the country totaled 2,593,399 – with an estimated 688,132 being children. For Central Java, the survey estimated that the total number of domestic workers employed within the province was 399,159 – and that 111,987 (36.85%) of them were children (ILO-IPEC, 2004f: 27). It must be assumed that most of these domestic workers originated from within the province but that some could have migrated from neighboring provinces as well. The estimate for Jakarta totaled 801,566 domestic workers – 192,764 (31.5%) of them were children. As Jakarta receives many migrating workers from other parts of the country to fill these jobs, one must assume that a significant portion of them were filled by migrants from Central Java. This same assumption could be argued when looking at the estimate for the total number employed throughout Indonesia.

Children working as full-time, live-in domestic workers are especially prone to conditions that can be hazardous to their growth and mental well-being. Many are forced to work long hours with little time for rest and no access to continued education. In some circumstances, the domestic worker (especially children) can be categorized as having been trafficked (see Chapter II for more on trafficking connected to domestic work in Indonesia). In addition to the ILO-IPEC survey mentioned above, Human Rights Watch published an excellent report in 2005 on abuses of child domestic workers in Indonesia. The report highlights cases in which some children were found to have been trafficked (Human Rights Watch, 2005b, June).

d. Trafficking of children for the purpose of begging

There is evidence that some children in Central Java are trafficked for the purpose of street begging. However, there is not much information on the numbers or the modus operandi of this phenomenon. Irwanto compiled media reports from 1999-2000 indicating that at least three children between the ages of 13 and 18 were trafficked from Central Java to Batam and Jakarta for begging purposes (ILO-IPEC, 2004f: 163-192). The daily newspaper *Suara Merdeka* also reported on May 27, 2004 that three children from Sukoharjo district were sent to Jakarta, where they were locked up for 8 months in Condet, Jakarta with five other children from Surabaya and forced to beg every day (www.suaramerdeka.com accessed on 23 May 2006).

3. Efforts to counter trafficking

Over the past three years, the provincial government and several district/ municipality governments in Central Java have taken action to address trafficking in terms of providing services to trafficked persons as well as to establish policies and mechanisms to prevent trafficking and enforce laws against traffickers.

The following are government-supported service centers with capacity to assist trafficked persons:

- Service Center for Women and Children at Bhayangkara Muwardi Hospital in Surakarta (established in 2005);
- Women and Children Crisis Center (P2KPA) in Tugu hospital and Bhayangkara hospital in Semarang (established in 2003 by Governor's Decree No. 460.05/110/2003);
- "Seruni" One Stop Service Center for Gender-Based Violence Against Women and Children in Semarang (established in May 2005 under Mayoral Decree No. 463.05/112/2005);
- One Stop Service Center under the name of CITRA (Cilacap with No Violence) in Cilacap (established in 2006 by Regent's Decree No. 465.2/122/06/2006);
- The Police have 34 Special Service Rooms (RPK) throughout the province which are designed to assist a wide range of crimes committed against women, including trafficking.

There is one NGO service facility:

- Lentera Perempuan *Women's Crisis Center* (LPWCC) in Purwokerto

Policies and mechanisms by the government include:

- Establishment of Women and Children Protection Commission for Central Java under decree of the governor number 100/2005;
- Establishment of one stop service center for institutions to serve Indonesian migrant workers from Central Java;
- Development of local draft bill to eliminate Child Labor in Central Java;
- Coordination Team for Handling Violence against Women, Children and Youth in Kabupaten Semarang;
- The government of Surakarta has compiled an Action Plan on the Elimination of Human Trafficking, especially in women and children;
- Development of a draft regulation on the placement and protection of Indonesian workers from Cilacap district working abroad.

It should be noted that the purpose of establishing a one stop service center for institutions serving prospective migrant workers from Central Java is to streamline the migration process to make it faster and easier to monitor. Institutions that provide services in this system are the migrant worker placement body, the Immigration Office, migrant worker training centers, insurance companies, banks,

airlines, and the associations of labor export agencies. Workers can receive pre-departure training through this one-stop service (www.kompas.com accessed on 23 May 2006).

Several NGOs have worked with police in Central Java to better understand trafficking. In Banjarnegara district, for example, NGOs helped police understand that a child trafficking case should be charged using several articles in the Criminal Code and the Child Protection Act. Prior to such engagements, police often assumed that such cases should be charged with the less serious crime of deception. The child trafficking case in Banjarnegara resulted in a conviction in which the trafficker received a three year prison sentence (Kedaulatan Rakyat, September 11, 2004).

F. East Java

Anna Puspita Rahayu



Province name	: East Java
Capital city	: Surabaya
Borders	
North	: Java Sea
South	: Indian Ocean
East	: Bali Strait and Bali Province
West	: Central Java Province and Yogyakarta Province
Area	: 46,689.64 km ²
Population	: 37,076,283 people (in 2004)
Population density level	: 794 people per km ²
Number of districts	: 29 (Gresik, Mojokerto, Sidoarjo, Jombang, Sampang, Pamekasan, Sumenep, Bangkalan, Bondowoso, Situbondo, Banyuwangi, Jember, Malang, Pasuruan, Probolinggo, Lumajang, Kediri, Tulungagung, Nganjuk, Trenggalek, Blitar, Madiun, Ngawi, Magetan, Ponorogo, Pacitan, Bojonegoro, Tuban, Lamongan)
Number of municipalities	: 8 (Kediri, Blitar, Malang, Probolinggo, Pasuruan, Mojokerto, Madiun and Surabaya)

(Source: *Profil Daerah, Depdagri, 2006; Kode dan Data Wilayah, Depdagri, 2006*)

Table 3.28:
Human Development & Gender Development Index – 2002

Indicator	Unit	Value		Rank in Indonesia
		East Java	Indonesia	
Adult women literacy level	%	77.3	85.7	19
Adult men literacy level	%	89.5	93.5	19
Length of schooling (women)	Years	5.9	6.5	19
Length of schooling (men)	Years	7.2	7.6	19
People without access to clean water	%	36.7	44.8	7
People without access to health facilities	%	22.2	23.1	7
Expenditure per capita	IDR '000	593,8	591,2	25
Open unemployment	%	6.0	10.6	*

Source: *BPS/BAPPENAS/UNDP, 2004a: 103, 105, 109, 187*

* Open unemployment ranking not available

1. East Java at a glance

East Java is Indonesia's second most populous province after West Java. Its population mostly resides in rural communities – with 46.18% of the province's workforce employed in the agricultural sector (East Java Information Office, n.d). The industrial, trade, and service sectors at 12.51%, 18.8% and 12.78% respectively lag far behind in comparison (*Little has changed*, 2005) – which is the likely explanation for the province's poor ranking in expenditures per capita. Although its 6% unemployment rate is significantly better than the national average, this percentage still translates into about 970,000 unemployed persons out of a total of more than 16 million people of working age (*Little has changed*, 2005). The fact that length of schooling averages 5.9 years for girls and 7.2 years for boys also means that a significant number of children – particularly girls – dropping out of school may also be trying to enter the workforce.

These statistics help explain why East Java is consistently in the top three provinces in terms of numbers of registered migrant workers going abroad each year. Countless other residents of East Java also migrate abroad without registering or leave home to find jobs in other parts of the country. Labor migration is seen by residents of East Java as a good option to improve their economic conditions since there is often a lack of economic opportunities at home.

Added to this large flow of migration from East Java is the fact that the province is also strategically located as a transportation hub for much of eastern Indonesia – and thus is a major transit area for labor migration of residents originating from other provinces as well. The provincial capital city Surabaya possesses both an international airport and a major seaport. Surabaya was the third busiest transit area for registered migrant workers in 2005 – during which a total of 56,033 of them departed for work in countries of the Asia-Pacific after transiting through the city.⁴² Surabaya's airport and seaport also facilitate labor migration to many parts of Indonesia, particularly to Sumatra, Sulawesi, Kalimantan and Papua. Finally as Indonesia's second largest metropolis after Jakarta, Surabaya and its surrounding industrial areas act as a magnet for people who seek work in the big city. This makes East Java a destination place for many people migrating in search of jobs.

It is this massive movement of people – from, through and to East Java – who are looking for work that makes trafficking a real problem in this province.

42 see http://www.nakertrans.go.id/ENGLISHVERSION/ind_workers.php (accessed in October 2006). This website stated that a total of 209,454 registered migrant workers departed from Jakarta to Asia-Pacific and Middle Eastern countries and a total of 83,393 registered migrant workers departed from Nunukan, East Kalimantan for Asia-Pacific countries in 2005. These numbers do not indicate the area of origin of each migrant worker – only the city from which they were registered by BP2TKI as having departed from before going abroad.

2. East Java's trafficking situation

Each year, tens of thousands of women, men, girls and boys from East Java migrate to look for work in other areas of the country and abroad. Although some of these migrants are from urban areas, most originate from the province's rural areas. These migrants are usually motivated to find a better job and income than what is available to them at home. As trafficking generally corresponds to migration patterns (it has been said that traffickers "fish" from the "river" of migration), East Java is a major "source" or "sending" area of migrating workers who are vulnerable to trafficking. Many of these workers are trapped by traffickers into forced labor as domestic workers or other kinds of labor as well as into forced prostitution within Indonesia or abroad.

Reported trafficking cases

It is not known how many people from East Java are trafficked each year. This is due to the fact that the crime is hard to detect by law enforcers and that most persons who are trafficked never report their case – either because they are not able to or are too frightened or embarrassed. Therefore, the data that is known should be looked at as only the "tip of an iceberg".

The International Organization for Migration (IOM) supported facilities in Surabaya⁴³, Jakarta, Pontianak and Makassar that provided services to a total of 116 trafficked persons (111 of whom were female) originating from East Java between March 2005 and July 2006. The following provides some detail on the age of these trafficked persons as well as the type of labor exploitation they were trafficked into:

Table 3.29:
**Trafficked persons from East Java who obtained services
from IOM-supported facilities between March 2005 and July 2006**

Type of Exploitation	Age Category of Trafficked Person		Total
	Child	Adult	
Nanny / baby sitter	1	5	6
Domestic worker	8	53	61
Forced prostitution	13	13	26
Plantation worker	0	1	1
Factory worker	0	2	2

43 The facility supported by IOM in Surabaya is the Pusat Pelayanan Terpadu (PPT) established by Governor's decree in May 2004 in the Bhayangkara HS Samsuri Mertoyoso Polda hospital. The facility is designed to provide services to a variety of case types, including trafficking, domestic violence, rape and violence against children.

Shopkeeper	1	8	9
Hostess	1	2	3
Laborer	1	3	4
Exploitation at transit ⁴⁴	0	4	4
TOTAL	25	91	116

Source: IOM (2006a, September)

The IOM data does not provide information on the types of abuse experienced by the trafficked persons beyond the type of labor they were placed into (i.e. physical assault, illegal confinement, sexual harassment, etc.). It is also not clear how many of these cases were of international trafficking versus domestic trafficking – nor on the specific places each were trafficked to.

The Government of Indonesia's 2006 trafficking report presents information on 30 trafficking cases registered and handled by police throughout Indonesia during 2005 as compiled by the Crime Investigation Board of the Police Headquarters (Task Force for NPA, 2006, March). East Java police handled 6 of these cases. It is not clear if any of these cases are the same as reported by IOM. Information from previous years did not show a breakdown by province, making it unclear if any were connected to East Java.

Trafficking cases have also been documented by Indonesian NGOs based in East Java. The following are reports known to the Solidarity Center:

- Serikat Buruh Migran Indonesia (SBMI) – Blitar handled a total of 94 cases of migrant worker exploitation and abuse during 2003-2004. They categorized 27 of these cases as having been trafficking.
- The national secretariat of SBMI also handled an additional 10 cases of trafficking in East Java in 2005.
- Alliansi Buruh Migran (ABM) reported handling 3 cases of trafficking in 2005-2006.
- Hiperpro, an NGO in Nunukan, East Kalimantan that provides services for migrant workers in need, reported that in 2005 it handled at least 2 cases of migrants from East Java trafficked into Malaysia.

The Solidarity Center/ICMC Trafficking Compilation (see Appendix B) also showed a total of 11 cases for East Java with 2 in 2003, 6 in 2004 and 3 in 2005. These cases were compiled mostly from media reports. In addition to these, the following media reports are also known:

- In 2004, the media heavily reported the case of Istiqomah (from Banyuwangi, East Java) and Casingkem (Indramayu, West Java) who were sent to Jordan by PT Sabrina Paramitha in Condet, East Jakarta using the

44 IOM did not explain what type of exploitation this includes.

passports of other people. Upon arrival in Amman, the two were taken to Iraq to work as domestic workers and may have disappeared entirely into involuntary servitude if Iraqi rebels had not stopped them on the way to Fallujah.⁴⁵

- 20 girls from Nganjuk, Blitar and Tulungagung districts of East Java were trafficked into forced prostitution in Kutai, East Kalimantan (Koran Tempo, June 1, 2006).

a. Forms of trafficking in East Java:

International migrant workers

East Java is a major source area for international migration. Many of the workers migrating to other countries suffer from unfair practices and crimes committed by the large number of middlemen involved in the process (i.e. *calo*, labor export agencies and foreign employment agencies) as well as their employers abroad. In some cases, these crimes can be considered as trafficking (see Chapter II for a description of what constitutes trafficking, particularly for international migrant workers). Some international migrant workers are forced into sexual servitude once they reach their foreign destination instead of being placed into the job they were promised.

Information on numbers of migrant workers originating from East Java

Statistics on the number of registered international migrant workers from East Java are not easily accessible to the public.⁴⁶ A report published in 2005 by the NGO Network for the Elimination of Child Labor in Indonesia (JARAK) stated that a total of 37,150 registered migrant workers originating from East Java went abroad in 2003⁴⁷ (JARAK, 2003: 8). The same report stated that the East Java provincial government hoped to send at least 32,000 migrant workers abroad that year. The East Java Information Office on its website stated that a total of 38,465 registered migrant workers from East Java went abroad in 2000. However, it is likely that many migrants from East Java register with Indonesian government officials in transit areas such as Jakarta, Batam or Nunukan.⁴⁸ Therefore, East Java

⁴⁵ An example of one of the many articles on this case includes: "Better find work at home: Freed hostage", The Jakarta Post, October 7, 2004.

⁴⁶ Multiple requests to the East Java Manpower Office for statistics were always met with one excuse or another as to why the information was not readily available. No data is available from this office on the Internet.

⁴⁷ The report cites the East Java Manpower Office as its primary source for this statistic.

⁴⁸ See http://www.nakertrans.go.id/ENGLISHVERSION/ind_workers.php in which it states that in 2005 a total of 209,454 registered migrant workers departed from Jakarta to Asia-Pacific and Middle Eastern countries and a total of 83,393 registered migrant workers departed from Nunukan for Asia-Pacific countries. Through interviews with many NGOs and government officials, the Solidarity Center has concluded that many migrant workers register in different areas than their actual place of origin. It

authorities may not have documented their migration. It is also a well-established fact that many Indonesians working abroad are not registered with Indonesian government authorities at all. Many of these workers were smuggled into a destination country without any travel documents or entered with documents that have false information or improper visas. These workers are at more risk of being trafficked than registered workers due to the fact that their host country views them as “illegal migrants”. Traffickers and perpetrators of other crimes against migrant workers find it easier to control and abuse unregistered workers as they can threaten to report them to police for arrest and deportation. With East Java as one of Indonesia’s main source areas for labor migration, it must be assumed that many residents of the province migrate abroad each year in these ways and that they are at high risk of being trafficked and exploited.

Many articles reported by the news media highlight the fact that a significant percentage of the workers deported from Malaysia for working there without proper documents originated from East Java. For example, an article from the Chinese media *Xinhua* reported in September 2006 that Malaysia’s state of Johor deported 872 Indonesians arrested for working illegally. The article stated that these workers came from various areas of East Java and West Nusa Tenggara and had illegally entered Malaysia from Riau and Riau Islands provinces (*Xinhua*, n.d.). Another article by *The Jakarta Post* in September 2004 estimated that of the 700,000 Indonesian migrant workers thought to be working illegally in Malaysia at the time, as many as 200,000 of them were from East Java (*More RI Workers*, 2004). The same article quoted an East Java Manpower official as saying that of 2,742 deported Indonesians arriving in Surabaya that day, 560 were from Surabaya, 516 were from Madura, 155 were from Malang and 626 were from Banyuwangi.

Inconsistencies in official records also shows evidence that many migrants from East Java never registered with government authorities. The Tulungagung district Manpower Office registered 6,000 people as migrant workers in 1999. However, in 2003 the number of migrant workers who registered with district officials totaled only 728. Moreover, banks in this district recorded on average 15,000 – 20,000 migrant workers transferring money home each year (JARAK, 2003) – with remittances coming through Bank BNI averaging Rp 49.1 billion per month⁴⁹ (Palupi, 2003). Similarly in Blitar, banks there (such as BRI, BNI 46 and Bank Mandiri) received about RP 100 billion annually (which is higher than the municipality’s annual revenue that averages Rp 20 billion) (*Hujan Emas di*, 2006) – this number is estimated as twice as much as what could be realistically sent by the number of registered migrant workers originating from the area.

is likely that many migrants originating from East Java were registered as residents of their transit place (such as Jakarta or Nunukan) rather than registered as being from East Java.

⁴⁹ Palupi (2003) reported that the amount of remittances received in East Java from migrant workers in 2002 totaled Rp 2.4 trillion, averaging about Rp 167.05 billion per month.

Nearly all of East Java's districts and municipalities are source areas of migrant workers. Those that have been most noted in terms of high numbers include Ponorogo, Pacitan, Tulungagung, Blitar, Malang, Lumajang, Banyuwangi, Jember, Situbondo, and Pasuruan as well those on the islands of Madura and Bawean. Destinations for registered and unregistered migrant workers originating from East Java include Malaysia, Hong Kong, Singapore, Korea, Jordan, Saudi Arabia, Brunei Darussalam and Taiwan. There is evidence that some workers also migrate to the United States, New Zealand, Australia and Japan – particularly through unauthorized channels.

Exploitation (and trafficking) of migrant workers

There is ample documentation that Indonesian migrant workers – both those who are registered and those who are not – are vulnerable to crimes and exploitation from migration middlemen and employers alike. The Institute of Economic and Social Rights issued a report from the results of a study on returning migrant workers who were processed through Soekarno-Hatta's Terminal III (special airport terminal for migrant workers in Jakarta) from January through August 2004 (Palupi & Buntoro, 2005). The report stated that during this period, 9.9% of all migrant workers returning through Terminal III from Asia-Pacific countries reported to officials that they had experienced problems while working abroad. It also said that 13.7% of migrant workers returning from the Middle East reported problems (Palupi & Buntoro, 2005: 39). Such problems included: unpaid salaries, contracts that did not correspond with the actual job provided, physical abuse, sexual harassment and assault, medical problems due to work (either through sickness or an accident), and issuance of improper travel documents and visas. Many of these problems are often associated with trafficking – though it is not clear that all migrant workers reporting these problems can be categorized as having been trafficked. Given the fact that East Java is a major source area for international migration, there is no doubt that many of those reporting problems were from East Java.

Much profit can be made from migrant workers. Often such profit is made through criminal acts against the migrant worker by migration middlemen (recruiters, labor export agencies and foreign employment agencies), government officials, employers and criminal syndicates. Prospective migrant workers recruited in East Java are aged between 15 and 55 – most being on the younger end of the spectrum. The majority never graduated from junior high school and many have never graduated from elementary school. Most are women and girls recruited into informal sector jobs (Pusdatinaker – Balitfo, Depnakertrans). It should be noted that jobs in the informal sector are less regulated by the destination country governments than jobs in the formal sector. Law enforcers also have a more difficult time detecting legal violations in the private homes and small businesses that employ these workers – making informal sector jobs more dangerous in terms of potential for trafficking.

Recruiters look for prospective workers in rural village communities, where poverty is common, and promise good high-paying jobs abroad. Some recruiters are licensed to recruit for labor export agencies. Others are not licensed. These recruiters, often referred to as *calos*, *sponsors* or PL (field recruiter), can fetch a commission of Rp 500,000 to Rp 1.5 million (US\$ 55.6 – 167) for each person recruited to the highest bidding labor export agency or may send recruits to other non-licensed brokers to facilitate the migration process through improper channels (interview with several former migrant workers and *calos* in Blitar, June 2006). Nearly all of these middlemen will, at a minimum, misrepresent some aspect of the agreement – or, at worst, utterly deceive the prospective worker concerning wages, costs, working conditions, type of job, etc.

Calos sometimes provide the prospective worker's family a "down payment" on future wages as an extra incentive. This is added to the debt that begins to accumulate during the migration process. *Calos* also often build relationships with village chiefs and community leaders who, in turn, can influence parents' decisions when it comes to prospective workers who are minors. Many of these village officials cooperate with *calos* by providing letters stating a minor is older than is the reality – making it possible to apply for an identity card that will state a false age which then is used to apply for a passport.

Once recruited, the prospective migrant worker is sent to a labor export agency or handed over to other *calos* who will facilitate the processing of travel documents, training, and work with agents in the foreign country for job placement. Many prospective workers are below legal ages for migration – so their documents are falsified to show an older age. Most prospective workers do not have the financial means to pay for all costs up front. An arrangement is usually made in which the prospective worker's costs are deferred until the worker's salary can be deducted to pay it off. Such arrangements generally place the worker into situations akin to debt bondage – immobilizing the worker in a state of bondage until all debts are paid off. Often such debts accumulate from inflated or illegal charges and "credit" is extended at exorbitant interest rates. (See section on "Debt Bondage" in Chapter IV for more details of how debt can entrap workers into trafficking.)

Many migrant workers have reported being abused and mistreated in the holding centers of labor export agencies. Such abuse includes illegal confinement (to ensure workers cannot run away before paying off their debts), intimidation and violence, sexual harassment and inhumane living conditions. Many labor agencies force prospective migrants to work in local households for no compensation as a means to "practice" their training (such free labor is sometimes demanded for weeks if not months). Details of abuses experienced by prospective migrant workers are described in several reports on Indonesian migrant workers (see Wardhani et al., 2004: 7-61, and also see the sections on "pre-departure" in the Human Rights Watch reports, 2004, July and 2005, December). As of 2006, a total of 56 labor export agencies were legally registered to operate in East Java, many of

them having branches throughout the province (interview with BP2TKI East Java, November 2006).

Abuse of migrant workers occurs in destination countries as well. Some are placed in jobs that are different from what was promised – including some cases in which migrant workers were forced into prostitution. Most have their wages cut more than what was stated in their contract and many are never paid at all. Many migrant workers experience sexual harassment and abuse both physically and psychologically. Some are kept illegally confined through force and intimidation. Travel documents are often held by employers to deter the migrant worker from running away (Indonesian Country Report, 2002).⁵⁰ Migrant workers who are working without proper documents are more vulnerable to abuse (and trafficking) as they can be threatened by employers with arrest and deportation.

Upon returning home, migrant workers are still vulnerable to crimes – including trafficking. This is particularly true for women migrant workers returning through Juanda Airport and the seaport in Surabaya as well as over land from Malaysia – as many *calos*/brokers wait in these places to exploit them. Many migrant workers are forced to cash their pay checks at very bad exchange rates and then to pay transportation costs at inflated prices. Migrants are vulnerable to trafficking, extortion, rape and even murder during their return journey.⁵¹

Another modus operandi of sending women migrant workers to Taiwan was reported by the newspaper *Suara Pembaruan* in April 2006. East Jakarta police successfully busted three Taiwanese nationals who were attempting to bring 45 women from East Java, Central Java and West Java to Taiwan to work as domestic workers. Instead of processing these women through proper labor migration procedures, they instead registered false marriages with the women in order to bring them back to Taiwan as “wives”. Santi (27) from Blitar said that she was asked to dress like a bride for false wedding pictures used to get all necessary documents required for work in Taiwan more easily. She said she had paid Rp 4 million (US\$ 444) to a *calo* to help her get work. The East Jakarta Police Chief said he believed more than 200 women from Indonesia had already been sent to Taiwan in this manner (*Modus Baru*, 2006).

50 More sourcing from interviews with former East Java migrant workers during field assessments in January 2005 and June 2006.

51 See “Sixteen migrant workers murdered”, *The Jakarta Post*, 29 September 2005. The article described how criminals had persuaded returning migrant workers at Juanda Airport in Surabaya to use their transportation services. The criminals murdered at least 16 returning migrants in order to take their money and possessions.

Ayu's Story

Ayu was a 15-year-old elementary school graduate when a recruiter came to her house in Blitar and promised her parents that he could find their daughter a good job in Singapore. The recruiter promised that he would take care of all expenses and would obtain all the travel documents needed. Ayu's parents agreed and she was soon taken to a labor export agency in Malang. After two months in Malang, she was sent to Singapore where she was placed in a household as a domestic worker. Her passport stated that she was 24 years old. After four months, her employers accused her of stealing jewelry. Ayu's labor agents then sent her to Batam and she was never paid for the work she did in Singapore. In Batam, Ayu was forced to work for family relatives of the owner of the labor agency in Malang.

In Blitar, Ayu's recruiter told her parents that the labor export agency in Malang was asking Rp 1 million if they wanted their daughter to return to Blitar. Her parents did not have that much money and instead asked a migrant worker organization for help. The organization was able to pressure the recruiter and the labor export agency to return Ayu from Batam. She never received any wages for the work she did during the entire experience.

Source: Serikat Buruh Migran Indonesia (SBMI) – Blitar, September 2006

b. Trafficking into forced prostitution – domestic and international

Trafficking for the purpose of placing women and children into forced prostitution is very much a reality in East Java. Poor rural areas that are sources of workers for international and domestic migration are also source areas for sex trafficking as well. Women, girls and some boys from East Java are placed into sexual servitude abroad, in other parts of Indonesia, as well as within the province. Some prostitutes in East Java originate from other parts of the country. There is also evidence that Surabaya is a receiving area for international sex trafficking. Hotline Surabaya Foundation (an NGO that provided services to women and girls force into prostitution) has identified some sex workers from Taiwan, Latin America and Ukraine.

East Java has many establishments that sell sex, many of which are clustered in urban areas. Some of these are in government-recognized *lokalisasi* (red-light districts) made up of brothels, karaoke bars, discos, etc. Others operate outside of *lokalisasi* with cafes, billiard halls, hotels, massage parlors, karaoke lounges and salons serving as legitimate business fronts. Hotline Surabaya Foundation has identified the following areas in East Java as being well-known for providing sex for sale:

Table 3.30:
Concentrated Areas of Prostitution throughout East Java

District / Municipality	Area where sex is for sale
Surabaya	Dolly, Bangunsari, Tambak Sari, Jarak, Moroseneng, and Sememi
Malang	Wajak, Waduk Karang Kates, and South Malang
Blitar	Jeduk, Tanggul, Mbah Gampeng, Serut, and Tambak
Pasuruan	Tretes
Situbondo	Gunung Kapur
Jember	near the beach
Banyuwangi	Padang Bulan, Blibis, Gempol Porong, and Glenmore
Nganjuk	Waru Jayeng
Kediri	Dang Sewu and scattered areas (because local government shut down <i>lokalisasi</i>)
Madiun	outskirts of Madiun en route to Ponorogo
Mojokerto	no main clusters known
Bojonegoro	Kali Kretek
Madura	no main clusters known

Source: Hotline Surabaya Foundation (Interview, June 2006)

Although not all women in prostitution can be categorized as having been trafficked, all children under 18 years-old have been, by definition, trafficked and many adult women have also been trapped into sexual servitude.⁵² The ILO-IPEC (2004 d: 17) estimated in 2004 that there were approximately 14,279 sex workers throughout East Java – and that 4,081 (28.6%) of them were below the age of 18. The estimated numbers for Surabaya were 12,432 total sex workers – 2,329 (18.7%) of whom were children.⁵³ The table below shows the types of locations that sell sex in Surabaya along with the estimated numbers of women and children associated

52 The definition of trafficking under the UN Protocol specifically states that consent is irrelevant when the case involves a child. Therefore, all cases in which a child is involved in prostitution should be considered trafficking unless the girl is never removed from her home. In cases involving an adult, consent is irrelevant if any means such as deception or violence is used. See Chapter 1 for the definition.

53 The ILO Rapid Assessment estimated the total number of sex workers in Surabaya as 12,432 (see page. 23). This was calculated from the 8,440 sex workers that researchers were able to identify through direct observation. However, in their estimate for the total number of sex workers in all of East Java, the report used the figure of 8,440 for Surabaya plus the estimated 5,839 sex workers outside of Surabaya (see page. 24). If the estimated total of 12,432 for Surabaya were used instead, the total for all of East Java could stand at 18,271 sex workers.

with each. The study concluded that of the city's total number of 7,442 sex workers in *lokalisasi* (which are more closely monitored by law enforcement and social service officials), 1,086 (15%) were children. The study also concluded that children may be involved in as much as 50% of prostitution transactions occurring from salons.

Table 3.31:
Estimates of Numbers of Sex Workers and
Prostituted Children in Surabaya

Places	Total Number of Sex Workers		Prostituted Children	
	Data from research	Estimated total	%	Total
<i>Lokalisasi</i> (brothels)	7,442	7,442	15	1,086
On Streets	330	1,650	25	412
Cafés	65	325	15	49
Discotheques	150	750	5	38
Hotels	50	250	35	88
Billiard Halls	25	125	30	38
Massage Parlors	173	865	25	216
Karaoke lounges	110	550	30	165
Salons	95	475	50	237
Total	8,440	12,432	18	2,329

Source: ILO-IPEC (2004 d: 16)

According to the ILO-IPEC study, most children were 14-17 years old when first trafficked into sexual servitude. Of the 36 respondents that ILO-IPEC used as samples for their study, 16.66% were 14 years old when they were first prostituted, 25% were 15 years-old, 19.4% were 16 years-old, and 22.2% were 17 years-old (2004 d: 18). A total of 8.33% were 13 years-old when starting.⁵⁴

The ILO-IPEC study (2004d: 25) found that most of the child respondents they talked to worked six or seven days a week with two to five customers per day on average. Respondents generally earned from Rp 300,000 to Rp 1 million (US\$ 33.3 - 111) per month (prostituted boys earned nearly the same as girls). Most sent the money home to their family and reported that they were able to visit their family once every two weeks to a month on average. These conditions indicate some freedom of movement and an income better than the average wage for alternative work, such as for domestic workers. However, it must be noted that intimidation, violence and exploitation from pimps, street thugs, and even police was found as being ever present with these children (page 27).

⁵⁴ The remaining 8.33% were 18 years-old when first starting.

Hotline Surabaya Foundation said that sex workers are often rotated from one establishment to another, and even moved to outside of East Java. The purpose is to provide rotating options for clients as well as to keep some of the sex workers in a perpetuated state of debt (as costs of such transfers are often forced onto the sex worker). Such rotations also occur to keep child prostitutes less obvious to the public and law enforcers. Often, young girls are trafficked to Tretes (border between Malang and Pasuruan) where there is high demand for child prostitutes. After some time spent there and as client interest diminishes, they are usually moved to different locations such as Dolly in Surabaya. They may be rotated yet again to other brothels such as in Bangunsari, Moroseneng, Sememi, Jarak and even outside Java (i.e. Kalimantan, Sulawesi and Papua).

All of the respondents in the ILO-IPEC Rapid Assessment (2004d: 53-60) started out as migrants, seeking employment away from home to earn income to help their families. Not all intended to enter the sex trade. Many relied on a broker to direct them to a decent job. In some cases, the child was taken to a shop or some other workplace in an urban center – then she was eventually forced into prostitution. Others were taken directly to a sex work establishment – sometimes with their knowledge but many unwittingly. The study highlighted the use of deceit, coercion and abuse of authority by parents as means of trafficking. Traffickers included neighbors, friends, relatives, parents, and labor recruiters – as well as “indirect traffickers” such as taxi or *becak* drivers who take disoriented migrants newly arriving in a city bus station to brothels by promising good work.

Intan’s Story

Intan, a 16-year-old girl from Nganjuk, East Java, was offered a job as a waitress in a restaurant in Surabaya by a local job recruiter identified as Su. She decided to accept the offer. On their way to Surabaya, Su and Intan stayed the night at Su’s boss’s place, where 20 other girls from Tulungagung and Blitar were also preparing to depart for jobs in Surabaya. Upon arriving in Surabaya, Intan and the other girls were instead forced to continue on to East Kalimantan where they were sold to a brothel called Segadur in Kutai district. “We were asked to sign a letter, which we were not allowed to read. Then we were forced to serve men. Whenever I refused, they beat me.” Intan said. For four months, Intan was forced to serve 4-5 clients every day. Each man paid Rp 70,000. Intan was forced to pay Rp 15,000 for room rent, Rp 10,000 for bathroom water, Rp 30,000 for food, and Rp 10,000 for other expenses each day. The income from her sexual servitude was not enough to support her daily cost of living – and so she was forced to become even more indebted to her pimp. At one point, Intan was able to contact her family and ask them to pick her up. With the help of police, the family was able to release Intan from the brothel – though she was in severe trauma. “Hundreds of other girls are still in brothels because their family was not able to pick them up,” said Intan. Police finally arrested Su and SK for trafficking of children into prostitution. (Source: Koran Tempo, June 1, 2006)

c. Trafficking into domestic work

Many women and girls from East Java have migrated away from home to find jobs as domestic workers within Indonesia. Some of them experience abuse and unfair practices at the hands of their employers, sometimes amounting to a situation of trafficking. ILO-IPEC published a survey in 2004 on child domestic workers in which it estimated the number of domestic workers employed throughout the country totaled 2,593,399 – with an estimated 688,132 being children. For East Java, the survey estimated that the total number of domestic workers employed within the province was 402,762 – and that 95,189 (31.04%) of them were children (ILO IPEC, 2004 f: 27). It must be assumed that most of these domestic workers originated from within the province but that some could have migrated from neighboring provinces as well. The estimate for Jakarta totaled 801,566 domestic workers – 192,764 (31.5%) of them were children. As Jakarta receives many migrating workers from other parts of the country to fill these jobs, one must assume that a significant portion of them were filled by migrants from East Java. This same assumption could be argued when looking at the estimate for the total number employed throughout Indonesia.

Children working as full-time, live-in domestic workers are especially prone to conditions that can be hazardous to their growth and mental well-being. Many are forced to work long hours with little time for rest and no access to continued education. In some circumstances, the domestic II worker (especially children) can be categorized as having been trafficked (see Chapter II for more on trafficking connected to domestic work in Indonesia). In addition to the ILO-IPEC survey mentioned above, Human Rights Watch published an excellent report in 2005 on abuses of child domestic workers in Indonesia. The report highlights cases in which some children were found to have been trafficked (see Human Rights Watch, 2005b, June).

d. Child Workers

Child labor can be found throughout East Java in various forms. Not all such labor is exploitative and hazardous to the child, especially if the child is able to continue attending school and the work is not for more than 3-4 hours per day. However, some work can be categorized as being “hazardous” physically and/or psychologically – endangering the well-being of the child. Any child migrating away from home to engage in hazardous work can be potentially categorized as being trafficked. The most recognizable form of hazardous child labor connected to trafficking is child prostitution and child domestic work – both discussed in sections above.

In 2004, ILO-IPEC estimated that the number of children in East Java aged 10-17 years-old engaged in work totaled 414,554 (ILO IPEC Annual Report 2002-2004). An estimated 224,075 of them were believed to be working in agriculture, forestry

and animal hunting. Most of these children likely lived at home and worked alongside parents or relatives. Thus it is unlikely that many of these children could be categorized as having been trafficked unless they migrated to plantations or fishery areas away from home. ILO-IPEC also estimated that children in East Java were engaged in mining (2,208 children), manufacturing (60,161 children), construction (18,865 children), trade, retail, restaurants and hotels (71,261 children), transportation and communication (3,409 children), and public service industries (34,574 children). These types of work have more of a potential to require the child to migrate away from home and also have the potential to be hazardous and exploitative. Thus it is likely that some of these children were trafficked.

3. Efforts to combat trafficking

In 2003, the provincial government formed the Commission for Child Protection (KPA) of East Java through Governor's Decree No. 188/145/KPTS/013/2003. The commission consists of three provincial action committees:

1. The Provincial Action Committee on the Elimination of the Worst Forms of Child Labor – coordinated by the provincial Manpower Office);
2. The Provincial Action Committee on the Elimination of Trafficking in Women and Children – coordinated by the provincial Community Empowerment Body (Bapemas);
3. The Provincial Action Committee on the Abolition of Child Commercial Sex Exploitation – coordinated by the provincial Social Welfare Office.

Although the Committee on Elimination of Trafficking directly addresses trafficking issues, the other two committees are also relevant to trafficking since some of the worst forms of child labor and most acts of child commercial sexual exploitation are also categorized as trafficking. These committees function as coordination bodies for both government and non-government stakeholders to conduct research, develop policies, implement prevention efforts, provide services to trafficked persons, and combat trafficking through law enforcement. They are also mandated to evaluate ongoing efforts. The three committees are coordinated by a secretariat (SEKTAP KPA) which is composed of member institutions from each of the three committees. The Committee on the Elimination of Trafficking has 19 government and non-government institution members.

The province has also issued several policies and mechanisms relevant to combating trafficking, including:

- Provincial Action Plan to Eliminate the Trafficking of Women and Children in East Java issued in March 2005 under Decision of the Regional Secretariat of East Java No. 188.4/430/KPA/123/031/2005;
- Provincial Action Plan on Child Protection in East Java issued in 2004 under Decision of the General Chairman of the KPA No. 13/SKEP/IV/201.4/2004;

- The Government of East Java issued in 2004 Regional Regulation No. 2/2004 on Placement and Protection of Indonesian Workers Abroad.

Several districts and municipalities have also issued policies and mechanisms relevant to combating trafficking, including:

- The Administrations of Gresik City, Tuban City, Bojonegoro District, Tulungagung District, and Mojokerto District have all formed Action Committees for the Elimination of the Worst Forms of Child Labor;
- The Administration of Tulungagung District has also formed a Commission for Child Protection through Decisional Letter of the Regent No. 844 of 2004;
- The Administration of Malang District formed a Commission for the Protection of Women and Children through Decisional Letter of the Regent No. 180/KEP/421.012/2005. Malang District is also in the process of creating an Action Plan for the Elimination of Trafficking as well as a regional regulation on the Protection of Migrant Workers;
- The Administration of Blitar District is in the process of creating a regional regulation on the Protection of Migrant Workers;
- The Administration of Banyuwangi District has formed a Committee for Child Protection related to the Worst Forms of Child Labor, Commercial Sexual Exploitation of Children and Child Trafficking.

On May 12, 2004, the Governor of East Java inaugurated a “One-Stop Service Center” (PPT) at Bhayangkara HS Samsuri Police Hospital in Surabaya. The PPT is designed to handle cases involving violence against women and children – including cases of trafficking. Women and children who have been exposed to violence are able to obtain medical, counseling, legal advocacy and shelter services as well as self-confidence training through the facilities at the hospital as well as through a wide network of NGO and government institutions connected to the PPT (such as KPPD, the Savy Amira Surabaya Women’s Crisis Center, government Social Services Office, etc.). Funding for the PPT is provided from the East Java State Budget as well as additional support from international NGOs such as IOM.

Many non-governmental organizations are active in combating trafficking – and they are too many to list completely here. Some provide a variety of services, including:

- Hotline Surabaya Foundation for women forced into prostitution;
- Women’s Crisis Center in Jombang;
- JARAK and its network of NGOs for children exposed to hazardous labor;
- Serikat Buruh Migran Indonesia (SBMI) for migrant workers in need (branches in several districts and municipalities);
- Alliansi Buruh Migran (ABM) in Surabaya for migrant workers in need.

Many of the NGOs as well religious organizations – including the Association of Nadlatul Ulama Students (IPPNU & IPPNU) – and academic institutions have been active in conducting prevention efforts through education campaigns and research.

G. Banten

Sally I. Kailola



Province name	: Banten
Capital city	: Serang
Borders	
North	: Java Sea
South	: Hindie Ocean
West	: Sunda Strait and Lampung Province
East	: DKI Jakarta and West Java province
Area	: 9,018.64 km ²
Population	: 9,127,923 people (in 2004)
Population density level	: 1,012 people per km ²
Number of districts	: 4 (Pandeglang, Lebak, Tangerang and Serang)
Number of municipalities	: 2 (Tangerang and Cilegon)

(Source: Profil Daerah, Depdagri, 2006; Kode dan Data Wilayah, Depdagri, 2006)

Table 3.32:
Human Development & Gender Development Index – 2002

Indicator	Unit	Value		Rank in Indonesia
		Banten	Indonesia	
Adult women literacy level	%	91.1	85.7	24
Adult men literacy level	%	96.6	93.5	24
Length of schooling (women)	Years	7.2	6.5	24
Length of schooling (men)	Years	8.5	7.6	24
People without access to clean water	%	55.8	44.8	17
People without access to health facilities	%	23.5	23.1	17
Expenditure per capita	IDR '000	608,7	591,2	11
Open unemployment	%	12.7	10.6	*

Source: BPS/BAPPENAS/UNDP, 2004a: 103, 105, 110, 113, 182

* Open unemployment ranking not available

1. Banten at a glance

Banten province at the west end of Java Island was carved out from West Java province and established in 2000. Serang is its capital city. Banten is 8,800,83 km² in size with a population of 9,083,144 people (2004). The province plays an important role in migration routes as it has a major seaport, Merak, not to mention the country's largest international airport, Soekarno-Hatta, as the main gate for Indonesian migrant workers departing for overseas jobs.

Banten province is ranked 24 out of 30 in terms of the gender development index. However, its literacy and length of schooling levels are higher than other provinces in Indonesia. So is its ranking in access to clean water and health facilities. It is ranked 17 for poverty (see table 3.32).

2. Trafficking Situation in Banten

The primary form of trafficking found in Banten is of migrant workers going abroad. Such workers generally come from the districts of Serang, Pandeglang, Lebak, Tangerang and Cilegon with roughly 80% of them going to the Middle East (Saudi Arabia, Kuwait, and Jordan) and the rest to the Asia Pacific (Malaysia, Singapore and South Korea). Agents or brokers from outside Banten recruit migrant workers from the province and then send them to Sukabumi, Batam, Bogor, Bandung, Cianjur or Jakarta to be processed in holding centers before sending them to destination countries.

Banten's geographical location enables movement of migrant workers through three main transportation corridors: by land (to Sukabumi, Bogor, Bandung, Cianjur and Jakarta), by sea (through Merak seaport to other towns and islands of Indonesia, i.e. Batam and Lampung), and by air (through the Soekarno-Hatta Airport to domestic and international destinations).

a. Trafficking for migrant workers to the Middle East

Magnitude of the problem: data and estimates

There is no official data on the number of migrant workers leaving Banten. Migrant workers do not register themselves with the provincial Social and Manpower Office (*Dinsosnaker Banten*). According to the head of this office, Suyudi, it is difficult for them to monitor people leaving to work abroad as migrant workers because such workers use labor export agencies (PJTKIs) in Jakarta or West Java (*Habis Gelap*, 2004). Similarly, Hamidi, the Head of the Manpower Monitoring division claimed difficulties in monitoring migrant workers from Banten because they leave using labor export agencies and resident identity cards from Jakarta without informing Banten officials. (Sinar Harapan, March 29, 2004).

The Banten Social and Manpower Office only has data on women migrant workers who reported abuse from 2003 to 2005. There were 18 cases from the Middle East: four cases each of young girls (under 18) working as domestic workers abused in Bahrain, Saudi Arabia and Kuwait, two sexual harassment cases in Kuwait and Saudi Arabia, and one case each of physical and mental abuse against women migrant workers in Kuwait and Saudi Arabia.

There are two ways of estimating the number of migrant workers from Banten. The first is from the number of workers actually registered, and the second one is from the return data, which can be retrieved from Terminal III of Soekarno-Hatta Airport. A research report by Palupi & Buntoro (2005: 45) covering 30 respondents to understand the characteristics of migrant workers returning through Terminal III in 2004, shows that the majority of them (90%) were women. They were working as domestic workers in Saudi Arabia (73%), in Malaysia (20%), and 7% in Kuwait and Brunei. Most of them (60%) were from Banten, 10% from Central Java, 7% from Lampung and 13% were from DKI Jakarta, and the islands of Kalimantan, Bali, Nusa Tenggara, and Sulawesi (Palupi & Buntoro, 2005: 45).

Table 3.33 below shows that Banten was one of the six biggest source areas for migrant workers in Indonesia for the period of January to August 2004. This is based on the count of workers returning from abroad.

Table 3.33:
Six Biggest Source Areas of Returning Migrant Workers
During January to August 2004

Province of Origin	Number of returnees in each month								
	Jan	Feb	Mar	April	May	June	July	Aug	Total
Lampung	969	1,092	211	1,395	1,478	1,637	1,686	1,545	10,013
Jawa Barat	13,582	9,789	6,731	13,199	13,460	20,261	18,946	15,333	111,301
Jawa Tengah	5,295	5,358	98	6,519	6,749	8,126	7,526	6,889	46,560
Jawa Timur	2,433	2,160	33	2,540	2,638	3,426	3,457	2,926	19,613
NTB	1,056	733	117	1,081	1,073	1,562	1,601	1,314	8537
Banten	882	615	1	931	914	1,446	1,291	1,124	7204

Source: quoted from Palupi & Buntoro (2005: 44)

The same research showed that around 700 to 1,000 migrant workers, 10 - 15% of them with problems, return through the Soekarno-Hatta Airport daily. Every month 28,880 migrant workers from the Asia Pacific and 20,572 from the Middle East countries return home. Research data taken from the period of January

to August 2004 shows that returnees from the Middle East (13.7%) have more problems than those working in the Asia Pacific area (9%) (Palupi & Buntoro, 2005).

There are various problems that force migrant workers to return home as described in Table 3.34. Aside from problems of incompetence, employer's death, and chronic illness, the data also show indications of trafficking. The most common problem stated was that the job was not what had been promised, indicating that there must have been deceit during recruitment. Secondly, there were people reporting work accidents and illness from work indicating hazardous working conditions; and physical and mental abuse, sexual harassment, and unpaid salary indicating labor and sexual exploitation at the place of work. Putting these two findings together, it is possible to say that there are cases of trafficking of women and girls from Banten, though it is not possible to estimate numbers because data is not presented in a form that helps in understanding if a returnee suffered from multiple problems.

Table 3.34:
Types of Problems of Returned Migrant Workers from Middle East Countries

Problem	January- August 2004								
	Jan	Feb	Mar	April	May	June	July	Aug	Total
Incapable to work	195	314	526	398	584	382	858	554	3,811
Unpaid salary	301	319	489	557	415	267	485	327	3,160
Abuse	190	303	394	337	259	113	209	165	1,970
Sexual harassment	155	237	308	467	215	99	167	107	1,755
Employer's death	3	3	9	9	83	13	11	11	142
Work is not as promised	504	550	752	865	719	477	886	538	5,291
Employers with problems	5	6	4	3	0	4	3	2	27
Incomplete documents	16	16	17	16	90	19	11	32	217
Work accidents	26	24	35	52	122	29	31	41	360
Illness from work	182	130	243	428	189	108	108	118	1,506
Regular illness	196	242	291	318	536	338	499	473	2,893
Total	1,773	2,344	3,068	3,450	4,212	1,849	3,268	2,368	21,132

Source: Palupi & Buntoro (2005: 41)

Ibu Sama'a, a returnee in Serang, told us her story in February 2006:

Sama'a Story

Sama'a is a divorcee with one child. She migrated thrice for work, but had problems every time. On the first occasion, Sama'a was forced to work for seven months without salary. On her second deployment, she was raped by her employer's son and in the last occasion, she had to work for three families without payment. The recruitment agency did not help her at all with her problems.

(Interview with ex-migrant worker, February 2006)

There are also cases of missing and dead migrant workers. Matla'ul Anwar (a community based organization in Banten) reported two cases where the migrant workers were from Carengan and Bojonegara of Serang district. Another case was of a migrant worker who has been missing for since ten months and no one knows her whereabouts (interview with Matha'ul Anwar, 2006).

Push-factors for migration

Over the past five years, Banten has become one of the main source areas for domestic and international migrant workers. Even after its elevation to a province which attracted new trade and industry, the trend still continues. Perhaps this is because of the province's proximity to Jakarta which makes it a popular recruiting ground for Jakarta-based labor export agencies. Furthermore, there are problems of underemployment in the province. Employment opportunities are much less than what the area needs with its population of 9,083,144 which grew by 3.18% between 2000 and 2004. The number of unemployed is shown in table 3.35 below:

**Table 3.35:
Unemployment percentage 2001 - 2004**

Year	Number of unemployed persons in the province	Percentage of total population unemployed
2001	206,465	7.78
2002	532,159	14.67
2003	636,498	16.69
2004	549,593	14.31

Source: BPS Banten Province (2004)

Another contributing factor for Banten being a major source area is the number of poor families as shown below:

**Table 3.36:
Number of Poor Households - 2004**

Serial no.	District / municipality	No. of households
1	Pandeglang	54,928
2	Lebak	105,624
3	Tangerang district	159,686
4	Serang	87,940
5	Cilegon municipality	15,304
6	Tangerang municipality	27,053
Total		450,535

Source: BPS Province of Banten (2004: 5)

In addition, Yandi Nurhayandi of Matla'ul Anwar believes that another factor encouraging the demand for large numbers of migrant workers from this area is the existence of a strong network of agents who have business links with certain areas in the Middle East, especially Saudi Arabia (interview, 2006).

Ade Humaedi, head of the Banten branch of the Trade Union of Indonesian Migrant Workers (SBMI), and Drs. Joko Suharto, M.Si from Social and Manpower Office of Banten (interview, 2006), said that main pockets from where the migrant workers originate include:

- Pulau Panjang, Cinangka, Pontang and Anyer in Serang;
- Sondong, Cigorondong, Kadu Bera, Langan Sari, Pandeglang, Cikedal, Labuan, Carita and Jiput in Pandeglang;
- Cijaku, Malingping, Pang Garangan and Bayah in Lebak;
- Tangerang; and
- Cilegon.

From interviews with migrant workers it was gathered that the common reasons for seeking work abroad were: improving family welfare (economic and social), gaining work experience, saving for the future (sometimes to get married), better education for children, improving job opportunities, and to observe the Hajj while in Saudi Arabia for work.

Methods of recruitment

The Social and Manpower Office in Banten claimed that there were no registered labor export agencies in the province before 2006. In 2006, two labor export

agencies opened their offices in Tangerang and the Indonesian Workers' Service and Deployment Center (BP2TKI) opened in Serang (Interview, 2006).

Based on field interviews (2006), the ICMC assessment team understood that the recruitment of prospective migrant workers from Banten could follow any of the following processes:

Method 1

Agents/*calos* from Jakarta or outside Banten (labor export agencies or sponsors) approach local and religious leaders who then identify prospective migrant workers. This way, the aspiring workers are not worried that they will be deceived. Local leaders also minimize the risks of the prospective migrants by lending them 1.5 to 2 million Rupiah each with an agreed schedule for repayment. In spite of this, there are times when agents hoodwink both the local leaders and prospective migrant workers by putting the latter into more debt.

Method 2

Agents/*calos* from outside Banten contact reputed local agents in villages who spread the word around about possible job opportunities. Reputed local agents are those who are known as reliable brokers and have proven themselves capable of recruiting people easily. The agents/*calos* pay fees to local agents to recruit as many prospective migrant workers as possible. Considering that their task is only to recruit, local agents are not provided with many details about the nature of jobs, working conditions, etc. They only tell the workers about the bright side and convince them to seek employment abroad.

Method 3

Agents/*calos* from Jakarta go door to door contacting prospective migrant workers and try to recruit more people through the ones they have already recruited. In doing so, the agents / *calos* tell the workers that the agent will bear all expenses of the prospective migrants up to their arrival at the holding centers which they can pay back in three months through salary deductions.

After recruitment, prospective workers are housed in temporary holding centers in Banten for one to two weeks depending on their place of origin, after which they are taken to holding centers outside Banten (in Jakarta, Sukabumi, Bogor, Batam, etc.). The prospective migrant workers obtain their ID cards or passports in these centers to match with the schedules of prospective migrants from other places. Sometimes their identities, especially age, is falsified to meet the requirements of the destination countries (interview with Ade Humaedi, SBMI Banten) - for example, in Saudi Arabia, the minimum age requirement is 20-25 years which may be a potential problem for many of the younger prospective migrants.

Departure and difficulties

The passports of prospective migrant workers, especially for those going to Saudi Arabia, have the employers' details attached to them. Upon arrival, the local police keep their passports which are later handed over to the employers when they come to receive their recruits.

Asmarina, a former migrant worker from Serang, who was interviewed on February 8, 2006, said that sometimes migrant workers must wait for more than a week before their employers pick them up. There are even cases where migrant workers were sent back to Indonesia because the employers do not show up (field assessment, 2006). Furthermore, there have been cases when migrant workers were allowed to be taken away by people whose names differed from what was mentioned in official documents. These are unscrupulous people who take advantage of the migrant workers and prey on their inexperience, uncertainties and fears.

b. Trafficking to Asia-Pacific Countries

Magnitude of the problem: data and estimates

It is a fact that most migrant workers from Banten go to the Middle East but some of them also choose to go to the Asia-Pacific area. Ibu Rubayah from Rangkas Bitung, Banten, a former migrant worker in Singapore and a five-year member of Indo Family, a migrant worker organization in Singapore, says that many employers and agents in Singapore traffic women to Batam for sexual exploitation. All too often, migrant workers face illegal confinement, meager salaries, forced labor, some form of violence and very little time to rest. They do not have access to anyone who would listen to their difficulties, and are open to exploitation by their sponsoring agents in the country of destination because of a lack of knowledge about their rights (field assessment, 2006). A study by Palupi and Buntoro (2004: 40-41) reveals that migrant workers in the Middle East face same risk of exploitation compared those in the Asia Pacific.

Methods of recruitment

The recruitment process is similar with the one for the Middle East but with different holding center networks and transit locations. Ibu Rubayah from Rangkas Bitung described the recruitment process she went through. She was recruited by a local agent from Somang, a neighboring villager who worked with a sponsor in Bandung. She was promised a salary of 2-3 million Rupiah (US\$ 222 - 333) per month without deductions but was not given any other information about the job. She however admitted that she did not report her departure to the village or provincial government. She left Banten for Jakarta where she stayed at the

sponsor's house before going to Batam by sea. They then proceeded to Tanjung Pinang en route to Singapore (Interview, 2006).

Migrant workers from Banten migrate by sea as an alternative to air travel through Soekarno-Hatta Airport. Merak Seaport in Cilegon, for example, connects Java and Sumatra islands through the Sunda Strait. Hundreds of ferries cross this strait to transport passengers and vehicles to and from Sumatra through Bakauheni Port in Lampung. This port also serves as a trafficking gate. *Pikiran Rakyat* newspaper (dated May 24, 2004) published a report on six women from Lampung who were about to be trafficked abroad. They were brought to Jelambar in West Jakarta before they were apprehended in Merak Port. Further investigation revealed that they were promised work as baby sitters in Jakarta with a salary of 200,000 Rupiah (US\$ 22) for the first three months, 600,000 Rupiah (US\$ 66.67) for the second three months and 1 million Rupiah (US\$ 111) for the succeeding months. Once they arrived at the port, an integrated law enforcement team checked their documents during an operation. The team found that Ar (agent/recruiter) carried documents that gave them reason to suspect that he traffics women to Thailand, Singapore, Hong Kong and Malaysia to be forced into prostitution.

3. Other issues related with trafficking

a. Prostitution

Joko Suharto from the Banten Social and Manpower Office claimed that “*there is no lokalisasi in Banten now*”. Since Sangkanela, a *lokalisasi* in Merak in Cilegon, was closed down in 2004, the province of Banten has been free from *lokalisasi*. However, this does not mean that there is no prostitution in Banten. According to the people of Banten, commercial sex work carries on under cover. In Tangerang, for example, prostitutes work in rented houses or rooms, massage parlors, beauty salons or other places of entertainment places such as cafes and karaoke bars.

The Head of Tramtib, Tangerang municipality, Ahmad Lutfi, clearly said that his office has suspicions that rented houses or rooms around the industrial area have become undercover places for prostitution. He added that based on his office's intensive investigations and reports from people living in such areas, many houses may be functioning as venues for prostitution. Jatiuwung and Batu Ceper are potential areas because many migrants live there and there is limited social control. Locations in these areas are probably being used to make contact for clients to pick up prostitutes as well as providing commercial sex on the premises (Republika online, June 20, 2006). Dinas Tramtib of Tangerang also has raided massage parlors suspected to be venues for prostitution in Kali Prancis in the sub-district of Benda in Tangerang. Before the local regulation on prohibition of prostitution was passed, women in prostitution roamed about Merdeka Raya street – Cimone Tangerang, and waited in *warungs* in the area (Metronews.com, March 7, 2006). Similar sites for prostitution were also reported to exist in the coastal areas close to

Cilegon. Although there are no *lokalisasi* in the province of Banten, trafficking for prostitution cannot be ruled out without knowing how prostitution is organized in different locations of the province. The women engaged in prostitution were from Lampung, Banten, and Indramayu in West Java (field assessment, 2006).

b. Contract marriage

Banten's development as an industrial area (with 5,600 big factories) especially in the district of Serang, and the municipalities of Tangerang and Cilegon, has seen the influx of huge numbers international migrant workers from Taiwan, the USA and some European countries. It is reported by local NGOs that many foreign workers, who stay in this country for a long time, take local wives through multi-year contracts. This, they said, was more common in and around Kragilan. They normally have to build a house for the contract wife before the contract ends (interview with Banten local government officials, 2006). Contract marriages do not always equate to trafficking, but they are found not only in Banten but also in some other areas such as Singkawang in West Kalimantan and Puncak in West Java. Contract marriages are not registered by the state and usually end when the husband finishes his contract in Banten. There is limited information about this phenomenon due to its sensitivity (difficulty to get direct information from the concerned parties).

4. Counter Trafficking Efforts

Efforts from local government

The Governor of Banten passed Decree No. 460/Kep.426-Huk/2005 on "Formation of Provincial Plan of Action for Elimination of Trafficking against Women and Children (RAD P3A)" in 2005. There are also some other local regulations and policies that do not regulate trafficking issues directly but may be applicable to the issue:

- Local Regulation No. 7 of 2005 on Alcoholic Drinks
- Local Regulation No. 8 of 2005 on Prohibition of Prostitution

The Banten Social and Manpower Office has divisions that provide protection and services for victims of violence, including trafficked persons. They are:

- Social Protection Division (with Units for Women victims of violence and Abuse against migrant workers)
- Social recovery and development division
- The Social and Manpower office of Banten also opened a services unit in Terminal III of Soekarno-Hatta Airport to provide services to returned migrant workers from Banten.

Prevention activities:

- Opening of a BP2TKI office in Banten in November 2005, to monitor the activity of PJTKI branches in Banten and to monitor the placement of migrant workers from Banten.
- Forty labor inspectors from the Social and Manpower Office attended a Trafficking workshop facilitated by Solidarity Center and ICMC in 2005.
- In 2006, 40 heads of sub-districts (from 40 districts identified as migrant worker pocket areas) with the other 30 local apparatus from the district level were exposed to a similar training after which they drew up their work plans to combat trafficking. This workshop is a continuation of the 2005 activities.

NGOs' efforts to combat trafficking

- Active campaigning and socialization of trafficking issues and its hazards by the local organization (Matla'ul Anwar) to the local people and the government.
- The Banten branch of SBMI has handled 67 trafficking cases in the province since 2003.

H. Bali

Magdalena Pasaribu



Province name	: Bali
Capital city	: Denpasar
Borders	
North	: Bali Sea
South	: Indian Ocean
West	: East Java Province
East	: West Nusa Tenggara Province
Area	: 5,449.37 km ²
Population	: 3,487,764 people (in 2004)
Population density level	: 640 people per km ²
Number of districts	: 8 (Jembrana, Tabanan, Badung, Gianyar, Klungkung, Bangli, Karang Asem and Buleleng)
Number of Municipalities:	1 (Denpasar)

(Source: *Profil Daerah, Depdagri, 2006 & Kode dan Data Wilayah, Depdagri, 2006*)

Table 3.37:
Human Development & Gender Development Index - 2002

Indicator	Unit	Value		Rank in Indonesia
		Bali	Indonesia	
Adult women literacy level	%	77.5	85.7	7
Adult men literacy level	%	90.9	93.5	7
Length of schooling (women)	years	6.7	6.5	7
Length of schooling (men)	years	8.4	7.6	7
People without access to clean water	%	27.8	44.8	3
People without access to health facilities	%	19.8	23.1	3
Expenditure per capita	IDR '000	596,3	591,2	9
Open unemployment	%	5.9	10.6	*

Source: *BPS/BAPPENAS/UNDP, 2004a: 103, 105, 110, 188*

*Open unemployment ranking not available

1. Bali at a glance

Bali is known as the “Island of the gods” and is a famous tourism destination in Indonesia. It is a small island of 5,449.37 square kilometers with a population of 3,487,764 (in year 2004) - mostly concentrated in the provincial capital Denpasar and other centers of tourism. The human development indicators for the province are generally above the average – access to health facilities and people access to clean water, comparatively higher than most other parts of Indonesia. In terms of educational attainments, too, Bali is among the top ten provinces in Indonesia. Unfortunately, tourism has its own consequences and Bali is affected by several of those. The influx of large numbers of tourists round the year has led to the growth of a thriving sex industry that caters to all whims and fancies of foreigners including pedophiles.

Bali’s economy is largely based on tourism. “By the early 1990s, Bali was the place to be. Mass tourism in the form of millions of arrivals had brought big money, and at least one property was operated by every major hotel chain....The culture and environment of Bali have been suffering from haphazard growth and inadequate infrastructure for more than a decade. A flood of off-islanders has swelled an already dense population, bringing crime, drugs and prostitution” (see http://www.asiarooms.com/indonesia-travel-guide/bali_in_time_mass_tourism.html)

2. Trafficking of Women, Girls and Boys in Bali

Bali is both a source and a destination area for trafficking. According to statistics provided by the Indonesian Department of Social Affairs, 2,129 women and girls were engaged in prostitution in *lokalisasis* and other identifiable locations that sell sex in Bali in 2004. The presence of a fairly active sex sector encourages trafficking of women and girls to Bali – mainly from East and West Java. On the other hand, since Bali is a favorite destination for tourists from Japan, demand has also grown in the huge entertainment sector in Japan for cultural dancers from Bali. Unscrupulous operators, in both Bali and Japan, use the Japanese appreciation of the Balinese dance form to traffic women and girls from Bali in the guise of cultural ambassadors. Children from the poorer districts of Bali like Karang Asem are procured by agents to meet demands of child sex within the province.

For many years now, Bali has also grown into a haven for sex tourists. Though the international community is more concerned with pedophile networks in Bali, if numerous sex travel web-sites are to be believed then tourists, especially from other Asian countries come to Bali looking for cheap sex with young women. In many of these web-sites, Bali is the destination in Indonesia most mentioned Jakarta and Batam. In fact, many such web-sites claim that commercial sex is considerably cheaper in Bali after the economic crisis caused by terrorist attacks.⁵⁵

⁵⁵ This contention is supported by *Child Wise* Director, Ms. Bernadette McMenamin, who said that ... “There has been evidence of pedophiles traveling to Bali since the 1920s. This (Karangasem) is a very poor

a. Bali as destination area for domestic prostitution

Brief description

The sex sector in Bali is not new. However, the numbers have grown. Whereas in the early 1990s there were close to 600 women engaged in prostitution in identifiable locations in Bali (Jones & Hull, 1995: 67), numbers crossed 2,000 in 2004 (see table 2.9 in Section C of Chapter II). In fact, during the last ten years, numbers have more than doubled. Annually, more than 200 fresh recruits are brought into the brothels of Bali which are concentrated in and around Denpasar – though commercial sex is available almost everywhere in Bali (see table 2.9 in section C of chapter II). Cafes and saloons even in small villages provide commercial sexual services. Even in a small place like Gilimanuk in north-western Bali, a ferry terminal connecting Bali to the island of Java, there are a number of women in prostitution working out of private houses and cafes. It is said that women from Banyuwangi who are already in prostitution, and who want to go to Denpasar for better earnings, stop for a few days at Gilimanuk to earn enough to cover their passage to Denpasar and cost of board for a few days before they start earning in their final destination. On the other hand, all the women in prostitution in the district of Jembrana are local women who claim that this is the only way available to them for solving their economic problems (interview, field assessment, 2006). Incidentally, Jembrana has many more women-headed household (single women according to NGOs) than any other district of Bali. However, organized prostitution in Bali primarily cater to tourists, and as a result, there is considerable demand for new recruits. This works as an incentive for traffickers who fetch young women from Java – especially, East and West Java to Bali. The high-end brothels in Sanur^{56 57} are normally the destination for the girls trafficked into prostitution in Bali.

Organized prostitution

There are no government supervised *lokalisasi* in Bali. It is not clear if that means prostitution is illegal in Bali as claimed by certain sources.⁵⁸ Prostitution in Sanur is organized in unmarked bungalows (local people claim that the bungalows are owned by migrants from other provinces) spread all over the neighborhood – with

area of Bali and has always been vulnerable and since the bombing it is even more vulnerable to these crimes". (Speech delivered during the launch of Child Wise report, *Bali: A Mecca for Child Sex*, in 2004)

56 BALI travelFORUM reports: "Prostitution is illegal in Bali. However, like in many countries, everyone turns a blind eye. Many girls can be found in nightclubs and bars in most areas.... All taxi drivers know the more popular karaoke bars and massage parlours in Kuta and Denpasar, and the various "Houses of ill repute" in Sanur's narrow back lanes.

57 Sanur also has a very visible prostitute problem (including the use of child prostitutes) as they are openly rented out along the southern beach section (between the Sanur Beach and Puri Santrian Hotels) to passing foreign men. (see detail in <http://www.balibs.org/balinese-tourism-areas-risks.html>)

58 See detail in <http://www.balibs.org/balinese-tourism-areas-risks.html>

a greater concentration along Jalan Danau Toba. The bungalows housing brothels are well-guarded by tough looking guards, and it is normally the taxi drivers who act as pimps. They bring in clients from other parts of Bali where tourists put up, and in turn, earn attractive commissions. Key informants said that the women and girls do not live on the premises but they gather there in the evening. However, during the assessment, the ICMC team observed that if clients demanded, the managers would fetch girls from wherever they lived even in the afternoon. On an average, a girl earns 30,000 rupiahs (US\$ 3.3) for a 15-minutes session with a client whereas the client might have to pay anything up to 300,000 rupiahs (US\$ 33.3) to the establishment – that so, if he is brought in by a taxi-driver. Many of the clients are foreigners from Asian countries of the Far East.⁵⁹ The girls are not encouraged to be with their clients for long, and familiarity with clients is frowned upon. Key informants also claimed that every house was in a position to provide very young girls – sometimes demanded by foreign men. The structure of prostitution in Denpasar tends to display a high level of control raising the concern that some of the women and all the girls engaged by these brothels are in fact trafficked.

The source areas and method of recruitment

Many of the women and girls in the brothels of Bali were from Banyuwangi in East Java – only a few hours by road from Denpasar. There are agents in Jember in East Java who specialize in procuring girls from Banyuwangi for prostitution in Bali. Women and girls from Sumedang, Bandung, and Indramayu in West Java are also trafficked to the brothels of Bali. Also, local brokers wait at the inter-city bus terminal at Ubung to recruit unaccompanied young women arriving from Java (interview with Manikaya Kauci, 2006).

Because of the recent down turn in tourism and the closing of many garment factories, even local women are trickling into prostitution in Denpasar. Though many of them work as freelancers in the innumerable bars in the Kuta-Legian area, some have become brothel-based. Most of the waitresses in Kuta are not paid any salary but only commission on sales making it imperative for them to look for extra income from prostitution (interview with Manikaya Kauci, 2006). NGOs also reported that there is a government-sponsored apprenticeship program for high school passed girls under which the girls could be attached with various establishments in Bali for a specified period of time to imbibe life-skills.⁶⁰ After the completion of their training, some of the apprentices do not have enough money to return home, and are placed in cafes and bars by local recruiters. There is a trend

⁵⁹ This information is gathered from numerous sex-travel websites that have postings on Sanur. Such web-sites are not being listed here as the author strongly believes that those should not be promoted.

⁶⁰ The assessment team was unable to dig out more details about this program. However, the assessment team that went to the Riau Islands also found the existence of a similar program through which high school passed girls from all provinces of Indonesia were offered a two-year placement in the electronics assembly units in Batam. Many of them decided to stay on in Batam, or look for jobs in Malaysia after the completion of two years.

of late that foreign tourist – especially all-male groups, hire educated local women as guides who are also required to provide sexual services to the group members (field interview, 2006).

However, it will be wrong to claim that all of the women and girls were deceived into prostitution. There are some who came knowingly. For example, 16-year-old Say Aan came to Bali from Bandung with her 19-year-old cousin Karin. Say Aan decided to leave home with Karin after Say Aan fought with her father. Karin had actually come to Bali with her aunt two years earlier. Her aunt is a broker in one of the brothels in Sanur where both Say Aan and Karin work now. Karin's profession was not unknown to Say Aan. Both of them claimed that they were not forced into prostitution but agreed voluntarily just in order to pay off the costs they had incurred in transportation and meals etc. for coming to Bali. Later, Karin became a drug addict and it put her in bigger debt, which she still carries in spite of having been able to give up drugs.

“Actually I want to quit but I still have a big debt. I was a drug addict that is why I owe so much money to the brothel owner.”

(Interview by ICMC team, 2006)

Aan does not enjoy her work, especially when she had to receive old men. *“I hate to go with old men,”* said Ann, who looked much younger than her age during the interview (interview by ICMC team, 2006)

Kaka, another woman in prostitution in Sanur actually hails from the district of Karang Asem within the province. She came to Denpasar to work in a garment factory when she was fifteen. A year later, the owner of the factory offered her work in one of his brothels where she could earn more. The offer persuaded Kaka to work as a waitress in the brothel serving beer and soft drinks. It turned out that she had to accept clients too if she was chosen by one, and of course, there was the lure of extra income. That is how she joined prostitution. Sometimes she worries that she will meet old acquaintances in the brothel and then her family will know (Interview, field assessment, 2006)

As it was gathered from the two interviews above, often women and girls from poor families come to Bali in search of jobs that will help their families, or because of discords in the family. Recruiters make use of this to put these girls into prostitution. Sometimes, recruiters could be close family members and friends, or even someone the women normally trusted.

b. Child sex trafficking and pedophilia

Bali and Lombok in Indonesia have been, for long, places sought by pedophiles. Sources claim that pedophiles have been active in Bali since as early as the 1920s. Rosenberg said that, as reported by a local NGO Anak Kita, at least 60 children in the age-group of five to 13 were abused by pedophiles between 1999 and 2002

(Rosenberg, 2003b: 177). Natalie McCauley, Director of Child Protection division of Child Wise said that since the Bali bombing incident in 2002, pedophiles became more aggressive, and their activities have increased considerably. Pedophiles have been aided by the worsening economic situations making local people more desperate for earnings. Child Wise estimated that “thousands” of foreigners came to Bali and committed sexual crimes against children. The Bali police, on the other hand, claim that there are Indonesian pedophiles, too. However, the police, in 2003, had prosecuted only four foreigners and 25 local people, the latter mostly procurers and abettors, for pedophilia related crimes (*Aussie Pedophiles*, 2004). Recently, a former foreign diplomat was sentenced, to 13 years in jail in Bali for sexually abusing a child in a high profile case (see <http://www.abc.net.au/news/newsitems/s1105920.html>). Pedophiles are also known to capture scenes of their debauchery on video cameras and distribute pornographic materials over internet. The Women’s Police Desk in Bali said that traffickers were punished in four cases in 2005, involving 12 affected children and five accused – two of whom were foreigners (see sample of known trafficking case in Bali in Table 3.38).

How pedophiles operate

Normally, pedophiles first chose their targets and then used various means – ranging from confidence tricks to coercion-to force the children to provide sexual services. Pedophiles are known more commonly to target boys rather than girls, though sexual abuse of small pre-puberty girls by pedophiles is not unheard of. Having compromised the children, the pedophiles then try to cover up their acts with money and threats, using the power of their superior position over the violated children. According to Natalie McCauley of Child Wise, as prosecutions are increasing in number, pedophiles are choosing more remote locations to operate in, and using humanitarian intentions as screens. Karang Asem and Buleleng are two districts where pedophiles seem to have moved in the recent times (*Aussie pedophiles*, 2004).

When ICMC conducted a field assessment to Bali in April 2006, the team got information that pedophiles go to small villages and tell people they are there on a humanitarian mission to assist poor families. They often promise to build schools in the villages and to provide scholarships for children to continue their studies. After some time, parents start trusting these people and allow them to develop intimacy with the children. In some cases, parents even allow pedophiles to take their children to travel to other parts of Bali or even to other countries as they think that it will be good for their children. Often, the children start obliging the pedophiles in reciprocation to their kindness without realizing that they themselves are being drawn into an intricate web of abuse that they will find difficult to come out of. Later on, the pedophiles start abusing the children openly under threat of life or blackmail. Pedophiles are also known to share photographs and contacts to other pedophiles through internet. During a visit to Amlapura, the district capital of Karang Asem, it was learnt that there were agents who procured

children for pedophiles from remote, unsuspecting villages and supplied them to the pedophiles who took up temporary accommodation in guest houses around the area. According to district officials, there were many families in the Ubu sub-district who sold their children to agents, who, in turn, re-sold the children to eateries, begging rings, and pedophiles (interview with chief of local Women's Bureau on April 4, 2006). As reported by district officials of Karang Asem, the particular ethnic group living in the Ubu sub-district had a long-standing cultural tradition that gave them to believe that "begging for a living was a path to salvation".

At this point, it is necessary to distinguish between pedophilia and trafficking. What pedophiles engage in with street children and sellers of knick knack in places of tourist attraction in Bali is sexual abuse without doubt though not amounting to trafficking. However, when children are procured by agents specifically for abuse by pedophiles and for the financial gains of the agents, being fully aware of the dangers the children faces, then the agents are indeed trafficking children for the purpose of pedophilia.

c. Child beggars and street urchins

There is more about child beggars and street urchins (*gepeng*) in Bali than what meets the eye. When ICMC conducted a field assessment in Bali in 2004, it had heard reports that there were some women who lent their children to their neighbors for being taken out to beg for money on the streets. During the more recent assessment, some NGOs in Bali said that they are aware that many children from Karang Asem and Buleleng are brought to Denpasar as *gepeng*. Some of them are accompanied by their parents while others are not. The story below clearly points out that traffickers are involved with begging rings operating in Denpasar.

"My name is Gede. I was born in Buntut, Bali. Last year, when I was 13, an older man offered me a job in Denpasar. I had never seen him before. He promised to pay for my tuition fee at a junior high school in Denpasar. Although I had doubts, I took the offer. I was very happy and so were my parents. Then he took me to Denpasar. Other boys I met told me to call him Pak De. The next day, Pak De instructed us to beg for money. He threatened me so I did not have other choice rather than to do what he instructed. Now, he takes me to a certain area by a car everyday. We have to beg for money from one door to another. He picks us up at the same place in the evening. We do this every day and we must give him all the money we earn. He only gives us a small part of the money and does not hesitate to hit us if we come back empty handed."

source: Irwanto et al., (1999)

Gede's story demonstrates that he was recruited with false promise, brought from his village to Denpasar, and he was then forced to beg for another person who engaged many other children, too. Gede had to part with most of his earnings to his supervisor and was threatened with physical abuse if he failed to earn substantially. The process, means used, and purpose in this case establish that Gede was trafficked. Unfortunately, the assessment team was unable to estimate how many children are trafficked for organized begging, and how do these rings operate. If some informants were to be believed, then the same children are also used as carriers of drugs. The conditions that child beggars live in are rather poor. They do not go to school, some of them get involved in petty crimes some others take to drugs. Both boys and girls engaged by the begging rings are under constant threat of sexual abuse. Some of the girls take to/are forced into street prostitution in the evenings – after they finish begging. All these issues deserve more in-depth understanding.

d. Trafficking of women as cultural ambassadors in Japan

Bali is known for its rich culture and traditional arts forms. Some of the traditional Balinese dances are famous the world over, and the government of Indonesia promotes such dances abroad through a cultural exchange program called *Impresariat*. This is run by the Culture and Tourism Department of the government. Unfortunately, over the years, the program has been corrupted by unscrupulous operators who see this as an opportunity to traffic Balinese women abroad. In 2002, *The Jakarta Post* reported a case in which two Balinese girls were subjected to sexual harassment in an entertainment establishment in Japan. In another high profile case, a Balinese woman by the name of Dayu Dewi was trapped in a situation of sexual exploitation abroad after accepting an offer to become a cultural dancer in Japan. Dayu Dewi was recruited as cultural dancer in Japan but was forced to become sex worker when she arrived there. She refused to comply and escaped. She finally reached the Indonesian Embassy in Japan and was later sent back home. Upon return, Dayu Dewi said that there were many other Balinese girls in Japan trapped the way she was. When contacted, the Women's Police division of Bali told the assessment team that they were still investigating the case (Interview with Bali provincial police on April 6, 2006).

Trafficking in Balinese women in the guise of cultural ambassadors is rooted in three contributing factors. Firstly, dancing is a way of life for every woman in Bali who is encouraged to dance from the time she is very young. Some of the well known dance forms of Bali are the Kecak, Barong, and Legong, while Legong is the one performed solely by women besides the Sanghyang Dedari. There are numerous institutions in Bali called "*sanggar*", many of them in the Gianyar district, which are the nurseries for budding dancers. Many Balinese women grow up to be expert Legong dancers, and the *Impresariat* program helps some of them to earn fame and money. Many women, therefore, aspire to go abroad as *Impresariats*. However, it is extremely difficult for an individual to get a certificate

of merit because no *sanggar* is allowed to issue one, it is only done at the provincial level and the process is expensive. Moreover, the process of being selected for the *Impresariat* program is a long and complicated one and *sanggars* are chosen for such awards and not individuals. Therefore, for a woman dancer, it is important to attach herself with a reputable *sanggar*. Secondly, *sanggars* must also keep evolving in order to win invitations abroad in face of strong competition. Some *sanggars* led by renowned dancers are constantly developing new dance forms and new interpretations of traditional operas. This is an expensive proposition by all means. As a result, in spite of their commitment to traditional arts and culture, *sanggars* must respond to commercial opportunities which are presented in the form of performing for tourists. While such performances pay for the maintenance and upkeep of the *sanggars*, those also present opportunities in the form of invitations to perform abroad. The third contributing factor is that in order to perform abroad, the *sanggars* must get approval from the Team for Assessing and Monitoring Balinese Culture and Entertainment (known as TP3K - *Tim Peneliti, Penilaian, dan Pengawasan Kesenian dan Hiburan*), commonly referred to as the Bali Art Board a self-governing body formed under the auspices of the Department of Culture and Religion. The Bali Art Board collaborates with the police, the Immigration and the Manpower offices to ensure that artistes from Bali receive appropriate treatment from foreign missions when they perform abroad. The provincial government of Bali also issues a Letter of Free Fiscal Abroad to all artists from Bali based on approval by the Art Board (*Seniman Diminta Urus*, 2006). The *sanggar* has to perform in front of the Board on the basis of which it is decided whether the *sanggar* is fit to represent Balinese dance abroad (Interview with Guru Windhu Candra Budaya in Gianyar on April 5, 2006). The process could be painstaking and lengthy. The result is that there are too few opportunities to make money and fame for too many *sanggars* and their *artists*.

This conundrum carves out an important role for unscrupulous operators. There are two routes taken by these operators who either arrange for a team of cultural performers to bypass official channels in order to perform abroad, or encourage individual dancers to travel abroad on tourist visas. The first path is full of compromises for the team, and it must allow its women members to be exploited abroad if it comes to that. The second path is more risky, as it lands the individuals in the hands of owners of entertainment establishments abroad who also run prostitution rackets. Small but ambitious *sanggars*, and accomplished women Balinese dancers not attached to *sanggars* are most vulnerable to trafficking in the guise of cultural ambassadors. Unfortunately, in Gianyar, there is likely to be one such woman in almost every household.

There appears to be a parallel between Department of Manpower's policy regarding export of Indonesian labor and the Department of Culture and Religion's policy of approval of cultural ambassadors. Both have resulted in exaggerated roles for fixers who play on other peoples' unrequited aspirations to gain their own ends. In many ways, the roles of labor export agencies and *sanggars* are similar – an

individual aspirant needs to be affiliated to these institutions to be in contention for opportunities abroad. While labor export agencies are, at times, complicit in the process of trafficking, smaller *sanggars* often become vehicles for traffickers to use and discard. Those who cannot afford to use the services of either of these institutions choose to take unfavorable risks of misusing their travel documents.

e. Child workers in Bali

One of the ill-effects of tourism is a relatively high engagement of child workers in different sectors of Bali's economy. NGOs drew the ICMC Assessment Team's attention to the presence of high numbers of Balinese children, mostly boys, in small eateries in almost all places of tourist interest in Bali. Additionally, it was reported that the children are expected to help family production of handicrafts, collect shells from the beaches, and provide various services to tourists such as renting beach mats. NGOs claim that this is the reason why school drop-out rate is so high in Bali. On close examination, the assessment team found this argument to be rather fallacious. Other than the district of Karang Asem, the school drop-out rate for children in the age-group of 7-15 years ranged between 0.3% (in Denpasar) to 2.4% (in Buleleng). This is considerably lower than those in many other provinces of Indonesia (BPS/Bappenas/UNDP, 2004b: 156-163) However, because of many other pieces of evidence found, the team is willing to admit that there might really be a problem in Karang Asem that needs to be urgently addressed by the local administration. PSW Udayana's research on human trafficking and migration in the districts of Karang Asem and Buleleng in the year 2002, however, did not find any connection between the marked migratory tendencies of the communities living in Karang Asem and trafficking.

3. International migration from Bali

Unlike its neighboring provinces, few people from Bali migrate for work abroad. There are no labor export agencies registered in Bali. Two labor export agencies from Jakarta have holding centers in Gianyar. Perhaps, there are a few factors contributing to this. Firstly, the local economy, till about three years back, was quite vibrant offering abundant economic opportunities for the inhabitants of Bali. In 2002, there were only 222,000 people in the province who lived in poverty (see table 16 from BPS/Bappenas/UNDP, 2004b: 160 - 167), the third lowest in the whole of Indonesia. Though the school drop-out rate among girls in the 16 - 18 years age group was significantly high at 62.2%, such girls found jobs locally. The second reason, according to local NGOs, is rooted in Balinese culture, which imbibes a great importance of rituals in the minds of Balinese women. Unless forced, they do not want to get into situations when they might be prevented from practicing their rituals. This is a somewhat romanticized view that requires further exploration.

4. Counter Trafficking Efforts

Women Empowerment Bureau

Bali established a Task Force for the Eradication of Human Trafficking and Commercial Sexual Exploitation of Children based on Governor's Decree no. 158/01/-D/HK/2005. This task force has developed a two-year work plan (2005 to 2007) at the provincial level, conforming to the provisions laid down in Presidential Decree No. 88 of 2002. The main components of the work plan are:

1. To develop legal norms and to improve law enforcement against traffickers
2. To provide social reintegration for survivors of trafficking
3. To prevent all forms of trafficking
4. To develop cooperation and coordination in all activities related to the eradication of trafficking in women and girls

Additionally, the district government of Gianyar has also a plan for eradication of trafficking. The plan comprises the establishment of a task force, and the development of a local plan of action based on the district executive's decree.

Police

The list of cases provided indicates that all but one cases recorded were related to pedophilia. After the sensational case when a former foreign diplomat was found guilty of pedophilia, in a gesture to deal with the trans-national nature of the offence, the Australian Police has provided three staff members to assist Bali police. This has increased the number of prosecution and conviction of such offenders. However, the police does not find it easy to investigate such cases since affected boys and girls and their families are reluctant to file reports against perpetrators. On the other hand, little or no action is taken against those who run brothels in private bungalows.

Efforts from NGOs

There is little NGO activity for the prevention of trafficking in Bali. Manikaya Kauchi, a NGO based in Denpasar, works with *sanggars* to raise awareness about trafficking.

One NGO in Denpasar, Kerti Praja provides assistance to women and girls in prostitution in Bali through a program meant to empower them. They provide women with information on reproductive health. They also provide life skill training such as traditional massage, beauty parlor work, and sewing. After completion of training, they help clients to find job in private enterprises in Bali.

The provincial government, through the Bali Social Affairs Office, also runs a similar program, such as training in beauty parlor skills, sewing, cooking, and

shiatsu massages. This training is not only provided specifically to women in prostitution, but also to other women came from poor families. The trainers are acknowledged experts in their field. For example, the shiatsu trainers are brought from Japan. After the students complete the course, the Social Affairs Office provides small grant to start business. Some are helped in finding jobs in hotels in Bali.

Legal Aid Society (LBH) of Bali provides legal assistance to women and children affected by domestic violence.

Table 3.38
Sample of known Trafficking Cases in Bali during 2005

No	Date of Crime	Trafficked Person (not real name)	Suspect	Modus operandi	Details
1	25 January 2005	<ol style="list-style-type: none"> 1. Lt, a girl, 9 years old, student, Amlapura 2. MDN, a girl, 11 years old, student, Amlapura 	<ol style="list-style-type: none"> 1. IGst. Lanang Gede, 45 years old, Teacher 		sentence of 9 years' imprisonment (14 victims)
2	Year 2000-2003	<ol style="list-style-type: none"> 3. IMS, 16 years old, student, Karang Asem 4. INT, 16 years old, student, Karang Asem 5. IWS, 16 years old, student, Karang Asem 6. IWK, 14 years old, student, Karang Asem 7. PS, 14 years old, student, Singaraja 	<ol style="list-style-type: none"> 2. Heller Michell Renee, 56 years old, French national 	Child sexual exploitation and nude photographs	P-21 (Ready for prosecution) Sentence of 2 years and 6 months imprisonment
3	20 June 2005	<ol style="list-style-type: none"> 8. AAALP, 6 years old, student, Ngurah Rai 9. Jl, 3.5 years old, Ngurahrai 	<ol style="list-style-type: none"> 3. Feris Aang Widiyanto, Driver 	Sexual exploitation using candy as a way to persuade the children	P-21 (Ready for prosecution)

4	20 July 2005	10. KK, 9 years old, Kalibukbuk	4. Max Le Clercq, Retired, Dutch national	Sexual exploitation using promises of giving sports goods	
5	7 July 2005	11. Ms, 14 years old. 12. KA, 15 years old	5. Marta Angganetha, 43 years old, pimp	Employed children as sex workers	P-21 (ready for prosecution)

Source: Bali Regional Police, Crime Division Director

I. West Nusa Tenggara

Anna Puspita



Province name	: West Nusa Tenggara (NTB)
Capital city	: Mataram
Borders	
North	: Java Sea and Flores Sea
South	: Indian Ocean
East	: Sape Strait and East Nusa Tenggara Province
West	: Lombok Strait and Bali Province
Area	: 19,708.79 km ²
Population	: 4,161,431 people (in 2004)
Population density level	: 211 persons per km ²
Number of districts	: 7 (Bima, Dompu, West Lombok, Central Lombok, East Lombok, Sumbawa and West Sumbawa)
Number of municipalities	: 2 (Mataram and Bima)

(Source: *Profil Daerah, Depdagri, 2006; Kode dan Data Wilayah, Depdagri, 2006*)

Table 3.39:
Human Development & Gender Development Index - 2002

Indicator	Unit	Value		Rank in Indonesia
		NTB	Indonesia	
Adult women literacy level	%	72.4	85.7	29
Adult men literacy level	%	83.9	93.5	29
Length of schooling (women)	Years	5.2	6.5	29
Length of schooling (men)	Years	6.6	7.6	29
People without access to clean water	%	52.3	44.8	26
People without access to health facilities	%	21.6	23.1	26
Expenditure per capita	IDR '000	583,1	591,2	30
Open unemployment	%	8.9	10.6	*

Source: *BPS/BAPPENAS/UNDP, 2004a: 103, 105, 110, 188*

* Open unemployment ranking not available

1. West Nusa Tenggara at a glance

West Nusa Tenggara is composed of two main islands: Lombok and Sumbawa. The island of Lombok -- which is the more populous of the two islands and often referred to as "the other Bali" -- is a major tourism destination with popular beaches scattered along its western shoreline. Sumbawa possesses significant deposits of gold and copper currently being mined by PT Newmont in the southwestern part of the island. Most of the population on both islands is engaged in agricultural economic pursuits, but it was the mining sector that contributed to the province's GDP the most at 27% in 2000 -- followed by agriculture at 26.85%, services at 12.54%, industry and trade, restaurant and hotel at 12.17%, communication at 9.36% and construction at 6.02% (BKPM, n.d).

What is most easily noticeable about West Nusa Tenggara's statistics shown in the table 3.39 above is that each indicator is far below the national average -- placing the province near the bottom of each national ranking -- except in the category of open unemployment. The indicators also reveal that girls are generally far less educated than boys, with literacy levels and length of schooling for women more than 10 percentage points below national averages. As West Nusa Tenggara is well-documented as a major source area of migrant workers, one must assume that the unemployment percentage has been kept relatively low due to employment found overseas. As international labor migration is a common strategy for families in West Nusa Tenggara facing economic hardship, it is likely that many of the more than 150,000 of its 1.7 million working age residents⁶¹ who are unemployed also look for jobs away from home. Many of these are women and girls who dropped out of school at younger ages than boys. With so many low-skilled and under-educated women and girls (as well as men and boys) migrating for work, human traffickers are able to thrive off of the huge flow of migration in West Nusa Tenggara.

2. West Nusa Tenggara's trafficking situation

Each year, tens of thousands of women, men, girls and boys from West Nusa Tenggara migrate to look for work in other areas of the country and abroad. These migrants are usually motivated to find a better job and income than what is available to them at home. As trafficking generally corresponds to migration patterns (it has been said that traffickers "fish" from the "river" of migration), West Nusa Tenggara is a major "source" or "sending" area of migrating workers who are vulnerable to trafficking. Many of these workers are trapped by traffickers into forced labor as domestic workers or other kinds of labor as well as into forced prostitution within Indonesia or abroad.

61 BKPM estimated that the workforce of West Nusa Tenggara was 1.7 million in 2000. See http://www.bkpm.go.id/en/info_propinsi.php?mode=baca&catinfo_id=3&cat_item_id=17&t=WEST%20NUSARA%20TENGGAARA&p=&menu=Demography (accessed in October 2006)

The province's popular tourist destinations on the island of Lombok, particularly Singgigi beach, have generated significant demand for prostitution. Women, girls and boys have been trafficked from other parts of the province to feed the appetite of the sex industry in these entertainment areas. The huge demand in Bali and Java for prostitutes, including prostituted girls and boys, has also resulted in the trafficking of persons from West Nusa Tenggara to these parts of the country for the purpose of sexual exploitation.

Reported trafficking cases

It is not known how many people from West Nusa Tenggara are trafficked each year. This is due to the fact that the crime is hard to detect by law enforcers and that most persons who are trafficked never report their case – either because they are not able to or are too frightened or embarrassed. Therefore, the data that is known should be looked at as only the “tip of an iceberg”.

The International Organization for Migration (IOM) supported facilities in Jakarta, Surabaya, Pontianak and Makassar that provided services to a total of 74 trafficked persons (42 of whom were female) originating from West Nusa Tenggara between March 2005 and July 2006. The following provides some detail on the age of these trafficked persons as well as the type of labor exploitation they were trafficked into:

Table 3.40:
Trafficked persons from West Nusa Tenggara who obtained services from IOM-supported facilities between March 2005 and July 2006

Type of Exploitation	Age of Trafficked Person			Total
	Infant	Child	Adult	
Domestic worker	0	8	31	39
Plantation worker	0	3	25	28
Factory worker	0	0	1	1
Hostess	0	0	1	1
Laborer	0	0	4	4
Forced pregnancy	1	0	0	1
TOTAL	1	11	62	74

Source: IOM (2006a, September)

The IOM data does not provide information on the types of abuse experienced by the trafficked persons beyond the type of labor they were placed into. It is also not clear how many of these cases were of international trafficking versus domestic trafficking. The forced pregnancy case seems unclear as the trafficked person is

indicated as the infant instead of the mother. Perhaps this should be categorized as a case of “baby trafficking” rather than “forced pregnancy”. Finally, as there are a significant number of cases involving males (32 cases representing 43.2% of all cases) it must be assumed most of these cases fall within the categories of plantation workers and laborers (but the data does not specify this).

Trafficking cases have also been reported by Indonesian NGOs based in West Nusa Tenggara in 2006. The following are reports known to the Solidarity Center:

- In 2006, the NGO Koslata in Mataram handled a total of 85 cases of migrant workers who had experienced problems or had been abused. They have stated that many of these cases could be categorized as trafficking.
- In 2006, the NGO AP2BMI in Sumbawa handled a total of 75 cases of migrant workers who had experienced problems or had been abused. They have stated that many of these cases could be categorized as trafficking.

a. Forms of trafficking in West Nusa Tenggara

International migrant workers:

West Nusa Tenggara is a major source area for international migration. Many of the workers migrating to other countries suffer from unfair practices and crimes committed by the large number of middlemen involved in the process (i.e. *calo*, labor export agencies and foreign employment agencies) as well as their employers abroad. In some cases, these crimes can be considered as trafficking (see Chapter II for a description of what constitutes trafficking, particularly for international migrant workers). Some international migrant workers are forced into sexual servitude once they reach their foreign destination instead of being placed into the job they were promised.

Information on numbers of migrant workers originating from West Nusa Tenggara

As discussed above, there is little information on the number of people from West Nusa Tenggara who have been trafficked. However, there is data on registered international migrant workers originating from the province – all of whom can be vulnerable to trafficking as well as other related crimes. The statistics compiled on registered migrant workers can provide some information on the overall trends of labor migration from West Nusa Tenggara – including numbers of migrants, their areas of origin, destination countries, gender and type of work.

The central government’s Migrant Worker Placement Service Agency (BP2TKI) recorded a total of 474,310 Indonesians as having migrated abroad for work in

2005.⁶² Of this number, a total of 42,058 (8.9%) migrant workers were from West Nusa Tenggara (BP2TKI of West Nusa Tenggara, 2006). This means that nearly 1 of every 11 registered Indonesians working overseas was from West Nusa Tenggara that year, which is an astounding statistic when compared to the fact that only 1 of every 58 Indonesians is a resident of West Nusa Tenggara.⁶³ The number of registered migrant workers from the province for 2004, however, was significantly smaller -- totaling 23,954 (a difference of 18,104). When looking at the total for 2003 at 31,591, it is clear there had been either a problem in recording registered migrant workers in the province or that migration over these years ebbed and flowed dramatically. It is not clear which is the case.

However, it is clear that the number of people from West Nusa Tenggara migrating abroad for work is huge compared to the size of its population. By comparison, East Java -- with a population nearly 10 times greater than West Nusa Tenggara - only registered 37,150 migrant workers in 2003.⁶⁴ The total number of registered migrant workers from West Nusa Tenggara for the period of January 2003 through March 2006 was 102,656 (BP2TKI of West Nusa Tenggara, 2006). This number represents 2.7% of the entire population of the province (or 1 of every 37 people). To be sure, some of the migrant workers may have migrated twice during this 39-month period (since contracts are usually for 24 months) - thus potentially reducing the number of actual people migrating. But the statistic does not include migrant workers who were not registered with provincial authorities before departing abroad. Since evidence suggests that many migrant workers register in transit areas outside of the province or never register at all, it could be argued that the actual number of registered and unregistered migrant workers from West Nusa Tenggara is as many or more than 102,656 since 2003.

Of the 102,656 registered departures of migrant workers since 2003, 73,168 (71.3%) of them were destined for Malaysia. Saudi Arabia was by far the second most popular destination country with 27,808 (27.1%). Only 1,680 (1.6%) registered departures were destined for other countries. The table 3.41 below shows these numbers in detail:

62 see http://www.nakertrans.go.id/ENGLISHVERSION/ind_workers.php (accessed in October 2006). Note that one must add the figures for Middle East destinations and Asia-Pacific destinations for the total.

63 Indonesia's total population is about 220 million people - of which only 3.8 million are from West Nusa Tenggara.

64 Exact numbers of registered migrant workers for East Java were not available for 2004 and 2005.

Table 3.41:
Registered Migrant Workers by Destination Country
From January 2003 through March 2006

Destination Country	2003		2004		2005		2006 (through March)		Total	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Abudabi	-	91	-	-	-	-	-	-	-	91
S. Arabia	34	7,631	49	9,554	61	8,986	19	1,474	163	27,645
Kuwait	-	354	1	105	-	351	-	-	1	810
Jordan	-	103	-	-	-	14	-	-	-	117
Malaysia	22,932	372	13,706	402	31,782	414	3,529	31	71,949	1,219
Korea	-	-	94	-	389	1	-	-	483	1
Brunei	43	31	43	-	4	-	-	-	90	31
Hong Kong	-	-	-	-	-	17	-	-	-	17
Singapore	-	-	-	-	-	20	-	-	-	20
Taiwan	-	-	-	-	-	19	-	-	-	19
Sub-Total	23,009	8,582	13,893	10,061	32,236	9,822	3,548	1,505	72,686	29,970
Total	31,591		23,954		42,058		5,053		102,656	

Source: BP2TKI of West Nusa Tenggara (2006)

The most notable aspect of the table above is that the total number of migrant workers for each year is very different, as mentioned before. The fluctuations can be seen in the number of departures to Malaysia. The statistics for the other countries are relatively consistent by comparison. As mentioned before, it is unclear why the numbers for Malaysia are so inconsistent from year to year. One possibility is that provincial authorities were unable to document all migrant workers in 2003 and 2004. Another possibility is that more workers decided to migrate legally (and thus register themselves) in 2005 following the crackdown by Malaysian authorities against illegal migrant workers that year. And yet another possibility is that more migrant workers registered in West Nusa Tenggara in 2005 rather than registering in other transit areas such as Surabaya or Jakarta – perhaps because labor export agencies in Mataram were better able to handle larger numbers over time.

It is also interesting to note the ratio of female to male migrant workers in the table above – with men representing more than 70% of the total number of registered departures for the 39-month period. This female to male ratio is opposite the

national average as women comprised nearly 70% of registered international migrant workers in 1999 and 2000 for the entire country (Rosenberg, 2003b: 39). A closer look at the table shows that most women departed for Saudi Arabia, whereas most men migrated to Malaysia. The gender ratios for departures to these two countries are huge. For Saudi Arabia the ratio was 169 women for every 1 man. This is significantly larger than the national ratio for 1999 and 2000 in which female migrants to Saudi Arabia outnumbered male migrants by nearly 12 to 1 (Rosenberg, 2003b: 39). West Nusa Tenggara's ratio for Malaysia for 2003-2006 was 59 men for every 1 woman. This is very different from the national trend, which has seen more women than men migrating to Malaysia, albeit only slightly more (Rosenberg, 2003b: 39).

The vast majority of registered migrant workers originate from West Lombok, Central Lombok, East Lombok and Sumbawa districts as can be seen in the following table:

Table 3.42:
Registered Migrant Workers by District / Municipality
From January 2004 through March 2006⁶⁵

Place of Origin	2004		2005		2006 (through March)		Totals	
	Male	Female	Male	Female	Male	Female	Male	Female
Mataram	88	42	201	126	12	7	301	175
West Lombok	2,981	147	6,277	577	970	111	10,228	835
Central Lombok	6,045	403	13,145	1,380	1,308	258	20,498	2,041
East Lombok	4,697	105	12,401	330	1,244	84	18,342	519
Sumbawa	51	9,364	97	7,365	14	1,045	162	17,774
Bima (district)	31	0	117	5	0	0	148	5
Dompu	0	0	7	39	0	0	7	39
Sub-Totals	13,893	10,061	32,245	9,822	3,548	1,505	49,686	21,388
Total		23,954		42,067⁷⁰		5,053		71,074

Source: BP2TKI of West Nusa Tenggara (2006)

Sumbawa district stands out as having far more registered women migrant workers than men (with a ratio of nearly 110 females for each male migrant).

⁶⁵ The breakdown for 2003 was not available.

⁶⁶ The number of male migrant workers in this table is different from the number shown in table 3.42 due to a difference in numbers in the original source.

During multiple interviews with government and NGO stakeholders in Sumbawa district from 2004-2006, the Solidarity Center assessment team was told that the vast majority of migrant workers from the district are placed in jobs in Saudi Arabia. This would explain the gender ratio. Conversely, the data shows that most of the registered migrant workers from the districts of West Lombok, Central Lombok and East Lombok were male. It must be assumed that their destination was primarily Malaysia. But one must view the lack of women migrating to Malaysia with a great deal of suspicion. As mentioned above, the national trend is that women outnumber men in migrating to Malaysia. NGOs and government officials interviewed in West Nusa Tenggara by the Solidarity Center assessment team have said that many women from Lombok migrate to Malaysia. They explained that illegal migration was common and that many other migrants registered with Indonesian officials in other transit areas, such as Jakarta, Surabaya, Nunukan, Tanjung Pinang, Batam, etc. (thus they were not documented by the West Nusa Tenggara Manpower Office). It is, therefore, highly likely that women from West Lombok, Central Lombok and East Lombok were also migrating to Malaysia in significant numbers but were not registering with provincial authorities. This conclusion seems to be supported by the fact that the international NGO Human Rights Watch included many interviews with women from Lombok in their excellent report published in 2004 documenting abuses of women migrant workers in Malaysia and Indonesia (see Human Rights Watch, 2004a, July).

To summarize the findings from the data above, West Nusa Tenggara is a source province for tens of thousands of registered women migrants working in Saudi Arabia (most as domestic workers) and tens of thousands of registered men migrants working in Malaysia (most as laborers in plantations and construction sites). It is also likely that significant numbers of women, girls, men and boys migrate to Malaysia having registered in other transit locations such as Surabaya or Nunukan or without registering at all (and work without legal documents). Migrants in the latter category are even more vulnerable to exploitation, abuse and trafficking since employers and brokers can threaten them with arrest and deportation if the worker does not do as she or he is told.

In reviewing the data from IOM in table 3.40 it is now not so surprising to see that more than 43% of the known trafficking cases were men -- most of whom were exploited as plantation workers. But it should not be forgotten that the majority of cases were women placed into domestic work. Both Saudi Arabia and Malaysia are well-documented as countries where domestic workers are extremely vulnerable to abuse, exploitation and trafficking as will be briefly described below.

Exploitation (and trafficking) of migrant workers

There is ample documentation that Indonesian migrant workers – both those who are registered and those who are not – are vulnerable to crimes and exploitation from migration middlemen and employers alike. The Institute of Economic and

Social Rights issued a report from the results of a study on returning migrant workers who were processed through Soekarno-Hatta's Terminal III (special airport terminal for migrant workers in Jakarta) from January through August 2004 (Palupi & Buntoro, 2005). The report stated that during this period, 9.9% of all migrant workers returning through Terminal III from Asia-Pacific countries reported to officials that they had experienced problems while working abroad. It also said that 13.7% of migrant workers returning from the Middle East reported problems (Palupi & Buntoro, 2005: 39). Such problems included: unpaid salaries, contracts that did not correspond with the actual job provided, physical abuse, sexual harassment and assault, medical problems due to work (either through sickness or an accident), and issuance of improper travel documents and visas. Many of these problems are often associated with trafficking - though it is not clear if all migrant workers reporting these problems can be categorized as having been trafficked. Given the fact that West Nusa Tenggara is a major source area for international migration, there is no doubt that many of those reporting problems were from this province.

Much profit can be made from migrant workers. Often such profit is made through criminal acts against the migrant worker by migration middlemen (recruiters, labor export agencies and foreign employment agencies), government officials, employers and criminal syndicates. The Solidarity Center has collected information from a variety of NGOs and government officials in West Nusa Tenggara describing the migration process and how abuse and exploitation often occurs. Human Rights Watch has also published two excellent reports on exploitation and abuse of migrant workers in Malaysia and Saudi Arabia.⁶⁷ Many of the cases highlighted in these reports were of workers from West Nusa Tenggara. The information shared here is a compilation summary of some of the information collected from these sources. More information was known about female migrant workers seeking jobs as domestic workers. Less was known about male migrant workers from the province.⁶⁸

The majority of prospective migrant workers recruited in West Nusa Tenggara never graduated from junior high school and many never graduated from elementary school. Most are recruited into domestic work in foreign households or as laborers in plantations and construction sites. These types of jobs, many of which are located in private homes or remote agricultural areas, are not well monitored by law enforcers in the host country - making such jobs more dangerous in terms of potential crimes committed against the worker, including trafficking.

67 In addition to the July 2004 report by Human Rights Watch on Malaysia, also see Human Rights Watch (2004c, August). "Bad Dreams: Exploitation and Abuse of Migrant Workers in Saudi Arabia".

68 See Chapter IV on migration and trafficking for more detailed information on trafficking of male plantation workers.

Recruiters in West Nusa Tenggara look for prospective workers in rural village communities, where poverty is common, and promise good high-paying jobs abroad. Some recruiters are licensed to recruit for labor export agencies. Others are not licensed. Nearly all of these middlemen will, at a minimum, misrepresent some aspect of the work agreement and conditions – or, at worst, utterly deceive the prospective worker concerning wages, costs, working conditions, type of job, etc. These recruiters, often referred to as *calos*, sometimes provide the prospective worker’s family a “down payment” on future wages as an extra incentive. This is added to the debt that begins to accumulate during the migration process. *Calos* also often build relationships with village chiefs and community leaders who, in turn, can influence parents’ decisions when it comes to prospective workers who are minors. Many of these village officials cooperate with *calos* by providing letters stating a minor is older than is the reality – making it possible to apply for an identity card that will state a false age which then is used to apply for a passport.

Calos fetch a commission for each person recruited by the highest bidding labor export agency or may send recruits to other non-licensed brokers to facilitate the migration process through improper channels. In addition to this, recruiters will also commonly charge prospective workers Rp 1-1.5 million for a job in Malaysia and Rp 2-2.5 million for a job in Saudi Arabia (interviews with NGOs in West Nusa Tenggara, 2004-2006). The fees are charged for the processing of travel documents (including passport, permits, and ID card), recruiter’s fee, medical check-up and transportation to a labor export agency facility. The explanation for the difference in the fees for Malaysia and Saudi Arabia is that more medical checks are required for Saudi Arabia and that salaries for the workers are generally higher in the Middle East.

Once recruited, the prospective migrant worker is sent to a labor export agency or handed over to other *calos* who will facilitate the processing of job placement in the foreign country. Most prospective workers do not have the financial means to pay for all costs charged by the agencies up front. Women and girls who seek work as domestic workers are often offered an arrangement in which the worker’s costs are deferred until the worker’s salary can be deducted to pay it off. Salary deductions often last up to seven or more months and generally place the worker into situations akin to debt bondage – immobilizing the worker in a state of bondage until all debts are paid off. Male workers heading for Malaysia often must pay all costs up front, which can total as much as Rp 13 million or more. Many of them take loans from village creditors who charge exorbitant interest rates to cover these costs. Some are allowed to pay later through salary deductions once in Malaysia. (For more information on debts and migration, see “Debt Bondage” and “Migration and Trafficking” in Chapter IV)

Most male migrant workers are sent to labor export agency “holding centers” in the province and depart for Malaysia within a few days (as most of the jobs they fill require little to no prior training). NGOs say that many women migrant workers

are sent to holding centers outside of the province, including Surabaya, Jakarta, Tanjung Pinang, Nunukan, Batam, etc. It is likely they are registered in these transit sites rather than in West Nusa Tenggara, as discussed above. Many other women and girls are sent to holding centers within the province. If the agency follows legal procedures, female migrants who will be placed in domestic work will receive required training before departure. Unlicensed agencies often send women and girls without such training. Nearly all agencies recruit prospective workers before obtaining a job order, which is in violation of Indonesian law. If the agency does not receive a job order after keeping a prospective worker for several months, the agency may decide to “sell” her to another agency. The second agency – having “bought” the worker by assuming her debts until she can pay them back through her labor – will attempt to place the worker abroad through their network.

Many migrant workers have reported being abused and mistreated in the holding centers of labor export agencies. Such abuse includes illegal confinement (to ensure workers cannot run away before paying off their debts), intimidation and violence, sexual harassment and inhumane living conditions. Many labor agencies force prospective migrants to work in local households for no compensation as a means to “practice” their training (such free labor is sometimes demanded for weeks if not months). Details of abuses experienced by prospective migrant workers are described in several reports on Indonesian migrant workers (Wardhani et al., 2004: 7-61)⁶⁹. In a telephone interview in November 2006, a provincial Manpower official said that six labor export companies were headquartered in West Nusa Tenggara and that more than 200 branches of these agencies and ones headquartered elsewhere were legally operating throughout the province⁷⁰. It is not known how many unlicensed agencies and individual brokers operate in the province.

Abuse of migrant workers occurs in destination countries as well. Some are placed in jobs that are different from what was promised – including some cases in which migrant workers were forced into prostitution. Most have their wages cut more than what was stated in their contract and many are never paid at all. Many migrant workers experience sexual harassment and abuse both physically and psychologically. Some are kept illegally confined through force and intimidation. Travel documents are often held by employers to deter the migrant worker from running away (Indonesian Country Report, 2002). Migrant workers who are working without proper documents are more vulnerable to abuse (and trafficking) as they can be threatened by employers with arrest and deportation.

69 Also see sections on “pre-departure” in the following Human Rights Watch reports (2004a, July): *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia* & (2005a, December): *Maid to Order: Ending Abuses Against Migrant Domestic Workers in Singapore*.

70 Telephone interview with BP2TKI East Java in November 2006.

The following story from *The Jakarta Post* was presented by Human Rights Watch in their report on the exploitation and abuse of migrant workers in Saudi Arabia. The description contains elements that could categorize this case as one of trafficking due to the fact that the girl was a minor when sent abroad, was sexually abused, and was forcibly returned to the employer when she escaped:

In 2003, the Indonesian migrant rights organization Yayasan Panca Karsa, based in the province of West Nusa Tenggara, provided assistance to a 15-year-old domestic worker who returned from Saudi Arabia in poor psychological condition following abuse at the hands of her employer. According to *The Jakarta Post*, the girl, whose name was withheld, “told relatives that her Saudi employer repeatedly attempted to rape her, beat her head against a wall when she refused and was locked in a room and fed just one meal a day for a month.” The girl reportedly escaped her employer once but she was forcibly returned. After she was repatriated in May 2003, her condition reportedly worsened and she was admitted to a mental hospital in Lombok

Source: Wahyuni, 2003 quoted from Human Rights Watch (2004c, August: 57)

b. Trafficking into forced prostitution

Trafficking for the purpose of placing women and children into forced prostitution is very much a reality in West Nusa Tenggara. Poor rural areas that are sources of workers for international and domestic migration are also source areas for sex trafficking as well. Women, girls and some boys from the province are placed into sexual servitude abroad, in other parts of Indonesia (particularly Bali and East Java), as well as within the province (mostly in the Singgigi beach area and in Mataram). Some prostitutes in West Nusa Tenggara originate from other parts of the country (particularly East Java and Central Java).

West Nusa Tenggara has many establishments that sell sex. Most of them operate within cafes, billiard halls, hotels, karaoke lounges and other entertainment establishments posing as legitimate business fronts. Prostitution can also be found in and around seaport facilities. Most prostitution establishments have been found to be clustered in Mataram, Singgigi, Batu Layar, Aikmel and the port areas of Labuhan Haji and Lembar (Interview with Santai Foundation, 2005). Most prostitutes found in West Nusa Tenggara that have originated from the province have been from West Lombok, Central Lombok and East Lombok. This should not be surprising as these areas are also major source areas for international labor migration. Sex workers from outside of the province are generally from East Java and Central Java – most of whom are adult women who have been rotated to the province as their “marketability” decreased after working in Java and Bali.

Most prostituted children seemingly have originated from within the province (Interview with Santai Foundation, 2005).

There is no clear estimate of the number of women, girls and boys who have been trafficked into prostitution in or from West Nusa Tenggara. What's more, no organization has ever attempted to estimate the number of prostitutes operating in the province. Santai Foundation, an organization based in Mataram, has stated that although it does not know the number of prostituted children in the province, it believed there has been an increase in the number of child prostitutes over the last several years (Interview with Santai Foundation, 2005).

The Social Welfare Office runs a rehabilitation facility in Mataram for women and girls taken out of prostitution – mostly due to periodic police raids resulting in the arrest of prostitutes. The facility, *Panti Budi Rini*, told the Solidarity Center during a visit in 2004 that it generally accommodated between 50 and 100 prostitutes at any given time after being brought there by police. They believed that 10-15% of them were under the age of 18.⁷¹ However, as they were unfamiliar with what constituted trafficking, they were not able to estimate the number of women and girls deposited at their facility by police who were trafficked.⁷²

A report published by Santai Foundation in 2004, said that many women, girls and boys are deceived by recruiters into thinking they will work at a restaurant, in a household or in another good job. Once away from home, the trafficker uses violence or the threat of violence to trap them into prostitution. Debt is also often used as a means to place the woman or girl into a situation in which they feel desperate – making the idea of prostitution seem like the only option left to them. Sometimes a woman or girl is lured into prostitution by men who pose as a boyfriend, as described by the following case:

Bella (not her real name) was 15 years old when a man claiming to be a restaurant owner from Singgigi came to her village in East Lombok looking for new employees. She felt happy and honored when the man offered her a job. She had no problem getting her

71 This facility holds the women and girls for three months for “re-education” before releasing them. There have been no studies to determine if women and girls released from the facility returned to prostitution or not. Also of note is the fact that officials at the facility told the Solidarity Center that police never indicated they would investigate how a child under 18 was placed into prostitution. They said the police seemed to feel nothing more needed to be done once the child was deposited at the facility for rehabilitation.

72 Although not all women in prostitution can be categorized as having been trafficked, all children under 18 years old have been, by definition, trafficked and many adult women have also been trapped into sexual servitude. The definition of trafficking under the UN Protocol specifically states that consent is irrelevant when the case involves a child. Therefore, all cases in which a child is involved in prostitution should be considered trafficking unless the girl is never removed from her home. In cases involving an adult, consent is irrelevant if any means such as deception or violence is used. See Chapter I for the definition.

parents to agree to the idea of her working away from home. Upon arriving in Senggigi, the man brought her to a boarding house and said that he had arranged for her to live there. He also told her that he had to go to Surabaya for business right away and would return soon to put her to work at the restaurant. He gave her Rp 300,000 to live on while he was away. The man, however, never returned and Bella found her money was soon running out. Soon after, a young man befriended her and offered to loan her some money when she told him her story. They quickly became close and she soon became his girlfriend. When she got pregnant, he convinced her to get an abortion. They then began a lifestyle in which they went to bars and cafes and she would get drunk. Then one night her boyfriend started to pimp her to other men at these bars. She figured out later that her boyfriend, the owner of the boarding house and the recruiter had all conspired to trap her into prostitution

Source: Santai Foundation (2004: 32-39)

Santai Foundation also found that boys were being recruited in villages in Lombok to be prostituted to men in Senggigi and Bali. Sometimes the recruiter is a prostituted boy who is encouraged to find other boys for more clients. Some clients are foreigners who come to Indonesia looking for sex with children, as described by the following case:

Item (not his real name) was 17 years old when he met an Australian man named Carl in Senggigi. Item was trying to earn money as a tourist guide, so he had met many foreigners before. But Carl changed his life by seducing him into having sex with him. Soon after, Carl encouraged Item to find other boys to sell to his friends in Bali to serve male clients there. Item gathered five boys from the Orong and Kekeran villages in West Lombok and brought them to Bali, where Carl's friends were waiting to receive them. Item continued to find more boys to send to Bali. Eventually, Item was forced to stop when Carl fled Lombok never to return after somebody reported him to police. Item no longer recruits other boys but he continues to work as a prostitute and has become the boyfriend of another foreign man.

Source: Santai Foundation (2004)

c. Contract marriages

NGOs in Sumbawa have told the Solidarity Center that foreign employees of mining company PT Newmont sometimes seek temporary wives to live with them for the few months or years they are deployed in Sumbawa. They explain that the

“marriage” is actually a cover for a financially motivated transaction: the woman seeks financial gain from the brief relationship and the man seeks companionship in return. It is unlikely that any significant number of these situations can be categorized as trafficking. However, the woman may encounter financial problems when the man ends the marriage upon leaving Indonesia – particularly if she is left caring for a child resulting from the marriage. She may also experience social stigma as a young divorcee. Such marginalized women may be more vulnerable to being trafficked if they are forced to consider labor migration or prostitution as a means to survive after the marriage. No significant research has been conducted to determine if these marriages interconnect with the issue of trafficking in this or any other way.

d. Child Labor

Child labor can be found throughout West Nusa Tenggara in various forms. Not all such labor is exploitative and hazardous to the child, especially if the child is able to continue attending school and the work is not for more than 3-4 hours per day. However, some work can be categorized as being “hazardous” physically and/or psychologically – endangering the well-being of the child. Any child migrating away from home to engage in hazardous work can be potentially categorized as being trafficked. The most recognizable form of hazardous child labor connected to trafficking is child prostitution and child domestic work.

In 2004, ILO-IPEC estimated that the number of children in West Nusa Tenggara aged 10-17 years old engaged in work totaled 130,478 (ILO/IPEC Annual Report 2002-2004). Most of them were believed to be working in the agricultural sector. As most of these children likely lived at home and worked alongside parents or relatives, it is unlikely that many of these children could be categorized as having been trafficked unless they migrated to plantations or fishery areas away from home. ILO-IPEC also estimated that children in West Nusa Tenggara were engaged in mining, ceramic factory work, construction, retail, restaurants and hotels, transportation and public service industries. These types of work have more of a potential to require the child to migrate away from home and also have the potential to be hazardous and exploitative. Thus it is likely that some of these children were trafficked.

3. Efforts to combat trafficking

The provincial government and district/municipality governments of West Nusa Tenggara have not done much to address trafficking, despite the fact that so many residents of the province migrate for work and are thus vulnerable to trafficking. Many NGOs advocating for the protection of migrant workers and those working to combat child labor have called

for action – seemingly to little avail so far. The most notable government actions and policies to date include:

- The provincial Social Welfare Office operates several facilities designed to assist marginalized citizens. One such facility is the *Panti Budi Rini* shelter in Mataram that provides rehabilitation services to prostitutes deposited there after police raids. However, staff running this shelter know little about trafficking issues.
- The district government of Sumbawa passed Regulation No. 11 of 2003 on the Training and Protection of Indonesian Migrant Workers from Sumbawa district.
- The Demography, Manpower and Transmigration Office of East Lombok district allocated some government funds from 2002-2004 to provide soft loans to prospective migrant workers wishing to migrate to Malaysia. The loans were designed to empower prospective migrant workers to pay the costs of migration and job placement to labor export agencies. The worker paid back the loan through installments once she or he began work in Malaysia. It is not known whether this scheme reduced the potential for debt bondage of migrant workers who obtained such loans.

Several non-governmental organizations are active in combating trafficking. The most notable organizations known to the Solidarity Center/ICMC include:

Organizations advocating for migrant workers:

- KOSLATA Foundation in Mataram
- Panca Karsa Foundation in Mataram
- Aliansi Pembelaan dan Pemberdayaan Buruh Migran Indonesia (AP2BMI) in Sumbawa
- ADBMI in East Lombok and Central Lombok

Organizations advocating for protection of women or children:

- Solidaritas Perempuan in Mataram
- Tunas Alam Indonesia (Santai) Foundation in Mataram
- Bina Cempe Foundation in Dompu

J. West Kalimantan

Eka Rahmawati



Province name	: West Kalimantan
Capital city	: Pontianak
Borders	
North	: Sarawak (Malaysia)
South	: Java Sea and Central Kalimantan
East	: Central Kalimantan and East Kalimantan
West	: Natuna Sea and Karimata Strait
Area	: 120,114.32 km ²
Population	: 4,078,246 (in 2004; BPS 2004)
Population density level	: 28 people per km ²
Number of districts	: 8 (Sambas, Bengkayang, Landak, Pontianak, Sanggau, Ketapang, Sintang, Kapuas Hulu)
Number of municipalities	: 2 (Pontianak and Singkawang)

(Source: *Profil Daerah, Depdagri, 2006; Kode dan Data Wilayah, Depdagri, 2006*)

Table 3.43
Human Development & Gender Development Index - 2002

Indicator	Unit	Value		Rank in Indonesia
		West Kalimantan	Indonesia	
Adult women literacy level	%	81.7	85.7	13
Adult men literacy level	%	92.0	93.5	13
Length of schooling (women)	Years	5.8	6.5	13
Length of schooling (men)	Years	6.9	7.6	13
People without access to clean water	%	78.5	44.8	30
People without access to health facilities	%	50.1	23.1	30
Expenditure per capita	IDR '000	580,4	578,8	27
Open unemployment	%	7.6	10.6	*

Source: BPS/BAPPENAS/UNDP, 2004b: 103, 105, 111, 113, 188

* Open unemployment ranking not available

1. West Kalimantan at a glance

West Kalimantan is Indonesia's fourth largest province in terms of size after Irian, East Kalimantan and Central Kalimantan (see <http://www.kalbar.go.id/>). The majority of the population is engaged in work on plantations and in the fishing industry – with main exports including timber, palm oil, rubber, fresh fruit, coconut products and fish (see <http://www.summitreports.com/indonesia2/westkalim.htm>). Approximately two-thirds of West Kalimantan is covered with tropical rainforest. The province's infrastructure is relatively undeveloped compared to Java. As such, river transportation is still widely used to move goods as well as to access remote communities in the interior (West Kalimantan is known as the "Land of a Thousand Rivers"). A Borneo highway and "trans-Kalimantan railroad" have been envisioned by Indonesian officials as a means to improve land transportation and to expand trade with Malaysia and Brunei.

Ethnic violence and transnational crime have been a part of West Kalimantan's recent history. Conflicts among the native Dayak community (which make up about 40% of the province's population) and Madurese immigrants (about 3% of the population) have occurred as recently as 2001 and 1997 – resulting in the displacement of as many as 100,000 people running from the violence, particularly in Sambas district (Program on Humanitarian, 2001). Economic hardship is always present with any families suffering from such displacement. Illegal logging is often reported as running rampant in the province, with most of the timber smuggled into Malaysia across the border at Entikong, Sanggau district.⁷³ Both Indonesian and Malaysian law enforcement authorities have been unable (and perhaps at times unwilling) to put a halt to this illegal trade. These officials have also failed to prevent the criminal activity swarming around the movement and trade (and often smuggling) of Indonesians across the border. It is likely that tens of thousands of Indonesians from across the country as well as from throughout West Kalimantan enter Malaysia through this land border each year. Many of them are being preyed upon by traffickers who seem to operate in a climate of near impunity – much like the criminals enjoying huge profits from illegal logging.

2. West Kalimantan's Trafficking Situation

There is ample evidence that human trafficking is prevalent in West Kalimantan. Every month, thousands of Indonesian migrant workers – from other provinces as well as from throughout West Kalimantan – transit through the province and over the land border into eastern Malaysia, particularly Sarawak. Because of this significant flow of migrating workers, West Kalimantan is seen by experts as a "trafficking hotspot". Not only is the province considered a major transit and

⁷³ For an example of one of many articles on this subject, see "West Kalimantan unable to halt illegal logging", *The Jakarta Post*, March 18, 2003.

source area for trafficking, but there are also documented cases of trafficking in which West Kalimantan was the destination for this crime.

Hundreds of people have been documented as having been trafficked to or through West Kalimantan into Malaysia or Riau Islands. Many are from West Kalimantan. Others are from all over the country, particularly East Java, Central Java, East Nusa Tenggara, Lampung, West Java and Sulawesi. From the cases identified so far, it appears that the most common forms of trafficking revolving around West Kalimantan include trafficking of women, men, girls and boys into the manufacturing industry and plantations as well as women and girls into domestic work and forced prostitution. Women sold as “mail order brides” and the forced reproductive servitude of expectant mothers for the purpose of selling their babies are also documented forms of trafficking (see Table 3.44 below). The high numbers of cases of trafficking in which West Kalimantan is the transit, source or destination area has led some experts to label this province as the third worst trafficking “hotspot” in the country (see “West Kalimantan, the Third Worst in Trafficking in Women”, Pontianak Pos, May 18, 2004)

Table 3.44:
Map of Trafficking in West Kalimantan

Forms	Source	Transit	Receiving
Migrant worker trafficked into domestic work, plantation and manufacturing (international)	√ (Sambas, Bengkayang, Sintang, Landak, Kab. Pontianak)	√ (Pontianak, Entikong)	-
Sex work	√ (Singkawang) Domestic destination: within West Kalimantan, Batam, Jakarta, Surabaya & Medan International destination: Malaysia, Singapore Taiwan, Thailand and Hongkong	√ (Pontianak, Singkawang, Entikong) Domestic: Batam International: Malaysia, Singapura, Taiwan, Thailand and Hongkong	√ Domestic: spread in many brothels throughout West Kalimantan

Mail-Order Bride	√ (Singkawang) International: Taiwan and Malaysia	-	-
Baby and expectant mother	√ International destination: Malaysia (Sarawak, Kuala Lumpur and other cities in West Malaysia)	√ International destination: Malaysia (Sarawak, Kuala Lumpur and other cities in West Malaysia)	-

a. The trafficking of migrant workers⁷⁴

There have been many reports from the late 1980's in and outside of the country (i.e. Malaysia and Middle Eastern countries) that indicate how vulnerable Indonesian migrant workers are in terms of violations of their rights. Debt bondage, deception and violence are often reported. Although unregistered migrant workers are most vulnerable to such crimes, it is clear that properly registered migrant workers are also at risk to exploitation and abuse.

Prevalence

Data regarding the number of legally registered migrant workers from West Kalimantan is difficult to obtain. YLBH-PIK, a West Kalimantan-based NGO, has made efforts to determine the numbers. For 2004, the NGO identified 30,675 people from the province who entered Sarawak legally registered for work – 14,312 or 47% of them were women (Hairiyah, YLBH-PIK, quoted from *Kompas*, February 9, 2004).

This number, however, is quite high compared to the figures reported from the province's local statistics office, which said that from 1998 to 2004 a total of 31,861 registered workers (or 6,372 on average per year) migrated from West Kalimantan to Malaysia for work. These numbers are dwarfed when compared to figures obtained by YLBH-PIK from immigration offices throughout the province for the

⁷⁴ The term "migrant worker" here is to denote only those migrants who work as domestic workers (in households) and who work in the formal sector, such as in plantations and other industries in East Malaysia (particularly Sarawak). Migrant worker usually refers to any person working abroad. However, in this writing it will refer to any Indonesian worker working abroad who has not been trafficked into forced prostitution. Trafficking into sexual exploitation will be explained separately in this section.

number of passport applicants: from 1998 to 2000, a total of 500,371 passports were processed, averaging 166,790 per year and 13,899 per month (Akbar, Faidil, 2004).

As the number of passport applicants indicates, many Indonesians from West Kalimantan and those from other parts of the country transiting through the province enter Malaysia to look for jobs without properly registering themselves as migrant workers.⁷⁵ Most of these unregistered migrants receive assistance from the large number of middlemen seeking profit to facilitate the process. Many are helped by middlemen to enter Malaysia through the more than 55 identified pathways across the forests and villages along the West Kalimantan-Malaysia border. The length of the border, which is about 877 kilometers, and the inadequate resources allocated by both Indonesia and Malaysia for border security, makes it difficult to prevent such illegal border crossings. Many other Indonesians enter Malaysia on a tourist or social visa and enter jobs without converting to a work visa, which is considered illegal by Malaysian authorities. Undocumented Indonesians and those working without proper visas are more vulnerable to abuse and trafficking given the fact that employers and agents can threaten them with arrest and deportation if the worker does not do as she/he is told.

The Secretary-General of Indonesia's Manpower Ministry said in September 2006 that there was an estimated 1.7 million Indonesians working in Malaysia – and that up to 1.2 million of these were unregistered and considered illegal by Malaysian authorities (*Illegal workers flock*, 2006). Malaysian officials stated in July 2006 that some 400,000 Indonesians had been deported since a crackdown on undocumented migrants began in 2005 and that Malaysia was planning to begin another round of mass deportations as it was believed between 500,000 and 1 million undocumented workers (of all nationalities) remained in the country (*KL unveils new*, 2006). More than 62,500 Indonesians were arrested for working without proper documentation in Malaysia during 2003 (*Malaysia to resume*, 2004). One must note that not all of these migrant workers – both registered and unregistered – do not originate from or transit through West Kalimantan. However, given that West Kalimantan is a major gateway to Malaysia, one must assume that the number of Indonesians migrating to work in Malaysia from or through West Kalimantan is far higher than official figures.

The number of migrant workers from or transiting through West Kalimantan that become trafficked into exploitative or abusive labor is not known. The absence of data on this is due to a number of reasons. First and foremost is the fact that trafficking is a crime that is not easily detected. This crime is committed by a network of middlemen – some of whom are very organized while others are only loosely connected with each other. In addition to this, not all trafficked persons are

⁷⁵ Many properly registered migrant workers from other parts of the country do transit through West Kalimantan, but these workers would have obtained passports in their home provinces rather than in West Kalimantan.

willing to report their case and those still in bondage are not able to do so (she/he may be confined and her/his passport may be held by the employer). Most cases are uncovered when a trafficked person seeks protection or services (i.e. from an NGO, the embassy or consulate, police, etc.). On the other hand, many trafficked persons are reluctant to report their case due to trauma or embarrassment. Trafficked persons are also likely deterred from reporting their case if they entered Malaysia improperly -- as Malaysian and Indonesian officials alike often view unregistered migrants as "illegal" and often do not consider whether the person was abused or trafficked.

Nonetheless, there is limited data on trafficking cases released by several service provider institutions in West Kalimantan that provide shelter and assistance to trafficked persons. Several organizations, including government institutions, have used different sources of information to estimate the prevalence of trafficking in West Kalimantan.

However, one crucial aspect in looking at data from service providers is the fact that each institution may view trafficking differently – making it possible that a case may be viewed as trafficking by one organization, whereas the same case may be viewed by another organization as not being trafficking.⁷⁶ Thus, many migrant workers who have been abused may not receive the type or quality of services they need if they are not deemed to have been trafficked. Similarly, given the problems associated with these different perceptions, statistics collected by different service provider institutions on their clients (though, many do not have proper documentation systems) may not provide a true indication of the number of trafficking cases reported.

The International Organization for Migration (IOM) has supported existing shelter and service facilities for trafficked persons in Pontianak, Jakarta, Surabaya and Makassar. As of July 2006, these facilities had provided services to a total of 1,231 trafficked persons – 329 (295 female and 34 male) of them originated from West Kalimantan with the majority of these cases involving exploitation in Malaysia. The data IOM has collected does not provide information on how many of the other clients may have transited through West Kalimantan on their way to Malaysia. Of the clients originating from West Kalimantan, 109 (33.1%) were categorized as children and 1 case involved an infant. Most were trafficked

⁷⁶ During a field interview in April 2006 with Ms. Basitha Ginting, Acting Director of the Sanggau District Social Welfare and Manpower Office, she complained of difficulties in coordination among several service provider institutions. She said one problem was due to different perceptions on what constituted trafficked and what did not. Once, she said, her office referred several people she considered had been trafficked to a service provider institution which subsequently refused to provide those people with services. The service provider, which could only take in clients considered to have been trafficked, explained that they felt the people had not been trafficked as there was no indication of physical abuse. LSM Anak Bangsa at the Malaysian border in Entikong also expressed similar difficulties concerning the same institution.

into domestic work (173), whereas others were trafficked into forced labor as prostitutes (28), plantation workers (23), factory workers (26), shopkeepers (22), hostesses (29), nanny/babysitters (10), waitresses (7), laborers (6), construction workers (3) and cleaning service providers (1). IOM also reported one baby from West Kalimantan was sold in Malaysia and another client had been exploited during transit. No information is provided on the type of abuse experienced by each of these trafficked persons.

LSM Anak Bangsa in Entikong, Sanggau reported that it provided services to a total of 462 trafficked persons in 2005 (January-December data). No detailed analysis on the data is available from that period. During January-May 2006, it dealt with 552 (325 female, 227 male) cases – of which the organization determined 352 (63.77%) were trafficking cases (287 female, 65 male), while the remaining 200 cases (36.23%) were identified as cases of migrant worker exploitation not involving trafficking (38 female and 162 male). Not all of these clients originated from West Kalimantan.

LKBH Peka in Singkawang reported that in the first six months of 2006 it provided services to a total of 17 clients (13 female and 4 male) who were identified as having been trafficked. About half of them were under 18 years old. YLBH-PIK in Pontianak stated that it has dealt with about 537 trafficking cases from 1997 to 2002.

Trafficking Routes

It is said that “traffickers fish from the river of migration” – and thus the path or routes of trafficking correspond with the routes of migration (see Chapter II for details on the relationship between migration for work and trafficking). The West Kalimantan districts of Sambas, Bengkayang, Landak, Sintang and Kabupaten Pontianak are noted as major source areas of workers migrating to Malaysia. These districts are not only close in proximity to the Malaysian border but also contain a high number of poor communities.

As a transit area, West Kalimantan receives many migrant workers on their way to Malaysia from East Java, Central Java, East Nusa Tenggara, Lampung, West Java and Sulawesi.⁷⁷ Sea and air transport facilities have made travel between West Kalimantan and the above areas relatively easy. Daily flights are available between Pontianak and the cities of Jakarta and Surabaya as well as weekly ferries from Surabaya (Tanjung Perak Port), Semarang (Tanjung Emas Port), and Jakarta (Tanjung Priok Port).

⁷⁷ Interviews with LSM Anak Bangsa, police and immigration officials as well as *calos* that operate at the border, April 2006.

Surabaya is the first major transit stop for migrant workers from East Java and East Nusa Tenggara wishing to go to Malaysia via the route through West Kalimantan. Migrant workers from Central Java will route through Semarang on their way to Pontianak by sea. For those from West Java and Lampung, Jakarta is the transit before moving on to Pontianak by sea or air.

Arriving in Pontianak, many migrant workers will be moved by middlemen to local holding centers, some of which are not properly licensed (i.e. the one located in Sungai Pinyuh) (interview with a *calo* at Pasar Baru (market), Entikong border, 2006). From there, they will continue over land to Malaysia via Entikong. It is not difficult to find transportation means to take them to Kuching in Malaysia. Several bus companies, such as Damri, SJS, ATS, PB, Tebekang and Eva, ply the Pontianak-Kuching road with rates between Rp 150,000 – Rp 200,000 (US\$ 16.7 – 22.2).

Entikong is the final place of transit. Here they can arrange their travel documents through *calo* and travel agents. Some unlicensed holding centers can also be found in Entikong. To some, Entikong is seen as a “migrant worker market”, where transactions between Indonesian and Malaysian *calo* and agents take place.

Modus operandi

There are a large number of middlemen who facilitate the recruitment, movement and placement of Indonesians into work in Malaysia. The Indonesian middlemen in West Kalimantan consist of individual *calo* and brokers (mostly as recruiters in villages and document facilitators in Entikong), registered and unregistered labor export agencies (mostly in Pontianak and Entikong), travel agencies, and loosely-organized criminal syndicates. Their Malaysian counterparts on the other side of the border consist of individual brokers, employment agencies and seemingly well-organized criminal syndicates. Many of these players interact with each other in both legal and illegal activities. Some are closely connected to each other, while others may not know the middlemen involved later in the process. Some are involved in placing properly registered Indonesian workers into good jobs in Malaysia. Some smuggle⁷⁸ Indonesians across the border without documents or without proper work visas in order to place them into work that may or may not be abusive. Whether the Indonesian worker entered Malaysia through legal channels or not, all are vulnerable to trafficking – and many of the various middlemen either knowingly or unknowingly are involved in trafficking.

Whether the hopeful worker is from West Kalimantan or from another part of Indonesia, the recruitment process is often similar. Recruiters look for prospective

78 Smuggling is not the same as trafficking – though the act of trafficking often does involve smuggling. Persons smuggled into another country may not be criminally abused by smugglers. However, once a person enters a country through illegal channels, that person is vulnerable to criminals who can control the smuggled person not only through violence but also by threatening to report the person to police to be arrested and deported.

workers in rural village communities, where poverty is common, and promise good high-paying jobs in Malaysia. Some recruiters are licensed to recruit for labor export agencies. Others are not licensed. These recruiters, often referred to as *calo*, can fetch a commission for each person recruited to the highest bidding labor export agency or may send recruits to other non-licensed brokers to facilitate the migration process until reaching Entikong. Nearly all of these middlemen will, at a minimum, misrepresent some aspect of the agreement – or, at worst, utterly deceive the recruit concerning wages, costs, working conditions, type of job, etc.

According to observations by YLBH-PIK, *calo* often approach and persuade parents to allow their child to go to Malaysia for work. Sometimes they give the parents Rp 75,000 to Rp 100,000 (US\$ 8.3 - 111) as a “down payment” on the child’s future wages as an extra incentive. The *calos* often build relationships with village chiefs and community leaders who, in turn, can influence parents’ decisions. Once recruited, the prospective migrant workers are taken or sent to Entikong or Sanggau and handed over to other *calo* who will facilitate travel documents. Many documents are falsified since candidates often range in ages between 13 and 16 years old, which is too young to work legally in Malaysia.⁷⁹

The placing of false ages, addresses and names in identity cards (KTP) or household cards (KK) is reportedly not a difficult process in Entikong (Interview with brokers, 2006). Such false information is not only for the purpose of hiding the person’s age, but may also be for a migrant who wishes to re-enter Malaysia after having been deported and blacklisted by the Malaysian government. The sub-district (*kecamatan*) office has denied any involvement in knowingly processing identity cards with false information, saying that there are many requirements that must be met before an applicant can obtain such identity papers. However, they admit that anyone can claim residency in Entikong after staying for at least three months (thus giving the resident rights to apply for a local KTP). Such residency must be acknowledged by a village official. In practice, a person can easily obtain a local KTP without waiting for three months by paying a *calo* Rp 35,000 (US\$ 3.9) to facilitate the process.⁸⁰ False information can easily be placed in the KTP as many village officials are willing to provide letters attesting to the validity of the information (interview with *calo*, 2006). The cost is not much different from the official fee for the processing such documents, which is Rp 15,000 (US\$ 1.7) for a KTP and Rp 20,000 (US\$ 2.2) for a KK. Once the prospective migrant worker has an identity card, it is a simple process to apply for a passport and Immigration

79 Article 6 (a) of the Memorandum of Understanding (MoU) between Indonesia and Malaysia on the Recruitment and Placement of Domestic Workers, signed on 13 May 2006, states that workers must be at least 21 years of age but not more than 45 years of age.

80 A *calo* that facilitates identity card applications at Pasar Baru, Entikong told the writer that he can arrange an ID card for only Rp 35,000 and that it usually took a week to get it done. He said that the applicant need not submit any identity documents as four 3x4 size photographs were enough for the process.

officials state that they have no choice but to honor such official identity cards as they were issued by proper authorities.

It is clear from data obtained from the Immigration Office of Entikong that this practice must be commonly used. In 2005, for instance, the office issued 14,774 passports (7,434 of 48-page passports and 7,340 of 24-page passports). It also issued many temporary cross-border passes (PLB). Immigration Department regulations state that only local residents can apply for passports at each area. Given the fact that Entikong only had a population of about 12,000 in 2005, it is clear that large numbers of non-residents obtained passports from the Entikong office.

Upon obtaining a passport, many migrants crossing over to Malaysia do so with a one-month Social Visa that states (in English) that work is prohibited. In a *Jakarta Post* article of 15 July 2005, then Minister of Manpower Fahmi Idris estimated that over 40,000 Indonesians were using tourist or social visas to find work in Malaysia. Some of the migrants work on this visa and risk arrest and exploitation by employers – many of them are men who can easily seek construction or plantation work without the aid of Malaysian agents. Most Indonesian female migrants, however, place themselves in the hands of Malaysian agents to assist them to find domestic work. If the agent is reasonably honest, then they are likely to place the woman or girl in a household and convert the Social Visa to a work visa. However, if the agent wishes to exploit the migrant, then it is easy to do so as they typically hold the passport and can easily use threats of turning the migrant in to authorities if they do not do as they are told – resulting in slave-like labor or forced prostitution.

Another way in which middlemen may facilitate the movement of prospective migrant workers into Malaysia is to provide a fake stamp for a temporary cross-border pass (PLB) for a charge of only Rp 15,000 to Rp 25,000. However, since the immigration office changes the codes of these stamps everyday, such falsified documentation may be more easily detected.⁸¹

There are several implications arising from the practice of false information used for passports issued in Entikong. Malaysian agents and employers often know that the passport information is false – particularly if they know the migrant is a minor or if the migrant has been caught before and blacklisted by Malaysian officials (but able to return using a false name on a new passport). Thus the migrant virtually disappears from officialdom as the migrant would be difficult to track should the family report that they think something may be wrong if contact is

81 During a police raid, it is found a suspicious stamp on passport. Police started to investigate and finally could uncover fake stamp service provider syndicates in April 2006. Two people were detained at Entikong Police station and the rest are still being searched for. This information is obtained from Briпка Mujiono police officer, Crime Division Unit Head at Entikong Police Station.

lost. On the reverse side, officials find it difficult to track down a migrant's family if the migrant has died due to trafficking or has been so severely traumatized that he/she does not communicate information about how to contact relatives.

In addition to being vulnerable due to their illegal status, many migrants risk being controlled and/or trafficked because they become heavily indebted to the middlemen who facilitated their migration. *Calos* who have been interviewed at the border freely admit that a migrant worker may owe as much as Rp 5-7 million (US\$ 556 – 778) by the time she/he reaches the work destination in Malaysia. These costs include recruitment fees, accommodation and food, and processing of documents. Many of the costs associated with migration are greatly inflated by the middlemen to rake in maximum profit. For processing the issuance of a passport, for example, a prospective migrant worker may have to pay between Rp 800,000 and Rp 1.5 million (US\$ 88.9 – 167) for a 48-page passport and between Rp 600,000 and Rp 900,000 (US\$ 67 – 100) for a 24-page passport. In April 2006, *calos* claimed that it was difficult to process passport applications in Entikong but that they could still be obtained in the district capital of Sanggau for a higher fee of between Rp 1.5 million and Rp 2.2 million (US\$ 88.9 – 244) (interview with *calo*, 2006). These costs are far different from the official rates – as Government Regulation No. 26 of 1999 stipulates that passport applicants need only pay Rp 205,000 and Rp 55,000 (US\$ 22.8 – 6.1) for each respective passport type. Middlemen helping to facilitate the movement of prospective migrants reap large profits from each worker. One husband and wife *calo* team in Entikong indicated to the writer that they were able to take in Rp 1 million to Rp 1.5 million (US\$ 111 – 167) nett profits per migrant (interview with *calo*, 2006). For more information concerning trafficking and migrant workers, see the sections on “Migration and Trafficking” and “Debt Bondage” in Chapter IV.

The Story of Haryanto

Haryanto (not his real name), a 38-year-old man from Kapak, Pontianak, has been a farm laborer all his adult life. Eleven years ago, Haryanto worked at an oil palm plantation in Sarawak, Malaysia but did not enjoy much economic success. Despite this, he decided recently to try once again to work to Malaysia. After looking into it, an agent promised a job at a rubber manufacturing factory not far from Sirian (Sarawak). Haryanto agreed.

His agent, Gunawan (not his real name), is a “player” at the border. Upon arriving in Entikong, Haryanto was asked to pay Rp 5 million (US\$ 556). Gunawan said the money was needed to cover expenses for all of the documents and transportation fees from Pontianak to Entikong and later on to Sarawak. Haryanto had no understanding at how much these costs had been inflated, given the fact that the regular price for the one-hour bus ride from Entikong to Sirian costs

no more than RM 15 (more or less Rp 38,000 or US\$ 4.2) and the most expensive air-conditioned bus from Pontianak to Entikong only costs Rp 150,000 – Rp 200,000 (US\$ 16.7 – 22.2).

When asked whether Haryanto knew how much he had spent so far, he said no. He also said that he did not know how much salary he would earn when working. Gunawan had told him that his salary would be deducted for about one year. Although this was Haryanto's second time migrating to work into Malaysia, he still was mystified by the process. He said he would just follow what Gunawan told him to do.

The day was about to break when I met Haryanto at the Entikong-Tebedu border at 5:00 AM early morning. When the border gate was opened, Haryanto showed me his passport – it did not have a work visa and he could not tell me what type of visa he would enter Malaysia with.

Source: Field interview, April, 2006

There are at least three gangs (loose syndicates) operating on the Indonesian side of the border in Entikong profiting from the movement of Indonesians across the border. One is called the Java Gang (*Geng Jawa*) which may be involved in up to 60% of the transactions relevant to the moving of migrant workers into Malaysia. The second largest, involved in perhaps as much as 30% of such transactions, is called the Sambas Gang (*Geng Sambas*). The third and smallest is called the Malay Gang (*Geng Melayu*) which is involved in the remaining 10% (interview with *ojek* driver and security personnel at border, 2006). Each gang has a loose network that can bring in prospective workers not only from West Kalimantan but from all over Java, East Nusa Tenggara and Lampung. It is clear that these gangs commit a range of crimes, including falsifying information on State documents, sending workers across to Malaysia without proper work visas and without training, as well as smuggling in cases when they help people cross the border with no documents at all (Interview with *ojek* driver and security personnel at border, 2006). There is no doubt the members of these gangs know that many of the workers they “help” are in extreme danger of being placed by their Malaysian counterparts into jobs different from what was promised (even into prostitution) and that many are vulnerable to unfair or abusive working conditions due to the heavy debts and illegal status of most of these workers. With this type of knowledge, it could be easily argued that they should be considered as traffickers – especially the gang members that have precise knowledge that certain workers they sent across the border were in fact trafficked into forced labor or prostitution by their Malaysian counterparts.

b. Trafficking into sexual exploitation

West Kalimantan is a source, transit and receiving area for trafficking for sexual exploitation. Wahyuningsih et al. (2002) concluded that the province was one of Indonesia's most significant source areas of women and children trafficked into forced prostitution (Wahyuningsih, Hilmy and Syafaat, 2002: 15). As such, West Kalimantan supplies sex workers for domestic markets, both in and outside of the province – as well as to the international market, particularly Malaysia and Brunei Darussalam.

Prevalence

To date, there is no data that can provide comprehensive information on the exact number of Indonesians trafficked into forced prostitution within and outside of the country. Nevertheless, some data exists that can help provide an incomplete picture on the prevalence of this crime:

- Koentjoro conducted a survey in 1992 on red light districts in Batam (Nagoya, Bukit Girang and Bukit Samyong) and found that about 75% of the approximate 500 sex workers were from West Kalimantan, mostly Singkawang.⁸²
- The provincial health office of West Kalimantan estimated in 2003 that the number of sex workers in the province was between 1,500 and 4,000 (*Ditemukan 74 Warga*, 2003). It is likely that the number is higher as this estimate seems to have only covered establishments in *lokalisasi* rather than all places offering sex for sale. Such data is also difficult to collect because not all districts keep track of this type of information and because the sex industry often rotates the location of women and children from one area to another. Also, sites are forced to close from time to time and sex workers considered to have exited the industry often return without the knowledge of officials.⁸³
- *Sinar Harapan* newspaper reported in 2003 that there were no less than 100 child sex workers in Singkawang serving clients who visit from other parts of the province, other parts of Indonesia, and from Malaysia and Brunei Darussalam (*Pelacuran Anak, Contoh*, 2003).

There also is no comprehensive data on the number of women and children trafficked abroad from and through West Kalimantan. However, there is some

82 Kuncoro was a lecturer at the Faculty of Psychology of the University of Gadjah Mada. The results of the survey were presented in a seminar in 1992, which soon raised protest from the government of West Kalimantan and some community leaders.

83 In 2003, the Sambas district government closed the red light district of Sebangkau. Sex workers and pimps were registered and then returned to their hometown after being given Rp 700,000 and Rp 2 million respectively to help pay for their transportation and as compensation (Pontianak Post, March 28, 2003). However, other sources mentioned that after the closing of the brothels many of the sex workers moved to another location rather than returning home.

information that provides evidence that significant numbers are trafficked to Malaysia, Singapore and Taiwan. Many are below the age of 18, as indicated by several sources including both Indonesian and international media reports.⁸⁴

- The US State Department's 2006 Trafficking in Persons report stated that during the first nine months of 2005, Malaysian law enforcement arrested over 4,600 foreign females for prostitution. The report said it was likely that a significant number of these women, including hundreds of girls, were probable trafficking victims. Similarly, the 2004 report stated that 5,564 foreign women and girls were arrested for suspected prostitution in 2003, many probably trafficked (U.S. Department of State, 2004).
- The Malaysia Today Net quoted *The Straits Times* as estimating that as many as 70,000 women and children had been sold into forced prostitution to Malaysia, Thailand, Japan, Hong Kong, Singapore and Australia during 2004 – with Indonesia being one of the largest source countries in this trade.
- In 2005, a provincial DPRD member of West Kalimantan, Adrianus Senen, reported that in the Miri area of Sarawak, which directly borders Brunei Darussalam, one hundred percent of the sex workers at the brothels there were from Indonesia. He said that there were no less than 17 unit lodgings that function as brothels in Miri – each with 30-50 women totaling more than 300 sex workers from Indonesia, the majority from Central Java and East Java. He said most had been deceived with false promises of jobs at restaurants, cafes and beauty salons (Sinar Harapan, July 20, 2005)
- YLBH-PIK Pontianak estimated in 2005 that in the past ten years at least 375,000 women have been trafficked into the entertainment industry to a number of night clubs or married to foreigners (*Lebih dari 375.000*, 2005).
- In Kuala Lumpur, *Teras Pengupayaan Melayu and Majlis Bertindak Wanita Islam Malaysia* published a Fact Sheet stating there were 17,448 foreign sex workers in Kuala Lumpur in 2003 – 10,576 (61%) of them from Indonesia (with others from Thailand, Philippine, China, Uzbekistan, Cambodia and Russia) (*Kertas Fakta Pelacuran*, 2004). According to this fact sheet, most of trafficked women and girls from Indonesia were deceived by Malaysian syndicates that promised them jobs in households, restaurants, and factories.
- An ILO publication in 1998 estimated that there were 43,000 to 142,000 sex workers in Malaysia (of foreign and Malaysian nationalities) and that a significant number of these were Indonesians (Nagaraj, Shyamala and Siti Rohani Yahya, 1998: 88).

⁸⁴ On February 26, 2005, Liputan 6 SCTV reported from Kuching, Malaysia that 7 young girls aged 15 on average were seized by Malaysian Police for working as prostitutes. They had been forced to work as prostitutes in an entertainment establishment called Vulcano at Batu Tiga, Kuching. Liputan 6 SCTV also reported that its investigations had revealed a trafficking network that placed young girls into prostitution in Tawau, Sabah, Malaysia. Prior to the report, many print media such as Tempo Interaktif had reported there was child trafficking for sexual exploitation from West Kalimantan to Sarawak. The Equator Daily newspaper reported similar news on April 27, 2003.

It is difficult to establish how many sex workers in Malaysia are from West Kalimantan or have transited through the province from other parts of Indonesia. However, due to the fact that West Kalimantan is a major gateway to Malaysia and that it is a major source of migrant workers (many of whom are deceived and then trapped into forced prostitution), it is likely that the numbers are significant. It is also likely that women and girls from West Kalimantan are trafficked into sex work to West Malaysia, particularly Kuala Lumpur where there is a significant sex industry. The newspaper *Suara Merdeka* reported in 2004 that women and girls were trafficked from West Kalimantan to Kuala Lumpur through the land route of Pontianak-Kuching and from Kuching then sent to Kuala Lumpur (For further details, please access news from *Suara Merdeka Online*, May 31, 2004)

Modus operandi

The women and girls who are trafficked into forced prostitution are commonly from poor families. They are deceived by brokers, friends, neighbors and even relatives into believing they will be placed into a high-salaried job in Malaysia. YLBH-PIK Pontianak believes that the most important factor pushing child prostitution in the province is due to economic considerations (*Pelacuran Anak, Contoh*, 2003). The perception on the role of girls and women in the family should also be understood as a push factor in that many families consider daughters as a commodity or asset that can be used to increase the economic well-being of the overall family. The story of Yanti below provides an example of some of these factors and modus operandi.

Story of Yanti: Deceived and Forced into Prostitution in Kuching

Yanti (not her real name) was a 14 year old girl living with her mother and grandmother in Pontianak. Being very poor, her mother and grandmother washed other people's laundry to earn some income to cover their daily needs.

In September 2003, Yanti's grandmother took her to a former employer named Bambang (not his real name) in Pontianak. There, Yanti was introduced to Ms. Lin who said she lived in Entikong as her husband was a police officer stationed there. Ms. Lin offered Yanti a job to take care of her two babies there.

A day later, Yanti went with Ms. Lin to Entikong. But when they arrived, Ms. Lin told Yanti she would soon go to work in Malaysia. Ms. Lin handed Yanti over to a man named Iwa, who processed a passport and all the necessary documents needed in Entikong (falsifying Yanti's age from 14 to 22 in the process). Ms. Lin and Iwa watched Yanti very closely to make sure she could not run away while these documents were being made. And since Yanti did not

even have a penny, she had no choice but to wait and see what would happen to her next. In the meantime, she was forced to work at Iwa's food stall.

Once her passport was ready, Iwa handed Yanti over to a migrant worker placement agent named Lis, who then brought Yanti to a brothel in Kuching. There, Lis sold Yanti's virginity for RM 2,000 (about Rp 4.6 million or US\$ 444 - 667) and forced her to have sex with clients for a whole month without giving her any pay at all. Yanti normally had to start taking clients starting at five o'clock in the afternoon until the wee hours of the morning. She was always under close watch. After Yanti complained of a medical problem, Lis then sold her to another pimp named Aho for RM 4,000 (about Rp 9 million or US\$ 1000). Aho brought Yanti to Kuala Lumpur and forced her to prostitute herself there for two months.

Concerned about her whereabouts, Yanti's mother tracked down Iwa in Entikong. Iwa refused to be held responsible and instead said that if he were to get Yanti out of Malaysia he would need money or another girl to replace her. The mother instead threatened to report Iwa to the police. The threat worked and Iwa was able to track down Yanti and return her to Indonesia after three terrible months of sexual servitude.

YLBH-PIK is handling Yanti's case. They also have another similar case in which a girl being held in forced prostitution in Kuala Lumpur could not leave until a debt of RM 1,400 (about Rp. 3,5 million or US\$ 389) was paid.

Quoted from: "Dijanji Menjaga Bayi, Dipaksa Menjual Diri" (Kompas, February 9, 2004).

Calo commonly use deception as their usual modus operandi in recruiting women and girls for sexual servitude. Often the prospective worker is promised a job as a domestic worker, waitress or shop attendant. Instead, they end up in a karaoke bar or other entertainment establishment and then forced into prostitution. In its annual report for 2003, Malaysia's National Human Rights Commission (SUHAKAM) noted: "Indonesian girls and women are usually brought in as domestic maids and then 'sold' by their agents to work in discos and entertainment outlets to entertain men, including being forced to provide sexual services" (SUHAKAM, 2004). Many *calos* are associated with trafficking syndicates based in Sarawak. The following example of Farida and Maya is a case in point.

The Story of Farida and Maya: Nearly sold to Malaysia

Maya, 15, and Farida, 16, (not their real names) were two teenagers from Pontianak who were nearly sold into sexual servitude in Sarawak, Malaysia. Luckily, Maya's father was able to detect the crime together with Sanggau Police before the girls departed to Malaysia. Farida described why she nearly fell into the trap: "At the time I was thinking it [migrating for work] might be the only way for me to earn some good money." Maya, who dropped out of school after completing fifth grade, similarly described how she had heard from her friends that the fastest way to earn money was by getting married in a neighboring country.

With this mindset, the teenagers easily agreed to be sent to Malaysia when Pin, a *calo*, told them that he could find them employment at an entertainment place there. But the plan was discovered. Pin and Yus (his colleague) instead were arrested by police in Sanggau. Farida said she did not know that her virginity was about to be sold for RM 5,000 (about Rp. 12 million or US\$ 1333).

Yus admitted to police that he had sent no less than 700 Indonesians to Malaysia, saying that the Malaysian syndicate in Sarawak knew him well. He mentioned that one agent in Batu Tiga Kuching, Sarawak, had been interested in obtaining Farida and Maya. He described how people within the syndicate in Malaysia and the people they dealt with in Indonesia did not all know each other. For example, Yus did not deal directly with the syndicate boss in Sarawak. Instead, his contact was with "labor agents" who would come down to Entikong to choose women and girls. Once enough were collected, they would call their syndicate contacts in Malaysia to pick up the women from the border.

Yus described that once the women and girls were taken to Malaysia, many would be sold to entertainment places and forced into prostitution. Others would be "resold" to another agent. The women and girls mostly did not earn a penny. He said the lucky ones were able to escape and return home but that most had to endure the work and were abused by the *samseng* (bodyguard/thugs) if they tried to escape - sometimes resulting in permanent disability or even death.

Quoted from: "Lika-Liku Remaja Putri Hendak ke Sarawak (Daily Equator, April 27, 2003

During its field assessments in Entikong, the Solidarity Center found that women and girls could be sold from RM 2,000 (about Rp 4.9 million or US\$ 544) to RM

5,000 (Rp 12 million or US\$ 1333). Price is usually determined by a variety of criteria, such as health, beauty and whether the woman or girl is still a virgin – and depending on the negotiations between the *calo* or *toke* (the boss) who make the deal. The women are then forced to serve clients who pay from RM 150 to RM 750 (US\$ 40 -200) a night, according to *calos* on the Indonesian side of the border.⁸⁵ *Liputan 6* SCTV reported that Malaysian clients who seek services from Indonesian sex workers – sometimes called “Indon girls” – paid between RM 250 and RM 400 (US\$ 66.7 – 106) a night, though the price of RM 1,000 (US\$ 267) was sometimes demanded for girls deemed exceptionally attractive.

Trafficking Routes

West Kalimantan government officials have indicated to the Solidarity Center during interviews that there is a common belief that most women working in the sex industry within the province originate from other parts of Indonesia. However, according to data provided by NGOs and local media, it would seem that many of the women and girls in West Kalimantan brothels and establishments selling sex were trafficked from poor rural areas of the province (Sinar Harapan, October 27, 2003). West Kalimantan is also a source area for women and girls trafficked into forced prostitution in other parts of Indonesia, such as Batam, Jakarta, Medan and Surabaya.⁸⁶

In terms of international destinations, Malaysia, Singapore and Taiwan are noted as primary receivers of sex workers from West Kalimantan (Rosenberg, 2003a: 199).⁸⁷ There is significant anecdotal evidence that Brunei Darussalam is also a receiving country.

As a transit area, West Kalimantan is a stopover for women and girls trafficked to domestic destinations (such as Batam) as well as international destinations (such as Malaysia, especially Sarawak and Kuala Lumpur, and Singapore). West Kalimantan is also a receiving area of sex workers who come mostly from East

85 Information from field interviews with LSM Anak Bangsa in Entikong and *ojek* drivers that seek business every day at the border gate (who also provide visa stamping service both in Entikong and Tebedu Malaysia). Interviews also with police and other government officials who conduct field investigations. All interviews were conducted during several visits from February to April 2006.

86 Research conducted by Ernanti Wahyurini on Commercial Sex Workers in Singkawang and several other cities in Indonesia in 2003 found that on average sex workers were under 18. They were sent to big cities all over Indonesia such as Jakarta, Batam, Medan, and Surabaya to be employed in prostitution spots in entertainment establishments or massage parlors (Tempointeraktif, Agustus 29, 2003). Data collected by The Indonesian Child Protection Committee up to December 2005 also indicated that children were trafficked in Indonesia for different purposes, including commercial sex work. Many of them were from North Sumatra, West Sumatra, Lampung, West Kalimantan, West Java, Central Java, East Java, North Sulawesi and Southeast Sulawesi (Republika, December 20, 2005).

87 Besides that, Indonesia Media Online also reported that many women from Singkawang have been deceived and placed into forced prostitution in Taiwan (see <http://www.indonesiamedia.com/2002/february/berita-0202-makcomblang.htm>)

Java, Central Java and West Java – many of whom thought they were on their way to good jobs in Malaysia (*Kasus HIV/AIDS*, 2005).

The West Kalimantan Family Planning Agency (BKKBN) indicated in 2005 that there were 14 areas in the province that were noted as source areas for trafficking into sexual servitude for both within the province and to destinations beyond, particularly Malaysia. These included Pasar Tengah (Pontianak), Singkawang, Sebangkau-Pemangkat (Sambas), Seluas, Entung, Singking, Sanggau Ledo, Sanggar, Kapuas Hulu and Portfaat (Suara Karya online).

Receiving areas in East Malaysia (Sarawak) are primarily in Kuching, Miri, Sibu and Bintulu as well as other areas with entertainment establishments where sex is for sale. Malaysian media has reported that women and girls have been trafficked into peninsular Malaysia, particularly the larger metropolitan areas of Kuala Lumpur, Pulau Pinang and Ipoh (www.bernama.com dated June 2, 2006). They are brought over land as well as by sea and air. Usually, traffickers will move women and girls to East Malaysia (Sarawak) using the land route through Entikong. Then, if they wish to sell them to Tawau (Sabah), they will continue to travel overseas from Sarawak.

“Transactions” between Indonesian and Malaysian *calos* happen frequently near the Entikong-Tebedu border.⁸⁸ From here, women and girls are taken to holding centers in Sarawak – and then finally sold into forced prostitution in Sarawak or further transported to Kuala Lumpur via Kuching (transit area) for the same purpose.

Consequences for women and girls trafficked into sexual servitude

Women and girls trafficked into forced prostitution are at high risk of contracting sexually transmitted diseases (STDs) – including HIV/AIDS – due to the fact that they may be forced to have sexual intercourse as many as eight or ten times in a day with customers who often refuse to use condoms. Gadis Arivia estimated in 2004 that Indonesian women and girls trafficked into sexual exploitation may be forced to have intercourse with as many as 300 different men in a given year (Arivia, 2004: 79).

There is evidence that the reproductive health of women and girls trafficked into sexual servitude in West Kalimantan is very poor. Tempo Interaktif reported a

⁸⁸ Assisted by an undercover official, the writer witnessed transactions at a canteen on the Malaysian side of the border (in Tebedu) between Indonesian and Malaysian *calos*. Although details of the transaction were not clear, the Malaysian *calo* is known to work for a “big boss” in Kuching who runs prostitution establishments and whom Indonesian police have targeted as a wanted person. It seemed evident that the transaction involved human trafficking. LSM Anak Bangsa reported that this ‘Malaysian canteen’ is often used for such transactions since *calos* see it as a relatively safe place to do business compared to the Indonesian side of the border.

study by Wahyurini in 2003 on sex workers in Singkawang where 2 of 4 child sex workers (50%) were suffering from STDs (Tempo Interaktif dated August 29, 2003). Maya, a social worker with the local Department of Social Welfare Office and activist in LKBH-Peka Singkawang, found through field observations that of 34 customers of sex workers in the area only 9 were willing to use condoms. Data with West Kalimantan Family Planning Agency indicates that from all HIV/AIDS cases recorded, more than 60% were infected through sexual intercourse (Suara Karya Online dated September 20, 2005). In addition, foreign ships often moor at Pontianak's seaport. It has been found that many of the crew members of these ships seeking sexual services are already infected with HIV/AIDS prior to arrival.⁸⁹ Such information may indicate that a significant number of HIV/AIDS cases may be spreading through transactions for sex – and that women and girls forced into prostitution have no power to protect themselves.

Up to October 2000, 1,002 persons were documented by the West Kalimantan Province Health Department as having contracted HIV/AIDS, mostly in the age range of 15-40. The highest number of documented infected persons reside in Pontianak (474), with other notable numbers of cases documented in Singkawang (341), Pontianak District (105), and Sambas (47) (*Pengidap HIV/AIDS*, n.d.). However, previous data in 2005 data from Local Counter AIDS Committee of Pontianak City has indicated a much higher number of 2,116 infected persons in West Kalimantan (compared to the Health Department figures) (*Kota Pontianak Rawan*, 2005: 5). According to an article by the *Pontianak Pos* dated 1 December 2006, it seems that the disease is scattered throughout the province with known cases in almost every districts. Based on Health Department figures, only Landak district has yet to document any reported (*Pengidap HIV/AIDS*, n.d.). The fact that there are differences in the figures indicates how difficult it is to document HIV/AIDS cases. It must be assumed that cases involving women and girls trafficked into forced prostitution are even harder to document – and that many such cases have yet to be reported or may never be.

c. Contract marriages as a form of trafficking

Thousands of young women and girls from West Kalimantan, especially of Chinese descent referred to as *amoy*, have been married by their families to foreign husbands – mostly in Taiwan. These marriages can be considered as “contract marriages” (and the women as “mail-order brides”) as most of these marriages were negotiated by agents in Indonesia. The family of the Indonesian wife is generally motivated by financial gain more than the well-being of their daughter. Women and girls are often selected on the basis of their photographs by men abroad intending to procure an Indonesian bride and in many cases the chosen

⁸⁹ Local Government of West Kalimantan during medical check in 2003 found foreign fishers from Thailand, Vietnam and Cambodia infected with HIV/AIDS (Sinar Harapan, October 27, 2003).

women/girls did not get to see their husbands until they reached the husband's country.

Some of these marriages appear to be a sham: the woman is not thought of so much as a wife but instead as free labor used for domestic chores and/or to be prostituted for profit or sexually used by all male members of the family. Such cases should clearly be considered as trafficking, particularly if the woman is held in some form of bondage (this is made easier as the Taiwanese family may hold her passport and control her movements). However, not all of these marriages can be so easily branded as trafficking. Although many of the Indonesian women/girls are subjected to domestic violence and nearly all are not sufficiently protected by the laws of the country of their foreign husbands, one cannot conclude that all of them have been trafficked. There are many issues regarding the lack of rights of Indonesian women married to foreigners, including her situation if divorced (rights to assets and to children born in the foreign country) (Hairiah, n.d). See Chapter II under the section entitled "Marriages to Foreigners" for a more detailed overview of when such marriages may enter the category of trafficking.

Magnitude of the problem

It is not known how many women and girls from West Kalimantan have entered such contract marriages to foreign husbands. The following data provides some estimates regarding the numbers of women/girls sent to Taiwan as mail order brides:

- In 1993, the *Jawa Pos Daily* (July 13, 1993), estimated that 34,000 Indonesian women and girls between the ages of 14-18 were sent to Hong Kong for marriages to men there in exchange for financial benefits. The average financial transaction for these marriages ranged between HK\$45,000-65,000 (Raymond, Janice G. et al., 2002: 19).
- Through her investigative report, Marianne Kearney of The Strait Times in 2003 estimated that no less than 27,000 women from Singkawang had been sent abroad as mail order brides. This was similar to YLBH-PIK's estimate that as many as 30,000 *amoy* from Singkawang were in Taiwan as of 2003 (Suara Pembaruan, May 22, 2003).

Official data released by the Taiwanese Government through their ministry of foreign affairs states that from 1987 to 2003 there were 240,837 foreign brides living in Taiwan – 23.2% (about 55,875) of them from Indonesia. This would work out to average about 11,175 Indonesian brides married to Taiwanese men each year (Hairiah, n.d).⁹⁰ The Taiwanese government has not indicated how many of them were from West Kalimantan. No data exists to estimate the number of those who enter the country as brides illegally.

⁹⁰ Hairiah's data was derived from a visit that she took to Taiwan with West Kalimantan officials and other migrant worker activists in 2003.

These figures are far different from the data released by the City Government of Singkawang as quoted by *Media Indonesia*: from 1996 to 2001 there were at least 2,193 women and girls registered by the municipality as having entered marriages with Taiwanese men. This would average about 365 per year (*Mak Comblang*, 2002).

Data on the numbers of these contract marriages for the years following 2003 is difficult to obtain. However, the Government of Singkawang's Office of Women's Empowerment states that remittances transferred from Taiwan to the three banks (BNI, Mandiri and Bank Kalbar) in Singkawang and via local Post Office amounts to Rp 3 billion a month.⁹¹

Although Wahyuningsih's study (2002) mentions that *amoy* trafficked to Taiwan and Malaysia are mostly from Singkawang and Sambas, there is evidence that *amoy* from Sanggau also enter contract marriages with Thai men as reported by the *Pontianak Post* in 2002 (*Thailand Ikut Jualan*, 2002).

Characteristics of mail order-brides and supporting factors

The majority of young women and girls placed by their families into such marriages are mostly aged 14 to 18. Most are from poor families and have not graduated beyond Elementary School or Junior High School.⁹² Although other ethnic groups have been known to become mail order brides, it is clear that *amoy* are the target of choice by *calos* searching for brides for their Taiwanese (and other nationality) prospective husbands.

The general social and cultural attitudes of communities in West Kalimantan often regard children as long-term assets. Children are seen as being obligated to "return" what s/he "owes" to her/his parents by helping to improve the family's economic well-being. Daughters, therefore, are seen as assets that can be placed into contract marriages with foreigners as a strategy to support the family. In this context, a girl that is in a contract marriage may suffer from three types of vulnerabilities: 1) her status as a child, 2) her status as a female, and 3) her status due to her poverty. In addition to this, the ethnic Chinese society of West Kalimantan view marriage to Taiwanese men as a matter of added prestige. This is in part due to the common view that Taiwanese people are generally affluent and that by marrying a Taiwanese man the family can reconnect with "the lost bone" (by uniting the family blood of their ancestors together) (Wahyuningsih, 2005).

These attitudes create situations in which the Indonesian family may trust that all such marriages will result in not only financial gain for the family but also a

91 Quoted from a paper presented by the Head of the Women's Empowerment Office of Singkawang municipality during a workshop on trafficking of mail order brides, July 20, 2006.

92 LKBH Peka notes that many of them do not even finish elementary school.

reasonably good life for their daughter. The fact is that some of these marriages are a mask for involuntary servitude – in which the woman/girl is trapped under the guise of marriage in forced labor or sexual exploitation. Such circumstances constitute trafficking. The original hope that they will obtain a rich husband for their daughter to improve the lives of all family members often does not meet with reality – and instead much suffering may result from a contract marriage. Yentriyani stated in 2004 that Taiwanese men who “order” *amoy* are usually from economically disadvantaged groups who may find it difficult to find a Taiwanese wife (interview with LKBH Peka). Therefore, they decide to seek an *amoy* wife from Indonesia as these girls can speak the Taiwanese dialect relatively well.

Thus, the life of the *amoy* contract wife is usually not one of ease and affluence – but is instead often one of relative poverty and hard work. Often she is expected to help the new husband’s family by working on a farm or attending to the family store or business. In some cases, the wife is seen by the Taiwanese family as a servant or slave (this would be considered trafficking) and the labor forced upon her is usually accompanied by intimidation or use of violence. LKBH Peka once received a complaint from an *amoy* who was married to a poor Taiwanese man and forced to sexually serve all male members of the husband’s family (LKBH Peka Singkawang Case Documentation, June 2006).

Modus operandi

The *calos* (matchmakers) are usually of Chinese ethnicity and mostly operate in Singkawang to recruit women and girls from families in poverty. They have strong networks in Taiwan and sometimes in other destination countries. The business of such contract marriages is so profitable that they have representatives or “branches” in Taiwan to receive orders for *amoy* (interview with Rosita Nengsih, SH, Chairperson of LKBH Peka Singkawang, 2006). Some *calos* even marry off their own daughters to Taiwanese men and so they can domicile in Taiwan. These daughters then serve as a liaison and provide accommodation for *amoy* who are waiting for their husband to be to pick them up in Taiwan (Wahyuningsih, 2005: 3).

Amoy can generate transactions as high as Rp 70-100 million – but the Indonesian family usually will receive no more than half of this sum (and in some cases they get as little as 10% of the fee). *Calos* receive the remainder as a fee to arrange for all the necessary documents, travel costs and to organize the marriage (Wahyuningsih, 2005: 26). During the process, a “down payment” is usually given to the *amoy*’s family ranging from Rp 20 to 30 million, sometimes less. The *calo* decides how the fees paid by the Taiwanese family are distributed and the family of the *amoy* has little bargaining power in this decision (Media Indonesia, 2002 in Wahyuningsih, 2005). In some cases, the age of the *amoy* is falsified on the passport for one reason or another. The “agreement” between the *amoy* and her Taiwanese husband is often put into a contract, which includes the amount of advance cash

and total amount of money that the *amoy's* family will receive. Such written agreements are generally viewed as acceptable practice but not necessarily always applied to the letter of the agreement.

Data from the service provider organization LKBH Peka in 2006 showed that some of the women/girls placed into contract marriages are from other ethnicities as well. One such case was of an ethnic Malay girl married off to a Malaysian husband. LKBH Peka believes the case should be considered one of trafficking using the modus operandi of mail order brides. The girl was 17 years old from Sambas district. With regard to this finding, LKBH Peka assumes that many young girls have been placed in similar marriages (some of which could be situations of trafficking) in Malaysia and other countries – but there is little evidence on such cases. Cases of contract marriages have until now focused almost exclusively on the connection established between Singkawang and Taiwan. As little research has been conducted on other areas, it is possible that mail-order brides (and thus some trafficking using this modus operandi) are sent to other countries. As for LKBH Peka, the case of the girl trafficked to Malaysia was its first involving a country other than Taiwan (LKBH Peka, June 2006).

LKBH Peka's assumption that trafficking using the guise of marriage may be occurring in other areas than Taiwan is a logical one given the fact that many girls from West Kalimantan are tempted by such offers.⁹³ A girl from Pontianak who was nearly trafficked to Malaysia into forced prostitution said that she was lured by stories that contract marriages in Malaysia would be the easiest way to make money (see story box of Farida and Maya above) (Equator, April 27, 2003). In 2003, LSM Anak Bangsa dealt with a contract marriage case in which the woman from Selakau, Sambas district was prostituted by her Malaysian husband residing in Miri. The woman was able to escape with help from a neighbor and she was able to make her way to Entikong where she received assistance from Anak Bangsa. LSM Anak Bangsa has seen contract marriage as a common practice in Malaysia but has little documentation of such cases.

Trafficking Routes

As discussed above, not all contract marriages are cases of trafficking. But some are – and thus the routes are the same as those of contract marriages that are not trafficking cases. Singkawang is known as a major source of mail-order brides for Taiwan and Malaysia. *Amoy*, a nickname for young women and girls of Chinese ethnicity in West Kalimantan, attracts the most interest in this “market”.

⁹³ Several reports have indicated that transactions are made based on “temporary marriages” between Indonesian migrant workers and Malaysian citizens. Such marriages are sometimes an intentional strategy to avoid the levy (tax) for migrant workers. However, this type of “marriage” is different from the type being discussed in this section. In some cases, it is simply a way to deceive the woman or girl into forced prostitution, sexual servitude or labor exploitation. Many of the women/girls are recruited through deception, coercion, and illegal detainment and often accompanied with violence.

In addition to Taiwan and Malaysia, other destinations for mail-order brides have been known to include Thailand (Wahyuningsih, 2002), Hong Kong (Sinar Harapan, October 27, 2003), and China (Suara Pembaruan, May 22, 2003).

Sarawak seems to be one of the main destination locations for cases occurring in Malaysia – and there is evidence of a connection between Kuching and Singkawang for this practice according to LSM Anak Bangsa (Interview with Arsinah, LSM Anak Bangsa, 2006). This NGO also believes many girls are trafficked into Malaysia from Sambas, Bengkayang and Landak districts using the modus operandi of contract marriages.

d. Trafficking of babies and expectant mothers

The practice of selling babies for profit is well documented in West Kalimantan – with destinations mostly in Sarawak, Malaysia. As discussed in Chapter II, not all such transactions should be considered as trafficking. It is perhaps necessary to examine the purpose of the “sale” before categorizing the act as trafficking. The United States 2005 Trafficking in Persons report states that: “Baby selling which is sometimes used as a means to circumvent legal adoption requirements, involves coerced or induced removal of a child, or situations where deception or undue compensation is used to induce relinquishment of a child. Baby selling is not an acceptable route to adoption and can include many attributes in common with human trafficking” (U.S. Department of State, 2005). See Chapter II under “Baby selling” for more information on how trafficking connects to baby selling and how it may be different from “illegal adoption”.

Prevalence

Terre Des Hommes (TDH) estimates that at least 210 babies from Indonesia have become traded commodities from 2000 to 2005. Using the focus of its study in two provinces, Riau and West Kalimantan, TDH mentions that traffickers use the guise of adoption to cover their real intentions. However, as the evidence is likely to be just the “tip of an iceberg”, it is estimated that the number of babies sold in circumstances of trafficking is more than the figure stated above given that this statistic is based only on the cases reported to police (Hayati, 2005).

In 2004, Yayasan Jurnal Perempuan rescued two mothers and their babies born while in captivity in Malaysia. When pregnant, they are recruited, deceived and locked up in a house in Kuching together with other pregnant women. The purpose was to sell the babies once they were born – after which the mothers would be trafficked into domestic or sex work (Yayasan Jurnal Perempuan, 2003: 91-99). Since 2003, Tempo Interaktif has reported that many poor pregnant mothers and pregnant sex workers in West Kalimantan are recruited for this purpose (www.tempointeraktif.com).

Modus operandi

According to TDH, pregnant migrant workers who have unwanted pregnancies due to sex out of wedlock (including rape by an employer) give birth to most of the babies put up for sale. Some of these cases should be considered trafficking while others may be debatable, depending on the circumstances. Most of these babies are sold in Malaysia. Indonesian *calos* can fetch up between Rp 2 million and Rp 5 million per baby on the market. However, as the baby is transferred from the Indonesian *calo* to Malaysian *calos* or the “end-users” the price will jump to as high as 10,000-15,000 RM. Sometimes a baby of Chinese ethnicity will fetch an even higher price (Hayati, 2005).

The National Child Protection Committee (Komnas PA) in 2003 tried to trace a baby trafficking syndicate in West Kalimantan – resulting in the discovery of a case with links to a syndicate in Taiwan. According to their report and field investigation, it was determined that baby trafficking involved a sophisticated syndicate consisting of loosely connected brokers who do not always know the identity of the actors down the line (see <http://republika.co.id> dated July 24, 2006). As such, it is not easy to detect this type of crime. Muhammad Joni, who is the head of Advocacy and Legal Affairs in Komnas PA, indicated that they detected at least five types of modus operandi for baby selling from West Kalimantan.

- The first is when the parent – usually a poor expectant mother – wishes to sell an unwanted baby. The mother or husband is offered a free “delivery process” and is financially supported during the pregnancy. In most such cases, this is likely not trafficking.
- The second type is more sophisticated in that it is meant to appear as a legal adoption to another Indonesian family or a foreign family. Often one legal obligation is fulfilled while others are not – such as obtaining a letter from the court but no permit from Department of Social Affairs to legalize the adoption. It is basically a way to shortcut legal procedures to maximize profit and may not always be connected to trafficking. The penalty for this can result in five years imprisonment and fines up to Rp 100 million for violation of Article 39, item (1) of Law No. 23 of 2002 regarding Child Protection. International adoption is deemed legal only after obtaining a permit from the Social Minister through procedures set by Ministerial Decree No. 13/HUK/1993 and the Appellate Court’s Gazette No. 6/1983 on child adoption procedures.
- The third type is the use of deception by a man who convinces the woman that they are in a legitimate relationship as girlfriend-boyfriend or legally married. The purpose is to impregnate the unsuspecting woman and to forcibly take away the baby once it is born. In West Kalimantan, many pregnant women themselves are trafficked with the ruse of a false marriage

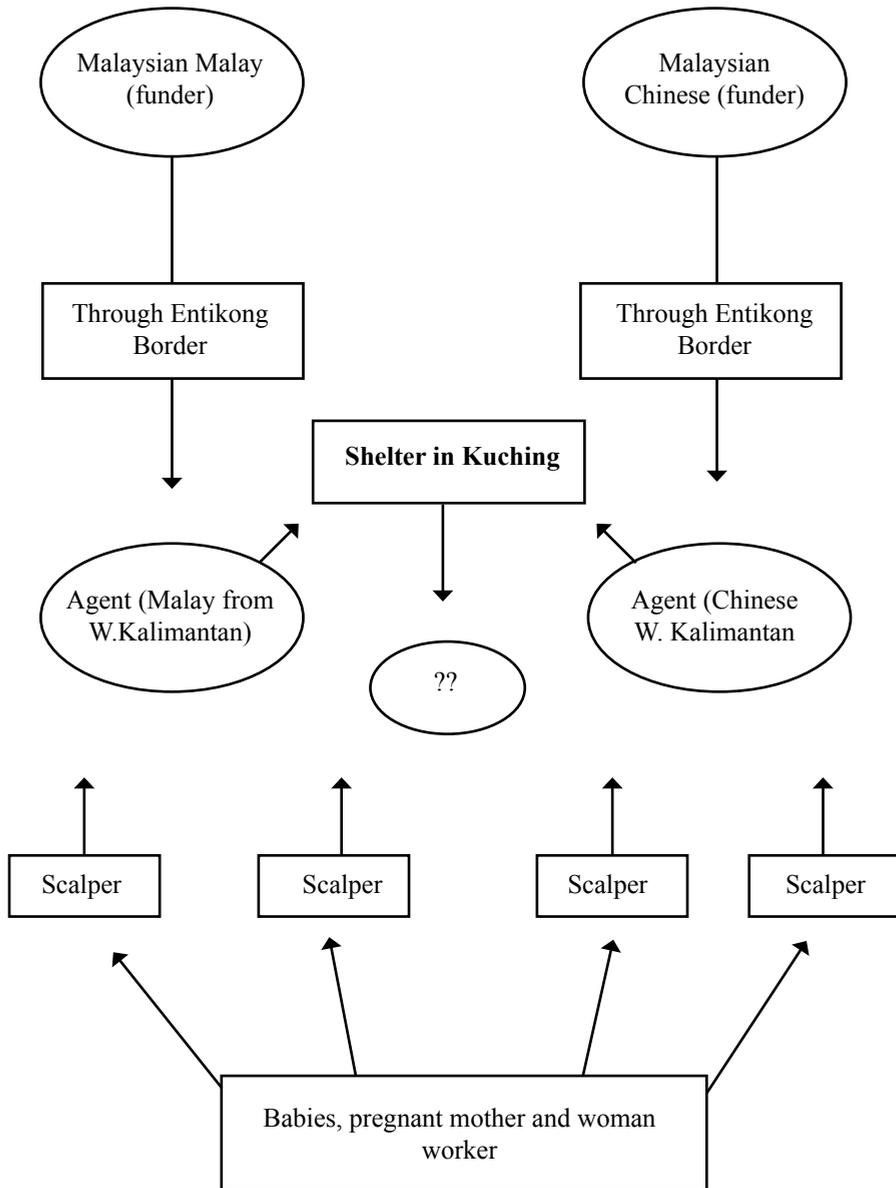
- with the “husband” a member of a baby trafficking syndicate. This type of case is most likely to be one of trafficking.

- The fourth type of modus operandi for baby selling is the use of a clinic or midwife to help the pregnant woman with giving birth, provide shelter if needed, and offer to take care of the unwanted baby. The baby can be the result of adultery, rape or an unwanted pregnancy of a commercial sex worker. Some of these cases may involve trafficking but it is likely that many do not.
- The fifth is a quasi-legal procedure in which the baby is given to a guardian different than the mother or father. Often the transfer is made without the proper documentation and cannot be considered a legal adoption by the Social Department. Quite often the baby already lives with new parents when the “adoption process” takes place. Again, some of these cases may involve trafficking but it is likely that most of these do not.

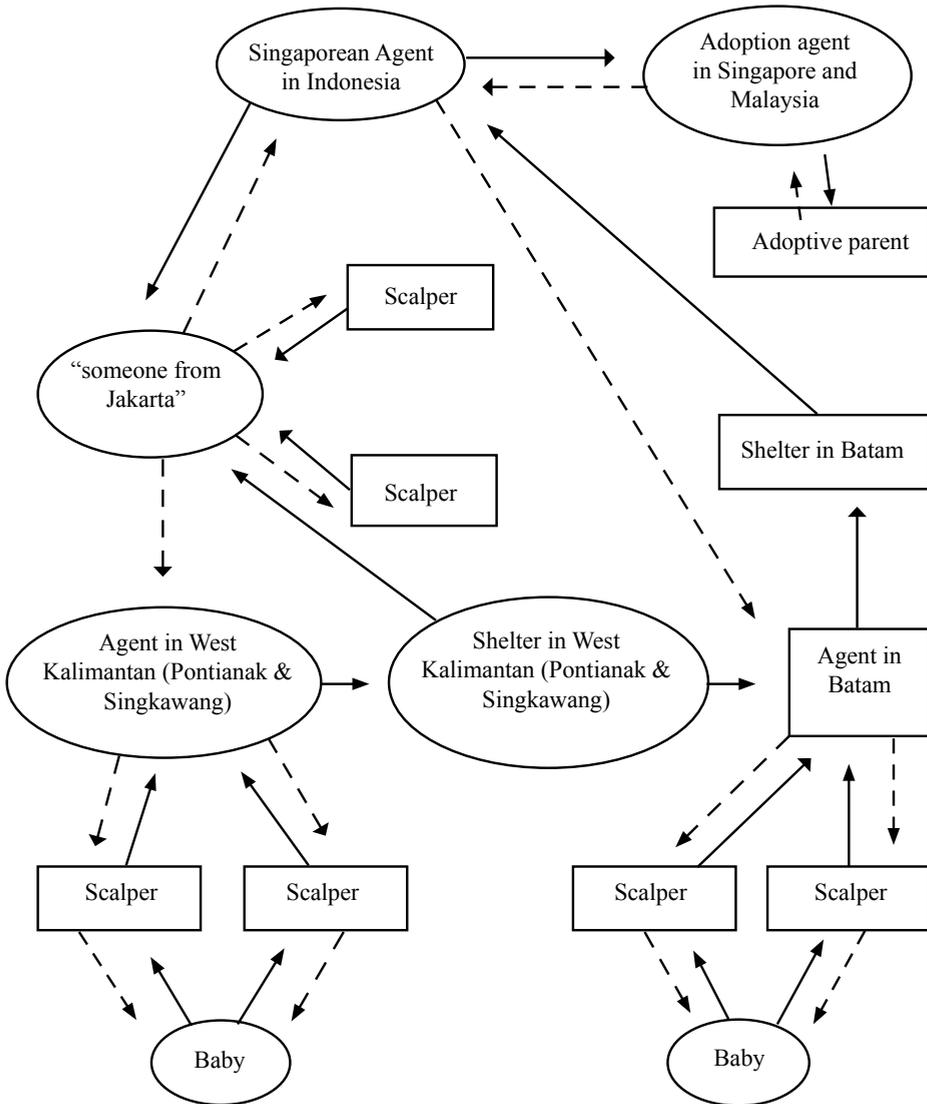
Routes of Baby Selling

Babies from West Kalimantan are sold primarily in Malaysia but also Singapore. There are two main routes that have been identified: an “eastern route” (West Kalimantan – Sarawak) and a “western route” (via Jakarta and Batam for Singapore and Malaysia). As mentioned in Chapter 2, there have been a number of cases in which police have busted baby selling rings in Riau Islands. From these reports, it is clear that there is a high demand in neighboring countries for Indonesian babies. TDH NL (2004) presented the following two scenarios in how babies are routed from West Kalimantan to Malaysia and/or Singapore:

Scenario I:



Scenario II:



3. Law Enforcement

Despite the likelihood that thousands of persons have been trafficked from or through West Kalimantan, only a few cases of trafficking have been reported to police. The Crime Division of the National Police Headquarters reports that of the 30 trafficking cases reported throughout Indonesia in 2004-2005, only four of these were dealt with by West Kalimantan Police. The legal status of these cases is not clear as to whether they have been taken to court or whether any convictions and prison terms have been handed down (Task Force for NPA, 2006, March: 37-39).

One potential reason why only a few cases have been handled is possibly due to the attitudes of law enforcers that trafficking can only be investigated if there is a report or accusation of such a crime. This may explain why police generally do not proactively investigate for this crime. On top of this, most trafficked persons are reluctant to go to the police even though they indicate they would welcome the idea of their traffickers being punished for the crime. The fact that many trafficked persons do not report their case to police is not only due to timidity. It is also due to concerns that the legal process would be long and complicated – as well as being expensive as she would need to deal with daily costs while awaiting the process.⁹⁴ Indonesians may also be deterred from reporting trafficking cases to police for the very same reason why trafficked persons worldwide often fear reporting to police: the fear or knowledge that the police themselves were somehow involved in the act of trafficking her.

Law enforcers are also challenged due to limited training and knowledge about trafficking and the laws that can be used to combat traffickers. Police and prosecutors have received training from various efforts – such as from IOM in cooperation with the national police. Manuals have also been distributed describing how current laws can be used against traffickers. Nonetheless there is still confusion among many law enforcers on what laws may be applied to trafficking cases – and in many cases, minor offenses are charged such as “deception” or “fraud” or “falsification of documents” rather than more serious charges that can be used under current laws. This is due to the fact that even though the Criminal Code has outlawed trafficking, it has not yet defined it. So law enforcers find it difficult to use charges of trafficking and are instead forced to use other charges for crimes that may be “components” of trafficking (such as rape, assault and illegal confinement).⁹⁵

94 During an interview with one LSM Anak Bangsa client who had been trafficked along with her daughter to Sarawak, the client explained that she was deported and lost her daughter for more than 2 years. Her daughter was raped during the migration process to Malaysia. She worried that her daughter is now in a state of forced prostitution. She knows the trafficker but she has not gone to the police to report her case. She came to LSM Anak Bangsa instead, and asked the NGO to find her daughter’s whereabouts. This informal interview was conducted in early September 2006.

95 In an interview with Briпка Mujiono, a crime division unit police officer in Entikong, in April 2006, Mujiono questioned the absence of a definition of trafficking in current laws. The absence of an

On top of this, trafficking is a transnational organized crime and many aspects of it occur in Malaysia and other countries. Limited cooperation with Malaysian Police and related law enforcement institutions in Malaysia as well as limited knowledge about Malaysian laws and legislation and budget constraints often make such cases difficult to pursue. The National Police Headquarters provides some funds to local police offices to pursue cases but this is often not adequate. It can be seen that the police places trafficking only as a medium priority, with maximum allocations for funding placed at Rp 1.5 million per case (interview with police officer in Entikong, 2006).

4. Efforts to combat trafficking

Both government and non-government institutions have taken action to combat trafficking in West Kalimantan. These actions include efforts to prevent trafficking, provide services to trafficked persons and to take legal action against traffickers. Below are some of the ongoing and past efforts:

Local Government Action:

1. The provincial government has formed a working group on Prevention, Placement and Protection for Illegal Migrant Workers through West Kalimantan Governor's Decree No. 516 of 2002. It has also formed an Action Committee on the Elimination of the Worst Forms of Child Labor.
2. The provincial government's Sports and Women Empowerment Office provides some services for women and children victims of violence (including trafficking).
3. The Municipality of Singkawang began efforts to form a Counter Trafficking Task Force in 2006. The Women's Empowerment Office is the lead sector in this process.
4. Sambas district has issued Decree No. 164 of 2004 on Prevention of Trafficking in Women and Children. Sambas also issued Decree No. 163 in 2004 on formation of a gender awareness-raising campaign team for teachers, community and religious leaders in Sambas.
5. The province is considering legislation regarding protection for women and children from trafficking practices.
6. Sanggau district began efforts to form a Counter-Trafficking Task Force in August 2006.

NGO efforts:

- LSM Anak Bangsa in Entikong provides consultancy services as well as legal and psychological assistance in its shelter for trafficked persons and migrant workers escaping abuse. Anak Bangsa also helps to track down

operational definition in the law essentially means it has no legal certainty. This makes him hesitant to do use charges of "trafficking" under the Criminal Code. Nevertheless, he said he could still use various crimes that make up trafficking found under the Criminal Code and Child Protection Act.

migrants in Malaysia who have not been in contact with their families (the families being worried that something wrong has happened).

- Yayasan Rindang Banua in Sanggau has conducted a trafficking awareness-raising and prevention campaign.
- LKBH Peka in Singkawang provides assistance and legal aid for trafficked persons.
- YLBH PIK in Pontianak provides legal aid and psychosocial services for trafficked persons. YLBH PIK has also conducted awareness-raising and prevention campaigns as well as advocacy at the provincial and kabupaten/ city levels.
- IOM in Pontianak provides return and reintegration services to trafficked persons in cooperation with other institutions.
- Lembaga Asa Puan in Pontianak provides counseling and legal aid services for trafficked persons.
- Yayasan Pancur Kasih has a reintegration program for trafficked persons by using a *credit union* activity.
- Yayasan Pelita Kasih has conducted awareness-raising and prevention campaigns through the education sector. The Yayasan is now working together with the Education and Culture Office of West Kalimantan Province to design prevention campaigns for all students.

K. East Kalimantan

Keri Lasmi Sugiarti



Province name	: East Kalimantan
Capital city	: Samarinda
Borders	
North	: Sabah Malaysia
South	: Central Kalimantan
West	: Central Kalimantan
East	: Makassar Sea
Area	: 194,849.08 km ²
Population	: 2,950,531 people (in 2004)
Population density level	: 15 people per km ²
Number of districts	: 9 (Pasir, Penajam Paser Utara, Kutai Barat, Kutai Kertanegara, Kutai Timur, Berau, Malinau, Bulungan, Nunukan)
Number of municipality	: 4 (Samarinda, Balikpapan, Bontang, Tarakan)

(Source: *Profil Daerah, Depdagri, 2006 & Kode dan Data Wilayah, Depdagri, 2006*)

Table 3.45:
Human Development & Gender Development Index – 2002

Indicator	Unit	Value		Rank in Indonesia
		East Kalimantan	Indonesia	
Adult women literacy level	%	93.1	85.7	26
Adult men literacy level	%	97.1	93.5	26
Length of schooling (women)	Year	7.8	6.5	26
Length of schooling (men)	Year	9.1	7.6	26
People without access to clean water	%	37.3	44.8	5
People without access to health facilities	%	22.2	23.1	5
Expenditure per capita	IDR '000	591,6	591,2	4
Open unemployment	%	12.3	10.6	*

Source: *BPS/BAPPENAS/UNDP, 2004: 103, 105, 111, 113, 189*

* Open unemployment ranking not available

1. East Kalimantan at a glance

Compared to other areas in Indonesia, East Kalimantan is one of the relatively wealthier provinces which is indicated by the fact that its expenditure per capita is the fourth highest in Indonesia. Unfortunately, that wealth goes only to a few people as is indicated from education statistics of both men and women, with the province ranking 26th in the country.

East Kalimantan, located at the northern tip of Indonesia, had a population of 2,950,531 in 2004 and is the second largest province in land area after Papua. East Kalimantan is a province rich with natural resources, making it a popular destination for job seekers. According to the Population Census of 2000, population growth in East Kalimantan was not only from its indigenous peoples but also due to immigration from outside the province – mainly from East and Central Java, South Kalimantan and South Sulawesi.

2. Trafficking Situation in East Kalimantan

Patterns and routes of human trafficking in East Kalimantan are closely related with these overall migratory trends. The two predominant forms of domestic trafficking to East Kalimantan are: i) sexual exploitation in prostitution, for which women and girls are recruited and moved from East Java and South Sulawesi as well as interior areas of East Kalimantan; and ii) begging by children who are brought to work in the bigger towns of East Kalimantan – mostly from Jeneponto of South Sulawesi.

Furthermore, with respect to trafficking across national borders, Kabupaten Nunukan in East Kalimantan is an important transit point to Malaysia because it shares a land border with Sabah in eastern Malaysia. There are primarily two forms of human trafficking to Sabah and Sarawak, East Malaysia: for prostitution and for indentured-like work in plantations. It is very likely that there are other forms of trafficking besides these two, for example for domestic work (known as “work at home”) or other informal jobs.

a. Domestic Trafficking for Prostitution

Magnitude of the problem

Local media often reports cases of trafficking in women and girls to the *lokalisasi* all over East Kalimantan for the purpose of prostitution. Though it is difficult to get any clear idea of the number of trafficked women and girls, some of the available sources throw up contrasting data:

- The Public Relations Unit of East Kalimantan Government in their press release (n.d), quoted statistics from East Kalimantan's police indicating that there were 172 human trafficking cases in East Kalimantan from 2001 to 2003.
- The Local Technical Implementing Unit (UPTD "Harapan Mulia") of the Social Affairs Office in Samarinda stated that they provided shelter services to 46 survivors of trafficking during the period of 2001 to 2005. All of the trafficking survivors were ex-prostitutes (UPTD, Social Affairs Office, East Kalimantan, 2006)
- LBH Apik East Kalimantan, a NGO that provides legal assistance for women and children, claimed that from local newspaper reports, they could estimate that 65 survivors of trafficking were identified in East Kalimantan during 2003 to 2005, and all of them were previously exploited as prostitutes.

The above data is not enough to paint a picture of the magnitude of trafficking for sexual exploitation purposes in East Kalimantan. Since most of the trafficking cases are related to prostitution in the *lokalisasi* of East Kalimantan, let us take a view of prostitution as a whole in East Kalimantan.

Prostitution in East Kalimantan is largely organized by pimps and confined to *lokalisasi*. Table 3.46 gives us estimates of the number of women and girls working as prostitutes in some of the recognized *lokalisasi*:

Table 3.46:
Estimated Number of Sex Workers in East Kalimantan – Year 2005

No.	Municipality/ District	<i>Lokalisasi</i>	No. of pimps	No. of sex workers
1	Samarinda	a. Bayur	15	95
		b. Solong	23	300
		c. Loa Hui	25	325
2	Kutai Kartanegara	a. Km 10	30	450
		b. Km 16	23	135
		c. Kitadin	8	55
		d. Marang Kayu	7	50
		e. Muara Badal	9	125
3	Bontang	Km 24	30	400
4	Tarakan		20	200
5	Balikpapan	Lembah Harapan II	44	487
TOTAL No. of pimps			: 234	
TOTAL No. of sex workers			: 2,622	

Source: UPTD Harapan Mulia, Social Affairs Office, East Kalimantan, 2006

The data collected by the provincial Social Affairs Office shows that there were 2,622 sex workers registered in 11 recognized *lokalisasi* in East Kalimantan. This is less in number compared to the data from the Department of Social Affairs, which recorded there were 3,739 sex workers engaged in prostitution in East Kalimantan in 2004 (Pusdatin Kesos Department Sosial, 2004). This difference in numbers is likely due to the possibility that the UPTD Harapan Mulia Office has not conducted counts in all recognized locations of prostitution. For example, the *lokalisasi* in Nunukan with up to 200 prostitutes was not counted in the provincial office data in the table above (field assessment, 2006).

Reportedly, in cities of East Kalimantan, prostitution also takes place in entertainment establishments such as karaoke halls, bars and some discotheques. It is said that even some of the dim-lighted *warung* on the banks of the Mahakam River in Samarinda provide prostitutes for their clients (*Favorit Pasangan Sejoli*, 2004). Furthermore, local NGOs have reported that sex workers in Kutai Barat district work in cafes, hotels and gambling places (*tongko*). According to available information, prostitutes in Kutai Barat are local women popularly known as “*ayam kampung*”.

The numbers of locations for prostitution and those engaged in it provide partial evidence that women and girls are brought to East Kalimantan for the purpose of forced prostitution. Research conducted by Planned Parenthood International in 2002 observed that 73% out of 500 women and girls interviewed in two red-light districts in East Kalimantan admitted having been forced into prostitution (quoted from Rosenberg, 2003b: 167). There is further evidence that many of these women and girls are from other provinces, which indicates a process of recruitment and transportation. Therefore, it is possible to conclude that trafficking of women and girls takes place to East Kalimantan – especially for the purposes of their being exploited in prostitution.

Origins and age of trafficked women and girls

Women and girls trafficked and forced into prostitution in East Kalimantan come from both inside and outside the province. According to UPTD Harapan Mulia Samarinda, East Java and South Sulawesi are the main supply sources of women and girls forced into prostitution in East Kalimantan. Other sending areas are Central Java, North Sulawesi, Papua, and Bali.

This conclusion is supported by some data from a *lokalisasi* called “Wanita Harapan Sadar” in Nunukan. Hiperpro, a NGO in Nunukan that provides assistance to trafficked women and children, found that 80% of 60 sex workers there came from different regencies in East Java and that the rest were from East Kalimantan, West Kalimantan, East Nusa Tenggara and Central Java (Hiperpro, 2005). However, according to some other reports, unlike the women and girls engaged in prostitution in Samarinda, Balikpapan or Bontang, those working in Nunukan

were previously engaged in prostitution in Malaysia. They return to Nunukan and work there when they get older, or fail to get their Malaysian visas renewed.

An analysis of the 24 cases that LBH Apik Kaltim handled and local mass media covered during the period 2003-2005⁹⁶, provides the following information:

Table 3.47:
Age and origin of Trafficking Survivors

Province of Origin	Age			
	Women older than 18 years	Girls younger than 18 years	Total Number	Percentage (%)
East Java	5	7	12	50.0
South Sulawesi	2	3	5	21.0
East Kalimantan	0	4	4	17.0
West Sulawesi	1	1	2	8.0
NTB	1	0	1	4.0
Total	9	15	24	100.0

Table 3.47 shows that out of the 24 trafficking cases, 83% of the survivors of trafficking were from outside East Kalimantan. In this case, East Java was the main sending area. 50% of the survivors were from Surabaya, Bojonegoro and Jember. Others came from South Sulawesi (Makassar), West Sulawesi (Mamuju), West Nusa Tenggara (Mataram) and inside East Kalimantan (Kutai Timur). 63% of the survivors were girls below the age of 18 years. It would appear that traffickers sending persons to East Kalimantan target young girls – primarily for commercial sexual exploitation.

Trafficking Routes and Modus Operandi

Traffickers and trafficked women and girls from South Sulawesi and East Java are taken to Balikpapan from Makassar and Surabaya respectively by sea routes. Those coming from the interior of East Java usually transit first in Surabaya. After arriving in Balikpapan, they are all sent to different *lokalisasi* in East Kalimantan (interview, 2006).

The most common method used by recruiters is that they deceive their targets by promising jobs in stores, restaurants or factories in Balikpapan or Samarinda.

⁹⁶ Data taken from client service report from LBH Apik Kaltim and Anti Trafficking Coalition (KAT) Kaltim, 2004, and some local mass media: Samarinda Pos, May 14, 2005; Samarinda Pos, February 4, 2005; Kaltim Pos, April 22, 2004; Samarinda Watch, October 1, 2003; Kaltim Pos, November 30, 2004; Samarinda Pos, July 20, 2005; Samarinda Pos, July 26, 2005; and Kaltim Pos, February 20, 2004.

Sometimes recruiters are people known to the communities from which women and girls are targeted. Sometimes, recruiters are also agents of pimps and brothel owners with instructions to look for women and girls who could be employed as sex workers. Recruiters usually promise that they will pay for all transportation expenses. However, in actuality the recruited women and girls are forced to pay it off once they arrive at their destinations. Some of the trafficked women and girls even reported that they had to sign a contract stating their consent to work as prostitutes. This seems like a way that pimps use to escape from legal charges if police raid brothels and rescue the girls held there. By using the same piece of paper, the pimps are likely to avoid legal suits if a survivor runs away and files a complaint with the police (*Mucikari itu Bakal*, 2005).

Deception and Debt Bondage

The police found two children, Ik and Si, each 17 years old working as prostituted children at Km 10 *lokalisasi* in Kutai Kartanegara. Both of them come from Java. Both claimed they were deceived and forced into prostitution. The police summoned Umiyasih, their pimp, for investigation after finding out that both were children. According to Umiyasih, both girls still have to work to pay off their debts – which total in the millions of Rupiah.

Source: *Dua Gadis Bau Kencur* (Samarinda Pos, February 4, 2005)

b. Child trafficking for begging purposes

Another form of trafficking that has been identified in East Kalimantan involves children for begging purposes. This was first uncovered in 2004 when the NGO “Abang” in Bontang investigated children from Jeneponto, South Sulawesi who were found begging under the pretext of collecting alms for an orphanage in South Sulawesi. Their investigation led them to the finding that there were 18 children in the age-group of 10 to 15 years old involved in the practice (Abang, 2004). According to NGO Abang, these children came from poor families. A begging group composed of a husband and wife and their maid were found to have given some money to the children’s parents and then organized the children to conduct begging work. One of the children said that his parents received Rp 300,000 (US\$ 33) from the group who then took him to Bontang (*13 Anak di*, 2004). Finally, a network of NGOs in Makassar, South Sulawesi was able to send the 18 children back to their homes (*18 Anak Sulsei*, 2004).

c. International Trafficking: Trafficking of Indonesian women and girls to Malaysia for Sexual Exploitation Purposes

Nunukan as the most important transit point

In the context of international trafficking where East Kalimantan serves as a transit area, Nunukan district, which directly borders the province of Sabah in Malaysia (along Pancang River and Sebatik Island, Tau Lumbis and Simenggaris), happens to be the main gateway that traffickers use since Nunukan has easy land and sea transportation access to Malaysia. Tanan Tuko is the main port in Nunukan that people use to go to the township of Tawau in Sabah. The traffickers use this route as well, along with other Indonesians who visit Malaysia for business, as tourists or for other purposes. Other than this route, there are many more routes used for illegal entry into Malaysia – and are, thus, relevant to acts of trafficking.

Trafficking to eastern Malaysia takes place for two main purposes: for prostitution and to provide cheap labor to plantations. It is quite possible that trafficking of persons for other purposes takes place, too, but this report has been unable to gather adequate information to discuss those in detail.

Trafficking of Indonesian women and girls to Malaysia for Sexual Exploitation Purposes

Magnitude of the problem

The first incidence to trafficking of women and girls to Malaysia was a case, recorded in 1992, about the Malaysian police recovering nine women and girls in the age-group of 17 to 22 years old who were kept confined in a hotel in Tawau and forced into prostitution (*Kalimantan Timur Pos*, 1992 quoted from an article wrote by Salleh, 2002: 22). Then in 2002, a *Kompas* journalist reported that at least 600 Indonesian women and girls were engaged as prostitutes in Tawau. They mostly worked in cheap hotels and slum apartments (Santosa, 2002).

The first case that brought Nunukan into prominence in the context of trafficking was the one widely reported in newspapers sometime in 2002. It started with the incident of an Indonesian woman who jumped out from a hotel in Tawau, Malaysia where she was kept confined and forced into prostitution. Later, it was determined that she had been trafficked. This case was captured by the press and revealed the trafficking of Indonesian women and girls to Malaysia. In the wake of this incident, which created an uproar in the press, the Ministry of Women's Empowerment carried out an investigation in Tawau in 2003. The investigation team estimated that up to 5,000 Indonesian women and girls were engaged in prostitution in Sabah (*5000 Pelacur 'Terpenjara'*, 2003).

While discussing the history of prostitution in Malaysia, Salleh (2002: 22) inferred that the number of Indonesian sex workers in Malaysia grew concurrently with the increased demand for Indonesian domestic workers. According to the same source, there were two methods of trafficking Indonesian women and girls to Malaysia. The first was through Indonesian agents who sent to Malaysia women and girls who were already engaged in prostitution. The other method was recruiting women and girls through deception by promising them jobs as domestic workers but confining them in Malaysian hotels on arrival and forcing them to provide sexual services to clients.

There is no comprehensive data on numbers of trafficking cases year by year, but the local government officials and NGOs claim that compared to the 1990s, there are less under-18-year-old girls now trafficked for prostitution in Malaysia. Brokers in Nunukan (Interview with Indonesian brokers, field assessment, 2006) feel that the main reason for this decreasing trend is the tight scrutiny of migrants by the Malaysian police, and the increased awareness of the local government in Nunukan about trafficking because of the media coverage of when trafficking cases to Malaysia were first recognized in Tawau in 2002.

However, it appears that trafficking still takes place. The biggest incident in recent memory happened in August 2005 when Nunukan police received 17 girls, all below 18, from Tana Toraja (South Sulawesi) that the Malaysian police deported after recovering them from karaoke bars in Sandakan in eastern Malaysia. The Nunukan Police recognized this as a trafficking case. A year before, in 2004, Nunukan police recorded 40 trafficking cases (Interview with Nunukan Police Officer, 2005).

According to local brokers and local government officials in Nunukan, trafficking has not stopped, but is more clandestine now than before. Tawau, which used to be the main destination in the 1990s, is now more of a transit area. On the other hand, towns on the east coast of Sabah, such as Sandakan, Sampurna, and Lahad Datu have emerged as main destinations for traffickers. Women and girls are also sent to other cities like Kuching, Kinabalu, Keningau, and Pulau Labuan, a free seaport in the Brunei strait. Trafficked women and girls are employed in hotels or are forced to service clients in karaoke bars (field assessment, 2006).

Origins of trafficked persons and trafficking routes

Information gathered from the mass media and a few brokers in Nunukan suggests that most of the trafficked women and girls are brought from East Java and South Sulawesi, (especially from Tana Toraja – or the Tators). However, some women and girls are brought from Central Java, too.

Traffickers take two routes from East Java to Nunukan – either a direct ship from Surabaya or a flight to Tarakan and then an onward journey to Nunukan by boat.

The existence of the latter route was revealed in an effort of the Tarakan police to break a trafficking chain of sending women to Malaysia through Tarakan in June 2006. Three women who come from Tuban in East Java flew Batavia Air from Surabaya to Tarakan. They were planning to continue their journey to Nunukan when police intercepted them. One of the traffickers accompanying the women was identified as being a resident of Nunukan (*Women's Trafficking*, 2006).

Trafficked women and girls from South Sulawesi are commonly brought through Nusantara seaport in Pare Pare on their way to Nunukan. They are made to stop over in Nunukan for a while where their travel documents – usually a passport and a “Social Visa” – is arranged by the traffickers’ agents. The trafficking of 17 girls from Toraja to Sandakan in August 2005 followed this pattern.

Tana Toraja (and some other districts in South Sulawesi) is one of the main sending areas for female migrant workers to east Malaysia. Traditionally, Torajan women work in entertainment establishments as hostesses, in households as domestic workers, in markets as small vendors, in plantations, and other informal sector jobs. This is because there have been numerous Torajan communities living in Malaysia for generations. They help other Torajans to find work in Malaysia. It is highly likely that the number of Torajan women working at entertainment establishments is only a small part of all the Torajan women working in Malaysia.

Trafficking modus operandi

The case of 17 trafficked girls from Toraja once again highlights that recruiters usually deceive their targets. They promise girls work as domestic workers, as waitresses, as factory workers or as baby sitters in Malaysia with salaries of RM 350 to 400 (US\$ 97 to 111) per month. Traffickers also promise to pay for their transportation and travel documents. Many women and girls find these offers irresistible and accompany the recruiters. One trafficked girl said:

“Yuni kept coming to my house and offered me a job at a restaurant in Lahadatu, Malaysia, and said I could earn RM 400 a month. She was so persistent that I finally agreed to her offer. She said she would pay for my passport and other fees.”
(Interview with trafficked girl by Hiperpro, 2006)

Girls recruited by traffickers transit in Pare Pare before taking a ship to Nunukan. Some of the girls told police that they got their passport in Pare Pare which cost them Rp 500,000. Some others got their passport in Nunukan, also with assistance of brokers. It often happens that while waiting for their passport, the women and girls have to do household chores for brokers – always without pay. Another trafficked girl said:

“...Finally I arrived in Nunukan in May 2005 by KM Tidar [name of ship]. I stayed at Pak Lambing's (not his real name) house. He took care of my passport. I stayed there for one week and while staying there I had to do household chores like sweeping, washing dishes and other chores...”
(Interview with trafficked girls by Hiperpro, 2006)

Besides harboring women and preparing their passports, brokers also help in obtaining tourist visas for recruits to enter Malaysia. In order to avoid the suspicion of immigration officers, brokers teach the girls how to dress and speak. Sari (not her real name), who was 20 years old and also from Toraja, described her experience when entering Malaysia five years ago:

“You know, I was told to wear layers of clothes. The brokers said they would make me look bigger and older.”

(Interview with trafficked girls, 2006)

From these narratives, it is possible to conclude that Nunukan is an important transit point for trafficking to east Malaysia. Women and girls in transit usually wait for their travel documents in Nunukan. Brokers⁹⁷ help them in getting them passports and tourist visas to enter Malaysia. Some brokers collaborate with traffickers who recruit and send girls to Malaysia. Traffickers usually pay for all the documents, transportation and accommodation fees. Trafficked girls find out that they have been deceived about the type of work and the fact that they will be charged for all of these costs only after they arrive in their place of work. Once there, however, they are unable to escape because of these high debts. One woman claimed she had to pay off her debts of RM 5,000 (US\$ 1,390) through years of work (Santosa, 2002).

In terms of work conditions in Malaysia, many trafficked women and girls are locked up and confined in cheap apartments and hotels. They are under constant surveillance by their pimp (known as “*bapak ayam*”). Tasya, a woman from East Java, said she had to work a full year and pay RM 60 (around US\$ 17) per day to her pimp who kept all her income promising that she would get all of it after a certain period of time. However, all women that escaped from their pimps said that they never received any payment (Santosa, 2002).

d. International trafficking for Labor Exploitation

Trafficking for work in plantations

Nunukan is a transit area for Indonesian migrant workers seeking jobs in East Malaysia. Most of them go to work in crude palm and cacao plantations, stores, plywood factories and other blue-collar jobs. Many of them end up as trafficked persons because they go through deceitful recruitment, face debt bondage⁹⁸ and finally their labor gets exploited by their employers. The risk of being trafficked is higher for those recruited to work in crude palm oil plantations.

97 Another term for brokers is *pengurus* (*pengurus* means a person in charge to manage workers). Borkers or *pengurus* can be individuals or an agency. There is no official data about the number of brokers but some informants estimated there are more than 300 in Nunukan alone. It is very possible that *pengurus* or brokers can operate as traffickers as well (field assessment, 2006).

98 Further information regarding debt bondage is explained in Chapter IV.

It is often difficult to distinguish trafficked migrant workers from the legal Indonesian migrant workers who work in plantations. Both groups experience recruitment, document falsification and debt bondage. What differentiate them are merely the work conditions. For some migrants, debt bondage leads to exploitation at the work place. For others, this might not be the case.

The number of migrant workers who experience problems and are likely trafficked is considerable compared with those who are not. Based on interviews with government officials, brokers and migrant workers (field assessment, 2005-2006), 30 to 50% of these migrant workers are estimated to experience problems. Therefore, given the fact that there were at least 70,060 migrant workers in Nunukan in 2005, then it can be assumed that as many as 21,182 to 35,303 of them experienced problems – including trafficking.

Number and profiles of Indonesian migrant workers in Nunukan

The number of migrant workers using Nunukan to transit to Malaysia is significant. Data collected from the Nunukan Manpower Office in 2005 indicates that 63,851 migrant workers entered East Malaysia in 2004 alone, which then increased to 70,606 in 2005 (up to November 2005). This number does not include migrant workers who use tourist visas to enter Malaysia and then stay on, or are smuggled in without documents. It is estimated that almost 100,000 people enter Malaysia every year through Nunukan.

Data from the Nunukan Manpower Office and BPS Nunukan (2005) indicate that South Sulawesi (78%) is the largest sending area for those entering Malaysia through Nunukan. Other significant sending areas are East Nusa Tenggara, East Java, West Nusa Tenggara and Southeast Sulawesi. See table 3.48 below:

Table 3.48:
Origins and Gender of Migrant Workers Transiting through Nunukan

Origin	2003			2004		
	Male	Female	Total	Male	Female	Total
South Sulawesi	14,767	6376	21,143	33,526	16,148	49,674
Central Sulawesi	530	108	638	765	223	988
South East Sulawesi	792	175	967	1,190	340	1,530
East Nusa Tenggara	3,104	546	3,650	6,767	1,921	8,688
West Nusa Tenggara	669	96	765	822	192	1,014
East Kalimantan	188	51	239	371	151	522
East Java	758	163	921	710	247	957
Others	374	77	451	362	116	478
Total	21,182	7,592	28,774	44,513	19,338	63,851

Source: Disnakertrans & BPS Kab. Nunukan (2005)

The data in Table 3.48 is consistent with the available information on transportation routes that connect Nunukan to other provinces in Indonesia. In 2006, for example, five Pelni ships sailed regularly from Nunukan to South Sulawesi, East Kalimantan, East Nusa Tenggara, East Java and Jakarta up to Batam (see box below). The ship routes provided the much-needed cheap transportation to people from South Sulawesi, East Nusa Tenggara and East Java to migrate to east Malaysia for work. Traffickers use the same connections to move their recruits.

PT. Pelni Ship Routes from Nunukan (February 2006)

KM. Umsini : Tarakan – Balikpapan – Pare-Pare – Makassar – Bau-bau
 KM. Agoamas : Pare-pare
 KM. B.Siguntang : Toli-Toli – Pantoloan – Balikpapan – Pare-Pare – Makassar
 – Surabaya – Tj. Priok – Kijang (pp)
 KM. Tidar : Tarakan – Balikpapan – Pare-Pare – Surabaya (pp)
 KM. Awu : Makassar – Maumere – Larantuka – Kupang – Ende
 – Waingapu – Bena (pp)

Source: PT Pelni Cabang Nunukan, February 2006

In terms of gender, in Table 3.48 we can see that most of Indonesian migrant workers that go to Malaysia by Nunukan are male at 44,513 or 70% of the total. A majority of them work in plantations in Sabah and Sarawak. On the other hand, women migrant workers who work in households, stores, plywood factories and restaurants make up only 30%. A point to note is that the proportion of women among legal migrants leaving through Nunukan actually went up from 26.3% to 30.2% in one year. All provinces of origin contributed to this trend. It could mean that more jobs for women are being generated in east Malaysia. This is significant in the context of Salleh's inference stated in previous section.

**Table 3.49:
Education levels of Migrant Workers Transiting through Nunukan**

Education level	Year		
	2003	2004	2005 (up to November)
Elementary School	28,330	51,472	68,051
Junior High School	296	2,725	2,001
Senior High School	115	755	554

Source: Disnakertrans & BPS Kab. Nunukan (2005)

According to Table 3.49, the majority of migrant workers (90%) transiting through Nunukan had only elementary school education. This is commensurate with requirements as the jobs they fill in Malaysia do not require a high educational

background. However, this low level of education could be one of the main causes why they are subjected to such widespread deception by agents in Indonesia; as well as agents, brokers, and employers in Malaysia. The result is that many of them cannot describe their bad experiences coherently to others.

Roles of PJTKIs, Brokers and Modus Operandi used

This section explores the extent to which Indonesian labor export agencies (PJTKIs) create situations that can be further exploited by traffickers. PJTKIs in Nunukan obtain documents for migrant workers and send them abroad. There are 39 registered PJTKIs in Nunukan, out of which 37 are active (Disnakertrans Nunukan & BPS Nunukan, 2005). Though PJTKIs legally recruit and send migrant workers abroad, it has been found that many violate procedures.

Many PJTKIs actually do not have proper licenses to recruit, harbor and send workers. During ICMC's field assessment in early 2006, it was observed that there were a number of PJTKIs with long-expired licenses who were still very much active. Almost all PJTKIs in Nunukan have holding centers while they are not licensed to operate such services. Although most of these PJTKIs send migrant workers through legal channels, it does not necessarily mean that violations of rules are not taking place. Such violations happen mostly to migrant laborers working in plantations.

Violations often occur early in the migration process in the village of origin. In many cases, brokers promise migrant workers attractive jobs and high salaries which require very little in terms of qualifications or skills. Brokers also often violate regulations by falsifying documents. Migrant workers coming from other areas are often issued ID cards originating in Nunukan. In many cases, PJTKI agents fill in all forms on behalf of the workers because many of them are illiterate. As a result, workers are often sent abroad with incorrect addresses, falsified ages, and other deficiencies which, in turn, downgrade them to a state of illegal migrants later on. Some local activists argue that the PJTKIs do this purposefully in order to retain a certain amount of control over the recruits.

Other violations are committed while migrant workers are harbored in holding centers. Though the holding centers do not keep migrant workers under lock and key like some PJTKIs in Java do, the living and other conditions are usually in violation of the law. One PJTKI agent argued that they do not have to provide good living conditions in the holding center because the workers they export will work in plantations, and the workers were not likely to get much better quarters to live in once they reached their place of work. They said, "*Having a bed to sleep on is good enough for them*" (field assessment, 2006). No leisure facilities are provided and so migrant workers have little to do while waiting in the pre-departure holding centers in Nunukan.

In terms of covering their costs, PJTKI agents in Nunukan claimed that they never asked migrant workers to pay anything. In their opinion, migrant workers in Nunukan were “lucky” to get holding center services free of charge (field assessment, 2006). Upon further investigation, it was found that this statement is not completely true. While it is true that migrant workers in Nunukan would not have to pay for their stay in the holding centers, the PJTKIs charged a certain fee to the agencies in Malaysia for every person they sent. This fee included any expenses incurred during the workers’ stay in the holding center, the passage, and their service charges to send the workers. Once they reached Malaysia, the Malaysian agency took a fee from the prospective employers with the understanding that a part of it will be deducted from the workers’ salary over a period of time as agreed between the agency and the employer. Usually, this arrangement is never explained to the migrant workers with any degree of clarity.

It was difficult to determine the amount Malaysian agencies pay to PJTKIs in Nunukan for each worker accepted by Malaysian employers. However, if some brokers in Nunukan are to be believed, then employers pay anything between RM 1,000 and 1,500 (US\$ 278 – 417) for every worker they accept to work in their plantations (interview, 2006). Meanwhile information from PJTKI staff said that the actual cost paid by the Malaysian agencies is much cheaper, it around Rp. 750,000 to Rp. 1,125,000 for every worker. This cheaper cost is because of hard competency between PJTKI’s branches to get migrant workers’s orders from Malaysian agencies for sending as much as migrant workers to Malaysian agencies. The employers, in turn, recover this fee partly or fully from the wages of the immigrant workers.

This is where the problem lies because migrant workers are trapped in debts without their consent. The practice described above also indicates workers being “bought” and “sold” along the recruiter–PJTKI–agency–employer chain. This inference is bolstered by the manner in which brokers, PJTKIs and agencies treat migrant workers as a commodity for trading, and that they are rarely concerned about their protection and safety.⁹⁹

The lack of concern demonstrated by PJTKIs for security is reflected in the fact that they always keep more workers in their holding centers than they have actual job orders for. As a result, the PJTKIs will keep pushing to send these job-seekers to Malaysia in any way. In order to complete documentation requirements, PJTKIs do not hesitate to use fake job orders.¹⁰⁰ Alternatively, they send workers using tourist visas. One broker in Nunukan said that even registered PJTKIs will smuggle

99 This is not completely wrong once we know more about PJTKIs and their brokers. “Buffalo” is the term they use to call workers they receive or send. Words like “I’ll pay for all the buffalos you have” show how business people in Nunukan view the job-seekers.

100 In one interview, an immigration officer in Nunukan said that only 9 of 37 active PJTKIs in Nunukan have legitimate job orders. However, he said he could not do anything as passport requests are approved on the basis of BP2TKI recommendations (field assessment, 2006).

people if they have to. They do it in order to avoid monetary losses as they have to bear the immediate costs of the recruits staying in the holding centers (field assessment, 2006).

The practices described above place migrant workers under the absolute control of PJTKIs, agents and employers. A Malaysian regulation allowing employers to hold, as a security, the passports of migrant workers increases their vulnerability to physical, mental and, sometimes, sexual exploitation. Employers do this so that workers will not escape before paying off the debts imposed on them through deception. When employers exploit migrant workers in such ways, it would be accurate to say that these workers become trafficked persons.

Work conditions and exploitation of migrant workers

As discussed earlier, migrant workers in the plantations of east Malaysia are vulnerable to exploitation by their employers and their foremen, or *mandor*. The fact that many of these plantations are located in remote areas makes the situation even worse for the workers as they are unable to escape and seek the help of the Indonesian Consulate in Kota Kinabalu or the Indonesian Representative's Office in Tawau.¹⁰¹ The following are some examples of exploitative working conditions that Indonesian migrant workers face in Malaysia.

A migrant worker employed at a plantation earns RM 8 per day (US\$ 2.20) although their work contract says that their daily wages are RM 12 to 15 (US\$ 3.30 to 4.20). In this way each worker receives RM 240 (US\$ 66.70) per month. Umar, 25 years old, has been working on a plantation in eastern Malaysia since 1994 and his salary is still RM 8 per day (Interview with ex-migrant worker from South Sulawesi, 2006). This amount is much lower than salaries of RM 25 to 50 (US\$ 6.90 to 13.90) per day found in the industrial sector in western Malaysia (Quoted from Pemda Pare Pare, 2004).

Regarding salary deductions, a migrant worker is never clearly told how much debt he or she has to repay. Nor are they told what makes up the debt. It is entirely up to the employers to decide how much monthly deduction they will make and for how long. The practices could vary from one plantation to another. Pak Umar, a worker from South Sulawesi said his salary was deducted up to RM 50 (US\$ 13.90) per month. He paid off his debt in 25 months. Wati, a 28 year old woman from South Sulawesi, said that in the first year the deduction from her salary was as high as RM 90 (US\$ 25) per month. In the second year it was reduced to RM 50 (US\$ 13.90) per month. However, there are other migrant workers whose salary is deducted continuously. Pak Udi, 35 years old, said that he had been working in

¹⁰¹ The Indonesian representative office in Tawau helped returning migrant workers who escaped from plantations. The workers said they had to walk for days just to reach Tawau (Interview, 2006)

Malaysia for 10 years and even now, his salary was deducted at the rate of RM 100 (US\$ 28) per month (Interview with ex-migrant workers, March 2006)

Salary deduction to pay the cost of initial fees is something that migrant workers bear routinely. In addition to this, they have other “debts” inflicted on them from whatever they owe for meals, drinks, clothes and other necessities provided by local stores who charge the migrants exorbitant prices. All these add up to a further deduction of RM 100 to 150 (US\$ 20 – 42) per month. For example, Pak Budi, a 35 year old former migrant worker, earned only RM 50 to 80 (US\$ 13.90 – 22.20) per month even after working for many years. This is about as much as a farm worker earns in Tana Toraja, where he comes from. Another former migrant worker, Pak Erwin, said that he returned home without even a penny in his pocket after working for 20 years; and he remains as poor as he was before he migrated. It appears that the PJTKI system of sending migrant workers abroad has ingrained elements that could cause debt bondage (Interview with ex-migrant workers, March 2006).

Many migrant workers are forced to work for years without sufficient pay. As a result, many of them choose to escape even if their employers hold their passports. They hope that by escaping, they could find a better employer who will pay those wages without deductions even if their status is illegal. Often, employers take advantage of their illegal status and pay even less. At other times, the Malaysian Diraja Police chase illegal migrant workers and, once caught, deport them to Indonesia.

Migrant workers who are trapped into debt bondage and end up in exploitation as illustrated above can be categorized as trafficked persons. This is because the cycle fulfills the elements of process (sending, recruitment, harboring), means (documents falsification, deception about work conditions and debt bondage) and exploitation in the work place (insufficient pay, no freedom of movement and no choice of work).

Trafficking of illegal migrant workers

Apart from the two forms of trafficking mentioned above, trafficking of illegal migrant workers to Malaysia also takes place through Nunukan. There is no exact data about how many illegal migrant workers entering Malaysia each year have been trafficked but local NGOs and local media have brought up this issue time and again. Victims are usually men from South Sulawesi and East Nusa Tenggara. Brokers smuggle them to Malaysia or send them by tourist visa, where there are agents ready to receive and harbor them before selling them to prospective employers, or even to entertainment establishments as they will be forced to become sex workers.

Brokers from Nunukan are also involved in the trafficking of illegal migrants. In January 2005, local police arrested a broker who had confined and was about to sell a 12-year-old boy from Bulukumba, South Sulawesi to an employer in Malaysia. As seems to be the usual practice, the trafficker deceived him by making false promises and then controlled and confined him. When the boy asked the broker to release him, the trafficker asked for Rp 250,000 (US\$ 27.80) as the price of freedom (*"Intel" Jual TKI, 2005*).

3. Other trafficking-related issues

Child labor in East Kalimantan

In 2005, the ILO disseminated a press release on the International Day against Child Labor which stated that the focus of the year would be on children working in mining industries in East Kalimantan. Many children work in traditional methods of extracting gold in East Kalimantan, specifically in West Kutai and Pasir districts. The ILO (2005) estimated there were 520 children aged 10 to 17 years old working in these two districts. The labor is backbreaking and the children work long hours. Overall, the number of children in East Kalimantan engaged in work is worrisome - the latest data from the provincial bureau of statistics in 2001 showed 23,283 of 846,248 children below 15 years old involved in economic activities. Such work included agriculture, trading, service, industry and other informal sectors. According to the Jakarta Post as quoted by the ILO, 106,948 of 638,498 school-age children in East Kalimantan in 2006 were facing economy hardships that could jeopardize their studies and cause them to drop out of school to work.

4. Counter trafficking efforts

There have been many counter trafficking efforts in East Kalimantan since 2003. Some of them are as follows:

Local government efforts

- The province of East Kalimantan has formed an Anti Trafficking Coalition (KAT) through Governor Decree No. 350/K.63/2004.
- In 2005, the provincial KAT issued a circular letter encouraging the formation of KATs at district and municipality levels. The Nunukan local government responded to this circular by forming its own KAT through District Executive Decree No. 79 of 2005.
- Kutai Kartanegara District was in the process of establishing a Counter Trafficking Task Force as of November 2006.
- Kutai Kertanegara government has proclaimed the district a "Child Labor-Free Zone" (CLFZ). The local government is also conducting campaign to eradicate trafficking of women and children.

- For trafficking survivors who were illegal migrant workers in Malaysia, the Nunukan Task Force and local government assisted them to return home. They also provided temporary lodging for deported migrant workers.
- In terms of protection and services, the Social Affairs facility UPTD Panti Sosial Karya Wanita "Harapan Mulia" in Samarinda provided services for trafficked women and children. This facility also collaborates with Bhayangkara Hospital in Balikpapan in providing medical treatment to clients. The services include temporary housing, vocational skills and counseling for traumatized survivors of trafficking. Between 2002 and 2005, UPTD Harapan Mulia helped 46 trafficking survivors.
- In terms of reintegration and prevention aspects, one example of an indirect counter trafficking effort is the opening of a new plantation for former migrant workers from Malaysia. PT Swakarsa Mandiri opened a cacao and crude palm plantation in Sangatta, East Kutai, which employed 400 ex-migrants in 2002. Another 400 ex-migrants and their families were involved in a palm crude plantation transmigration program in Simenggaris, Nunukan (Kalimantan Timur Pos, December 2, 2004).

NGO efforts

- LBH Apik Kaltim, a local NGO in East Kalimantan, has been providing legal assistance to trafficked persons in the province.
- Survivors of trafficking in Nunukan can access the shelter services that Hiperpro Nunukan provides. In the period of March 2005 to March 2006, the Hiperpro shelter received 25 trafficked women and girls. They helped most of the trafficking survivors to return home.
- NGOs in East Kalimantan work more on prevention and reintegration activities. LBH Apik East Kalimantan has conducted discussions and distributed posters on the risks of trafficking. Koperasi Simpan Pinjam Nusa Dua in Nunukan provides a rolling fund loan scheme for former migrant workers. Pesantren Hidayatullah and Hiperpro Nunukan also conduct awareness raising programs and provide education to local people. These are some of the good steps that local governments could adopt.
- YPSS (Yayasan Pembangunan Sendawar Sakti) and the local education department in West Kutai established an open junior high school in Kelian Dalam village, West Kutai, in order to provide better education access to children working at surrounding mining sites (with support from ILO-IPEC).

L. North Sulawesi

Magdalena Pasaribu



Province name	: North Sulawesi
Capital city	: Manado
Borders	
North	: Philippine
South	: Gorontalo Province
West	: Sulawesi Sea
East	: North Maluku Province
Area	: 13,930.73 km ²
Population	: 2,159,787 people (in 2004; BPS 2004)
Population density level	: 151 persons per km ²
Number of districts	: 6 (Talaud, Sangihe, Minahasa Utara, Minahasa, Minahasa Selatan, Bolaang Mongondow)
Number of Municipalities	: 3 (Bitung, Manado & Tomohon)

(Source: *Profil Daerah, Depdagri, 2006 & Kode dan Data Wilayah, Depdagri, 2006*)

Table 3.50:
Human Development and Gender Development Index – 2002

Indicator	Unit	Value		Rank in Indonesia
		North Sulawesi	Indonesia	
Adult women literacy level	%	98.7	85.7	4
Adult men literacy level	%	98.9	93.5	4
Length of schooling (women)	Year	8.5	6.5	4
Length of schooling (men)	Year	8.6	7.6	4
People without access to clean water	%	35.7	44.8	4
People without access to health facilities	%	18.4	23.1	4
Expenditure per capita	IDR '000	587,9	591,2	2
Open unemployment	%	15.0	10.6	*

Source: BPS, BAPPENAS, UNDP, 2004a: 103, 105, 111, 189

* Open unemployment ranking not available

1. North Sulawesi at a glance

The province of North Sulawesi is located on one of the northernmost tips of Indonesia, sharing a marine boundary with the Philippines. With a population of 2,159,787 (in 2004) this province is one of the few outside Java Island that can boast of a set of above-the-average development indicators. North Sulawesi ranks fourth among all the provinces in terms of literacy and average length of schooling, as well as access to health and clean water, while it ranks second in terms of per capita expenditure. Economic and social progressiveness, however, does not insulate the inhabitants of North Sulawesi from being easy prey to the wiles of traffickers. More than half of the women found to be trafficked into prostitution in Papua are from North Sulawesi. This section deals with trafficking of women and girls from North Sulawesi from the perspective of it being a source area.

2. Trafficking from North Sulawesi

North Sulawesi is primarily considered a source area for trafficking. Women from North Sulawesi are found to work in different parts of Indonesia – in Papua, West Irian Jaya, North Maluku, and in cities and towns such as Makassar in South Sulawesi, Samarinda and Balikpapan in East Kalimantan, Batam, and Jakarta. They are also known to migrate to Malaysia, Hong Kong, Taiwan, Singapore, and South Korea to work in households and also as shop assistants. Inside Indonesia, however, they are found mostly in the entertainment sector – as singers and karaoke hostesses. Though prostitution apparently thrives in Manado¹⁰², there are not many reports to suggest that women from other parts of Indonesia are trafficked to North Sulawesi. However, the situation might have changed since the province of Gorontalo was carved out from North Sulawesi. There are indications that women from Gorontalo are brought to Manado and Bitung to work as entertainers.

Waves of migration from North Sulawesi to Papua took place mostly during the 1980s and 1990s. This trend was encouraged by the inclusion of Papua in the Republic of Indonesia in 1962, and the consequent creation of thousands of jobs in the nascent mining and the logging and timber processing industries. During this period, women and men from North Sulawesi went to Papua to start eateries, restaurants and small business in different human settlements as well as to work in the factories. With the major waves of migrants coming to the island, and with the development of a number of seaports to move minerals and timber, demand for adult entertainment and prostitution grew, too. Many recruiters turned to North Sulawesi for women to meet demands of this sector because of North Sulawesi's

¹⁰² According to records maintained by the Department of Social Affairs, there were 860 women engaging in prostitution in North Sulawesi in 2004. This number was down from 1,106 in 1994 (Pusdatin Kesos Department Sosial, 2004).

relative proximity, and also because of a popular belief that women from Manado made good entertainers – especially, musicians

a. Trafficking of Women and Girls from North Sulawesi into Forced Prostitution

Main destinations

Women and girls from North Sulawesi are trafficked mostly to Papua, North Maluku, and other parts of the island of Sulawesi. The following table, which provides information regarding locations from where the survivors of trafficking from North Sulawesi were recovered and returned, was constructed from data provided by the NGOs Yayasan Pelangi Kasih (YPK) and PIPPA in North Sulawesi based on their interviews with women and girls in temporary shelter with them during 2006.

Table 3.51:
Destination of Trafficking of North Sulawesi Women

Destination	Trafficked women assisted by YPK	Trafficked women assisted by PIPPA	Total
Within North Sulawesi (Bitung)	42	0	42
Papua and West Irian Jaya (Sorong, Serui, Biak, Jayapura, Timika)	7	9	16
North Maluku (Ternate, Tobelo)	2	4	6
South Sulawesi (Makassar)	0	2	2
South East Sulawesi (Kendari)	0	6	6
East Kalimantan (Samarinda)	1	0	1
Jakarta	0	3	3
Total	52	24	76

Source: Identification of trafficked women (YPK, 2006) & List of trafficking survivors (PIPPA, 2006)

It can be seen from the table above that Bitung, the most important seaport of North Sulawesi, was the destination for more than half of all the trafficked women in North Sulawesi. It may not be out of place to point out that Bitung, besides being a place frequented by sailors and traders from other parts of Indonesia, is also the town from where women and girls from North Sulawesi board ships for North Maluku and Papua. Within North Sulawesi, the districts and sub-districts of Minahasa, Minahasa Selatan, Minahasa Utara, Bolaang Mongodow, and the islands of Sangihe Talaud were the worst affected by trafficking (Identification of Trafficked Women – YPK, 2006). Other than Bitung, Papua was the main

destination for trafficked women, followed by North Maluku. Women from North Sulawesi were also trafficked to bigger cities of Indonesia such as Kendari (South East Sulawesi), Jakarta, Makassar and Samarinda.

It can be argued that trafficking of women from North Sulawesi to Papua is a serious issue. However, women and girls from North Sulawesi are also trafficked to other destinations in Indonesia – namely Jakarta, Batam, East Kalimantan, and South Sulawesi.

Numbers

While the exact number is difficult to obtain, various sources claim that there are hundreds of *keke* (girls) from North Sulawesi in Papua. A report called “Patterns of Sex migrant workers in Irian Jaya” prepared by PATH Indonesia in 2001 stated that at least half of all the women in prostitution in Papua as well as those found in entertainment establishment came from North Sulawesi (Safika & Wiebel, 2001). In 2005, ICMC’s assessment of trafficking in Papua came up with similar findings independently. Data compiled by the Office of Women’s Empowerment of Kota Sorong in 2004, showed that 49 % of 114 women workers in mini bars of Sorong originated in Manado and its surrounding areas. PIPPA reported that during 2002-2005, twenty-two of the 35 women survivors of trafficking who stayed in their shelter were returned from Papua. On the basis of these reports, there should be close to 2,000 women and girls from North Sulawesi currently engaged in prostitution in Papua.¹⁰³ However, it is not possible to hazard a guess about how many of them were trafficked.

Profile of Women and Girls Trafficked from North Sulawesi

Origin

For, a while now, NGOs in Manado have been saying that several districts and sub-districts of North Sulawesi are the main source areas for procurement of women for trafficking. These include the sub districts of Eris, Kombi, Tondano Timur, Tombariri, and Pineleng in the district of Minahasa; sub-districts Motoling, Tumpaan, Kumelembuai, and Tombasian in South Minahasa district; sub-districts Likupang and Kauditan in North Minahasa district; as well as the districts of Sangihe Talaud and Bolaang Mongondow; and the Tomohon municipality. Manado is also a place where recruitment of women and girls takes place for the purposes of trafficking. In the following table, data is compiled from two NGOs of North Sulawesi who provide assistance to survivors of trafficking. The data tends to confirm their contention. It would appear, on the basis of the table that nearly a third of the trafficked women came from Minahasa district. It is important to point

103 According to the statistics maintained by the Department of Social Affairs, Government of Indonesia there were 3,958 women engaged in prostitution in the *lokalisasi* and other identifiable locations in Papua in 2004.

out that eight women were trafficked to North Sulawesi from Gorontalo. This is a trend that merits attention and further discussion.

Table 3.52:
Places of Origin in North Sulawesi Province

Province / District / Municipality	YPK outreach of women in prostitution in Bitung	PIPPA shelter	Total
<i>North Sulawesi</i>			
Minahasa district	19	9	28
South Minahasa district	10	0	10
North Minahasa district	4	1	5
Bolaang Mongondow district	4	1	5
Sangihe Talaud (sub-district)	8	0	8
Manado municipality	4	5	9
Tomohon municipality	2	1	3
Bitung municipality	2	1	3
Sub-total for North Sulawesi	53	18	71 (84.3 %)
<i>Other than North Sulawesi</i>			
Gorontalo	8	0	8
Makassar (South Sulawesi)	3	0	3
Ternate ¹⁰⁹ (North Maluku)	1	0	1
Surabaya (East Java)	1	0	1
Sub-total Other than North Sulawesi	13	0	13 (15.7 %)
TOTAL	66	18	84 (100 %)

Source: YPK, 2006 & PIPPA, 2006

Age

No systematic data exists about the age profile of women and girls from North Sulawesi trafficked within and outside the province. NGO YPK offered some data collected from the women in prostitution reached by them in Bitung. Likewise, some data was available from PIPPA that related to the women recovered from prostitution in other provinces and kept in PIPPA's shelter before they could be reintegrated. The data sets showed opposite trends which is but expected because

104 There are many families of Internally Displaced Persons (IDP) from North Maluku in and around Manado who left North Maluku during the 2002 ethnic conflict. These families are not reached by any government assistance and live in abject poverty. Whether someone was actually trafficked to North Sulawesi from Ternate, or the concerned person, originally born in Ternate, was recruited from IDP settlements is not known (Filiatreau, J, 2004)

police raids are often directed at taking out girls below 18 from prostitution. Even then, the data showed that more than one-fourth of the women trafficked to prostitution in Bitung were less than 18 years old.

Table 3.53:
Age distribution of Survivors of Trafficking Identified by NGOs

Source of Information / Institution	Age (years)		Total Number of Persons
	Above 18	Below 18	
YPK (women trafficked into prostitution in Bitung)	38	14	52
PIPPA (trafficking survivors returned from other provinces)	10	14	24
Total	48	28	76

Source: YPK, 2006 & PIPPA, 2006

Education

No reliable information is available about the educational profile of women and girls trafficked from and within North Sulawesi. Generally speaking, North Sulawesi is one of the provinces of Indonesia where girl children have greater access to education. In terms of mean years of schooling for girls (BPS/Bappenas/UNDP, 2004b: 99, see table 3) it ranks next to Jakarta. Most reports that make reference to trafficked women and girls from North Sulawesi also note their relatively higher educational attainments such as a minimum of junior and senior high school.

Marital Status

Historically, it is known that the Minahasa women are independent minded, and they are not hesitant about leaving an oppressive husband. Culturally, they are also used to being equal or major contributors to family income. Though there is no data to support this, but divorce rate among Minahasa women (North Sulawesi) is significantly high. Many of the Minahasa women interviewed or observed during ICMC visit to Papua had married and divorced, some with one or more young children.

Methods used by traffickers

Despite the belief expressed by some key informants that young girls from North Sulawesi are sold by their parents to traffickers and their agents, a different but more interesting trend was visible, too, with respect to women trafficked from North Sulawesi, particularly Minahasa, to Papua. Traditionally, Minahasa women are used to being contributors to the family economy, and confident of being able to look after themselves and their children without support from their

husbands. Most of them believe that they can find a good spouse once they have a solid financial ground to stand on. Neither are they willing to suffer in silence, nor timid nor prevented by their natal families from moving out of oppressive marriages. Some women with bad marriages often walk into traps carefully laid by dishonest recruiters driven by the women's inner urge to build meaningful lives for themselves. Some of them respond to job advertisements put in local papers, and accept job offers without checking the antecedents of the so-called employers. Others are convinced by the recruiters that they have the looks, education and poise to get dignified jobs in Papua where the economy is vibrant, salaries are high, and there is a real dearth of smart women. Most of them come to Papua not as women without a choice, but believing in their capability to make it big (ICMC, 2005). It may be helpful to share some information provided by the Village Chief of Raanan Baru in South Minahasa in August 2005. One important thing he said was that 300 people had left the village between 2004 and 2005. Almost 70 families had one or more members living elsewhere. Migration was mainly to Papua because of reported "higher income potential". It was not a recent happening but started in 1980s. According to him, "Migration is a gamble people want to play". He was quite unequivocal in saying that no "Calo" (recruiter) operated in his village. Those who migrated used their own channels and contacts.

In North Sulawesi, traffickers worked mostly from Manado - using different methods to attract women and girls from villages. Commonly used methods include offers of well paid jobs as waitresses, hostesses, and singers; and putting them in debt once they reach their destination. There are also occasions when agents visit poor families in rural areas and offer to get their young daughters well paid jobs. These agents offer the families cash or loan if they sign a letter of contract putting their daughters at the disposal of the trafficker for a period of time. Armed with the so-called contract, they then move the girls to destinations of their choice. In 2005, Ella, a young girl was taken to Papua to 'work' by her own aunt. Ella's parents allowed her to go because the aunt promised that she will help Ella to get higher education and a job in Papua. Later, Ella was forced into prostitution in Sorong. Ella, however, managed to contact her parents and asked to be taken back to her village. Shortly afterwards she was killed in a traffic accident in Sorong. NGOs claimed that foul play was involved (PIPPA Report, 2006).

However, some women were told beforehand that they will have to work in entertainment establishments and provide sexual services. What they were not told was that the promise of high earning was illusory and that they will be literally held in conditions of servitude. A key informant from Yayasan Pelangi Kasih (YPK) said that some women who knew that they will have to work in cafes and karaoke bars were promised monthly earnings of US\$ 55 to 77. When they arrived in Papua, they were paid only US\$ 11 to 33 a month. During the initial months, many of them received nothing because they were supposed to be repaying costs of transportation and harboring as claimed by those who brought them to Papua (interview with trafficked girls by YPK, 2006).

YPK reported that recruitment syndicates were many in number and they recruited girls from rural areas of North Sulawesi. Sometimes women, who had worked previously in Papua, acted as recruiters. These syndicates did not only send women and girls to Papua, but were also known to send Minahasa women to Japan and Malaysia in the disguise of cultural dancers, and for other forms of migrant work, only to be forced into prostitution (YPK report, 2006).

Trafficking Routes in North Sulawesi

Minahasa, North Sulawesi has become the main source of supply for female trafficking business. Minahasa girls are sent to Manado or Bitung before being transported elsewhere, even though both Manado and Bitung are sometimes the destination, too, because of the existence of a thriving commercial sex sector. Other than by sea, the women and girls are transported out from Manado by air, from Sam Ratulangi airport, to Papua. Sources in Papua claimed that there were Manado based women who were flown in to entertain high ranking government servants on a one or two-day contract. These women were highly paid. More commonly, the trafficked women and girls were put on regular passenger ships from Bitung to Papua. As the police have mounted heavy surveillance in Bitung in the recent times, traffickers have responded by creating new routes, such by land to South Sulawesi, or using the port of Gorontalo to ship women and girls to Papua (field assessment, 2006).

b. Migrant workers from North Sulawesi in other countries

People from North Sulawesi have for long migrated overseas. The number of registered Indonesian migrant overseas workers from North Sulawesi is increasing annually. In 2003, 150 registered migrants were placed into domestic and factory jobs in Singapore, Hongkong, Malaysia and Taiwan. In 2004, 283 registered workers were sent to Singapore, Hong Kong and Malaysia (Dodoku, 2005). In 2005, a total of 300 registered migrant workers were sent abroad. In the first half of 2006, 120 registered migrant workers from North Sulawesi were placed overseas (Local labor office of North Sulawesi province, quoted from Dodoku, 2006). The following table provides the countries of destination for registered migrant workers from North Sulawesi during 2006.

Table 3.54:
**Number of Registered Overseas Migrant Workers and
 Their Destinations (First half of 2006)**

Country	Number of Migrant Workers
Malaysia	20
Taiwan	10
Singapore	60
Hongkong	30
Total	120

Source: Local labor office of North Sulawesi province, quoted from YPK report, 2006

Drs. Adry A. M, of the North Sulawesi Manpower Office said that they monitor these formal and official recruitment activities closely, as opposed to shady recruitment by traffickers and their agents, to ensure that no law is violated. The Manpower office closely scrutinizes the work of 15 labor export agencies located in North Sulawesi – out of which, seven are branch offices of Jakarta-based labor export agencies. The representatives of these agencies or their brokers usually visit villages in the outskirts of Manado, put advertisements in local newspaper and radio, and distribute leaflets and brochures in strategic locations. They also conduct direct recruitment using local contacts in communities. According to another Manpower official, Robby Mondigir, the government has stipulated that the cost to be paid by someone recruited to work overseas must not exceed Rp.17.5 millions (US\$ 1.944) for visa, passport, round-trip ticket, training and waiting period (Menado Pos, September 24, 2005). Even this amount is far beyond what the poor rural families of North Sulawesi can afford.

Aspiring women migrant workers are housed in the holding centers in Manado or Jakarta prior to their departure. The unfortunate ones may get stuck in a holding centers for six to 12 months, and this usually becomes the entry point to an endless debt cycle with the agent or the recruitment agency, who charge them for everything beginning with cost of transportation, daily accommodation, training, and the procurement of documents. The migrant workers have to work for months or even years before their debts are settled, and they could start saving some money. The case of Martha sums up the situation of an aspiring migrant worker.

Martha's Story

Martha Onimba, an overseas migrant worker from North Sulawesi, is now enjoying the benefit of her long years of work abroad. But in the beginning, she had to suffer considerable hardship.

“I first left my village in 1998, and was put in a holding center in Jakarta for training. They said that I would get my turn to be sent to Singapore in 1999. I had to wait a long time....In my contract, my salary for the first six months was to be deducted for settling the costs. So during those six months, from the agreed salary of S\$ 250, the company took S\$200, and I could only kept the remaining S\$ 50. Only after that, my relationship with the agency stopped”

Source: PEKA, interview with ex-overseas migrant worker, 2006

So far, there have been no reports of exploitation or violence committed against overseas migrant workers from North Sulawesi. Local NGO, however, continuously urge the local Manpower Office to keep an eye on recruitment activities, especially those conducted by unregistered agencies making unrealistic offers and forcing exorbitant fees on the aspirants, far in excess of the stipulated ceiling set by the local authorities.

3. Efforts to Combat Trafficking in North Sulawesi

Efforts by Local Government and police units of North Sulawesi

Local government of North Sulawesi passed Local Regulation (Perda) No 1 of 2004 on Prevention and Eradication of Human Trafficking, especially Women and Children. This regulation resulted in the creation of a special anti-trafficking police unit (Satuan Tugas Anti Trafficking or STAT) in 2004. This has, in turn led to increased vigilance over trafficking practices. In many cases, North Sulawesi police have played the key role in detecting the trafficking cases and apprehending the traffickers. In total, so far, perhaps hundreds of women and girls from North Sulawesi have been saved from being transported illegally, in particular to Papua.

STAT has been fairly active in arresting and prosecuting traffickers. In August 2003, North Sulawesi provincial police recovered and returned 23 young North Sulawesi women from Timika, Sorong, Jayapura, Biak and Serui in Papua (cases reported by mass media such as Liputan6.com, Tabloid Komentor and Manado Pos). During 2004, the Director of Investigation and Criminal Cases of the North Sulawesi Police reported to have monitored and intercepted 22 cases of trafficking in women from the province. 11 of those cases were tried before the District Courts. The majority of these were cases of deception, in which local women recruited to be domestic workers, shop assistants, and waitresses in restaurant were about to be forced into prostitution in Papua, Jakarta, and Batam. In addition to those cases, the North Sulawesi police also intercepted and apprehended some people suspected to be involved in the recruitment and transportation of *keke Minahasa* (young women from Minahasa) (Manado Pos, August 11, 2005). More recently, Manado Police reported a case of trafficking of two young women from Manado to Batam. The apprehended recruiter said that he had transported girls from

Manado twice earlier, using the promise of well paid jobs as baits. Once they were in Batam, they were put to work in one of the bars or nightclubs. The recruiter said that at least in one case, a girl was sold by her mother for cash (see <http://www.Metronews.com> on 19/09/2006).

The North Sulawesi Manpower Office has been very active in distributing information about official labor export agencies, their addresses, phone numbers, and the name of the responsible person in an effort to promote safe migration practices. The urge aspiring migrants to check out the references of agents approaching them.

Joint Efforts by NGO and Community Organizations of North Sulawesi

A number of initiatives have been taken by some NGOs concerned about trafficking in North Sulawesi, such as Yayasan Pelita Kasih Abadi (PEKA), Yayasan Pelangi Kasih (YPK), PIPPA, and FNPBI-Bitung. Their counter-trafficking programs include campaigns in several villages of Minahasa district with audio-visual aids, radio programs, brochures and leaflets. Public awareness efforts are also carried out to local government officials.

During 2005-2006, PIPPA was active in providing shelter and service (including return, psychological counseling, and reintegration services) to approximately 30 survivors of trafficking. YPK's outreach program has so far identified and assisted 75 trafficked women and girls who were forced into prostitution in Bitung.

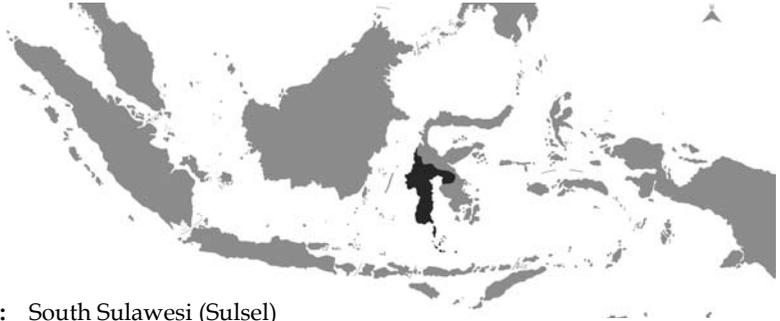
Over and above the many efforts by North Sulawesi police, in 2004, *Kerukunan Keluarga Kawanua*, an ethnicity based organization of the people of Minahasa, successfully recovered and returned 13 trafficked women from Timika in Papua who originated from villages of North Sulawesi (www.tempointeraktif.com.)

Table 3.55:
Sample of known Trafficking Cases in North Sulawesi during 2005

Area of origin	Number of Trafficked persons	Perpetrators	Modus operandi & Purpose	Reported to	Details
Kelurahan Liningaan and Kel. Kinia in East Tondano sub-district	3	Father, friend and neighbor	Forced into sex work in Jakarta	Yayasan Pelangi Kasih	
Women from Bitung City	3	Recruiter	Gave Rp 500,000 loan to family for a work in Balikpapan and Makassar	Yayasan Pelangi Kasih	Lurah (village chief) caught perpetrator using Perda No.1/ 2004
Tombasian sub-district		PJTKI personnel	PJTKI personnel recruited candidate migrant workers from Tombasian sub-district	Yayasan PEKA	
Ranaan Baru village in Minahasa	2	Using a mother as Calo (broker)	Recruited women from Ranaan Baru village. Gave the mother/calos Rp 100,000 for each woman recruited to be sent to Singapore for baby-sitting	Yayasan PEKA	

M. South Sulawesi

Keri Lasmi Sugiarti



Province name	: South Sulawesi (Sulsel)
Capital city	: Makassar
Borders	
North	: Central Sulawesi
South	: Flores Sea
West	: Makasar Strait
East	: Bone Gulf and South East Sulawesi
Area	: 46,116.45 km ²
Population	: 7,475,882 people (in 2004)
Population density level	: 162 person per km ²
Number of districts	: 21 (Bantaeng, Barru, Bone, Bulukumba, Enrekang, Gowa, Jenepono, Luwu, Luwu Timur, Luwu Utara, Maros, Pangkep, Pinrang, Polmas, Selayar, Sindrap, Sinjai, Soppeng, Takalar, Tana Toraja, Wajo.
Number of Municipalities:	3 (Makassar, Pare Pare and Palopo)

(Source: *Profil Daerah, Depdagri, 2006 & Kode dan Data Wilayah, Depdagri, 2006*)

Table 3.56:
Human Development and Gender Development Index – 2002

Indicators	Unit	Value		Rank in Indonesia
		South Sulawesi	Indonesia	
Adult women literacy level	%	80.8	85.7	15
Adult men literacy level	%	86.6	93.5	15
Length of Schooling (women)	Year	6.4	6.5	15
Length of Schooling (men)	Year	7.3	7.6	15
People without access to clean water	%	45.1	44.8	14
People without access to health facilities	%	27.3	23.1	14
Expenditure per capita	IDR '000	586,7	591,2	21
Open unemployment	%	14.4	10.6	*

Source: *BPS/BAPPENAS/UNDP, 2004a: 103, 105, 112, 115, 190*

* Open unemployment ranking not available

1. South Sulawesi at a glance

South Sulawesi has been given less importance than it deserves in the trafficking discourse in Indonesia. Migration from the province is widespread, making it one of the busiest source areas for migrants in Indonesia. The culture of migration ingrained in the population of South Sulawesi is one of the most important reasons that open them to the risk of being trafficked.

The population of South Sulawesi was 8,213,864 people in 2003, with women slightly outnumbering men (1,051 women per 1,000 men). Its land area of 62,482.54 square kilometers results in a population density 107 persons per kilometer square. The expenditure per capita places this province in the category of less prosperity. It is also less developed compared to many other provinces when we view it from the levels of literacy, length of schooling, and access to health facilities.

The provincial capital of South Sulawesi is Makassar, previously known as Ujung Pandang. Makassar is one of the biggest cities in Indonesia because of its geographical position connecting the eastern and western parts of Indonesia. The city's airport and seaports are always busy. One seaport that plays an important role in migration and trafficking from South Sulawesi is the Nusantara seaport in Pare Pare.

2. Situation of Trafficking in Persons in South Sulawesi

a. Trafficking for the purpose of migrant workers

Though South Sulawesi is one of Indonesia's bigger source areas of migrant workers, most people who are trafficked from here are those who seek jobs in Malaysia. The two main migration routes also serve as trafficking routes – the first is through the Makassar seaport gate and the second one is through the Pare Pare seaport gate.

The Makassar gate serves migrant workers going to Malaysia, Saudi Arabia, Japan and South Korea. A few also go to Hong Kong and Taiwan. They transit in different places such as Jakarta, Surabaya and Batam before going to the destination country.

The Pare Pare route serves migrants going to East Malaysia like Sabah and Sarawak who transit in Nunukan and Tawau in the course of their journey. From Tawau, the migrant workers are taken to Sabah and other parts of Malaysia. There are different types of jobs available in eastern Malaysia such as work in plantations, shops, plywood factories, households, construction sites, or even in entertainment establishments.

Table 3.57:
Two main migration routes from South Sulawesi

Exit gate	Transit Area	Final Destination
Makassar	Surabaya, Jakarta, Batam, Balikpapan, Bitung (Sulut)	<i>Domestic:</i> Batam, Papua, Kalimantan. <i>Abroad :</i> western Malaysia, Singapore, Middle East, Japan, South Korea
Pare Pare	Nunukan (East Kalimantan), Tawau (Malaysia)	Eastern Malaysia (Sabah and Sarawak), Kalimantan (Balikpapan)

The two routes described above are linked with the transportation infrastructure that connects South Sulawesi with other places. Many people prefer to use Pare Pare and go to Sabah and Sarawak in East Malaysia. They do so with the reasoning that it is easier to obtain travel documents, and the cost is lower if this route is used (field assessment, 2006). The number of migrant workers exiting through Pare Pare is provided later in this chapter.

Prevalence of migrant workers getting trafficked

The number of migrant workers from South Sulawesi is quite significant. The Manpower Office of Nunukan district in East Kalimantan documented in 2005 that a vast majority of migrant workers that went to eastern Malaysia came from South Sulawesi. The office emphasized that the number of emigrants from South Sulawesi had increased rapidly over the years (Disnakertrans & BPS Nunukan 2005: 72). This can be seen in Table 3.58 below:

Table 3.58:
South Sulawesi migrant workers going through Nunukan

Year	Number of Migrant Workers from South Sulawesi	Total Number of Migrant Workers	Percentage of Migrant Workers from South Sulawesi to total
2003	21,143	28,774	73.48
2004	49,674	63,851	77.80
2005 (up to November)	Not available	70,606	Not available

Source: Disnakertrans & BPS Nunukan (2005: 66-69)

The significant number of migrant workers from South Sulawesi can also be seen from data of the Pare-Pare Local Government's report. Between January and July 2005, local government in Pare Pare recorded that 61,105 Indonesians disembarked in Pare Pare and it was estimated that at least 60% (or approximately 36,700 persons) of them were migrant workers. However, only 476 of them accessed the

services for returning migrant workers set up by local government of Pare-Pare. Of these, 421 (88%) came from South Sulawesi, while 55 (12%) were from outside the province (Pemda Pare-Pare, 2005). If this proportion is projected over the total number of returned migrant workers then perhaps as many as 32,300 of the 36,663 returnees could have been from South Sulawesi itself.

Information on the number of migrants returning through Makassar was harder to come by. However, an analysis of the records of returning migrants through Terminal III in Jakarta's Soekarno-Hatta airport indicates that less than 1% of those from South Sulawesi used Makassar as their exit point (Table 3.59).

Table 3.59:
Percentage of Returning Migrant Workers from South Sulawesi
January- August 2004

Month	Returnees from South Sulawesi	Total Number of Returnees
January	146	25,267
February	109	20,702
March	43	27,744
April	155	26,963
May	163	27,532
June	237	37,983
July	241	35,983
August	181	30,431
Total	1,275 (0.55 %)	232,605

Source: Recalculated from Table 5: Return Migrant Workers According to Places of Origin (Palupi & Buntoro, 2005: 44)

The data tends to indicate that migrant workers from South Sulawesi prefer to go to Sabah and Sarawak in eastern Malaysia through Pare Pare, after transiting in Nunukan. Those preferring to go to other countries or other parts of Indonesia through Makassar and Jakarta, Surabaya, or Batam are far less in number.

There is little reliable data about trafficking of migrant workers from South Sulawesi. Only some NGOs have data on services they provide to survivors of trafficking, and their data is neither representative, nor indicative of the actual situation. Following is some information provided by NGOs in South Sulawesi and other areas:

- Up to February 2006, Community Economy and Development Review Institution (LPPEM) in Makassar returned 13 trafficked migrant workers through the so-called Makassar route. LPPEM data shows that the trafficked migrant workers came from Pinrang, Sinjai, Pulowali, Bulukumba, Majene, Sindrap and Makassar.

- Hiperpro, an organization in Nunukan, said that they helped trafficked migrant workers from Sabah to return to Bulukumba, Bone and Jeneponto in South Sulawesi (Hiperpro, 2006).
- The Trade Union of Indonesian Migrant Workers (SBMI) stated that they returned to Pinrang and Polmas districts in South Sulawesi three migrant workers who were survivors of trafficking (SBMI, 2006).
- According to the report of the Ministry of Women's Empowerment on Trafficking in Persons, eight out of a total of 640 survivors of trafficking reintegrated with IOM assistance in 2005 – 2006 were from South Sulawesi (IOM, 2006, quoted from Task Force for NPA, 2006: 54).

These bits and pieces of data on trafficked migrant workers do not really give any indication of the magnitude of the problem. This is mainly because migrant workers who experience exploitation en route and abroad are not perceived as trafficked persons by the existing labor export system. So many migrant workers that use the Pare Pare and Nunukan route are subjected to deceitful recruitment, document falsification leading to loss of legal status abroad, unfair wages, long working hours and absence of leave, and lack of mobility. Manpower and BP2TKI officials categorize such migrant workers broadly under the head of "migrant workers with problems" (interview with Disnakertrans official Nunukan, 2006).

There are strong possibilities that there are many more migrant workers who were trafficked. Based on interviews with government officials, labor migration brokers and migrant workers in Nunukan (field assessment, 2005-2006), 30 to 50% of migrant workers end up with problems in Malaysia. Using these indicative proportions, it could be estimated that between 21,000 and 35,000 of the 70,060 workers exiting through Nunukan in 2005 may have ended up with problems that could lead to their being categorized as trafficked.

Profile of migrant workers from South Sulawesi

Most parts of South Sulawesi could qualify as migrant worker source areas. In discussions with NGOs in South Sulawesi, the more prominent pockets were identified as the districts of Bone, Bulukumba, Tana Toraja, Soppeng, Wajo, Enrang, Polmas, Gowa, and sub-districts of Sindrap and Pinrang in Sinjai.

Local governments do not have any data on the profile of migrant workers. However, the Nunukan Manpower Office provided some information about migrant workers from South Sulawesi transiting through Nunukan. In terms of migrant worker ages, ICMC's field assessment found a good majority of the migrant workers from South Sulawesi were 15 to 30 years old and some of them were even younger. *Tribune Timur Makassar* reported a case in which two underage migrant workers from Bone and Pangkep were freed after having been imprisoned for three months in Sabah, Malaysia (*Dua Korban*, 2006).

A majority of the Indonesian migrant workers exiting through Nunukan studied only up to elementary school (Disnakertrans & BPS Nunukan, 2005: 78). This is not unusual since most of them go to work in East Malaysia in crude palm plantations and other types of low skill jobs that do not stipulate high educational qualifications as a requirement.

People interviewed in source areas within Tana Toraja said that an equal number of men and women migrate for work. This claim is inconsistent with Nunukan Manpower data that shows 67 to 70% of migrant workers are men. Perhaps the reason for such a discrepancy is that migrant women and girls who will work in informal sectors are not registered with the Manpower Office. It would seem that a higher proportion of male migrant workers are being registered with Manpower officials before entering Malaysia.

It is necessary to understand that migration for people from South Sulawesi is very common and has been going on since long ago. The women migrant workers tend to find jobs on their own without PJTKI services or work in informal sectors like domestic workers, as traders, storekeepers, etc. Many of them seek jobs with the help of friends and relatives who work in Malaysia. After getting a job, they ask their employer to provide them with a letter to obtain a work visa. Sari's case provides an illustration of the process she went through – a process that is common for many other women migrant workers.

Sari, a female migrant worker

Sari comes from a village in Tana Toraja. She went to Malaysia when she was 15 years old and was only a junior high school graduate. Her aunt, who worked as a cleaning service person in Malaysia, offered her work there. She paid Rp 500,000 (US\$ 55.60) to a broker in Nunukan to get her a passport and tourist visa. Sari and her aunt stayed at the broker's house while waiting for the passport to be processed.

Upon arriving in Malaysia, Sari stayed at her aunt's house, located in a Torajan village along Sandakan River. Her aunt found her a Chinese employer. The employer then gave her a letter stating that he would employ her as his maid.

Having this letter and some money from the employer in hand, Sari went back to Nunukan. This time she obtained a work visa. She is one of the lucky ones, as her employer treats her well and pays her RM 250 (US\$ 69.40) per month.

Source: field interview, March 2006

This is a method many Torajan women use to seek jobs in Malaysia because they usually have relatives who have worked there and are willing to help them. However, this way does not guarantee that they are free from the risks of being exploited or deceived into prostitution or other forced labor.

In terms of male migrant workers, many of them are recruited and sent to Malaysia by PJTKIs in Nunukan. Most of them are trapped in debt bondage and under the control of their employers and agents – making them more vulnerable to exploitation. Some of the exploitation is serious enough to categorize the worker as a trafficked person. Migrant workers who work at crude palm oil plantations are more open to extreme forms of exploitation. That is the reason why many of trafficking cases from South Sulawesi are men. This is somewhat different from the common perception that most trafficked persons are women and girls. We can understand how these men are trafficked when taking a look at the *modus operandi* that traffickers use to recruit, harbor and send them.

Modus Operandi

Recruitment by brokers

A typical model of recruitment used by brokers can be seen in working in Tana Toraja, which is one of the main source areas for migrant workers to Malaysia. From two discussions that the ICMC assessment team had with local communities, it was understood that at least 50% of adult and under-18 women, men, girls and boys choose to work or have worked outside their own area, especially in Malaysia (field assessment, 2006).

From the assessment, it was also found that almost all migrant workers from Tana Toraja go to Malaysia with help from brokers and without registering with their local Manpower Office. The Manpower Office in Toraja displayed mixed feelings about this. The office actually tried to send migrant workers abroad in 2002 to 2003, including 82 men to work as operators in Batam. The effort proved to be unsuccessful because the PJTKI involved felt they could not cover the transportation expenses from Makassar to Jakarta and then to Batam for workers in a profitable manner. In 2006, the Manpower Office had hundreds of openings for migrant workers against which only 10 people registered. The office thinks that people are not interested in these jobs as they would have to pay out over a million Rupiah up front while the usual cost of migrating through the use of unlicensed brokers would be only Rp 500,000 (US\$ 69.4).

Many of the brokers are actually fronts for PJTKIs located in Nunukan or Pare Pare. Brokers recruit in their respective areas. The PJTKI's own staff, in Pare Pare for example, would only recruit from remote locations that are not connected by ferry services (field assessment, 2006). Brokers are keen to recruit migrant workers because they are remunerated to the extent of Rp 50,000 to Rp. 100,000 for each

worker they send to a PJTKI (the amount could vary depending upon the specific purpose).

As a result, brokers or agents recruit migrant workers using wild promises, such as big salaries or not having to pay anything to go to Malaysia. Often, they show some examples of successful migrant workers to make their claims believable. One of the major differences in the practices was that, most often, prospective migrant workers from South Sulawesi did not have to spend their own money as opposed to those from the island of Java.

Role of Travel Agents

One of the main types of players in the migration system from South Sulawesi is travel agents. Hundreds of travel agents all over the province facilitate the process of migration. These travel agents usually have their principal offices in Pare Pare and Makassar, but they have branches in almost every corner of the province.

Travel agents in Pare Pare play a much bigger role than just providing means of transportation. They also provide meals and accommodation while migrant workers wait in Pare Pare for their papers to be processed. They also help with booking passage on ships. A migrant worker only pays a certain amount of money and he or she can sit back and wait to arrive in Nunukan. If needed, travel agents can also get passports for migrant workers and connect them with PJTKI agents in Nunukan.

Travel agencies are a popular business in Pare Pare. An ICMC assessment in Pare Pare found that such agencies are owned by local people. They utilize their ethnic connections to recruit aspiring migrants from their respective areas. They also work with PJTKI owners in Nunukan who are from their own areas of origin and recruitment. One such example is a travel agent named "TK", owned by a Torajan that has a branch office in Tana Toraja. Eighty percent of his clients are Torajans. If his clients need brokers or PJTKIs in Nunukan, "TK" will refer them to a PJTKI owned by a Torajan. Another example is a travel agent named "WT" from Bone -- 90% of his clients are also from Bone. This travel agent provides lodging and passports for those who need it.

According to local NGOs, there are hundreds of travel agencies in South Sulawesi. As an illustration, there are approximately 30 travel agencies owned by Torajans. Each of these agencies could recruit and provide services to 700 clients in a year (interview with travel agent owner, 2006). It is no wonder that very large numbers of migrants from South Sulawesi use Pare Pare as their entry and exit gate.

Transit in Pare Pare

Aspiring migrants from South Sulawesi prefer to use Pare Pare as their exit gate because it costs more to go through Makassar. That is why Pare Pare is now a major seaport in the domestic shipping networks and an important transit area on migration and trafficking routes to Sabah and Sarawak in East Malaysia. This is why the Government of Indonesia assigned Pare Pare as one of 11 entry points for migrant workers with problems in Malaysia to return to Indonesia, especially during the amnesty period set by Malaysia to encourage undocumented migrant workers to voluntarily leave the country before a crackdown ensued against migrants working without proper documents.¹⁰⁵ Pare Pare seaport is a transit area not only for workers from South Sulawesi but also from other provinces like East Java, South East Sulawesi and East Nusa Tenggara because ships from all these places call on Pare Pare frequently.

Pare Pare, along with Palopo and Bone, even has a historical role as a port of transit for the trafficking of slaves by the ethnic Bugis. This had its beginnings in 1818 when the Dutch colonial rulers prohibited slave trade in Makassar, forcing Bugis slave traders to divert their routes through Pare Pare instead (Pelras, 2006: 360). Pare Pare now plays a big role as a transit area for migrant workers who are going to Nunukan. Only a few of them obtain their passports and travel documents in Pare Pare, as they prefer to get their documents in Nunukan. This possibly explains why there are only seven PJTKIs in Pare Pare as opposed to 37 in Nunukan. The Pare Pare Manpower Office and BP2TKI are not happy about this because, according to them, this way most of the revenue goes to East Kalimantan province.¹⁰⁶

Role of brokers and passenger caretakers in Pare Pare

Other components of the migration business chain in Pare Pare include the brokers and caretakers of passengers. Caretakers could be appendages of travel agents or simply individuals wanting a share of the business. As service providers, their presence could help migrant workers but on the other hand they can also be a party that exploits prospective and former migrant workers in Malaysia.

A local NGO in Pare Pare told of ways how caretakers could endanger migrant workers. Some caretakers extort money from migrant workers just returning from Malaysia, especially those who are carrying a lot of cash or other valuables.

¹⁰⁵ The Government of Indonesia referred to migrant workers who were able to afford to return home as "independent migrant workers, whereas those who needed assistance from the government were referred to as "migrant workers with problems".

¹⁰⁶ In order to attract more migrant workers, the Pare Pare Manpower Office is planning to reduce documentation fees from Rp 2,990,000 to Rp 1,188,000 (US\$ 332 - US\$ 132), excluding transportation fees (quoted from Pemda Pare-Pare report, 2005).

Caretakers, also known as *ninja*, extort migrant workers by offering them transportation home -- but on the way they ask for more money. If migrant workers refuse, the caretakers may simply drop them in the middle of the road and leave them there.

Just as in Nunukan, brokers in Pare Pare also use special terms for their clients. “*Tedong*” or buffalos is the term that brokers or *ninjas* use for fresh migrant workers who can be deceived easily. Experienced migrant workers or those who seem to be smarter are called “*cama*” (field interview, 2006).

Another role that caretakers play is in “recycling” illegal migrants to enable them to go back to work in Malaysia. During mass deportations by Malaysia from January to July 2005, a lot of such “recycling” took place. During that period, Local government in Pare-Pare provided free transportation to take migrants back to their villages, as instructed by the provincial government. However, out of 36,663 returnees, only 476 registered and made use of this service. The other 36,187 (almost 99%) were taken over and handled by brokers, agents and caretakers who were allowed unrestricted access to the port area (Pemda Pare-Pare, 2005; interview with Manpower Office Pare Pare, March 2006).

While complaining about what happened, local government in Pare-Pare was left powerless as the Manpower Office allowed returnees to choose their own transportation. Returnees that could afford their own passage were labeled “independent migrant workers”. Those who could not afford their transportation and needed assistance from the Manpower Office were categorized as “migrant workers with problems”. Such problems could include not having money for transportation, being too ill to travel, or having social or economic reasons for not wanting to go back home, etc. (Pemda Pare-Pare, 2005).

The huge role played by brokers and caretakers is also reflected in the data of returning migrant workers assisted by the Manpower Offices in districts of origin like Tana Toraja. In 2004, the Tana Toraja Manpower Office documented only 34 returnees (Disnaker Tana Toraja, 2004). Eighteen out of the 34 returnees were women and 16 were men, including 10 children. The children were either workers themselves or children of migrant workers. This number is insignificant compared to the thousands of Torajans who migrate for work every year.

Brokers and caretakers who handle migrant workers cause certain vulnerabilities. They extort migrant workers when they are renewing their documents to re-enter alaysia.¹⁰⁷ This was pointed out by the Manpower Offices in Nunukan and Pare Pare (field interviews, 2006).

107 Easy access to enter Malaysia is demonstrated by the fact that new passports with false names are not difficult to obtain in Indonesia (thus bypassing the problem of being blacklisted by Malaysian officials if deported). In order to address this, the Indonesian Immigration Department is now issuing passports using a biometric system that requires passport holders' fingerprints to prove authenticity of identity.

Sending prospective migrant workers from Pare Pare to Nunukan

Another transit point for prospective migrant workers before entering Malaysia is Nunukan, which is reached using any one of five ships that ply regularly between Pare Pare and Nunukan. The ships are usually full of prospective migrant workers who travel with the brokers that recruited them.

An interview with a broker who travels between Pare Pare and Nunukan all the time to recruit migrant workers revealed that brokers get free passage when going to Pare Pare as long as they promise to bring back their recruits using the same ship (field interview, 2006). It seems that availability of ships and their crew also form an integral part of this long migrant worker recruitment and transportation chain from South Sulawesi to Malaysia.

In Nunukan and Malaysia

Once they arrive in Nunukan, migrant workers will be harbored in rented places. See the section on East Kalimantan for a description on how migrant workers obtain their documents and what is in store for them in Malaysia.

b. Trafficking for the purpose of prostitution in Malaysia

Many cases of prostitution of Indonesian women were reported in Malaysia during 2002. Although the numbers have gone down in recent years, trafficking for prostitution in Malaysia still happens. The routes used are the same as the ones used by migrant workers - starting from Pare Pare, transiting at Nunukan then entering Tawau in Malaysia. From Tawau, the trafficked women and girls are sent to entertainment establishments or hotels in Kota Kinabalu, Kuching, and Sandakan. Trafficked women and girls are forced into prostitution in karaoke bars and hotels.

Based on information gathered in Nunukan, many women from South Sulawesi are forced into prostitution in East Malaysia. Brokers in Nunukan mentioned that many of these women came from Tana Toraja, Makassar, Luwu, Luwu Utara and Enrekang (LPA South Sulawesi, 2003: 52).

A major sex trafficking case was revealed when Malaysian police returned 17 girls less than 18 years old from Tana Toraja. They were found working in karaoke bars providing sexual services to clients (*ABG Sulsel Dijual*, 2005).

With this system, migrant workers could only get their passport once in five years. This policy is expected to reduce the possibility for a person to make several passports. However, one must also anticipate the impact of this policy: A worker who loses his/her passport in Malaysia and is subsequently deported will not be able to return to the country legally. If there are many migrant workers who insist to seek work again in Malaysia, there is a big possibility that the number of illegal migrants will increase along with the application of this biometric system.

Modus operandi and purpose of trafficking

It is extremely difficult to distinguish if a girl from South Sulawesi is brought to Malaysia to work as a regular migrant worker or as a sex worker. Looking at the case that involved 17 girls from Toraja, it has come to light that each girl was recruited by a different recruiter. However, the sending process, routes and documents used were not different from that of regular migrant workers.

When recruited, the girls were promised work as baby sitters or domestic workers with earnings of RM 500 (US\$ 139) per month. Some others were promised work in palm plantations or plywood factories where they would earn RM 400 to 500 (US\$ 111 to 139) per month. The recruiters would always tell the girls that they would not have to pay any of the transportation and documentation costs. The girls would find out they had been trafficked only after they arrived and were forced to work at karaoke bars instead, and provide sexual services to clients.

Some of the girls claimed that a broker in Pare Pare helped them to get a passport and collected Rp 400,000 to 600,000 (US\$ 44.44 to 66.67) from each. Some others said that brokers who provided them temporary lodging in Nunukan got them passports. Those who got their passports in Nunukan did not pay anything. All the girls entered Malaysia using tourist visas. The stories told by the girls show how brokers play an important role in getting them their travel documents.

The 17 Torajan girls worked in karaoke bars such as Happy Castle, Karaoke Café Doremi, Karaoke City Club, Cafe House, Karaoke Empat Belas and Karaoke Hollywood in Sandakan, Malaysia at a salary of RM 350 (US\$ 97.20) per month. However, deductions were made from their salaries to pay off transportation costs and documentation fees. The trafficked girls were returned after Malaysian police raided their places of work and found that they were below 18 years of age.

Victims who are re-trafficked

Preventing trafficking of women and girls from South Sulawesi is difficult because of the limited understanding of trafficking by local police, government and concerned communities (especially in places of origin and transit). Their lack of concern subjects survivors to the vulnerability of being re-trafficked.

In the case of the 17 Torajan girls, for example, there was no guarantee that they really returned home. Even though the police handed them over to a Torajan customary leader, when ICMC and IOM investigated their whereabouts in December 2005, they could not be found at the addresses they had provided. Local NGOs thought that there was a big possibility that the girls had been re-trafficked to Malaysia (field assessment, 2006).

Caste System in Tana Toraja

In a particular sub-district of Tana Toraja which is about one and a half hour's drive from Makale, the district capital, there live a people who are more introverted, more traditional and uphold their indigenous culture, and where customary leaders have a very strong hold over the people.

Traditionally, there are four categories of people in Toraja. The highest one is Tana Bulawan (meaning gold), followed by Tana Bassi who are the "knights". Tana Karurung and Tana Kua-Kua are the lower categories and they are called "workers". The customary leaders who have a big influence over the rest of the people usually are Tana Bassi.

This sub-district is the only area that still upholds this system of class hierarchy – unlike other areas such as Makale and Rante Pao. In relation with trafficking, the introverted nature of the people of this sub-district makes it difficult even for local NGOs to get information on what kind of work women migrants might be doing. It is suspected that many women from this sub-district work in entertainment establishments in Malaysia. Many of them come home often and bring substantial amounts of money without anybody knowing what they actually do. One head of another sub-district in Tana Toraja even admitted that he was curious how women, who have worked for just one or two years, could return home with so much money. Such women could afford to build new houses which this head of sub-district could not afford even with his years of salary income. He was reluctant to tell us what the women actually do. He said the parents never told anyone what their daughters did. Maybe they are just reluctant or ashamed. He does not investigate deeply because he does not want to get into problems with the local customary leaders there.

(Source: interview with NGOs and community member in Tana Toraja, field assessment, 2006)

c. Domestic Trafficking for Sexual Exploitation Purposes

Like other provinces, there is enough evidence to suggest that women and girls from South Sulawesi are trafficked to other provinces for the purpose of prostitution. There are also cases of South Sulawesi women who are trafficked into prostitution within the province.

Forced prostitution to other provinces

Based on information gathered from newspaper reports and interviews with local NGOs, two main destinations for domestic trafficking could be identified: *lokalisis* in East Kalimantan and various entertainment establishments in Papua. Some of the reported cases are:

- In June 2006, four senior high school students were rescued from a bar in Timika Papua where they were forced to work as sex workers (*Tribune Timur Makassar*, June 6, 2006). The girls felt deceived because they were promised work in restaurants and shops.
- In January 2004, a local newspaper in East Kalimantan had a news item on two 15-years old girls from Makassar who were rescued after being sold to a *lokalisasi* in Solong Samarinda, East Kalimantan (*Samarinda Pos*, January 5, 2004).
- A key informant in Makassar said that the NGO she worked for once rescued two girls from South Sulawesi who were going to be sent to Papua.

Aside from Papua and East Kalimantan, NGOs also recorded a case in which four women from Palopo were sold in Manado, North Sulawesi. The NGOs' other revelation was that prostitutes from South Sulawesi (Sinjai, Makassar and Kendari) were found in a hotel in Kupang, East Nusa Tenggara (field assessment, 2006).

The data above is merely very limited information. Prevalence of South Sulawesi women trafficked to Papua is obviously indicated by the existence of entertainment establishments in Papua that are owned by South Sulawesi people. The trend is because of a tendency that owners will seek women and girls from the area where they come from.

- The Bina Mitra division of the Jayapura police reported that out of 24 bars in Jayapura, six were owned by people from South Sulawesi (ICMC, 2005: 28). The same source mentioned that there were seven bars in Timika -- two of them owned by people from Makassar.
- According to data on entertainment workers, five out of 114 women working in Sorong came from South Sulawesi. Meanwhile, in a *lokalisasi* in Eci, near Jayapura, five out of 60 sex workers were from Makassar (ICMC, 2005: 44).

The evidence provided above supports the contention that women and girls from South Sulawesi are trafficked to Papua, East Kalimantan and other provinces.

Internal trafficking within South Sulawesi and South Sulawesi as receiving area

In the same way it is for inter-provincial trafficking, there is very little documentation of internal trafficking within South Sulawesi. Some cases registered are:

- LPA South Sulawesi reported in 2003 that a 16-year old girl from Kendari was deceived into prostitution in a hotel in Makassar (LPA Sulsel, 2003: 51).

In another reported case, a 17-year old girl from Maros was raped and forced into prostitution in a hotel in Makassar.

- The same source provided information on a case in which a kiosk owner brought four women from Maros to work in his kiosk. The women were forced to work as waitresses and also provide sex to clients. They were confined and not allowed to go out as a way to ensure they could not run away.
- From discussions with NGOs in Makassar (field assessment, 2006), there was information about a case in Sorowako, Luwu Timur where there were six women who worked as café waitresses and were forced into prostitution. Five of them, 13 to 16 years old, were from Bone, Palopo, Tana Toraja and Flores Timur. The café was only one among 20 others in Sorowako.

Although there are no known *lokalisasi* in South Sulawesi, it is very possible that women and girls trafficked into prostitution are placed in entertainment establishments such as karaoke bars, cafes, and discotheques, especially in Makassar. In most of such establishments in South Sulawesi, the women workers are made to live under close supervision of the employers, either on the premises or in accommodation arranged by the employer. The Makassar Social Affairs Office noted that there were 324 sex workers in Makassar in 2003 (LPA Sulsel, 2003: 26). Local NGOs claimed that many of the women and girls in karaoke bars etc. came from East Java and North Sulawesi.

The provincial office of the department of Social Affairs in South Sulawesi recorded 1,126 women and girls works as sex workers in South Sulawesi in 2000 (LPA Sulsel, 2003: 25). In 2004, the number had gone up to 1,427 sex workers according to the data from Department of Social Affairs (Pusdatin Kesos Department Sosial, 2004). However, local NGOs estimated that the number was much higher than that. Zulkifli Amin of KRA-AIDS estimated that there could have been 2,500 women and girls in prostitution in South Sulawesi, and that 10 to 20% of them were less than 18 years old (Machmud et al., 2004: 49).

It is likely that available official data is considerably lower than the real number of women and girls in prostitution considering, for one, that the Department of Social Affairs clearly states that their enumeration is based on identifiable prostitution, and that there were many entertainment establishments in the districts that encouraged undercover prostitution. Some researches (Ruddick, 2000; LPA Sulsel, 2003; Machmud et al., 2004; field assessment to Sulsel, 2006) noted the existence of underage sex workers who came from other areas. Here are some local reports that illustrate the spread of such entertainment establishments across the province:

- In Pare Pare, there are many public facilities and entertainment places like karaoke bars and singing halls, massage parlors, pubs, cafes and billiard lounges. The head of the Tourism Bureau said that (interview, March 2006) entertainment venues employed no less than 1,000 women workers who came from Java, Makassar, Palu and Palopo (field assessment, 2006).

- In Tana Toraja alone, there are around 30 karaoke bars along the main road between Makale and Rantepao that employ at least 200 to 300 women workers, who according to local NGOs and local government sources, come from Palopo and some other areas outside Toraja (field assessment, 2006).
- In Palopo, it is estimated that there are 16 bars, hotels, restaurants and public houses where women and girls provide sexual services. A research team found 73 sex workers there (Ruddick, 2000: 23 in Rosenberg, 2003b: 66). Most of the 30 sex workers the research team met were 15 to 25 years old, confirming that some of them were underage (Ruddick, 2000: 23, in Rosenberg, 2003b : 68).
- While in Mamuju, the team found 19 locations where 85 sex workers usually worked. 30 of the sex workers met were of 17 to 28 years old (Ruddick, 2000: 25, in Rosenberg, 2003b: 68).

Though it cannot be claimed that all the women and girls working in entertainment venues were trafficked, the existence of underage girls and that many of them came from other places – within and outside the province indicates the possibility of trafficking for prostitution in South Sulawesi itself.

d. Trafficking for begging

Another form of trafficking in South Sulawesi involves recruiting children from Jeneponto to beg in other provinces of Indonesia. The existence of such operations was first reported in 2004 by a NGO from Bontang, who got the wind of it from newspaper reports in East Kalimantan (*13 Anak di Bawah Umur*, 2004; *18 Anak Sulsei*, 2004). Later, some NGOs from Tanjung Pinang and Batam in the Riau Islands confirmed the trend as they were also surprised by the presence of child beggars from other provinces.

Some of the methods used in recruitment and organization of children from South Sulawesi to beg for other people's profit are presented in a case that happened in Bontang, East Kalimantan, in 2004. A NGO from Bontang named Abang reported that 18 children from Jeneponto district in South Sulawesi were found to be begging for donations in Bontang. They were very young – in the age-group of 5 to 15 years. The adult team leader admitted that their group worked all the way to Balikpapan, Samarinda, Bontang, as well as in Sangatta in East Kutai district.

The recruiters collected the children by promising their parents that their children will be placed in jobs. The recruiters also advanced up to Rp 300,000 (US\$ 333) to the parents. The children were then taken to other areas and instructed to beg under the pretext of collecting donations for an orphanage in Jeneponto.

Abang's questioning of an organizer of such operations further revealed that the cash earned by each child was divided into three parts - for example, if a child collected Rp 20,000 (US\$ 2.20) then Rp 5,000 (US\$ 0.60) went to the organizer (she said that it is retained for the particular child's welfare), Rp 10,000 (US\$ 1.10) went

to the orphanage for which donations were being raised, and Rp 5,000 (US\$ 0.60) was used to provide meals. She also said that if a child collected more than Rp 50,000 (US\$ 5.60) in a day, the child was allowed to keep Rp 25,000 (US\$ 2.80) as her/his earnings. The children were given Rp 300,000 (US\$ 33.30) more when they returned to their parents. It is not easy to determine if such an operation really constituted trafficking, but it is surely an example of serious child exploitation.

3. Another vulnerable group to trafficking: Domestic Workers

A situation analysis conducted by Machmud et al., (2004: 67) argued that there were many child domestic workers in South Sulawesi. They also found that child domestic workers were recruited by their relatives and friends. A domestic worker agency in Makassar admitted that they supplied child domestic workers to households who asked for domestic workers. Most of the child workers came from Tana Toraja, Polmas, Bone and Jeneponto (Machmud et al., 2004: 67). Other NGOs reported that most of the domestic workers in Makassar came from Enrekang. There is little media coverage about trafficking for domestic workers in South Sulawesi, although most of the children recruited as domestic workers must perform hard work. They work long hours with pay as little as Rp 40,000 to 100,000 (US\$ 4.40 to 11.10) per month. Here are some of the statements made by them:

"I worked as a domestic worker and had to do laundry and ironing for 3 to 4 hours per day. I earned only 40 thousand rupiah per month. I also got sweets and clothes on festive days" - Ellin, 15 years old, child domestic worker.

(Quoted from Machmud et al., 2004: 68)

"I worked as a domestic worker and had to wash, cook, iron, mop, sweep the floor, do the dishes, etc. I worked 12 hours a day and earned only 100 thousand rupiah per month. I never got any holiday bonus." - Fitri, 16 years old, a child domestic worker.

(Quoted from Machmud et al., 2004: 68)

4. Historical and Economic Background as Trafficking Push Factors

Generally, South Sulawesi has a long history of migration. There is much literature showing that migration has been an integral part of some ethnic cultures, especially of the Bugis and the Toraja.¹⁰⁸

108 Interesting historical background regarding migration of South Sulawesi people (especially Bugis) can be found in "Orang Bugis" (Pelras, 2006) and "Migrasi Orang Bugis" (Kesuma, Andi: 2004).

Bugis: historical background as slave traders

It is quite well established now that South Sulawesi people were slave traders in the past. Crawford (in Pelras, 2006: 359) mentioned that since as far back as the 16th century, Bugis people were deeply involved in the slave trade. At the beginning of 16th and 17th centuries, the Bugis brought prisoners from Nusa Tenggara, Buton, Mindanao, Sulu and Eastern Kalimantan to sell to pepper plantation owners in Tana Melayu, Sumatra and Batavia (Sutherland in Pelras, 2006: 267). The main slave suppliers to the VOC were people from South Sulawesi (Reid in Pelras, 2006: 172-173).

Slave trade became a very profitable business as it was encouraged by local chieftains. Traders dispatched 3,000 slaves from Makassar every year (Sutherland in Pelras, 2006: 270). To rake in higher profits, Bugis started to enslave and sell fellow Bugis -- so much so that 26% of the slaves in Batavia in 1816 were Bugis (Abeyasekere in Pelras, 2006: 291).

It seems that the same tradition continues even now. Slave trade has now mutated to sending migrant workers through PJTKIs. The section on East Kalimantan mentions popular beliefs in Nunukan, like "Bugis sell Bugis", "Tators sell Tators" and "Javanese sell Javanese". It would appear that ethnic ties can become counterproductive in the hands of traffickers. Instead of offering solidarity, it increases the vulnerability of the weaker members of ethnic groups.

Cultural practices and their economic connotations

Another factor that stimulates migration is economic necessity. As in other areas of Indonesia, migration for work is always an alternative for the poor – especially those with little or no access to land. However, in South Sulawesi, people gain in status by becoming a prosperous migrant. This supports their self-perception of being a clever and courageous people. In Toraja, this pride expresses itself through the cultural event of funerals.

Out of a population of 398,796 people (BPS Sulsel, 2002) in Toraja, 32,795 live under the poverty line (BPS Tana Toraja, 2006). Good majorities of the poor work in other people's rice fields and earn Rp 200,000 to 300,000 (US\$ 22 to 33) per month. Even then, they must conform to cultural requirements when it comes to conducting a funeral for a dead family member.

Funerals are always lavish for Torajans. The family of the deceased must sacrifice dozens of buffalos and pigs and feed the entire village. In order to do so, the family must spend considerable sums. The funerals are often held off for years until the family has enough money. This, in turn, fuels migration – sometimes under considerable risk. However, once the money earned is spent in a funeral, the family is once again back in its condition of extreme vulnerability. Economic factors also

fuel migration in Jeneponto district of South Sulawesi. Jeneponto is known as one of the poorest districts in the province. Land is infertile and dry unlike the rest of the province. The incidence of malnutrition in children is as high as 42.2%. Most of the migrants from Jeneponto are poor people. A NGO from Makassar reports that most of male Jeneponto people work as rickshaw pushers and porters in Makassar. Many of them are not yet 18 years old (Machmud et al., 2004: 67-68). Meanwhile, many young girls end up in prostitution in Makassar -- many of them are found serving clients on the banks of Sadang River (Machmud et al., 2004). Labor recruiters are very active in Jeneponto for recruiting people to be sent to Sabah, Malaysia via Nunukan.

5. Counter Trafficking Efforts

The ICMC assessment of South Sulawesi in 2006 provides an indication of the level of local understanding of the local governments and general public about trafficking. A good majority of them could not see that there might be inherent problems in the system of recruiting and sending migrant workers from South Sulawesi that could result in them being trafficked. There has been very little awareness generation about trafficking in South Sulawesi.

Nonetheless, since earlier in 2006, both provincial and district level governments of South Sulawesi have displayed some intentions to combat trafficking. This is borne out by the various efforts that governments and NGOs in South Sulawesi have made, as described below:

Efforts by provincial and district level governments:

- In response to the appeal by the Ministry of Women's Empowerment, the provincial government of South Sulawesi is now drafting a local regulation to combat trafficking.
- Beginning in 2006, IOM has been supporting provincial government to establish a Service and Return Center for trafficked persons in Makassar.
- With respect to migrant worker issues, the South Sulawesi government has taken the initiative to establish a special return task force in Pare Pare which would handle the return of migrant workers with problems from Malaysia.
- The district authorities of Bone are also drafting a local regulation for the protection of migrant workers.
- The district authorities of Bantaeng have started a system of registration for people who migrate for work.
- Tana Toraja district launched various income generating initiatives for poor ex-migrant workers. There is a possibility that other districts will adopt this program.
- Meanwhile, the local governments of Makassar, Bantaeng, Bone and Polewali Mamasa have formulated policies to issue birth certificates free of charge. This is likely to help prevent falsification of ages by unscrupulous recruiters.

- The South Sulawesi police have formed a Child Care Squad to respond to problems related with child abuse.

Efforts by non-governmental organizations

There are several non-governmental organizations in South Sulawesi working on child and women issues and in community development in general. Some of them have also assisted trafficked women and children from South Sulawesi. Some of them are:

- Child Protection Body of South Sulawesi (LPA Sulsel).
- Kombongan Situru, a NGO working on community development in Tana Toraja
- LPPEM Makassar, a NGO working on community development
- LPM Pare Pare, a NGO for community development in Pare Pare
- Solidaritas Perempuan Makassar

And many others

N. North Maluku

Fatimana Agustinanto



Province name	: North Maluku
Capital city	: Ternate
Borders	
North	: Pacific Ocean
South	: Seram sea
West	: Maluku sea
East	: Halmahera sea
Area	: 39,959.99 km ²
Population	: 912,209 people (in 2004)
Population density level	: 23 people per Km ²
Number of districts	: 6 (West Halmahera, East Halmahera, North Halmahera, South Halmahera, Central Halmahera, and Sula Island)
Number of municipalities	: 2 (Ternate and Tidore)

(Source: *Profil Daerah, Depdagri, 2006 & Kode dan Data Wilayah, Depdagri, 2006*)

Table 3.53:
Human Development & Gender Development Index - 2002

Indicator	Unit	Value		Rank in Indonesia
		North Maluku	Indonesia	
Adult women literacy level	%	94.5	85.7	23
Adult men literacy level	%	97.2	93.5	23
Length of schooling (women)	years	5.4	6.5	23
Length of schooling (men)	years	6.1	7.6	23
People without access to clean water	%	43.2	44.8	22
People without access to health facilities	%	42.2	23.1	22
Expenditure per capita	IDR '000	583,4	591,2	19
Open unemployment	%	11.4	10.6	*

Source: *BPS/BAPPENAS/UNDP, 2004a: 103. 105. 106 113. 148*

* Open unemployment ranking not available

1. North Maluku at a Glance

Although most Indonesians have little or no knowledge about North Maluku province, they see it every day on the country's one thousand rupiah bill, which carries a picture of a volcano from the province's Tidore Island. North Maluku is a place with beautiful islands and a population of 669,800 people with density of 25 people per square kilometer square (in year 2004). Its capital city is Ternate. Ternate is located at the foot of Gamalama Mountain, one of the famous mountains in eastern Indonesia. As the capital is surrounded by the sea, the people of Ternate rely heavily on sea transportation, especially to go to Halmahera Island or other islands in the southern part of the province. Ternate still possesses evidence of its historical past, particularly from the Portuguese era. These historical riches attract tourists from other parts of Indonesia and abroad.

North Maluku's human development and gender development index is below average. Its literacy level and length of schooling ranks at 23 out of 30, while the ranking of people without access to clean water and health facilities is at 22. The percentage of open unemployment in North Maluku also higher compared to most of Indonesia.

History of Conflict in North Maluku

North Maluku's people practice varied religions. According to data in 2004, the province has 725,174 Muslims, 174,393 Christians, 9,016 Catholics and 158 Hindus (BPS of Maluku province, 2004: 74-75). In the past, North Maluku had a popular phrase, "Pela Gendong" meaning "bind for brotherhood," reminding its people to live harmoniously amongst the diverse belief systems. However, in late 1999, "Pela Gendong" seemed to crash as ethnic and religion-based conflicts began, starting with a dispute between Malifut and Kao. This conflict was the continuation of a previous one that had begun in early of 1999 in Donggo, Southeast Maluku, which ignited the spread of other conflicts in Ambon and Tual, then to North Maluku's districts (*Tragedi Halmahera Utara*, 1999). As a result of these conflicts, violence spread rapidly. Worshipping venues like mosques and churches were burnt down and thousands of internally displaced persons (IDPs) including women and children were forced to leave their villages and seek safer places. Some sought refuge in camps while others had no place to go and stayed out in the open, leaving them even more vulnerable to violence, sickness and starvation.

2. The Trafficking Situation: Exploited for Prostitution

Generally, North Maluku's human trafficking situation lies in sexual exploitation, or forced prostitution. Women and girls are usually sold into night entertainment businesses like undercover prostitution establishments often disguised as cafes and karaoke establishments spread throughout the province.

Although it is difficult to obtain official data about the number of cafés and karaoke establishments in North Maluku, based on field interviews and reports from various NGOs in North Maluku, it has been estimated that there are a minimum of 20 cafés and karaoke establishments in four selected areas.

Table 3.61:
Number of cafes/karaoke establishments
in four areas of North Maluku

No.	Area	Number
1.	Kota Ternate	6
2.	Tobelo	5 (only 2 who have license from Local Government)
3.	Sidangoli	5
4.	Bacan	4
	Total	20

Source: Field Interview, 2006, NGO Report, 2006.

If one café/karaoke employs on average 10 women, then it must be assumed that there is a minimum of 200 women and girls who work in café/karaoke establishments in North Maluku – and that some may have been trafficked.

Not only is North Maluku a receiving area for trafficked persons (mostly from North Sulawesi), but it also plays, on a smaller scale, the role as a sending and transit area. As a sending area, girls (under 18 years of age) from IDP camps in the province are sometimes placed into street prostitution. As a transit area, trafficked women and girls travel from Papua to North Maluku on their way back home to North Sulawesi.

a. North Maluku as a Receiving Area

Recruitment of Women and Girls and Traffickers' Modus of Operation

There two main ways recruiters traffic women and girls into prostitution in North Maluku. The first way is by giving a direct job offer to the trafficked women and girls or to their parents; this is done by pimp or café/karaoke owner. This is relatively easy because the pimps or café owners are usually originally from North Sulawesi and speak in the local language, helping them to establish a level of comfort and trust with their targets. The second method of recruitment is done by friends or relatives of the person trafficked. The recruiter, who usually has previously worked in a café/karaoke establishment, can easily establish a sense of trust with their targeted persons. No information has been found on how café/karaoke owners and pimp collaborate with such recruiters (though it is clear

that these recruiters are to be categorized as traffickers as they use deceit to place women and children into forced prostitution).

In the recruitment process, pimps who own disguised prostitution businesses offer jobs as waitress at their cafés, restaurants, stores or beauty salons, always promising good wages. They further convince the trafficked person of a “great opportunity” by telling them that they won’t have to pay any travel costs (such as transportation and meals). Pimps and business owners never issue employment contracts during the recruitment so that women and girls have no knowledge about their rights and obligations as workers. This kind information should be informed in advance, so these women and girls can consider before deciding whether to accept the job or not.

Trafficked women and girls accept job offers from pimps, café owners or their own relatives for various reasons, but in many cases, the women are already undergoing personal situations that they want to escape from – for example, due to circumstances with their husbands like separation, affairs, gambling problems or physical abuse. Other reasons may include a desire to seek new experiences, or that they are in conflict with their parents, or that they wish to improve their quality of life or feel obligated to help their parents. Their vulnerability, limited education and lack of work experience makes it easy for their new employers to take advantage of them.

Women and girls are recruited at varied ages. In two cafes where we conducted interviews, the youngest was 16 years old and the oldest was 31. Most had a junior or senior high school education. They came from various areas of North Sulawesi, like Winangun, Wurumbangan, Amurang, Perkamil, Kawanua, Tomohon, Manado and Tondano. The table below illustrates the trafficking routes:

**Table 3.62:
Trafficking Routes**

Locations of trafficked person	Places of origin	Destination areas
Cafe/karaoke establishments	Winangun, Wurumbangan, Perkamil, Kawanua, Amurang, Tomohon, Manado, Tondano.	Ternate, Tobelo, Sidangoli, Kepulauan Sula, Falabisaya and Bacan.

Source: Data compiled from interviews with local officials, NGOs, pimps/café owners, and trafficked women and girls, field interview, 2006

There are ample transportation facilities between North Sulawesi to some towns and islands in North Maluku that constitute trafficking routes. A daily airline route connects the provincial capitals. The Government Sea Transport Company PELNI and a private company provide frequent sea transportation from North Sulawesi to

Ternate and then onward to other islands in the province. Some trafficked women and girls interviewed said that they came to the province by ship.

Deceived and Forced to Work in Unexpected Jobs

Traffickers use deception and force when putting women and girls into exploitative sex work. After arriving in North Maluku, trafficked women and girls are usually transferred to restaurants or cafes that have karaoke facilities. It is not until this time that they first realize that they were not brought in to become waitresses as promised, but rather they must work as “escorts”, accompanying guests while singing and drinking in the private karaoke rooms. Some trafficked women and girls said that they felt deceived because the work that was promised was different from the reality they now face. Upon learning this, many want to escape – but cannot because they are in an unfamiliar town with no money and they do not know another soul. With no other option, and to avoid worse conditions, they choose to stay and do as they are told. The managers quickly bind them to three to six-month “contracts”. During the contract period, they are not allowed to quit and all their wages will be cut or go directly to manager – they are simply told that their earnings must go to pay off the expenses that pimps or café owners spent on them during the recruitment and migration process (field interview, 2006).

Consequences of Trafficked Women and Girls

Continuous salary deduction

Clients wanting to have karaoke time with women escorts must rent a room for Rp 25,000-30,000 (US\$ 2.80 – 3.30) per hour. From that amount, the owner takes Rp 12,500 to 13,500 (US\$ 1.40 – 1.50) and the rest goes to the woman or girl. The trafficked women and girls also receive tips from guests – perhaps as high as Rp 100,000-200,000 (US\$ 11 – 22.20) per night. Additional income comes from “bottle commissions”: for every drink the client buys, the woman will receive Rp 1,000 (US\$ 0.10). Some café/karaoke establishments also provide the girls and women a basic salary of Rp 100,000-500,000 (US\$ 11 – 55.50) per month. Totalling all their income, interviewed women and girls reported that they earn around one to two million rupiah (US\$ 111 – 222) per month (field interview, 2006).

These earnings, however, are usually deducted to pay off initial debts accrued from recruitment and migration costs. In addition to this, pimps or café owners then make regular “deductions” from the women making it hard for them to have any savings. Deductions vary with each establishment, but examples include absence from work, coming to work late or leaving the establishment longer than their permitted time. Deductions for such acts may range from Rp 10,000 – 20,000 (US\$ 1 – 2.20). Other costs deducted from their wages that prevent them from saving often include rent, security fees, food and other daily living costs. These

deductions are another way pimps and café owners use their power to keep the women and girls longer and to leave them no choice but to provide sexual service to guests or sometimes to become their concubine (field interview, 2006).

Limited Freedom of Movement

Women and girl escorts usually work from 9 pm to 2 am on weekdays and 9 pm to 3 am on weekends. Beyond working hours, in one of the establishments at least, these women and girls were only permitted to leave the premises for one hour a day. They usually use that time to go out to a traditional market or supermarket. At all other times, they are forced to remain in the café compound – their beds and personal items are placed wherever there might be room, including on the roof or even directly behind the bar. This practice can be considered as an indicator of trafficking and debt bondage – and are, in of itself, a serious human rights violation. It is likely pimps and bar owners place these restrictions on the movement of the women and girls to prevent them from running away before paying off their debts.

Sexual Harassment, Assault and Forced Sexual Intercourse

Trafficked women and girls commonly report sexual harassment from their clients. Typical forms of harassment include clients grabbing the girls' breasts or other sensitive parts. In other cases clients may beat them if they refuse to have sex with them, whether it is inside the karaoke room or outside the establishment in a nearby hotel. In other cases, wives of clients have been known to come and attack the girls out of jealousy. Few pimps or café owners take any action to protect the girls because they want to make sure clients come back (field assessment, 2006).

Vulnerability to Sexually Transmitted Diseases (STDs) – including HIV/AIDS

Women and girls trafficked into forced prostitution are extremely vulnerable to STDs, including HIV/AIDS. Pedasi, an NGO in North Maluku that conducted awareness- rising efforts on reproductive health to commercial sex workers in 2004 found that in general, the women and girls were not well-informed about the dangers of STDs or how to protect themselves from them (Yayasan Pedasi, 2005: 2). ILO-IPEC also found this to be true when working specifically with trafficked commercial sex workers. Their research in Central Java, Yogyakarta and East Java found that all trafficked prostituted women and girls reportedly suffered from stomachaches, nausea and genital itching, yet they did not know the reason (ILO-IPEC, 2004c: 40).

The Health Department in Tobelo, North Maluku also revealed that STDs are one of the 10 main types of diseases in the city (interview, 2006). IN 2005, it was only in ranked in the 15 most prevalent diseases. According to the province's Health Department, STDs were not just spreading to commercial sex workers and their

clients but also to “less vulnerable” people like housewives. Research on behavior found that more than half of the adult male population, married and single, had sexual intercourse with commercial sex workers during 2001, and that 9 of every 10 men never used condoms (Penanggulangan HIV/AIDS, 2002). With this high-risk behavior, it is well-known that men can then infect their partners or wives.

Alcohol and its effects

Women and girls trafficked into forced prostitution were never told during the recruitment phase that they would have to drink alcohol while working. Yet, many must drink five to ten bottles of beer a night. Although many do not immediately notice any impact from drinking so much every night, the reality is that those who consume this amount of alcohol on a daily basis are more susceptible to digestion and respiratory problems, colon cancer, lung irritation, tuberculosis, heart attacks, heart failure, immunity deterioration and reproductive system failure – as well as possible alcohol addiction.

Bedrooms Beyond Comfort

In some café/karaoke establishments visited, girls were found to be sharing one room, which was generally only 3 x 4 meters with plywood walls and zinc ceilings. This type of construction makes the room very hot and uncomfortable. Trafficked women and girls therefore spend as little time in their rooms as possible, and instead spend their free time watching TV or chatting with others in the air-conditioned restaurant/café areas. The girls who want to stay in better rooms with a TV, fan and bathroom must pay around Rp 500,000 per (US\$ 55.6) month for rent (field interview, 2006).

b. North Maluku as a Source of Trafficked Children

Some informants reported that trafficked girls are put to work in café/karaoke places, dim-lighted *warungs* and under cover prostitution in some areas in North Maluku. The girls are below 18 years old and are trafficked within North Maluku. Many of them are former IDPs who were forced into prostitution after experiencing economic difficulties. Other girls come from East Java, including Madura. In a survey conducted by Cordaid (2004: 9), an international NGO, out of 309 commercial sex workers in Ternate, Tobelo, Bacan-Labuha and Sidangoli, 27 were children of 15-17 years old.

Children who live at refugee camps are vulnerable to being trafficked. In the refugee camps, traffickers take advantage of the children’s vulnerabilities by acting kindly to them, pretending they want to help. Once trust is gained, they are easily able to take the child away and sell them. As an example, Syamsuddin (14 years old) and Yusran (14 years old) were Maluku IDPs staying at a camp in South Sulawesi. The two boys and 70 others were recruited by a youth organization that

ran a foster parent program. Foster parents in South Sulawesi paid a ship passage of Rp 150,000 (US\$ 16.70) per child in order to obtain the children. The 2 boys were then illegally adopted and ended up in exploitation (LPA South Sulawesi, 2003: 27).

c. North Maluku as a Transit Area

As elaborated at the beginning of this provincial description, North Maluku also serves as a transit area on a smaller scale before trafficked women and children return from Papua and West Irian Jaya to their home villages in North Sulawesi. ICMC's assessment (2006) team found many North Sulawesi women trafficked as sex workers into Papua and West Irian Jaya. They work at café/bar establishments within the two provinces. Based on ICMC findings (2005: 52-54), once they arrive in Papua, café/bar owners inform the trafficked women and girls that they have debts of Rp 4 million to 10 million (US\$ 444 - 1111), resulting from airfare, pre-departure expenses, recruiter fees and daily needs at the café/bar such as room rent, electricity, water and meals. They are "bound" in a contract to "work" for four months to pay off the debts.

After paying off their debts and finishing their contract, the women and girls want to return home but usually do not have as much money as they had hoped to bring back to their families. Coming out of their situations broke and with no connections or alternative skills to earn more money, it is common for trafficked women and girls to return to prostitution after being freed, as they feel they do not have any other choice. Before reaching their home villages, they stop in North Maluku and engage in sex work at dim-lit places along the roads or at entertainment establishments of their own choice in cities like Ternate, Tobelo, Sidangoli, and Bacan (field assessment, 2006).

3. Problems Related with Trafficking

***Anak Piara* (Foster Children)**

Foster children are defined as persons less than 18 years of age living with foster parents. Generally, the children come from villages while foster parents come from bigger cities. Some foster parents have family relations with the children while others do not. During their stay with foster parents, the children are often treated as part of the family; they are provided with regular meals, clothes, healthcare, living accommodation and education. However, as compensation for all expenses that foster parents provide, some foster children are expected to do all household chores like washing dishes, doing laundry, sweeping, mopping, while other foster children are instructed to work in their foster parents' stores.

Under ILO's definition of child labor, *anak piara* can be categorized as child labor. A broad definition of child labor covers one hour of any commercial economic activity or seven hours of household chores per day.

Foster Child (Anak Piara)

There are many foster children in North Maluku. The children are brought from villages in North Maluku to live with foster parents in bigger towns. Parents will pay for the children's living needs, and in return, the children must help with their parents' household chores including sweeping floor, mopping and washing dishes. Often, they must also work at parents' stores, if they have one.

It is possible that a foster child's life does not improve with this new living situation. After they are brought from their village, foster parents often ask them to work instead of sending them to school. When such work is excessive or hazardous, then the children can be categorized as having been placed into child labor.

Although the issue of child labor is closely related to trafficking, not all child labor is connected to trafficking. The described foster children in North Maluku can be categorized as trafficked children if their foster parents exploit them and violate their rights. For example, if the foster parents no longer send the children to school or do not allow them to play with their friends and instead, order them to do household chores for more than 7 hours per day, it is considered child labor. Any work that disturbs the child's development stage is categorized as child labor (Unicef, 2003: 17).

There have been situations of trafficked foster children in North Maluku, however the number of known cases have been relatively small. An NGO who works with children met a girl from Oba village who was forced to perform sexual intercourse with her foster parents. She was attending school but her parents constantly threatened to pull her out if she refused to obey them (field interview, 2006). ICMC found other data in which foster parents did not send their foster children to school. Instead, the children worked full time in their stores, restaurants or homes. However, further research is needed in order to obtain more accurate data on their circumstances and work conditions.

4. Local Government and NGOs Efforts to Combat Trafficking

Trafficking is an issue that is not well understood in North Maluku, especially by government officials as well as NGO activists. During interviews with informants, mostly local government officials, it became clear that trafficking was seen as a problem of poverty and moral deterioration. From their perceptions, trafficked women and girls have a choice (despite their poverty) and have entered

prostitution of their own volition. One informant even suggested the need to pass a local regulation to punish such women and girls for engaging in prostitution.

Because trafficking is still a new issue to the people of North Maluku, there are no specific programs to address this crime in the province. Some institutions and organizations, with their limited resources, have tried to carry out women's economic empowerment programs, monitoring of night entertainment establishments, sex worker assistance support centers and child protection programs.

One way the North Halmahera district government has worked to prevent future trafficking is by adopting a policy to limit the number of cafe/karaoke establishments. They only allow two cafe/karaoke establishments to operate within the district, reasoning that limiting the number of cafe/karaoke places limits the number of trafficked women and girls in their area. To supplement their effort, the Social Affairs office regularly monitors the growth of cafe/karaoke establishments as well as their number of sex workers.

In addition to the above efforts, below is a list of efforts from government and NGOs:

- The district Social Affairs office of Halmahera Utara regularly monitors the number of CSWs.
- This institution works with the district Health Office to educate women working in café/karaoke establishments about the dangers of drugs and HIV/AIDS.
- The district Health Office in Halmahera Utara has taken curative measures to provide health services to commercial sex workers, particularly in STDs.
- Halmahera Utara police regularly monitor café/karaoke operational hours.
- The NGO Sandro has programs on education and economic empowerment for local people, especially women.
- The NGO Daurmala in Ternate and Tobelo provides assistance for women victims of violence, including domestic violence.
- Sandro and Daurmala work together to disseminate information about Law No. 23 on Child Protection to religious, community, and youth leaders and village chiefs.
- The North Maluku provincial police station has a Special Service Room (RPK) for women and child victims of violence.
- Pedasi Ternate Foundation conducted a prevention and awareness raising campaign on reproductive health for commercial sex workers in North Maluku.

Many other NGOs in Ternate work in community development targeting women as beneficiaries.

O. Papua (and West Irian Jaya)¹⁰⁹

Magdalena Pasaribu



Province name	:	Papua
Capital city	:	Jayapura
Borders		
<i>North</i>	:	Pacific Ocean
<i>South</i>	:	Arafuru Sea, Seram Island, Banda Sea
<i>West</i>	:	North Maluku
<i>East</i>	:	Papua Nugini
Area	:	309,934.40 km ²
Population	:	1,841,548 people (in 2004)
Population density level	:	6 persons per km ²
Number of districts	:	19 (Mimika, Paniai, Puncak Jaya, Yapen, Biak Numfor, Merauke, Jayapura, Nabire, Tolikara, Keerom, Boven Digul, Pegunungan Bintang, Waropen, Sarmi, Yahukimo, Mappi, Asmat, Supiori, Jayawijaya)
Number of municipalities	:	1 (Jayapura)

(Source: *Profil Daerah, Depdagri, 2006 & Kode dan Angka Wilayah, Depdagri, 2006*)

Table 3.63:
Human Development and Gender Development Index – 2002

Indicator	Unit	Value		Rank in Indonesia
		Papua	Indonesia	
Adult women literacy level	%	67.5	85.7	25
Adult men literacy level	%	78.4	93.5	25
Length of schooling (women)	Years	4.8	6.5	25
Length of schooling (men)	Years	5.0	7.6	25
People without access to clean water	%	61.6	44.8	28
People without access to health facilities	%	36.1	23.1	28
Expenditure per capita	IDR '000	578,2	591,2	29
Open unemployment	%	4.3	10.6	*

Source: *BPS/BAPPENAS/UNDP, 2004a: 103, 105, 113, 191*

* Open unemployment ranking not available

¹⁰⁹ This provincial assesment focuses on Papua province but alsocontains a significant amount of information on trafficking in westrian Jaya province. The term Papua is often used in this section as a term for the island - and thus often refers to both provinces.

1. Papua at a Glance

Covering a vast territory of 309,934.40 km square, but occupied by only 6 persons per kilometer square, or a total population of only 1,841,548 people (in year 2004), Papua province lies in the eastern tip of Indonesia. The abundance of natural resources in Papua, especially of valuable minerals, is well known. However, such natural wealth does not appear to have enhanced the welfare of the local people, or infrastructures and public facilities. The per capita Gross Domestic Product (GRDP) of Papua in 2000 was equivalent to US\$ 450 approximately – next only to East Kalimantan and Jakarta, but other development indicators clearly show that this GRDP is distributed across the population in an extremely disperse manner. From the perspective of education, in terms of percentage of literate people and average number of years in school, for both women and men, Papua currently ranks 25th among all provinces in Indonesia. Viewed in terms of access to public services such as health and clean water the province ranks lowest at 28th.

The mining industry serves as major attraction for waves of migrant workers to come to Papua. This is supported by the fact that according to the population census in 2000 Papua had a masculine sex-ratio of 1,121 – the highest in Indonesia. Consequently, in the larger townships of the province there are ample business opportunities in the adult entertainment sector, including commercial sex. This situation has led to the emerging and growing prostitution and trafficking in women and girls, for example, to Sorong, now the provincial capital of West Irian Jaya province.

Jayapura and Sorong are both provincial capitals, after the division of Irian Jaya province into two provinces: Papua and West Irian Jaya, which took place in 2003. Sorong, a busy seaport has been the popular gateway for migrants from other islands of Indonesia. The emerging mining town, Timika, was developed by the mining giant Freeport, where native Papuans are a minority. Biak, another town in the north, was once a major tourism destination, while Merauke on the southern coast of Papua and Fak Fak in West Irian Jaya are two other towns with a high concentration of migrant workers. This provincial assessment was based on a study and observation carried out in Sorong, Jayapura, Biak, and Merauke as well as a field visit to Mappi and Ternate, North Maluku, a key transit point of women from North Sulawesi and East Java, on their way transported to Papua.

2. Papua - a destination for migrant workers

For almost a decade beginning in the 1970s, the government of Indonesia carried out a transmigration program, under the sponsorship of the World Bank, to relocate families of farmers from the heavily populated Java Island, into newly established settlements in Papua inland. This program was followed by waves of voluntary migration from Java and Sulawesi islands, and most of the transmigrants were settled along the boundaries of Indonesia and PNG, close to

Jayapura and Merauke (www.cs.utexas.edu). At present, such migration still takes place, but at a much lower scale and people come to Papua to work and not so much to settle down. The job market in Papua became attractive for Indonesians from other islands because Papua's population is sparse, and it is reported that not many Papuans seek jobs.

Trafficking to Papua started as traffickers took advantage of the popular belief in other parts of Indonesia that there was an abundance of jobs in Papua and the pay was good (As a matter of fact, the average monthly non-agricultural wage for women was close US\$97 – the highest in Indonesia). Women and girls from other islands were recruited and transported to Papua with promises of well paid jobs in supermarkets, shops, and restaurants, but being forced into prostitution. It must be noted that the only form of trafficking to Papua is for the exploitation of prostitution of others and for no other purpose. With time, trafficking to Papua became fairly extensive because of the ease with which traffickers could operate – perceptions of prosperity, Papua's geographical isolation, and a fairly demonstrated lack of will of most of the local governments in Papua and West Irian Jaya to do much to curb trafficking.

From the perspective of migrant workers, Papua is attractive and promising, compared to the regions they came from: East Java, East and West Nusa Tenggara, the Maluku, and Sulawesi. The fact that most of the habitations of Papua lie along its very long coastline, and are connected by waterways with almost all other parts of Indonesia – from Kupang and Surabaya in the south to Bitung, Makassar, Jakarta, Balikpapan, and Batam in the west, compounds the problem of trafficking. Domestic and foreign liners regularly call on all the ports of Papua for cargos of minerals and timber. The sailors and other visitors, and a class of Papuans who have prospered from its wealth generate a strong demand for commercial sex. Local governments regard the adult entertainment sector as not only an aid to generating tourism revenue but a significant revenue earner itself. A very high ranking government official from one of the towns visited by the assessment team preferred to call his town the “city of happiness” because sailors sailing in the high seas liked to stop there for a few days of relaxation – the nature of pleasure they looked for being mostly carnal. Papua is primarily a destination area for traffickers. Claims of Papuan women being trafficked out of Papua, or Papua being used as a transit point for trafficking women to the Philippines are not well supported by evidence.

a. Trafficking for Sexual Exploitation in Papua

Estimated number of trafficked women in Papua

In 2003, Rosenberg stated that a NGO from North Sulawesi reported that local young women were transported to Papua to provide sexual services to migrant workers in mining area (Rosenberg, 2003b). There are, in fact, more such reports. In

August 2003, *Tabloid Komentor & Manado Post* reported that local police prevented 23 women from North Sulawesi from being involuntarily hired as sex workers in several towns of Papua such as Timika, Sorong, Jayapura, Biak and Serui, (the same news was reported in *Liputan6.com*). In 2004, Kerukunan Keluarga Kawanua (*Family of North Sulawesi People*) in Timika recovered 13 young girls who were trafficked from their native region (www.tempointeraktif.com). A NGO from North Sulawesi, Pusat Informasi & Perlindungan Perempuan and Anak (PIPPA) also reported that 22 of 35 women and girls who were survivors of trafficking to Papua were accommodated in their shelter during 2002 to 2005 (List of victims of trafficking, PIPPA, 2005).

In the recent years, many more evidences appear to confirm the fact that Papua is a major destination for domestic trafficking. ICMC conducted an assessment in Papua in 2005 which strongly suggested that on an average at least 800 to 1,000 women and girls from other provinces were deceived into prostitution in Papua every year.¹¹⁰ Because of its clandestine nature, numbers are always difficult to estimate.

The ICMC assessment of trafficking to Papua (2005) estimated that 3,775 women and girls were engaged in prostitution in seven settlements of Papua and West Irian Jaya. Forty percent of them worked in karaoke bars and discotheques, 28% in *lokalisasi*, 23% were in street based prostitution, and 9% worked in massage parlors. Timika had the largest concentration of *lokalisasi*, but the number of women in prostitution was the highest in Jayapura.

Table 3.64:
**Estimated number of women and girls found in *lokalisasi*
and other identifiable locations for prostitution**

Municipality / other settlements	Lokalisasi		Mini Bar		Massage parlor		Street based	
	No of locations	No of Women						
Biak	1	+/- 60	7	50	10	+/- 50		
Fakfak			4	100				
Jayapura	2	300	25	370	13	136	3	500

¹¹⁰ Table 2.9 in Chapter II estimates an inflow of 3,221 women and girls in *lokalisais* and other identifiable complexes managed by the Department of Social Affairs between 1994 and 2004. Given the increasing numbers reported over the 10 years in question, the number of women and girls who were forced into prostitution in, say, 2004 was likely to be considerably higher than that in 1995. So, the simple average of 322 (3,221 divided by 10 years) for those ten years has to be suitably factored to estimate the inflow, say, in 2004. Also, as the enumeration of 2005 demonstrated, almost one-third of the women and girls in prostitution operated from massage parlors and streets which were unlikely to be reported in the records of the Department of Social Affairs in Papua. Based on these assumptions, the annual likely volume of trafficking inflow arrived at by the 2005 assessment carried out by ICMC is not likely to be too far wrong.

Mappi	1	98						
Merauke	2		10		2	NA		
Sorong	1	219	22	313	5	58	5	+/- 360
Timika	1	400	9	110	10-15	100		
Sub total	8	1.077	78	1.494	40-45	344	8	+/- 860

Source: ICMC (2005: 35-36)

Furthermore, ICMC team also found out that almost all women working in entertaining and commercial sex sector in Papua had been trafficked because of the following reasons: they were recruited with deception, confined in their place of work, and exploited for prostitution. In one particular brothel in Eci, 49 of 61 women and girls had stayed for less than four months before being moved to other locations, very similar to the practice followed by mini-bars, to indicate that their itineraries were managed by others. Based on the collection of data, including some interviews with local authority and local players, ICMC arrived at an estimate of the number of trafficked women and girls in Papua to be around 3,130.¹¹¹

Table 3.65:
Estimated number of Trafficked Women and Girls in Papua

Place of Work	Estimated total number of women and girls in different locations	Percentage of women and girls estimated to be trafficked	Estimated number of trafficked women and girls in prostitution
Mini-bars and cafes	1.494	100% ¹¹⁶	1.494

111 This is a number that represents the total number of trafficked women and girls in Papua in September 2005. This should not be confused with the numbers trafficked every year. Trafficking flow to Papua is significantly more cyclic than other locations in Indonesia – there is a turnover of almost 3 times in a year, with many women and girls moved back and forth between North Sulawesi, North Maluku, and Papua.

112 The essential elements that define trafficking to Papua are recruitment by means of deception, transportation involving significant costs, and forcing women to sexually compromising situations through debt bondage. The ICMC assessment (2005, October) noted that women migrating to Papua with help of agents / brought to Papua by agents start with initial debts made up of their cost of transportation, and perhaps a little mobilization advance (overt – the would be migrant knows about these, and agrees to pay back from her earnings); and other charges and commissions (covert – not disclosed till much later, often very close to the end of the contracted period when she does not have a choice rather than signing another contract). Some are able to pay off their debts and escape the net, while some others get trapped. Some are in occupations that do not require sexual services to be provided. Some others are. On the basis of the assessment it is possible to say that the highest proportion of trafficked women (and children) in Papua are found in places of entertainment (karaoke bars, discotheques and massage parlors) and in *lokalisasis*. Children forced into prostitution were seen in *lokalisasis* and in street prostitution, but not so extensively in other places of entertainment

113 The same argument applies.

114 At least 50% of the street based prostitutes in Papua are under-age

Massage parlors	344	100% ¹¹⁷	344
Brothel complexes	1.077	80%	862
Street based	860	50% ¹¹⁸	430
Best Estimation	3.775	83%	3,130 with \pm 900 of them being under-aged

Source: ICMC (2005: 37)

Profile of Women and Girls trafficked into prostitution in Papua

The ICMC assessment found that there were three types of migrant women workers in Papua – firstly, those who got what they expected (salary, security, proper living conditions). They were workers in local industries such as fish canning, plywood etc. They enjoyed similar standards of living and benefits as other women workers did in other places. The second group was those who were less fortunate; they worked in legitimate establishments but with less salary and in inferior working conditions. Generally, they were not subjected to sexual exploitation by their employers or customers, although some of them carried debts. These were the women employed in supermarket, shops, restaurants, and food stalls. The ICMC assessment team could not, however, ascertain whether these women were under any kind of compulsion to continue working.

In the third group belonged those who were indebted right from the moment they arrived in Papua, which did not allow them to choose the nature of employment in Papua nor bargain about wages. They worked for commercial establishments, but under contracts that allowed no personal freedom. Many of them underwent exploitation of their labor, and at times sexual. In its worst form, such women and girls were consigned to lokalisasi, karaoke bars, and massage parlors. Most of the trafficked women belonged to this group.

Age

The trafficked women in Papua were found to be in the age-group of 14 to 50 years. The older women often worked in massage parlors. Some sample data collected in Sorong, which could apply equally to other areas, showed that in 2004, out of 57 women working in mini bars, only one was found to be under-18 years of age (see table 3.66). However, because of the tendency of younger girls in prostitution to inflate their ages so as to avoid being taken into police custody, at least half of the women who reported that they were 18 to 20 years old, could have been under-18 too. So, the actual proportion of under-18 girls in prostitution in Papua might be in the region of 14% - mostly fresh recruits.

Table 3.66:
**Age breakdown of women workers in Mini Bar and Massage parlor
in Sorong**

Age	Number of Female and Under-aged Female
Mini bar:	
< 18 yrs	1 (1.75%)
18-20 yrs	14 (24.6%)
21-25 yrs	29 (50.9%)
> 26 yrs	13 (22.8%)
Total	57 (100%)
Massage parlor:	
> 26 yrs	12

Source: Office of Women's Empowerment, Sorong, 2004 (quoted from ICMC, 2005)

ICMC team conducted interviews with 52 women working in karaoke bars, massage parlors, and *lokalisasis* spread across Papua and found four of them (7.7%) to be below 18 years. The assessment team was aware of the presence of a number of young girls in some of the *lokalisasis* (Yobar and Bel Rusak in Merauke, Tanjung Elmo in Jayapura) of Papua, but their ages could not be verified because of the atmosphere of high surveillance. Police and NGOs in Papua confirmed that there were under-aged girls in prostitution. Data collected from PIPPA's shelter in Manado, North Sulawesi suggested that 10 out of 18 women recovered and returned from Papua, who stayed in the PIPPA shelter during 2004-2005, were below 18 years of age. This could be because of the fact that during raids, police tend to take into custody mostly those considered to be children.

Educational Background

Based on the only survey conducted by Sorong Manpower Office in 2004, which could be equally representative of the situation in other parts of Papua, a good majority (96%) of women working in bars and discotheques had passed SMP (Junior high school) or SMA (Senior high school) level (table 3.67). Possibly, this seemingly higher level of education was because of the fact that these were particularly those aspiring women who could be deceived with offers of decent jobs because they believed they had the necessary qualifications.

Table 3.67:
Pattern of Education Background among Workers of Entertainment places in Sorong Municipality, June 2004

Nature of Establishment	Number of establishments surveyed	Number of workers	Education level (%)				
			Elementary school (SD)	Middle school (SMP)	High school (SMA)	Diploma	Under-grad. degree
Factory	13	1,403 (100)	7	12	77	2	2
Services	8	110 (100)	11	17	63	6	3
Other non service	4	106 (100)	3	9	86	1	1
Shops & supermarket	14	308 (100)	5	8	84	1	4
Bar and discotheque	17	314 (100)	4	28	68	-	-
Restaurant	4	53 (100)	17	64	19	-	-

Source: Office of Labor Inspectorate, Sorong Municipality, 2004 (quoted from ICMC, 2005)

Women and girls from North Sulawesi demonstrated relatively higher levels of education compared to those from other areas. They also made up almost half of all the women workers in entertainment establishments. It could be inferred that those working in bars and cafes are more educated than those found consigned to *lokalisasi* and massage parlor. Some of the women working in cafes and bars could converse in English. Higher education among women working in bars and cafes would also be expected because other than providing sexual services, their job also demanded that they engage their customers in conversation and persuade them to consume more beer.

Marital status

Women – both married and divorced, constituted a good proportion of the workers in karaoke bars and cafes. The married and divorced women were mostly from North Sulawesi. Some of them had small children staying with them.

Methods used by traffickers

Methods used for recruitment often provide the key to whether an act of trafficking has been committed. Almost all the women and girls found trafficked into prostitution in Papua were brought by recruitment agents and brokers who also bore the traveling expenses initially. In some instances, the women borrowed some money, too, from the brokers to provide for their families while they were away. The women generally agreed to repay such debts through salary deductions.

A woman employed in the bar normally came in with a starting debt of approximately US\$ 330 – 440. This is made up of two-way passage (varying between US\$ 110 to 220 depending upon the port of embarkation), pre-departure advance and the agent's profits. For accommodation, food, electricity and water they were charged between US\$ 4.4 to 5.5 per day. Over a 4-months contract this added a further US\$ 550 to US\$ 660 to the initial debt. So, most of the women were required to work off US\$ 880 to 1,100 in four months in order to be allowed to return wherever she came from. Some women from North Sulawesi said that it all began with newspaper advertisements they read offering openings for Public Relation Officer in hotels in Papua with salary exceeding US\$ 330 per month. These women were reasonably educated and smart. When they approached the advertisers, they were offered four months contracts in entertainment establishments in Papua. Though the contracts often said that the jobs were in karaoke bars, they were hardly informed about the sexual services that might also be a part of the job. Some others did say that they were told about it, but then, the promises of income were much higher. Under economic pressure and lack of job opportunity in their native places, the women were forced to take decisions based on imperfect information. Some of the women also paid agents some kind of a recruitment fee to get the jobs offered. After they reached Papua, often they were forced by their circumstances to enter into further contracts, each with more oppressive terms than the one before – one after another, with the same agent or other agents because they were unable to repay the debts they carry. Not many are able to escape the carefully laid traps by the traffickers and their agents. The cycle carries them from one location in Papua (generally starting with Sorong) to other remote and nameless ones. Sometimes, these debts are used to co-opt trafficked women to become recruiters themselves. The managers come up with a 'solution' that looks favorable to a woman heavily in debt. She will be allowed to leave on condition that she must find a replacement for herself. Many a times, such women end up recruiting more than one girl to be able to earn their own freedom (Interview of survivors by PIPPA).

A source in Sorong police said that some young girls from Manado, aged between 16 and 17 year, were actually sold by their parents to an agent to pay off debts. The agent, as promised, returned the girls after they worked for four months in Papua. However, the police officer said that the girls were sold again by their parents, this time to a different agent. To the assessment team, this story reflected some of the attitudes prevailing in the local administration that the recruitment agents and the owners of the entertainment establishments were honest, and the women and their families were actually the ones responsible for whatever happened to them in Papua.

Many young girls from North Sulawesi arrived in Papua without any identity document (*KTP*) because they were not yet 18 years old. Later, the agent / pimp arranged for them to get an ID issued by the local police. In doing so, most of their personal data were falsified, including names and age; and under occupation,

they were called “Pekerja Hiburan” (entertainment workers) working for the establishment they consigned to.

For these girls, such ID cards act to their disadvantage. If they manage to escape, then the local police hunt them out and take them back to the establishments mentioned on their ID cards. When they are returned to the establishment engaging them, the owners punish them severely, impose fines, and put tighter controls in place. The system of ID cards has created the notion that the local police is in hand-in-gloves with these establishments of ill-repute.

Condition and situation of trafficked women and girls

There is much evidence that women trafficked to mini bars and massage parlors have very little choice over where and how they stay. Most of them are forced to live either on the premises, or in accommodation arranged by their employers. Four to eight women share a room, and sometimes, the owner / *mamasan* also sleep in the same room as the girls. The living premises are often ill ventilated, hot and suffocating. The owner provides the meals, so there is limited variety or choice of menus. The costs of accommodation, food, electricity and supply of water for personal use (like ablutions and bath) is charged as expenses against salaries promised to them. One of the younger girls interviewed complained that she was scared to sleep in the night as big rats ran all over the room she was allotted. The women trafficked to mini bars and massage parlors also reported little or no mobility. Normally, they are simply not allowed to leave the premises unless they were booked by a client to be taken to a hotel. Even that required that the trafficked woman is dropped off at the hotel and collected by an escort from the bar. The women in the massage parlors were not known to be offering services off the premises.

Similar restrictions applied to the women in *lokalisasi* who were on short-term contracts. On the other hand, those who were older and had decided to stay enjoyed more freedom. However, it was not easy to go out frequently from *lokalisasi* as more often than not those were located in isolated areas far from townships. In comparison, child prostitutes working from streets enjoyed greater mobility. Some of them also lived in groups in boarding houses, and had the luxury of consuming food and drinks of their own choice. The relatively better off among them also indulge themselves with fashionable clothes and cheap cosmetics.

Some of the Christian women said that they are escorted to the church for a couple of hours on Sunday mornings. Once a significant amount of the “debt” had been worked off, some of the women are allowed to go out escorted by motorcycle drivers on the employers’ payrolls. One redeeming feature about the owners of places of entertainment was overtly displayed concern for the infants and children

who are forced to come / live with their mothers. Irrespective of whether it increased the mothers' debts, the children enjoyed considerable love and care.

Though there are minimum wage stipulations in Papua, service based establishments normally pay less than the stipulated minimum. According to Manpower Office sources, though the minimum wages are higher in Papua than in other provinces, the cost of living is higher, too. One of the Labor Inspectors interviewed said, "*Those (working) in bars are not regulated by local employment rules – they just come and go as they like*".

Working conditions vary among types of establishment – mainly because of the nature of its basic business. Whereas *lokalisis* and massage parlors operate almost round the clock – starting at 11 am and closing late in the night, bars and discotheques are open from 7 pm to 3 am (though 1 am was the official closing time). Street based prostitutes start taking up their positions after sunset, and depending upon where they deliver their services, working hours could last till midnight or 1 am. Whereas sex is not an essential part of the services rendered by those working in bars and massage parlors, it is so for those working the streets or from *lokalisis*. Some bars and massage parlors allow the women to refuse sexual services, whereas some others do not.

Women in the bars of Papua were not ordinarily allowed to choose the clients they wanted to serve. Either the bar managers allocated clients to the women, or the clients were allowed to choose. However, if the bar managers ever noticed any special relationship between a client and a hostess that was financially profitable for a bar, then some concessions would be made.

Routes of trafficking to Papua

The ICMC assessment team (2005, October) found that most of those trafficked to Papua / West Irian Jaya were women and girls from other islands of Indonesia. Fifty-four percent of the trafficked women and girls came from different parts of Sulawesi - such as Manado, Makassar, and Toraja. Thirteen percent were from West Java – from the Karawang region. The rest were from Central Java (9%), East Java – particularly Banyuwangi, Malang, and Madura (6%), and Jakarta (8%). The ICMC team found that the composition of women and girls employed by a bar was quite in line with where the owner came from. Some bar owners in Merauke migrated from Kediri and Banyuwangi in East Java, and in turn they preferred to only bring women and girls from there. In the *lokalisasi* of Eci, women from East Java were the largest in number, followed by those from West Java and Central Java. Two women in prostitution in Eci were actually born in Merauke on the southern coast of Papua which received the first waves of transmigration in the 1980s (Data from Women Empowerment Office of Sorong Municipality, 2004, and List of Sex workers maintained by the sub-district office of Ase / Eci).

Since 1995, Pelni operates 6 ships on its routes to Papua. All routes in which Pelni's ships ply are used for trafficking. Trafficked women are on every ship that arrives in Papua. Since there are not more than 4 to 6 women on any ship, each unknown to the other, they do not attract attention of either the ship's crew or the port authorities. The box below shows the ports in Papua and the source areas that are served by Pelni.

Routes of PELNI vessels

- Tanjung Priok – Semarang – Surabaya – Denpasar – Kupang – Ambon – Sorong
- Surabaya - Denpasar – Kupang – Ambon – Sorong – Biak – Jayapura
- Surabaya - Makassar – Sorong – Merauke
- Surabaya - Sorong – Biak – Jayapura
- Surabaya - Balikpapan – Sorong – Biak – Jayapura
- Manado - Sorong – Merauke
- Manado - Sorong – Jayapura
- Manado - Jayapura – Timika
- Manado - Timika – Merauke – Eci
- Batam – Makassar – Sorong – Manokwari – Jayapura

2. Some Issues Specific to Papua

Paying for Gaharu with sex

It is perhaps pertinent to mention a form of trafficking that is unique to Papua. Some women are promised partnership in eaglewood ('*gaharu*' - a type of aromatic wood found in the Asmat region of Papua) business. Later, they find themselves becoming an instrument for barter of eaglewood. While they provide sexual service to "eaglewood hunters", the male pimp (Daddy) takes the eaglewood, and the women receive little to nothing in terms of compensation. The better the quality of the eaglewood, the longer she has to provide sexual services to the collector. Some women come on their own will; some with their agents. Those who come on their own often had been in prostitutes in their previous towns of residence (www.kompas.com, March 29, 2004).

Those women trafficked to provide sex to *gaharu* collectors are mostly forced to live in barracks with the men. This does not allow the women even the minimum of privacy and modesty. Although these women are often allowed to go wherever they want to, they cannot do so because the villages are in the middle of nowhere, or heavily guarded by armed forces. Perhaps, the story of Intan will not be out of place here to give some idea about the working conditions of women recruited to provide sexual services in the *gaharu* business.

Intan's Story

Intan (not her real name), aged 26 years, is one of 600 prostitutes who work in Asmat. She reported that in November 2000, she was brought by H. Koffid and his wife from Merauke to collect *gaharu* (eaglewood).

"The agent paid me transportation costs of US\$ 20 to go to Waganu in Asmat by ship. I worked in H. Koffid's bar for the first two months without receiving any money. H. Koffid's wife took all the money I got from clients in repayment of my debt. After a year, H. Koffid told me that the income from *gaharu* was decreasing and, therefore I must move to the forest in Etji. I was forced to collect *gaharu* from Asmat men as much as possible. I had to provide 4-5 days of sex for a kilogram of good quality *gaharu*. Those who had less than a kilo *gaharu* would get 2-3 days service, depending on negotiations between the "daddy" and the collector. All the *gaharu* was taken by H. Koffid. I only received a salary of US\$ 220 per month. In July 2002, I started falling ill and it was difficult to find medication for me in the forest. I was brought back to Merauke in a critical condition." After medical tests, it was found that Intan was infected with HIV.

(Source: "*Gaharu, Pintu Neraka*", 2002)

3. Perceptions About Trafficking of Women to Papua Among Government and Non-Government Organizations

This section is devoted to perceptions of the government departments (GOs), inter-governmental organizations (IGOs) and non-government organizations - both local and international (NGOs and INGOs), to trafficking in Papua.

Perceptions of Government Agencies in Papua

The assessment team tried to get some understanding of how four main departments of the government which, it thought, will have some stake in the issue viewed trafficking of women to Papua. These were the departments of Women Empowerment, Social Affairs, Manpower, and the Police. Some of the discussions are summarized below.

Office of Women Empowerment

Structurally, the Office of Women's Empowerment at the provincial level came under the Office of People's Empowerment. The current thrust of the women's empowerment office was on gender issues and domestic violence. Primarily, these monitor activities of housewives in the villages where, culturally, the women were

under pressure. In Sorong, they were planning to build an integrated service center for distressed women.

Office of Women's Empowerment Sorong municipality was aware that trafficking of women takes place to Sorong, Jayapura and Timika. It maintained data on the number of women workers in bars, massage parlor and in *lokalisasi*. Officials of Timika Women's Empowerment Office met with the provincial House of Representatives in North Sulawesi to discuss the issue of under-age workers being allowed to come to Papua. They felt that their intervention was responsible for the local regulation the administration in North Sulawesi drew up in 2004 (Perda No.1 of 2004).

However, some of the persons interviewed regretted that trafficking was still a low priority issue in the province and there had been no "socialization" of trafficking issues. Unlike Papua, no representative of women's empowerment office West Irian Jaya was included in the Standard Operating Procedures (SOP) Training organized by the Women Empowerment Ministry. Nor have they handled any case of trafficking because no one ever filed a report. Women's empowerment office Sorong had no space for dealing with survivors of trafficking. If a trafficked woman was brought to them they would have to hand her over to the police. The provincial women's empowerment office was in the process of drafting a local regulation on trafficking.

District Social Affairs Office

Once every six months Social Affairs Office Jayapura goes to the places of entertainment i.e. bars, massage parlors etc. to collect data on their women employees. According to Ibu Berta (Social Affairs Official), "*this (periodic) data collection is necessary because those women frequently migrate to other places*". However, Social Affairs Office Jayapura has no activities for these women as they think that "the women would not have time for training" because of their busy schedules. Social Affairs Office in Timika, on the other hand, had offered a vocational training program to women in prostitution in 2003. However, their budget did not support setting up small business following the training, and therefore, the training was a failure. Jayapura Social Affairs Office has vocational training facilities for women engaging in prostitution in and around Dock IX

Provincial and District-level Manpower Offices

Manpower Offices' role is to mediate between industries and their employees. Law No. 7 of 1981 makes it mandatory for all employers to recruit through Manpower office. Additionally, they have been vested with responsibilities of inspecting working conditions and settle disputes between employers and employees.

People leaving a province to go to another in search of a job have to get “Akad” – a permit from the authorities of the province of origin. An “Akad” can even be given by a village head. Those who have an Akad, and are 18 years or older, are entitled to a “Yellow Card” issued by the receiving Manpower Office, which makes them eligible for employment. These are valid for 2 years after which those must be renewed. Manpower office officials are aware that often ID cards (or Akad) falsify the holders’ age. But since Labor Inspectors do not have investigative powers they are helpless to take any action. Manpower offices claim that most of the women arriving in Papua do not approach them, but seek jobs in supermarkets, karaoke bars, restaurants and construction sites through private channels. There are currently no labor export agencies in Sorong, but it is believed that the new oil company in Bintuni was expected to appoint a recruiting agent.

Manpower office is supposed to be responsible for the safety of only those workers with “Yellow Card”. There are Special Police Investigators to look into criminal cases concerning labor. Those who do not have “Yellow Cards” must go to the Police in case they have problems. However, Manpower office officials claim that they try to help even those who do not have “Yellow Cards” – especially those employed in karaoke bars, massage parlors and shops. A statement that summarizes the role of Manpower office with respect to trafficking in Papua is that they have “never heard of any case of trafficking”.

Police

In the same vain, the Police chief in Biak started by reassuring the assessment Team that there was no *lokalisasi* in Biak Municipality. Actually, there were two – even if the first one off Jl. Sudirman (close to Peln’s Biak office) is very small and could escape detection, one can not miss “by chance” the *lokalisasi* behind Pasar Impres.

In Sorong, however, the police was not so confident. One informant said that “No trafficking in Sorong, but sometimes people bring women here on false promises.” Another admitted to some, but “not many cases of trafficking”. Finally, both of them confessed that they found it difficult to identify cases of trafficking, though “pimps” regularly registered prostitutes with the Police. (Note: The ICMC Assessment team felt that the traffickers do this on purpose to scare the trafficked women – “registering” gives two messages, firstly that there is nothing illegal about their employment conditions; and secondly that if they try to run away the Police will arrest them on charges of dishonoring the contracts they had signed). She finally admitted that “(trafficked) women may find it difficult to talk to male officers.” There was only one Special Service Room (for women) / RPK in Jayapura which carried an overload of domestic violence cases.

It may not be out of place to mention that more than one government departments met in different towns, especially Manpower office and the Police, repeatedly

said that discotheques and karaoke bars were “good for local economy”. A senior people’s representative from Sorong was a step ahead of others when he justified all these and *lokalisis* by claiming that Sorong had been a “City of Happiness” for as long as he could remember.

Perceptions of the Papuan Civil Society

Most of the Papuan civil societies felt that trafficking in women is not a serious issue for Papua yet. For them, there are much bigger issues like peace building, poverty, domestic violence, education of Papuan children, and gender that need immediate attention. Yet many seemed to agree that, in the ultimate analysis, trafficking in women is a violation of women’s rights.

There was a point of view in Sorong that trafficking in Papua is migrants’ problem, because traffickers and their victims were migrants. To make matters worse, the trafficked women were “also prostitutes” who “disturbed our men” and “dressed in a way that influence our women and destroy our culture”. Many felt that “outsiders have jeopardized our lives more than helping”. Other NGOs contest this view. They argued that they see it as human rights violation and it should not happen in their land.

In 2005, LBH HAM in Sorong concluded a video-documentation on trafficking. They felt that their investigations showed that cases of trafficking were few in Papua. At the same time they also said that certain entertainment establishments in Sorong engaged girls who were “not even 14 years old”. They also said that they had found out that women from Sorong were being taken to Bintuni to provide sex to higher officials of logging companies - mostly foreigners. There were cases of some ships picking up prostitutes for during-the-voyage sex by the crew, and dropped them off at other ports, or in Sorong on their way back. LBH HAM admitted that lack of knowledge about the issue and resources prevented them from working on trafficking.

Some of the organizations met during the assessment showed interest and had potential to working on counter-trafficking. Some of them (from Women’s empowerment office and the Police) have already received counter- trafficking training in Java (Jakarta and Bogor). Some have helped in returning trafficked women and girls. Unfortunately, so far the assistance given to trafficked women and girls were case by case – often not even recognized as incidents of trafficking.

Chapter IV:

Emerging Issues

A. Debt Bondage

Jamie Davis

I paid 500,000 rupiah and then they sent me to the shelter [agency]. The [agent] told me it would be a seven-month deduction, but when I arrived, I found out it was ten months. So I had no other choice but to carry on. If we return [to Indonesia early] we have to pay ten months salary. The agent in Malang told me this. If we didn't pay, they would abuse us and send us to Batam [an area notorious for sex trafficking]. A lot of friends [other domestic workers] who are unsuccessful with their employers, they go to Batam and face abuse from the agent. Some girls got hit, they could not go out.

– Dewi Hariyanti, age 20, Indonesian migrant domestic worker, Singapore, 2005 (Human Rights Watch, 2005a: 21)

He said he'd pay. I told him I don't have money to pay. He didn't say my salary would be deducted. My pimp told me later on.

– Lula, age 18, Waitress at Mangole café, Ternate, 2006 (Atma Jaya, 2006)

The term “debt bondage” refers to a modern form of slavery in which a person is bound in servitude by debt, rather than legal ownership. Like trafficking, debt bondage is a complex issue and experts explain it in different ways. Debt bondage and trafficking often become interconnected – and economic exploitation through forced labor is ever present in both of these crimes. Before looking at the international definition of debt bondage and how it applies to trafficking of Indonesians, this section will first look at types of debt followed by a look at the nature of bondage as they apply to labor migration in Indonesia.

1. Debt and labor migration: The pressure to make money

People migrate to work abroad or to other parts of Indonesia for a variety of reasons. For most of them, a central motivation is the hope to earn enough money to improve their economic situation and increase their material wealth.¹¹³ Nearly all of them share the same perception: that migrating will result in making money for themselves and their families faster and in greater amounts than if they did not leave their homes. Some of them are from families in abject poverty and are

113 A study of trafficking in 41 countries demonstrated that a desire to improve their economic conditions combined with a lack of economic opportunities at home was one of the main reasons women seek work abroad. See page 61 of Wijers, M. & Lap-Chew, L. (1999). Also, motivations for migrating are shared in the stories of Indonesian migrant workers in the book by Anggraeni (2006).

driven by the hope that the job away from home will help their family to survive day-to-day. Others may not be so desperate and may simply see migration as an opportunity to bring in enough added income to build a better home, buy additional farmland or accumulate enough capital to start a small business.¹¹⁴ But for nearly all Indonesians who migrate for work, the costs associated with migration represent a significant investment and economic risk. Many will be put under intense pressure to make enough money to pay back debts that accumulate during the migration process and, perhaps, debts that existed before they left home to work. The following is a brief look at the types of debts that such workers may be expected to pay back.

- ◆ ***Family Debt Existing Before Migration*** – Some families may already be in debt before the worker migrates. Indeed, the decision to migrate may be seen by the family as the only way left to them to pay off their existing debts. The reason the family fell into debt may be due to the need for fast cash to pay for a medical emergency, a wedding, seed for the upcoming planting season, or to help cover day-to-day living costs. These debts may be owed to distant relatives, friends, neighbors, or village moneylenders. Very few rural families seek loans from banks due to requirements for collateral and/or because they are mystified by the seemingly complex bank bureaucracy. As such, some of these debts may carry exorbitant interest rates and the family may stand to lose their house, a cow, or their rice fields put up for collateral. Families in extreme debt situations may be desperate for the worker to send money home as quickly as possible to help pay off these debts.

- ◆ ***Debt Created from the Migration Process*** – Most families do not have the economic means to pay up front for all of the costs associated with migration. At some point, the worker is likely to enter into a debt in which it is understood that future earnings will be deducted to pay back the “loan”. Throughout the migration process the pressure to make money from the upcoming work will intensify as costs multiply. For some, extension of “credit” will begin immediately as they cannot pay the recruiter or broker in the village for costs associated with the first stages of migration. For others, the debt to middlemen involved in the migration process may begin once arriving in a place of transit or upon arriving at the place of work. The families of these workers may have sold or pawned a cow, a rice field, or what little gold they have to immediately pay the village broker for initial costs upon recruitment. Some may pay up front by taking out a loan from a village moneylender at exorbitant interest rates, risking their homes or rice fields used as collateral. Even others may actually receive a cash advance from the village broker in addition to the credit to cover initial migration costs. By the time the migrant reaches the destination of work, whether this is in another part of Indonesia

114 For more information on poverty and migration, see Rosenberg, (2003b: page 119 or 2003a: page 137).

or abroad, she/he will likely understand that all or part of the earnings made in the first several months of work will be used to pay these middlemen. It is well-documented that many of the charges and fees passed on to workers by middlemen (such as brokers, labor export agencies and foreign placement agencies) are inflated and illegal.¹¹⁵ Nonetheless, the worker and family must wait until these debts are paid off before they can see any income – some of which may be desperately needed to pay back debts to lenders in the village.

- ◆ *Debt Incurred on the Job* – Upon arrival at the employment destination, some workers are forced to swallow additional costs and debts passed on to them by the employer – some or all of which may be arbitrary and set at inflated prices. These may include costs for accommodation, food, medical attention, new clothes, and cosmetics (the latter costs particularly when the worker is employed in the entertainment industry or forced into prostitution as described below). Some employers will impose fines on the worker for breaking or damaging property (dishes, kitchen appliances, clothes, etc.) or if the worker is perceived to have been negligent or not hard-working. Workers wishing to switch to a different employer (if working overseas, for example) are charged extra fees by the agency for new placement as well as for room and board during the transfer process. Some employers force such transfers (again, particularly for workers in the entertainment industry or forced into prostitution) and charge associated costs to the worker.¹¹⁶ In some cases, the debts keep mounting in a snowball effect, with the worker placed in a situation in which it seems she/he is powerless to reduce the debt.

Each worker may experience a different scenario of debt from the many potential types described above. At a minimum, most workers are saddled with wage deductions for a number of months to pay for migration costs. This is a heavy burden to bear – especially for the many migrants aged in their teens and early twenties who may never have been away from home before. The pressure to make money as quickly as possible creates a situation in which the worker may feel compelled to endure unfair or even abusive working conditions as long as possible. Many employers understand this and take full advantage of the situation – knowing the worker is likely to put up with disrespectful treatment, overtime work with no extra pay, tasks outside of the job description, and inhumane living conditions. Knowing the unequal financial relationship they have over the worker, some employers also feel they can get away with psychological, physical and/or sexual abuse.¹¹⁷ Twenty-year-old Zakiah’s description of her horrible experience

115 For a detailed description of costs associated with migration and how debt is accumulated, see the section on migration and trafficking in this chapter.

116 The charges described in this paragraph are well documented. For more descriptions, see the series of reports on Indonesian domestic workers by Human Rights Watch as well as An Assessment Report on Trafficking of Women and Girls in Papua by ICMC (2005).

117 For a detailed description of unfair practices and abuses, see the section on migration and trafficking in this chapter.

in Malaysia may provide some insight into the frame of mind a worker may have when faced with the awful decision of whether to silently endure abuse for the sake of money or to take steps to protect herself:

When the lady went to drop off the children to the grandmother's house, the man would stay home...he raped me many, many times. Once a day, every day for three months. He hit me a lot because I didn't want to have sex... [After paying off my three months' debt] I took a knife, I said, "Don't get near me, what are you doing?" I told the lady, she was very angry with me and [the next day] she took me to the harbor and said she bought a ticket for me to Pontianak.

(Human Rights Watch, 2006, July: 16)

For an average person free of debt and financial pressure, it would be unthinkable to freely remain in an employment situation involving such extreme abuse – or any of the exploitative acts demonstrated by many employers of Indonesians working away from home. And yet, the pressure to make money changes the reality and way of thinking of some workers in such frightening and isolated circumstances. In many cases, workers are free to leave such unfair conditions or know that if they complained to a third party, such as in Zakiah's case, the abuse might stop. But workers may also calculate that such action could terminate their employment or create additional fees for transferring to a new employer – and with that comes financial repercussions and possible failure in terms of the expectations placed on them by their family. Thus, with these pressures playing on their mind, some workers freely choose to take no action even though it is in their power to stop the abuse. For other workers, however, debt may not be the only factor paralyzing them in conditions of exploitation and abuse. This is because on top of the pressure to make money, the worker may also be in a state of "bondage". The next sub-section will explore various conditions of bondage as it applies to labor migration and trafficking.

2. Bondage: How and why migrating workers are immobilized

The word "bondage" refers to the state or condition of being bound to an unfree labor system, such as slavery. Defined in a general sense, "bondage" may refer to any state of subjection to a force, influence, or power.¹¹⁸ Bondage may be found in a variety of forms and combinations when looking at situations of Indonesians working away from home, either abroad or another part of Indonesia. Not all bondage situations of migrating workers are directly connected to debts as described above – but many are. The following is a brief look at some of the forms of bondage migrating workers may be placed in – sometimes as a means of trafficking – as well as some of the possible motivations behind these crimes. This

118 See description of bondage by Wikipedia at <http://en.wikipedia.org/wiki/Bondage>

overview is meant to be illustrative only and does not represent a comprehensive picture.

- ◆ **Confinement** – The majority of workers migrating abroad or within Indonesia are confined under lock and key at some point during their migration and/or employment. Nearly every single licensed and unlicensed labor export agency in Indonesia keep candidate domestic workers locked in holding centers for weeks or months before these workers depart for their destination countries. The export agencies claim this confinement is to protect the candidate workers from crime or to ensure they don't become sexually active prior to departure as employers would not accept a pregnant worker. The real reason is that the candidate worker is in debt to the agency due to migration costs – and the only collateral is the worker's future labor. Locking them in the holding center ensures that the worker cannot run away before the labor is "collected". Candidate workers wishing to return home are told they must pay their debt off in cash before they can leave. If the worker is unable to do this, then she must go to work abroad as previously "agreed".¹¹⁹ Foreign labor agencies and middlemen placing workers within Indonesia similarly confine workers before placing them with an employer for much the same reason.

Many foreign employers abroad and a few employers within Indonesia confine domestic workers inside their houses. Such confinement may be due to debt, particularly if wage deductions to repay migration middlemen have not been completed. However, the reason these employers keep their domestic worker confined and isolated in their house may also include a fear that the worker may run away to work for somebody else or that the worker will find out that she is being paid far below what other workers are earning. Employers may also fear that the worker may report any unfair practices or abuse to outsiders. Ultimately, it is most likely that the employer's intent is to maintain a high degree of obedience from the domestic worker by keeping her as ignorant as possible regarding her situation.

Migrating workers trafficked into prostitution also are generally confined or have their movement restricted. Since the brothel owner / *mamasan* or pimp usually pay middlemen for all migration costs as well as the "recruitment" fee, the woman or girl forced into sex work is commonly imprisoned in the owner's facility or is escorted if she ever needs to be outside to serve a client.

- ◆ **Holding of Travel Documents** – It is common practice for employers to hold travel documents of Indonesians working abroad, particularly in Malaysia, to deter the worker from running away. Again, this may be due to the same

119 This practice is well documented in the series of reports by Human Rights Watch as well as from large numbers of Indonesian media reports and interviews conducted with migrant workers by the Solidarity Center/ICMC.

motivations as outlined above under confinement. Nonetheless, many Indonesian workers choose to escape from unfair or abusive employers, leaving their documents behind. Some of these workers will run to authorities or to the Indonesian Embassy while others may seek another employer even though to do so without travel documents is against the law (and thus makes the worker vulnerable to abuses from the next employer who may threaten to turn her over to police if she does not do what she is told).

- ◆ ***Economic Dependency (Non-payment of Wages)*** – Media reports throughout 2005 related stories that many undocumented migrant workers in Malaysia were not able to leave the country during the amnesty period granted by authorities because their employers were withholding wages.¹²⁰ It is well documented that many Indonesians working overseas do not receive their wages until the end of their contract – and in many cases, not at all. This effectively deters the worker from leaving the employer, even if the employer is abusive. The motive of such employers could be similar to that described above, or could be an intent to never pay the worker and to benefit as long as possible from free labor. For workers confined in forced prostitution, brothel owners / *mamasan* may hold on to wages (if they ever intend to pay any) so that the worker is forced to continue to be fully dependent for all daily needs and thus will sink into deeper debt from items provided at inflated prices.
- ◆ ***Geographical Isolation*** – If the location to which the worker is taken is geographically isolated and difficult to exit from, then the person(s) seeking to control the worker may not need to lock up the worker or actively restrict the worker’s movements. Candidate migrant workers transiting in Nunukan, East Kalimantan, for example, generally are free to move around the area as they wish even if they owe a debt for migration. Brokers and agents know that these migrants do not have the economic means to leave. Similarly, physical distances and the prohibitive boat / airfares discourage women and girls trafficked to Papua from trying to leave the island (ICMC, 2005: 9).
- ◆ ***Abuse of Authority*** – Some parents abuse their authority over their children by trafficking them into forced prostitution. In such cases, the brothel owner / *mamasan* or pimp may not need to be very diligent in restricting the movement of the child. They know that if the child runs back home, it is likely the parents could be convinced to return her. Such parents may have taken advance payments of “wages” with the understanding that the child will work to pay back this debt. In other cases, police have clearly abused their authority. For example, some brothel owners cooperate with police – who may be seeking bribes or protection money – to convince trafficked sex workers that it would be pointless to report their situation to law enforcement authorities. In some

120 For an example of one of these reports, see “Mass Deportation Inevitable, says Fahmi”, The Jakarta Post, February 24, 2005.

cases, police guard the facility to ensure nobody escapes. In other cases, workers forced into prostitution are taken to police offices to be “registered” or are shown special letters from police that essentially licensed the brothel’s activities.¹²¹

Another interesting aspect worth noting from the information above is that not all bondage situations involve actual physical confinement of the worker. However, when confinement is used, it is also often in combination with other types of bondage described above – as well as with the pressure on the worker to make money due to debt. Other factors may also be in play as this brief look at bondage is not meant to present an exhaustive list.¹²² However, one should never forget that most forms of bondage center on the use or threat of violence – which is ever present in subtle and/or overt ways in the relationship between the worker and the person(s) intent on profiting from the worker’s labor. This violence can appear in the form of verbal abuse, threats, physical assault and sexual harassment among others.

What is important to conclude from the information outlined above is that workers are not always in bondage situations because of the debts described in the previous subsection. The ultimate reason for the bondage is to immobilize the worker in order to extract forced labor. That forced labor may be for the purpose of paying back the debts described above but also may be for the purpose of generating additional profit beyond those debts. When looking at the term “debt bondage”, therefore, one cannot just connect all occurrences of debt with situations of bondage. Unfortunately, it does not seem that simple. The following subsections will present the international definition and explanations of debt bondage and look at how the term might be applied to the variety of debt and bondage situations (particularly situations of trafficking) in Indonesia.

3. Debt bondage: Its definition and how it is connected to trafficking

The United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, adopted in Geneva on 7 September 1956 defines debt bondage in Section 1, Article 1 as:

The status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

121 See “Behind Locked Gates” page 65. Also see “Teen escapes life of prostitution”, The Jakarta Post, 23 May 2006.

122 For example, see Chapter IV, Section D in Rosenberg for cultural contexts that could also be factors.

The United Nations High Commissioner for Human Rights further elaborates in “Debt Bondage, A Universal Mechanism of Enslavement” (1998):

A person enters debt bondage when their labor is demanded as a means of payment of a loan, or of money given in advance. Usually, people are tricked or trapped into working for no pay or very little pay (in return for such a loan), in conditions which violate their human rights. Invariably, the value of the work done by the bonded laborer is greater than the original sum of money borrowed or advanced.

The ILO further explains debt bondage in “Human Trafficking and Forced Labor Exploitation” (2005):

Debt bondage occurs when a person becomes a security against a debt or loan. It is a situation that lies on the borderline between forced labor and slavery. The individual works partly or exclusively to pay off the debt which has been incurred. In most cases, the debt is perpetuated because on the one hand, the work or services provided are undervalued and on the other hand, the employer may provide food and accommodation at such inflated prices that it is extremely difficult for the worker to escape from debt. Debt may also be incurred during the process of recruitment and transportation, which affects the degree of freedom of the employment relationship at the final stage.

In this same document, the ILO provides the following as a description of the elements of debt bondage:

1. The person as security against debt/loan
2. Works partly or exclusively to pay off debt
3. Debt is perpetuated → difficulties for worker to escape debts
 - Work or services by worker is undervalued
 - Food and accommodation is provided by employer at inflated prices
 - Exaggerated interest rates
4. Debt incurred during recruitment / transportation affect the degree of freedom in the employment relationship
5. Deception regarding rights and working conditions
 - Contacts appear lawful, but employer obtains pecuniary advantages or services by deception, which is unlawful in virtually all countries

Debt bondage – often referred to as “bonded labor” – is not always connected to human trafficking. As defined by the international institutions above, debt bondage itself is viewed as a form of slavery¹²³ and is not always linked to the

¹²³ As noted above, the international definition of debt bondage is part of a UN supplementary convention on slavery. Therefore, debt bondage and slavery should be viewed together. The Slavery convention of 1927 defines slavery under Article 1 as: 1) *Slavery is the status or condition of a person over*

migration or movement of a person as trafficking must be. South Asia, for example, has a long history of farmers who have never migrated but are caught in a cycle of indebtedness, trying to pay off loans by tilling their creditor's land for very low wages. Such wages are rarely adequate to meet basic needs, thus forcing the farmer to take additional loans – resulting in a debt that never diminishes over time. Upon the death of the farmer, the debt often passes on to his children – thus potentially keeping the family enslaved from generation to generation through a never-ending cycle of debt. Such circumstances have been highlighted by the United Nations High Commissioner for Human Rights (n.d):

Debt bondage can hardly be distinguished from traditional slavery because it prevents the victim from leaving his job or the land he tills until the money is repaid. Although in theory a debt is repayable over a period of time, a situation of bondage arises when in spite of all his efforts, the borrower cannot wipe it out. Normally, the debt is inherited by the bonded laborer's children.

In looking at the relationship between debt bondage and trafficking, one must remember that trafficking is a process in which a person is moved into forced labor. Forced labor, therefore, is ultimately the purpose of trafficking – making these two crimes intimately connected. ILO Convention No. 29 (1930) defines forced labor under Article 2(1) as:

all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

The ILO further explains that “*menace of any penalty*” in the definition of forced labor can include the birth or descent into slavery or bonded labor, financial penalties, or induced indebtedness (such as through falsification of accounts, inflated prices or excessive interest rates). This explanation makes it clear that debt bondage and forced labor are also interconnected. Just like trafficking, the general purpose of debt bondage is to extract forced labor for profit. Trafficking can connect with debt bondage when the element of migration or movement is added.

At a national conference on debt bondage and trafficking hosted by the Ministry of Women's Empowerment in September 2006, an ILO Jakarta office representative presented the following chart to explain the connections among debt bondage, trafficking, forced labor and slavery. The elements of debt bondage in the first column correspond to the five elements outlined by the ILO in the explanation of debt bondage above:

whom any or all of the powers attaching to the right of ownership are exercised. 2) The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves.

Debt Bondage in relation to Trafficking, Forced Labor and Slavery¹²⁴

Elements of Debt Bondage	Trafficking	Forced Labor	Slavery
1. Person as security against debt/loan		X	X
2. Works partly or exclusively to pay off debt		X	
3. Debt is perpetuated		X	
4. Diminished freedom in working relationship	X	X	X
5. Deception regarding rights & working conditions	X	X	

The most obvious aspect that can be noted from this chart is that forced labor is connected to all five elements of debt bondage. Also important is the fact that the chart shows that debt bondage, trafficking, forced labor and slavery all connect in the fourth element of “diminished freedom in working relationship” – and this element can be equated to the term “bondage” as discussed in the previous subsection. Therefore, not only does debt bondage and trafficking connect in the sense that forced labor is the ultimate purpose of both, but both use some form of bondage as a means to immobilize the worker to extract forced labor. Another means common to both, as indicated in the chart, is the use of deception by recruiters as a way to lure workers into bondage.

The interaction between trafficking and debt bondage can be viewed in a couple of ways. To help see this, one should look at the Solidarity Center/ICMC Trafficking Framework at the end of Chapter 1 that shows the three elements of trafficking: 1) process, 2) means, and 3) goal. On the one hand, debt bondage can be viewed as a form of exploitation and thus as a “goal” of trafficking – as it is internationally defined as a form of slavery and is interconnected with the definition of forced labor. On the other hand, debt bondage can be viewed as a “means” – as debt may be used as a trap and the act of perpetuating that debt a way to prolong forced labor.¹²⁵ As noted in the text below the Trafficking Framework, debt bondage is inserted in the “means” column due to the way the Government of Indonesia has

124 Presented by Lotte Kejsler, Chief Technical Advisor, ILO Project on Protection of Domestic Workers from Forced Labor and Trafficking on September 12, 2006.

125 Wijers and Lap-Chew (1999) place debt bondage as a “means” in their definition of trafficking in women. See Chapter 2, footnote 2 for the language of this definition.

described debt in the National Plan of Action to Eliminate Trafficking (NPA)¹²⁶ and debt bondage in the Anti-Trafficking Bill.¹²⁷

4. Debt bondage in Indonesia

Indonesian law currently does not recognize debt bondage as a crime¹²⁸. However, just like trafficking, debt bondage can be viewed as a “package” of individual crimes – the combination of which often leads to a greater impact on the trapped worker than the sum of its component crimes. Even though debt bondage is not outlawed in Indonesia, the individual components of debt bondage are recognized as crimes¹²⁹. This subsection will briefly look at these “component crimes” in a way to help understand the overall “package” of debt bondage as well as to identify some ways in which these crimes are committed against migrating Indonesian workers. The five elements of debt bondage identified by the ILO will serve as a structure for this overview.

a. Person as security against debt/loan

At the core of every case of debt bondage is the use of a person (as well as the person’s labor and/or resulting wages) as collateral against a debt or loan. As described earlier in the subsection on debt and labor migration, many migrating workers cannot afford to pay for all costs associated with migration and job placement. It is common practice for migration middlemen to extend “credit” to the worker by deferring payment of these costs with the understanding that the loan will be paid back through future deductions of the worker’s wages. No other collateral is agreed upon – so by default, the person becomes the collateral. This becomes clear, for example, when labor export agencies lock up candidate migrant workers in holding centers before sending them abroad. There is extensive evidence that the motivation for this confinement is to immobilize the worker so she cannot run away before paying off the debt through her labor. Candidate workers who change their mind about migrating for one reason or another are not free to go home unless they can fully pay off their debt in cash. A former migrant worker shared her experience at a holding center with Human Rights Watch (2004a, July: 31):

126 Chapter 1, Section C of the NPA provides a definition of trafficking in which one of the means of trafficking is “misuse of vulnerability (eg. if someone has no alternative, is isolated, addicted to drugs, trapped in debt)”

127 The draft of the Bill at the time of publication included debt bondage as a means in its definition of trafficking.

128 At the time of publication, legislators were deliberating whether the Anti-Trafficking Bill would include a definition of debt bondage. If the Bill is passed with such a definition, debt bondage would then be criminalized under the law.

129 This is similar for trafficking. Until the Anti-Trafficking Bill passes with a definition that criminalizes the “package of crimes” known as trafficking, Indonesian law enforcers have had to fight trafficking using laws that outlaw individual components of trafficking – such as fraud, illegal confinement, rape and sexual assault, etc.

I wanted to go home but didn't know how to run away or go home. Many people ran away. Some people paid the company so they could leave. They had to pay five million rupiah. When [I finally got to go] I felt tired and I didn't want to go to Malaysia anymore.

- Hartini Sukarman, age 24, former domestic worker in Malaysia

Another migrant worker who hoped to work abroad but failed her medical test was told by her agent that she would be sent to an employer in Indonesia to work off her debt:

I burst into tears when he said I was unfit. Well, if I'm unfit then I want to go home. You can't go home, [the agent said]. You have to work locally here. But I want to go home. My husband said no, if I'm unfit I shouldn't work anywhere, I must go home. If you want to go home, there must be two million [rupiah] on my desk, he [agent] said.

- Wurtiah, former domestic worker in Indonesia, 2005
 ("Silent Suffering", Episode 1, 2005)

During a presentation at the national conference on debt bondage in September 2006, legal experts Nia Sujani and Fransiska Asmin concluded that this common practice cannot be deemed legal under Indonesian law. They argued that although Manpower Regulation No. 8 of 1981 on Wages allows for wages to be cut as a way to pay back a debt to the employer or a third party, the wages and labor cannot be considered as collateral. Moreover, they said the regulation is clear that the worker has the right to withdraw from a wage deduction scheme at any time and that the worker has the right to change jobs at will, regardless of debt. They also explained that Civil Law defines collateral to be either non-movable items (such as land or a house) or movable items that can be sold or pawned (such as vehicles, titles to property and bonds). The experts argued that a person and their labor/wages cannot be sold or pawned like other movable items – and thus cannot be viewed legally as collateral.¹³⁰

b. Works partly or exclusively to pay off debt

A worker who must cede all or most of her/his wages to the employer or creditor is in a position of extreme economic vulnerability. With little or no wages, the worker may not be able to cope with daily living costs and may be forced to borrow more money or be placed into bondage by the employer and/or creditor. Manpower Regulation No. 8 of 1981 on Wages stipulates that no more than 20% of a wage can be cut in any given month. Article 33 of Manpower Regulation 104A of 2002 stated that wages shall be cut by no more than 25% per month. One would assume that the drafters of these regulations were partially motivated to protect

¹³⁰ For a full explanation of their conclusions, refer to the University of Atma Jaya's report on debt bondage – which is set for publication in November 2006.

workers in debt from becoming too economically vulnerable. And yet, it is well-documented that many Indonesian migrant workers placed abroad carrying debt have most, if not all, of their wages deducted for several months, as described here:

For eight months, I never received any salary at all. After that, I began receiving only 2,000 Hong Kong dollars per month. At the training camp the Employment Agency asked me to state that my salary was properly paid according to the required government standard.

– Sumiyatun, Indonesian migrant domestic worker, Hong Kong (Asian Migrant Centre, n.d)

In cases such as these, migration middlemen have broken Indonesian law as well as similar laws in several receiving countries, such as Hong Kong (which allows for no more than 10% of a migrant worker's monthly salary deducted – with a minimum monthly wage set at 3,270 Hong Kong dollars).

c. Debt is perpetuated

Without a profit motive, there is no trafficking. Profit comes in the form of cash for prostitution – as women and girls can be re-used extensively before being thrown away by their traffickers. Cash can also be made from the forced labor of persons trafficked into construction and plantation work. Profit from the exploitation of domestic workers comes in the form of extracting free or undervalued labor. One of the elements of debt bondage is the intent to keep the worker in a prolonged state of producing profit by perpetuating the debt for as long as possible.

Traffickers have many methods and tricks to perpetuate debt. Some methods – such as forcing the worker to pay for food and accommodation at inflated prices or underpaying the worker for labor performed¹³¹ – have already been described in the subsection on debt under *Debt Incurred on the Job*. It is estimated that at least half of the women trafficked to Papua to work in karaoke bars and massage parlors, for example, are unable to pay off their initial debt due to these types of methods. As their debt fails to diminish fast enough, these women are forced to offer sexual services in an attempt to bring in more income. Women who can't pay off the debt before the end of their contract are "sold" to another establishment with more debt attached to their new contract. This downward spiral could continue until they end up in brothels (see section on Papua).

Eighteen-year-old Marina, who was trafficked by her own parents into prostitution as a bottled drink seller in Jakarta, explained to Atma Jaya University researchers how she was trapped in perpetual debt:

131 The study by the Asian Migrant Centre, for example, found that 42 percent of Indonesian domestic helpers in Hong Kong were underpaid.

During the first year (mom came here) almost every month. She always got money...although I never saw her get it. It's just my auntie (pimp) always said, "Your mom was here asking for money and I gave her that much". It kept happening. First she gave three hundred (thousand rupiah), then five hundred (thousand rupiah) every time she came. All the time! So I could not pay off my debt. I had to stay longer. But then my mom never came again. My pimp is clever. She came to my village and offered my parents money to buy this and that. She even gave money to buy rice fields!

She added in another part of the interview regarding how she was forced into prostitution:

I refused...I didn't want to do it. She (pimp) said, "Just go!" Then I remembered the debt. If I only sell bottled tea, I can't pay it off. Then I agreed to do it. Even so, the debt never reduces.

(Atma Jaya, 2006)

Twenty-five-year-old Niar also found it impossible to reduce her debt while working in Malaysia as a domestic worker:

When I was still in Pontianak, Pak Cik told me that I was going to be a domestic worker and earn one hundred fifty (ringgit) or two hundred, or even more. I've been working 20 months now and I have never received my salary. I only get loans that I should pay back later. Sometimes they lend me four or five hundred (ringgit). Our agent takes our salary. When we ask the agent to give it to us, he refuses. What can we do?

(Atma Jaya, 2006)

Migrant workers in Singapore face a situation in which their debt can be prolonged if they request a transfer to a new employer, even if the reason for the request is due to abuse. Although Singapore regulation stipulates that a worker cannot be charged more than one month of salary to pay for transfer fees, many workers are forced to pay an additional three or more months through wage deductions once placed with a new employer. For example, one domestic worker who transferred employers because the first one did not provide adequate food, said:

After that transfer, I had a problem with the agency also. The deduction was very high. I stayed with the agency for one month only but they deducted four months of my salary. Four months for the transfer and seven months for the initial fee – how come?

(Human Rights Watch, 2005a: 56)

Wati Widodo, an Indonesian domestic worker in Singapore, understood the potential for the perpetuation of debt once her employment agency explained the terms of her contract to her. She said:

They said they would cut my salary for seven months, seven-and-a-half months. If I changed employers, they would cut three more months. If I changed [employers repeatedly], I would come back with no money.

(Human Rights Watch, 2005a: 56-57)

It appears that most cases of debt bondage and trafficking in Indonesia do not perpetuate debt longer than a few months to a few years. This is quite different from some classic examples of debt bondage in South Asia in which debt can be perpetuated over a lifetime and then forced upon the debtor's child upon death. A clue as to why there is such a difference in the way debt bondage is practiced in Indonesia compared to South Asia may be found in an interview provided by Kevin Bales, who is the author of "Slavery: Alive and Thriving in the World Today". Bales explain that: "Today the interest is not in "owning" slaves, only in controlling them – through violence or the threat of. A slave is exploited for as long as he or she is profitable; then discarded." (Interview with *Satya*, n.d)

Most Indonesians trapped by debt bondage are performing forced labor as prostitutes, domestic workers and laborers in construction sites and plantations. It is likely that their traffickers see no need to immobilize them for more than a few years since they would likely prefer fresh laborers once the old ones are "used up".

d. Diminished freedom in working relationship

This element can be equated to the term "bondage" as discussed above. Debt bondage, trafficking, forced labor and slavery all have an element of bondage. The acts committed to place a person in bondage are often the easiest to identify as crimes – such as illegal confinement, threats or use of violence, abuse of authority, unpaid wages, etc. Dewi Hariyanti's story found at the very beginning of this section is a good example of debt used in connection with acts of coercion and illegal confinement by some labor export agencies in Indonesia. Ani, a domestic worker in Singapore, described to Human Rights Watch how her employer kept her in bondage:

They would lock me inside the house with the baby. I was not allowed to make phone calls or send letters to my family. I wasn't allowed to say anything or talk to the neighbors. I had to just keep quiet.

(Human Rights Watch, 2006, July: 23)

Sometimes migrant domestic workers are compelled by their labor agents to remain with abusive employers, particularly if a debt has not yet been paid off.

When Wati Widodo complained about the physical abuse she suffered from her employer, she only faced more abuse from her agent. She said:

The employer would get angry. If there was a problem outside, if anything was a little wrong, she would get angry... If she was very angry, she would slap me many times. I hadn't finished my contract yet. She said I couldn't go home. I couldn't tolerate it. When I told the agent the employer had slapped me, she just said, "You must suffer. You should control your feelings." If a maid hasn't finished her salary deduction, and she calls the agent, the agent is angry. The agent also slapped me; they didn't want me to leave without finishing the contract and the salary deduction.

(Human Rights Watch, 2005a: 57)

Women and girls trafficked to Papua into forced prostitution are often immobilized through an instrument referred to as a "contract" – which creates terms amounting to debt bondage. These "contracts" are usually for four months at a time, during which the worker is not allowed to leave the employer.

e. Deception regarding rights and working conditions

Again, this is another element in which debt bondage and trafficking intersect. The story of Lula at the beginning of the section is an example of not only deception regarding the accumulation of debt but also on the fact that she would be forced into prostitution. Tania, a waitress compelled to enter prostitution at the Saumlaki pub on Tanimbar Island, told Atma Jaya researchers the following:

What we first knew was he paid for everything and I didn't have to pay anything. Meals were free too... So we agreed to leave. When we arrived, we were told we have to pay for everything... In the first month...our salary was deducted for transportation costs. We got some clothes without knowing that we had to pay for them by salary deduction.

(Atma Jaya, 2006)

Debt bondage deceives many workers in a very convincing way by creating a façade of legitimacy regarding the terms and conditions of the debt and the work through which the debt must be paid back. Nia Sujani and Fransiska Asmin argued that any contract or agreement in which information is withheld or falsely presented to the worker/debtor is not legally binding. In addition to this, a contract or agreement would be deemed void if the employer or creditor holds the worker to the terms through unlawful means (such as acts of violence, confinement, etc.) (Atma Jaya, 2006). Traffickers often deceive the worker into believing that unfair or fictitious contracts are legally binding. Police sometimes do not take action against traffickers holding a worker in bondage, explaining that they can do nothing if the worker is in debt. This explanation is surprising given

the fact that the Constitution and several laws clearly state that people are free to choose and change jobs at will and that no private citizen may hold another citizen in bondage (see next subsection on legal instruments relevant to debt bondage).

Conclusion

This brief overview is not meant to present a comprehensive picture of how debt bondage is practiced in Indonesia. Its goal is to simply provide some framework on understanding the individual elements of debt bondage and how they fit into a “package” that often has a greater impact on the targeted worker than the sum of its individual crimes. It is also meant to help show connections between debt bondage and trafficking. Like trafficking, debt bondage is often interpreted differently by different people. To one person, a case may appear to include all elements needed for it to be identified as debt bondage. Another person may look at that same case and argue that one or two key elements are missing – making it a case of individual crimes rather than a case fulfilling the entire “package” of debt bondage.

One type of case provides a good example of how such a debate may take place in Indonesia. The common practice of locking up candidate migrant workers in holding centers by labor export agencies is certainly illegal under Indonesian law. Some people may argue that candidate workers locked in holding centers are already in a state of debt bondage. It is clear that the labor export agency is guilty of using the worker as collateral (Element 1) and placing the worker in bondage (Element 4) through illegal confinement. Added to these crimes, many labor export agencies also charge inflated costs resulting in prolonged debt (Element 3) and deceive (Element 5) the worker about the nature of contracts, wages and future working conditions. A point of debate may come up regarding Element 2 as this implies that the worker must be in a current state of work meant to repay the debt. Some people may conclude that candidate workers imprisoned in holding centers are on a path that could lead to debt bondage – but that debt bondage is not yet achieved. Others may argue that it is assured that the worker will be placed into labor and that such a question on timing is irrelevant.

Another set of questions revolves around whether Indonesia’s labor export system has institutionalized debt bondage within its processes. At the very minimum, one can safely argue that Indonesian workers being placed abroad are extremely at risk to abuse given the high levels of debt they enter and the common practice of holding the worker as collateral against that debt. Many practices ingrained in the system help to perpetuate or at least prolong the period of debt – keeping the worker immobilized in an environment of vulnerability. Ardent critics of the system point to the fact that the common practice of imprisoning workers in holding centers has never been clearly addressed by the Government of Indonesia. Neither Law No. 39 of 2004 on Placement and Protection of Overseas Workers nor Manpower Regulation No. 7/IV/2005 on Standards for Holding Centers of

Candidate Migrant Workers mentions anything about confinement or restriction of movement. Likewise, despite clear language on illegal detention in Indonesian law, police and other relevant law enforcers have failed to take action against labor export agencies for this crime (action is usually only taken if the agency is unlicensed or holding candidate workers in inhumane conditions). The system has also been criticized for placing too much trust in labor agencies for protection of migrant workers – even though there is ample documentation that agents are often perpetrators of crimes.

Finally, deliberations about debt bondage may also need to include the fact that it is not always connected to trafficking – as is clearly seen in South Asia and other parts of the world. To date, it appears that most instances in which Indonesians are placed into debt bondage are connected with trafficking. The most common of these cases are those involving the trafficking of women and girls placed into forced prostitution (within Indonesia and abroad), women and girls placed into forced labor as domestic workers (more commonly abroad than within Indonesia), and women, men, girls and boys trafficked into work in construction and plantation sites (usually abroad). However, it is possible that some laborers working in rubber or oil palm plantations in Sumatra are in a state of debt bondage but were never trafficked as they have always lived in the plantation area. Very little research has been conducted on debt bondage in Indonesia, making it possible that other types of cases not involving trafficking may be later identified. This may have policy implications given the fact that debt bondage has only been recognized by policymakers responsible for the realm of trafficking – and all policy efforts to date connect debt bondage to trafficking.¹³²

Such debates are pointless, however, if Indonesia does not outlaw debt bondage. If the Government of Indonesia intends to seriously fight trafficking, it will need to criminalize debt bondage, as this package of crimes is a proven and common tool used by traffickers to trap and exploit migrating workers. Its veneer of legitimacy has, until now, deceived both migrating workers and law enforcers alike. Punishments for debt bondage should be proportional to the impact this “package of crimes” have on the workers who suffer from it. In addition to this, law enforcers will need to look for debt bondage – and its component crimes – to ensure that an environment of effective deterrence is built to stop this practice.

Until debt bondage is criminalized, law enforcers can fight against debt bondage much like they do for trafficking now: by identifying and taking action against the individual crimes that are components of the debt bondage “package”. The following subsection lists legal instruments relevant to debt bondage and its “component crimes”.

132 At the time of publication, it seemed likely that the Anti-Trafficking Bill would be the “vehicle” through which debt bondage may be criminalized in Indonesian law.

5. Legal instruments that apply to debt bondage¹³³

a. Indonesian Laws and Regulations Relevant to Debt Bondage

◆ **Law No. 39 of 2004 on Placement and Protection of Migrant Workers**

- ✓ Article 70 allows recruiting agencies to provide accommodation to would-be migrant workers before departure abroad. The article does not specifically require would-be migrants to stay at their premises but it is also silent regarding the common practice of locking up clients due to debts. The article provides protection to would-be migrant workers only in that the accommodation shall be provided in a natural and humane way.
- ✓ Articles 39 and 76 address costs that agencies can charge to either the worker or employer – but this is done in a vague manner and states that future regulations shall be issued to detail this.
- ✓ Article 59 states that a migrant worker whose work agreement has expired and plans to extend the agreement must return to Indonesia first (this has potentially negative impacts as it forces workers who should be debt free following two years or work to travel back to Indonesia and incur new travel and processing costs before returning to work despite the fact that several receiving countries allow extensions within country).

◆ **Law No. 13 of 2003 on Manpower**

- ✓ Article 31 states that every worker is entitled to equal rights and opportunities to choose, obtain or change jobs and receive appropriate remuneration within or outside the country.

◆ **The Constitution of the Republic of Indonesia 1945**

- ✓ Article 28E states that every person is free to choose a job of his/her own.
- ✓ Article 28D states that every person is entitled to work and receive equal and appropriate remuneration from an employment relationship.

◆ **Law No. 39 of 1999 on Human Rights**

- ✓ Article 20 states that Indonesia recognizes freedom from slavery, slavery-like conditions, servitude and trafficking in persons, as basic human rights.

133 This list of legal instruments was largely compiled by Lotte Kejser, Chief Technical Advisor, ILO and presented at the national conference on debt bondage on September 12, 2006. Some modifications and additions have been made by Solidarity Center/ICMC.

- ✓ Article 38 ensures that everyone deserves to have decent work and shall be free to choose their desired job.

◆ **Indonesian Penal Code (KUHP)**

- ✓ Article 333 outlaws any act that intentionally and unlawfully deprives somebody of their liberty.
- ✓ Article 378 outlaws fraud in such a way as to include persons who benefit from a web of fictions to induce another to negotiate a loan or to annul a debt.

◆ **Indonesian Civil Code (KUHPer)**

- ✓ Articles 1236, 1243-1252 state that if a debtor fails to pay back a debt, the lender has the right to sue the debtor in civil court for failure to fulfill an agreement. The lender may also sue for damages or additional interest resulting from late payment.

Note: Lenders have the right to ensure payment of legal debts. These rights, however, do not include restricting the debtor's freedom of movement in order to force labor until the debt is paid off.

◆ **Law No. 23 of 2002 on Child Protection**

- ✓ Article 59 states that the “executive government and other governmental bodies” have the responsibility of providing “special protection” to children (all persons under the age of 18) in certain circumstances, including trafficking, economic and sexual exploitation.

b. International Standards relevant to debt bondage ratified (recognized) by Indonesia

◆ **The Universal Declaration of Human Rights**

- ✓ States that all human beings are to enjoy freedom and equality (Article 1).
- ✓ No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. (Article 4).

◆ **The International Covenant on Civil and Political Rights (ICCPR)**

- ✓ Prohibits slavery, servitude, forced labor and compulsory labor (Article 8).

- ◆ **The International Covenant on Economic, Social and Cultural Rights (ICESCR)**
 - ✓ Right to work, which includes the right to gain a living by work freely chosen or accepted (Article 6).
- ◆ **Convention on the Rights of the Child (CRC)**
 - ✓ (Article 9 (1)) States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures.
 - ✓ (Article 11) States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
- ◆ **The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**
 - ✓ Urges governments to take steps against the exploitation of women (Article 6) and to provide equal rights to women in respect of work (Article 11).
- ◆ **ILO Convention No. 29 (1930) on Forced and Compulsory Labor**
 - ✓ Forced or compulsory labor shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily (Article 2 (1)).
- ◆ **ILO Convention No. 105 (1957) on the Abolition of Forced Labor**
 - ✓ Each member...which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labor (Article 1).
- ◆ **ILO Convention No. 182 (1999) on the Worst Forms of Child Labor**
 - ✓ all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (Article. 3(a)).

c. International Standards relevant to debt bondage not ratified by Indonesia

- ◆ **UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery (1956)**
 - ✓ Any practice where a child or young person under 18 is delivered by his parent(s) or guardian to another person for exploitation of the child or of her/his labor (Article 1).
- ◆ **United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children**
- ◆ **ILO Convention No. 181 (1997) on Private Employment Agencies Convention**
 - ✓ Private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers (Article 7.1).
- ◆ **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**
- ◆ **ILO Convention 181: Private Employment Agencies Convention (1997)**
- ◆ **ILO Convention 97 Migration for Employment Convention (Revised), 1949**
- ◆ **ILO Convention 143 Migrant Workers (Supplementary Provisions) Convention, 1975**

B. Migration and Trafficking: Placement of Indonesian Labor to Malaysia

Keri Lasmi Sugiarti

Introduction

The policy for placement of Indonesian workers in foreign countries, through the Ministry of Manpower and Transmigration (Manpower Ministry), has been pursued by the Indonesian government for many years. This policy is considered to be a practical solution by the government in tackling the growing numbers of unemployed people in the country while generating revenue for the State. In 2005, the Manpower Ministry reported that the number of documented Indonesian workers who departed to countries in the Asia Pacific region and the Middle East totaled 474,310. Most of the migrant workers (297,291) went to countries in Asia Pacific region. Among the destination countries for Indonesian migrant workers in this region, Malaysia was the most popular. The number of documented Indonesian workers placed in Malaysia in 2005 reached 201,887 – nearly 43% of all Indonesian workers placed abroad (Pusdatinaker-Balitfo Depnakertrans, 2006).

This section is aimed at examining the detailed mechanism of placing Indonesian workers abroad – particularly Malaysia. It will review migration processes (documented and undocumented) that generate large revenues for a wide range of agents and middlemen, and renders aspiring migrant workers vulnerable to economic exploitation and more – putting many migrant workers in situations akin to trafficking. Not only women and girls are open to such hazards, but it applies to men and boys too. This section is primarily based on a number of in-depth assessments carried out by the Solidarity Center/ICMC team and their collaborators; in Nunukan (Keri Lasmi S & Safaruddin, 2005-2006), Entikong (Andriyanto & Eka Rahmawati, 2006), Tanjung Pinang (Sofie, 2006), and Jakarta (Fatimana Agustinanto, 2006).

1. Indonesian migrant workers in Malaysia

There are a few reasons why the discussion is focused on placement of Indonesian migrant workers in Malaysia. First of all, Malaysia is not the main destination country for documented Indonesian migrant workers, but it is the country receiving the largest number of undocumented workers from Indonesia, and Indonesian workers make up for a vast majority of its immigrant work force. According to Komnas Perempuan, Solidaritas Perempuan and Caram (2003: 13), about 83% of migrant workers in Malaysia are from Indonesia. At the same

time, the Manpower Ministry states that out of the requirement for one million migrant workers in Malaysia every year, more than 60% is provided by Indonesia. Secondly, such a significant inflow of Indonesian migrant workers (especially undocumented) comes with commensurate risks of human trafficking. It is estimated that the number of trafficking incidents involving Indonesian nationals to Malaysia for exploitation of the labor and the prostitution of the migrants is the highest compared not only to other countries, but also trafficking within Indonesia. This is borne out, with all limitations of methodologies used, by the IOM Indonesia database.¹³⁴

Thirdly, both the documented and undocumented migration processes to Malaysia are more complicated to deal with because of the shared border (land and marine) facilitating the entrance and exit of Indonesian nationals relatively easier and less expensively. Migration from Indonesia to Malaysia has a very long history and appears to be almost unstoppable. Multiplicity of entry points for Indonesian migrant workers into Malaysia, including Nunukan in East Kalimantan, Entikong in West Kalimantan, a number of places in Riau and Riau Islands (Bintan Island, Batam, Tanjung Balai Karimun, Dumai, etc.), and other border areas in North Sumatra such as Tanjung Balai Asahan, encouraged Tjptoherijanto (1998) to claim that due to such a long shared border between the two countries, undocumented migration of Indonesian nationals to Malaysia is the largest in Asia and the second largest in the world following the flow of Mexican nationals into the United States. Presented below is some official data on placement of Indonesian migrant workers in Malaysia.

Table 4.1
Placement of Indonesian Workers to Malaysia - By Sector and Sex
Year 2002 - 2005

Year	Formal Sector			Informal Sector		
	Male	Female	Total	Male	Female	Total
2002	86,933	21,189	108,122	633	43,925	44,558
2003	56,694	22,574	79,268	340	9,831	10,171
2004	62,254	43,179	105,433	404	21,338	21,742
2005	126,672	57,023	183,695	34	18,158	18,192
Total	332,553	143,965	476,518	1,411	93,252	94,663

Source: Data concerning Placement of Indonesian Workers in Foreign Countries by Ministry of Manpower and Transmigration (Pusdatinaker-Balitfo Depnakertrans, 2006).

¹³⁴ Please refer to Chapter II for a more detailed discussion on the purpose with which the IOM database has been used by the authors.

What the data above says is that most Indonesian documented workers in Malaysia are found engaged in the formal sector, where the number of male workers is greater than that of female workers. On the other hand, Indonesian documented workers in the informal sector are mostly women. The formal sector refers to labor in factories, plantations, mines, and timber processing. These industries engage larger numbers of male workers compared to female. The types of work in the informal sector include domestic work, caregiving, baby sitting, shopkeeping, jobs in restaurants and eating houses, work in adult entertainment venues, and driving transport vehicles.

There is a current debate on how to define and clarify the terms “informal sector”, “informal labor” and “formal sector”. Each term has its own set of characteristics (Anti-Slavery International, 2006: 3). The term used in this report is “informal sector”. Whatever term is used, it should be clear that the situation of Indonesian migrant workers in “informal” work – particularly domestic workers – includes some of the following characteristics:

- workers are not protected or recognized under the legal and regulatory framework;
- workers receive little or no legal or social protection;
- workers are unable to enforce contracts or have security or property rights;
- workers are rarely able to organize for effective representation and have little or no voice to have their work recognized and protected;
- workers are excluded from or have limited access to public infrastructure and benefits;
- workers have to rely as best as they can on informal, often exploitative institutional arrangements, whether for information, markets, credit, training or social security;
- workers are highly dependent on the attitudes of public authorities (ILO, 2002).

Most workers in the informal sector are women. It is important to note that the official number above relates only to the number of documented Indonesian workers maintained by the Manpower Ministry; however it does not necessarily truly represent the current number of Indonesian migrant workers in Malaysia and the pattern of their distribution in different sectors. This is due to the fact that the number of undocumented Indonesian workers is much greater than the numbers reported above.

According to Komnas Perempuan, Solidaritas Perempuan and Caram (2003:14), Indonesian migrant workers in Malaysia (both documented and undocumented) are distributed over the industrial sector (36%), agricultural and plantation sectors (26%), in domestic work (23%), and construction (8%). They further estimated that there is almost equal numbers of women and men making up the Indonesian migrant workforce in Malaysia.

Regarding the type of work and the vulnerability to exploitation and trafficking, much has been written to point out that migrant domestic workers are often most vulnerable to trafficking. As mentioned before, domestic workers are categorized as being in the “informal sector”. The fact that the labeling of such work carries with it a lack of recognition, protection, and access to public services are contributing factors in the crime of trafficking for forced labor (Anti-Slavery International, 2006).¹³⁵

*Number of Undocumented Indonesian migrant workers in Malaysia*¹³⁶

Several competent authorities have attempted to estimate the number of Indonesian migrant workers in Malaysia. Hugo (2002, quoted from Human Right Watch, 2004a, July: 11) estimated that the number of Indonesian migrant workers in Malaysia could reach up to two million; nevertheless he found it difficult to arrive at a closer estimate recalling that more than half of the estimated number was probably undocumented workers without proper working papers. The Consortium for the Defense of Indonesian Migrant Workers (KOPBUMI) estimated the number of Indonesian migrant workers in Malaysia to be in the region of one and a half million and that more than half of such workers were undocumented.

135 The Program Consultation Meeting on the Protection of Domestic Workers Against the Threat of Forced Labor and Trafficking held in Hong Kong identified the following areas of concerns in relation to migrant domestic workers in situations of forced labor and trafficking:

- a) Law and its application: Lack of legislative protection for local and migrant domestic workers. If there is a legal framework as in many countries in Asia, it is difficult to implement because of bureaucratic ‘red tape’ combined with an inability of local authorities to apply the law.
- b) Organization and representation: There is a continuing lack of organization, representation and voice for domestic workers, and there are significant barriers to enable them to organize themselves.
- c) Lack of services, especially for those trapped in conditions of severely exploitative work: The nature of the domestic sphere makes it difficult to identify and act on situations of forced labor and exploitation, and to reach out to domestic workers.
- d) Continued persistence of unacceptable recruitment and employment practices: Both sending and receiving governments are unable or unwilling to address the unscrupulous activities of recruitment agencies and workers’ dependency on them. Domestic workers remain in exploitative situations due to fear of retaliation by employers, agencies and government. They frequently find themselves in situations of debt bondage to recruitment agencies or employers.

136 Undocumented migrant workers often refers to migrant workers who do not comply with the conditions necessary to be authorized to enter, to stay and to engage in a remunerative activity in the country of employment. According to Anti-Slavery International (2006: 16), undocumented migrant workers can be:

- a) those who enter the country legally but whose stay or employment contravenes the law (for example visa expiry),
- b) those whose stay and entry are lawful but who do not have the right to work and are engaged in illegal or illicit employment,
- c) those who enter the country illegally and who seek to change their status after arrival to find legitimate employment,
- d) those who have entered the country illegally, whose stay is unlawful and whose employment is illegal.

Meanwhile according to Erman Suparno, Minister of Manpower, the number of Indonesian workers in Malaysia had exceeded 1.75 million. This number excluded undocumented Indonesian migrant workers which could be twice as large (Majalah Nakertrans, June 2006).

It is possibly safe to proceed on the basis that the estimated number of Indonesian migrant workers in Malaysia, both documented and undocumented, is likely to be between 1.5 to 2 million. Experiences in the field show that access is easy for aspiring Indonesian migrants to enter Malaysia. Such easy access allows a large number of Indonesian nationals to enter Malaysia to work (especially through the border areas) without proper authorization, and possibly their number is more than that of documented workers.

In West Kalimantan, the Legal Aid Society Apik Pontianak estimated that the number of undocumented migrant workers crossing into Malaysia through the border at Entikong was six times the number of documented migrant workers (quoted from Rahmawati, 2006). A research conducted by Palupi & Buntoro (2005: 48) and others at the Terminal III of Soekarno-Hatta Airport in Jakarta, noted that only 38% of the returning Indonesian migrant workers interviewed had used the services of labor exporting agencies (PJTKI). The other 62% had made use of the services of unregistered brokers and agents, or through the assistance of relatives. This research assumed this group (62% of migrant workers) to be constituted of those who had used illegal channels to enter Malaysia.

A similar conclusion could be reached from the information gathered in Tanjung Pinang. Official data concerning the placement of Indonesian labor to Malaysia during the period of May until August 2006 only recorded 667 workers. In other words, only 167 Indonesian migrant workers were placed in Malaysia per month through official channels. On the other hand, 13,468 migrant workers were deported from Malaysia during the period of January to September 2006 – averaging 1,500 per month. On average, 1,672 passports were issued every month by the Indonesian Immigration office in Tanjung Pinang between June and August 2005. Therefore, it may not be unrealistic to assume that a significant majority of Indonesian nationals entering Malaysia through Tanjung Pinang went there to seek jobs¹³⁷. On the basis of the preceding discussion, it may be concluded that much larger numbers of Indonesian nationals working in Malaysia actually bypassed the official migrant worker export system.

Undocumented migration for work takes place because of the high demand for low-paid Indonesian migrant workers in Malaysia. In 2004, the demand for Indonesian workers in the Asia-Pacific region had reached 376,288 persons,

137 Data processed from official statistics collected from Tanjung Pinang Manpower Office, number of passports processed by the Tanjung Pinang Immigration Office, and records on the Deportation of Illegal Workers through Tanjung Pinang – field assessment in Tanjung Pinang by Sofie, August 2006.

where almost half the demand came from the informal sector (*Pusdatinaker-Balitfo Depnakertrans, 2006*). During the year, however, less than 50% of the required numbers were placed through official channels. Labor brokers seized this opportunity to facilitate entry of undocumented Indonesian migrant workers to Asia-Pacific countries, especially Malaysia.

Not all undocumented Indonesian migrant workers in Malaysia enter the country illegally. According to KOPBUMI, a NGO coalition for migrant workers (2003, quoted from Komnas Perempuan, SP and Caram, 2003: 27), there are four types of undocumented Indonesian migrant workers in Malaysia. The first type is legal migrant workers whose documents were confiscated by their employers. When police or other authorities inspected their place of work, or they were apprehended for some other violation of law, they were unable to prove their *bonafide* by producing valid documents. The second type is migrant workers who were forced to work without valid documents. Usually, they entered Malaysia legally. However, they would have chosen to leave their employers in favor of others – turning them into illegal workers. Many of them were legal Indonesian migrant workers, officially sent by labor export agencies, who had disputes with their employers on various issues such as underpayment, withholding of payment, violence, and other forms of exploitation by the employer forcing them to escape and seek work with other employers. The number of such Indonesian migrant workers in Malaysia could be fairly significant. Belonging to the third group are the migrant workers who had previous experience of working through unofficial channels (field assessment to Nunukan & South Sulawesi, 2006). ICMC field assessments (2005 – 2006) to several migrant worker border crossing points found that many such workers entered Malaysia legally using PLB¹³⁸ documents or passports or visit visas (also called social visa), but their work remained undocumented because they did not possess work visas. And finally, there are migrant workers who were smuggled and/or sold. This group, which includes large numbers of trafficked women and girls, never had documents; it is rather difficult to estimate their numbers because they were taken to Malaysia clandestinely. All four types of undocumented Indonesian migrant workers in Malaysia are at risk to labor exploitation and trafficking. What has fuelled undocumented work was that most of the employers in Malaysia prefer hiring illegal workers (despite the fact that Malaysian laws forbid it) as they cost less. This applies across the board – whether for work in plantations or in domestic work. In terms of forced prostitution, being undocumented increased the vulnerability of the migrant worker whereas it allowed the perpetrator to go scot

138 PLB stands for Pass Lintas Batas (Cross Border Pass), which is a document that replaces the passport and is available only to local people living in Indonesian and Malaysian border areas. PLB is valid for one month only and is not usable in other areas far from the borders. However, many Indonesian migrant workers working in informal sectors in Malaysia use the PLB to enter Malaysia. ICMC field assessments in Nunukan (2005-2006) found many possibilities to obtain PLB and therefore many brokers use this opportunity to bring Indonesian workers into Malaysia illegally.

free as authorities in Malaysia often view immigration violations more seriously than other offences. The connection between undocumented migration and trafficking is explained in the following section.

2. Migration and Trafficking

Migration is defined as movement from one community or country and settling in another (Surtees, quoted from Rosenberg, 2003: 285). Migration may take place through regular or irregular channels, and may be freely chosen or forced upon the migrant as a means of survival (Anti-Slavery International, 2006).

Smuggling is defined as the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of illegal entry of a person into a State Party of which the person is not a national or permanent resident (Surtees, quoted from Rosenberg, 2003a: 286).

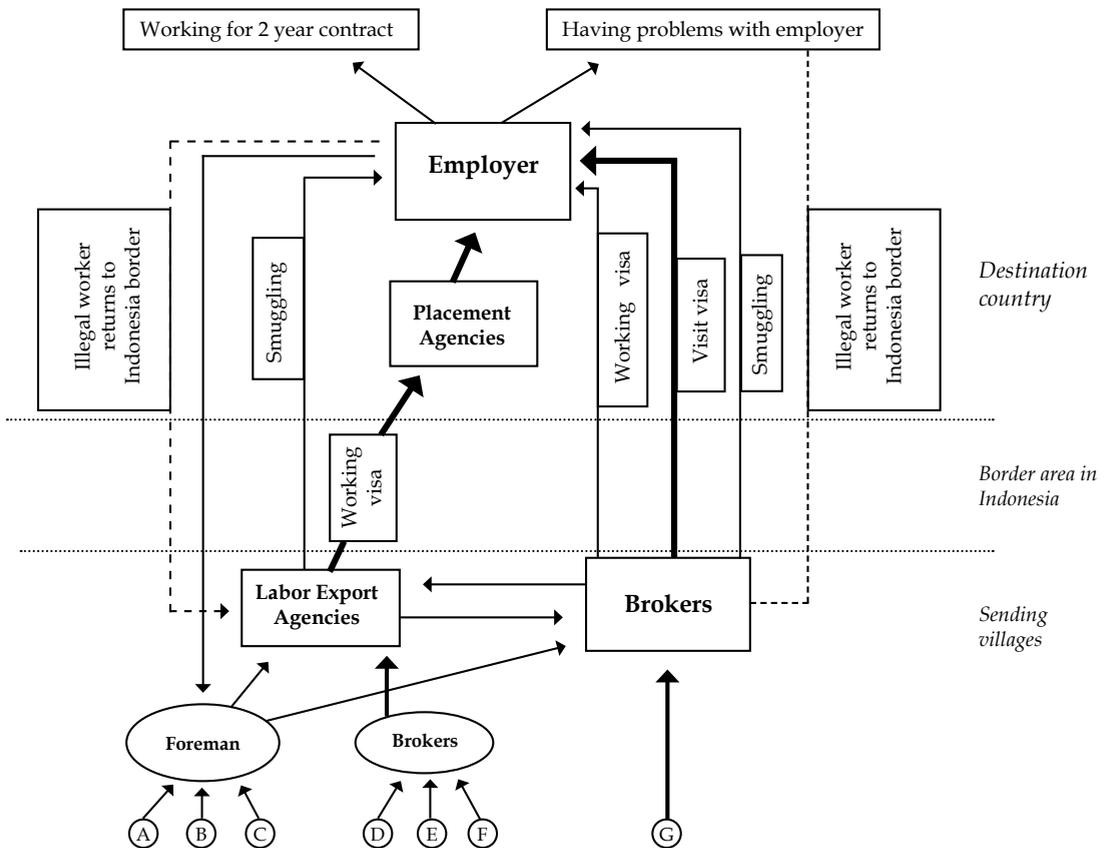
A clarification needed in relation to trafficking is the distinction to be made between migration, trafficking and smuggling. If the method of migration is irregular, a smuggler, who will facilitate illegal entry into a country for a fee, may assist the migrant. The smuggler may demand an exorbitant fee and may expose the migrant to serious dangers in the course of the journey, but on arrival at his/her destination, the migrant is free to make his/her own way and normally does not see the smuggler again.

For trafficked people, it is often only when they arrive in the country of destination that their real problems begin. Even though trafficking includes an element of movement, the crucial aspect of identifying it is not the movement or the site of work, *per se*, but the brokering, lack of consent and especially the exploitative conditions of work. It involves the movement of people, using coercion or deceit, for exploiting their labor or services (Anti-Slavery International, 2006: 16-17).

Migration, human smuggling and trafficking all involve movement of persons. However, human smuggling is, without exception, across national borders, whereas migration and trafficking can take place within the borders of a country, too. Whereas regular migrant workers are free to choose their destinations, routes and post-migration lifestyles, human smuggling and trafficking increasingly restrict the subjects' options. An aspiring migrant may be subjected to different levels of constraints and economic exploitation at different points in the migration process. Thus a migrant who needs help to cross international borders clandestinely may seek the help of a human smuggler – however, the role of the smuggler ends almost as soon as the aspirant arrives in the country of her/his choice. Financial gains made by the human smuggler are restricted to the activity of border crossing. In the case of a trafficked person, considerations of financial gains for the perpetrators are far more pervading and can continue to influence the subject's life for months or years. If any migration process lays down the

foundation for continued and future financial gains for a third party leading to exploitation of forced labor or prostitution of the migrant, then even state-sponsored migrant worker systems can end up causing trafficking. The following diagram tries to explain how the Indonesian migrant worker system creates vulnerabilities for migrant workers to be later trafficked. The term migrant in this paragraph has been used to mean both documented and undocumented migrant workers.

Chart 1: Schematic Diagram Describing the Labor Placement System to Malaysia¹³⁹



The diagram above shows that there are two primary migration channels for sending Indonesian migrant workers to Malaysia – the official channel operated by labor export agencies (PJTKIs) and the other used by brokers for sending

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Based on ICMC field assessments to Nunukan and South Sulawesi in 2005 to 2006

undocumented workers who do not possess or wait for work visas. These two main channels cover three main locations in the migration chain – namely, the villages of origin, transit locations near the Malaysian border (where most migrant workers will have to wait to collect travel documents), and the place of final destination.

In the originating villages where recruitment takes place, recruiters from labor export agencies and brokers are the ones primarily involved. They play the most prominent role in the recruitment process, and enlist prospective migrant workers with the labor export agency. In the transit zone, the labor export agency plays the most important role. It controls all the processes to be completed by the prospective migrant worker and that includes the formalization of travel documents. In the destination location, the placement agency plays the most critical role in connecting the migrant worker with her/his employer and in working out the terms of employment. Many labor export agencies appear to have reciprocity arrangements with placement agencies abroad, and it would not be surprising if they have cross ownership, too. Throughout the movement phase of Indonesian migrant workers, the brokers, labor export agencies, placement agencies abroad, and sometimes, even the employer, are overtly involved. There are different ways in which each of them derives financial gains compromising the interests of the migrant worker in the process. Many such practices that lead to the gradual marginalization of the migrant workers' choices and interests have been documented by various sources such as Human Rights Watch (2004, July), Komnas Perempuan, Solidaritas Perempuan, and Caram (2003), and Rosenberg (2003). The paragraphs below summarize some of the common practices adopted by the concerned parties to defraud aspiring migrant workers particularly in the context of Malaysia.

Deceptive recruitment practices

It has been said earlier that the party who plays the most important role in the recruitment process is the labor export agency's agents and local brokers. Local brokers are often the unofficial agents of the labor export agency – they are people known to and familiar with a particular area. Though nobody other than an employee of a labor export agency is legally allowed to recruit workers, it is common for labor export agencies to provide letters to local brokers that project them as authorized employees. In this way, the agencies keep down their operating costs. The brokers, in turn, earn commission on each person recruited. Many brokers, though, do not carry such documents.

In many cases, prominent brokers engage sub-brokers to work for them. Often, such prominent brokers represent more than one labor export agency. The system of using brokers leads to a situation in which the earnings of the brokers are directly related to the numbers they can recruit and, as a result, they become

unscrupulous in the conduct of their business. Deception is the most common means used by recruiters. Deception is used in the following ways:

- In many instances, brokers have been known to demand fees for providing privileged access to jobs. Often, this results in the selling of family assets or borrowing money from village moneylenders at usurious rates of interest.
- The recruit and her family are almost never provided with any clear information about recruitment and transportation costs.
- Invariably, brokers misrepresent the nature and place of work and expected earnings.
- Often under-18 girls and boys, inexperienced, and medically unfit persons are recruited.
- Brokers are also known to recruit on behalf of fictitious labor export agencies, agencies with no registration or expired registration, and agencies blacklisted by the Manpower Ministry for past irregularities.

Many of the practices described above are in direct contravention of laws governing the conduct of labor export agencies. Article 32 of Law 39/2004 on the Placement and Protection of Overseas Workers (PPTKLN) states that labor export agencies who wish to recruit workers must have a recruitment permit (SIP) issued by the minister. It also stipulates that the operator is not permitted to transfer or assign this recruitment permit to other parties to conduct the recruitment (Article 33). In the recruitment process, it is also clearly stated that the operator must provide information to the prospective worker about, at a minimum: a) the recruitment procedure, b) documents required, c) rights and obligations of the prospective worker, d) situation, condition and risks in the country of destination, and e) provisions for the protection of the worker (Article 34). Another article clearly states that the recruited persons must fulfill the requirements of being above 18 years of age, must be physically and mentally healthy, not pregnant, and must have graduated from junior high school at a minimum.¹⁴⁰ Although the law provides for sanctions against any operator¹⁴¹ violating these articles, so far no cases of irregularities in the recruitment process have been reported to the police, and no legal action has been taken on any labor export agency or its agents.

140 This point on education as a qualification has been annulled by a Constitutional Court decision. The Court stipulated that the government could not require an educational background as a qualification when the jobs do not.

141 PJTKIs that recruit without a recruitment permit (SIP) issued by Minister of Manpower are liable to administrative sanctions (Article 100 verses 1 & 2, Law 39/2004). PJTKIs that do not meet qualifications are liable to criminal sanctions of one to five years imprisonment and/or a 1 billion Rupiah fine (Article 103).

Confinement and fraud during transfer and harboring

Once the recruits are brought into the temporary holding centers of labor export agencies, they are under the full control of the agency. The agency arranges identity and travel documents, it decides where a worker must go in Malaysia and computes costs for everything according to its own discretion. At this stage, a number of commonly known violations are committed against the rights of the prospective Indonesian migrant workers while they are still in Indonesia. Reported transgressions of law in the transit process include:

- Falsification of identity documents such as Resident ID Card, Temporary Birth Certificate and Work Permit. These mostly occur to aspiring migrant workers in border areas such as Nunukan, Entikong and Tanjung Pinang. In falsifying identity documents, the age of the prospective worker is often inflated. There are reported instances where migrant workers were forced to travel with passports bearing false names and addresses.
- Detention and isolation in holding centers of labor export agencies in Java and Sumatra islands whereby prospective Indonesian migrant workers are not allowed to communicate with their families. Women are often not allowed to leave the premises of the labor export agencies.
- Longer stay in holding centers than stipulated by law (more than 6 months) without a clear departure schedule.
- Inadequate facilities in holding centers (crowded accommodation, insufficient food, inadequate sanitary facilities, and limited time for rest and recreation).
- Labor exploitation in holding centers, or being sent to private homes for unpaid work in the name of training.
- Work contracts are not properly explained and prospective migrant workers are forced to sign contracts without knowing the contents.
- Sexual harassment of women and girls, and violence committed by employees and guards in holding centers.
- Costs incurred during stay in holding centers are computed arbitrarily and imposed on the aspiring migrant workers as debts. This is used as a deterrent for anyone wanting to quit the process of waiting indefinitely at the holding center in order to return home.

It would appear that many holding centers serve as locations where provisions of Law 39/2004 are violated with impunity. They are also places where the inmates are regularly abused physically, mentally and sexually. The IOM database referred to in Chapter II indicated that at least 5% of survivors of trafficking reported exploitation in transit – however, no information is presented about the nature of exploitation they were subjected to.

Article 70 (para 3) of Law 39/2004 clearly states that during the period in the holding center, the labor export agency must treat the prospective Indonesian migrant workers reasonably and humanely. Article 46 prohibits prospective

Indonesian migrant workers undergoing education and training in the holding centers from being exploited as workers. Furthermore, a minimum standard for temporary settlement was established by a regulation issued by the Manpower Ministry called Manpower Regulation No. 7/IV/2005 on Standards for Holding Centers of Candidate Migrant Workers. This regulation also contains articles on specifications for building holding centers for prospective migrant workers, facilities to be provided, rights and obligations of prospective migrant workers in holding centers, and activities to be performed by them while there. Several field assessments revealed that there were many labor export agencies in border areas that operated holding centers without a permit. These holding centers only provided board and lodging while the prospective migrant workers waited for their travel documents without provision for any of the specified activities that the holding centers were required to provide prior to placement (field assessment to Nunukan, 2006 & Sofie, 2006).

In most respects, the protection provided to prospective migrant workers by the Indonesian government exists only on paper. Experience shows that none of the provisions of the law are enforced seriously. One of the reasons could be the country's dependence on the labor export agencies to meet its target of placing Indonesian workers abroad.

Exploitation at the workplace and absence of recourse

Prospective migrant workers are able to depart for the final destination once all requirements of documents are met. They are then sent to placement agencies in Malaysia who will connect them with their employers. Normally, the migrant workers have to stay in centers provided by the Malaysian placement agency between one and two weeks. During their stay in the temporary shelter, they are similarly isolated as in the holding centers in their own country. During this period of involuntary confinement, they have no access to outside and no knowledge about where to seek assistance if required. Additionally, they are advised to be obedient and compliant with open threats that any problem with their employers would mean termination of their services and that, in such cases, they must wait at the temporary shelter till the placement agency can find another job. Many returned migrant workers stated that they had experienced physical and sexual harassment in these temporary shelters.

At the place work, the following transgressions are common:

- Employer commits breach of work contract (unpaid wages, lower wages than promised, heavy and generally undefined workload, denial of leave and other benefits such as medical care, etc.)
- The migrant worker is made to work in more than one location. For example, a domestic worker is also assigned to the employer's place of business denying her leisure and recreation.

- Significant wage deductions over a long period of time ostensibly in repayment of debt.
- Violence committed by employer or family members of the employer (psychological, physical and sexual violence).
- Detention, isolation and restrictions on leaving the place of work.
- Denial of right to perform religious activities.
- Forcible and unilateral extension of work contract preventing migrant workers from returning home.
- Confiscation of passport and other travel documents by the employer increasing the migrant worker's vulnerability in the eyes of the law.

The number of migrant workers in dispute with their employers is quite significant. Records of the Manpower Ministry indicated 1,091 cases concerning migrant workers in dispute were reported from various countries during 2005. Most of them related to unpaid wages (34%) and loss of communication/contact with family (23%) (Pusdatinaker-Balitfo Depnakertrans, 2006).

NGOs, however, argue that the number of disputes between migrant workers and their employers is much higher than those gathered by the Manpower Ministry. In an interview quoted in a Human Rights Watch report, Wahyu Susilo of Migrant Care said that in 2002, 12% of returning migrant workers had disputes with their employers (Human Rights Watch, 2004a: 37). Human Rights Watch also stated that after interviewing 51 Indonesian domestic workers in Malaysia, they were constrained to conclude that 9 out of the 51 (18%) women interviewed could have been trafficked. Even if this rate of incidence were to be projected over the figure of 216,000 (90% of 240,000), claimed to be the number of Indonesian domestic workers in Malaysia in 2004 (Human Rights Watch, 2004a), trafficking incidents could literally run into the tens of thousands.¹⁴² Furthermore, any number arrived at on the basis of these figures would only represent those who were subjected to labor exploitation and violence at the workplace. If, to this, is added the estimated number of those who are confined and mistreated in holding centers, the estimate of numbers trafficked persons would probably increase significantly.

The discussions in this sub-section tend to establish that at every stage of recruitment, transportation, harboring, and employment an Indonesian migrant worker in Malaysia is subjected to various types of transgressions ranging from deceit, denial of basic rights, and labor/sexual exploitation. Unfortunately, to be categorized as trafficked, a migrant worker must await exploitation of labor or prostitution, and therefore, during the stages spanning recruitment to harboring in

142 51 is too small a sample size to be used for the purpose of estimating the proportion of a certain occurrence in the sample universe. Secondly, it is not clear what criteria Human Rights Watch used to conclude that 9 of those interviewed were trafficked. Figures used in this paragraph are only to illustrate a point. Readers are advised against trying to arrive at any estimates of numbers trafficked to Malaysia based on the figures quoted.

holding centers, they are not perceived as trafficked women and men.¹⁴³ However, once the migrant workers are placed in situations of exploitation of labor or of prostitution, the concerned placement agencies, labor export agencies, and their recruiters become parties to the crime of trafficking. In the absence of anti-trafficking legislation in both Indonesia and Malaysia, recruiters and labor export agencies get away with minor charges such as of fraud, of illegal confinement, or of failing to satisfy the provisions of running a holding center in accordance with the provisions laid out in the ministerial decree. In the following section, the connection between fraudulent recruitment, confinement, and forced labor will be more clearly established by describing how the placement agencies in Malaysia, the labor export agencies in Indonesia and their agents all stand to derive disproportionate financial benefits from the forced labor of the migrant workers they send to Malaysia.

3. Relationship between debts and forced labor and how the official Indonesian migrant worker system loads debts on aspiring migrant workers

Continuing with the discourse above, this sub-section will specifically discuss the financial implications of each stage in the official migration system. It is revealing to see how costs incurred at every stage of the system are inflated and converted into debts – albeit fraudulently – and passed on to the next link in the recruitment / holding / placement chain to be ultimately used by the employer to extract forced labor from the migrant worker. Many migrant workers ultimately find themselves in a situation of debt bondage that leads to extremely harmful consequences. Debt bondage is a means that is used extensively in the Indonesian migrant worker system to strip the subjects of their right to self-determination and often lands them in situations akin to trafficking in Malaysia. Debt bondage is discussed in detail in another section of Chapter IV.

Article 39 of Law No. 39 / 2004 (PPTKLN) stipulates that all costs incurred in the recruitment of prospective migrant workers must be borne by the labor export agencies. Article 76 paragraph 1 makes it abundantly clear that the only placement costs that the labor export agency may charge the prospective migrant worker are those of: a) formalization of documents, b) medical and psychological examination, and c) work training and certification of work competence. These articles of the law are operationalized through the decree of Minister of Manpower: KEP-204/MEN/1999 stating that placement costs charged to the prospective migrant worker include costs for identity documents, medical checkup, work visa, local transportation, accommodation and consumption, and deposit for placement

143 There is much anecdotal evidence to suggest that many parties, including PJTKIs, Manpower officials and candidate workers themselves see the practices as very common and inevitable and are risks that candidate migrant workers must inevitably bear.

in the country of destination¹⁴⁴. The decree further stipulates that all placement costs of the migrant worker are at the discretion of the users and to be borne by them, except as otherwise specified or by approval of the Director General. From this regulation it can be figured out that the schedule of foreign placement costs can differ from one country of destination to another. For example, for labor placement to the United Arab Emirates (UAE) all such related costs (except local transportation) are to be fully borne by the employer. As a result, the prospective Indonesian migrant worker does not need to incur large costs. However, for placement to Malaysia, nearly all cost components are charged to the prospective migrant worker. Below is a detailed exposition of cost components related to each phase of migration.

Recruitment costs - who pays?

Most prospective Indonesian migrant workers are required to incur costs during the recruitment process. They bear costs to be transported by the broker or recruiter. Based on an assessment report in Jakarta (Agustinanto, 2006), all four migrant workers interviewed said that they had used the services of brokers to reach labor export agencies in Jakarta. Three of them claimed to have paid certain amounts of money for their journeys. One migrant worker from West Nusa Tenggara said that he paid the equivalent of US\$165 to the broker. The broker had told him that the money would be used for the costs of transportation and medical check-up. Another recruit from Brebes, Central Java admitted to have paid the equivalent of US\$88 to the broker. Meanwhile, a third recruit from South Kalimantan paid US\$135. This included airfare to Jakarta amounting to US\$55. The fourth recruit from Garut in West Java paid nothing. On the contrary, he claimed that he had borrowed US\$44 from his broker to cover initial costs (Interview with TKI, in field assessment to Jakarta, Agustinanto, 2006).

For those who must pay their costs, the initial investment ranging from US\$55 to 135 is not easy to cover. Many poor families of prospective migrant workers are forced to sell their fields, cows or land to cover their transportation costs. In several poor regions such as West Nusa Tenggara, there are many moneylenders who offer loans for departure costs at high interest rate ranging from 100 up to 200% for 3 months up to 1 year. In most cases, anecdotal evidence says families of prospective migrant workers who are unable to repay the debt stand to lose family

144 Despite of this, there are several new policies issued by government regarding protection and credit schemes for migrant worker such as, Regulation of Minister of Manpower (Permenakertrans) No PER.19/MEN/2006 on Implementation and Protection of Indonesia Migrant Workers in Abroad; MoU between Manpower Department and PT Bank Mandiri (Persero) Tbk No. KEP-211/MEN/IX/2005 and No DIR. MoU/007/2005 on Program for Placement, Protection and Empowerment of Indonesian Migrant Workers (TKI) through banking service; and Cooperation agreement between Bank Chinatrust Indonesia with Directorate general of PPTKLN Department of Manpower Republic of Indonesia on Credit Schemes for Migrant Workers.

assets such as rice fields, gardens or houses provided as collateral against such debts.

Besides collecting money from the prospective migrant worker, brokers and recruiters also get commission from labor export agencies receiving the recruit. The commissions earned by the broker/recruiter are quite significant in the Indonesian context. As a minimum, the commission is US\$55 and it could go as high as US\$165 per person.

Upon recruitment, the prospective migrant worker is placed in the holding center of the labor export agency. During this stage, costs incurred on behalf of the prospective migrant worker could increase significantly, in the manner described in the following paragraphs.

Costs in holding centers - actuals and as charged to the migrant workers

The following table illustrates the different costs that are incurred as the prospective migrant worker waits in the holding center of the labor export agency to be trained and while papers are processed. The typical costs paid by agencies were gathered through field interviews in Jakarta, Tanjung Pinang and Nunukan. It should be noted that the labor export agencies interviewed in Jakarta mainly handle prospective migrant workers to the Middle East - particularly, the United Arab Emirates (UAE) - whereas the ones in Tanjung Pinang and Nunukan handled, almost exclusively, prospective migrant workers to Malaysia.

Table 4.2:
Cost components for Placement of Indonesian Migrant Workers Case examples from Labor Export Agencies in Jakarta, Tanjung Pinang, and Nunukan

Components of cost	Labor Export Agency in Jakarta	Labor Export Agency in Tanjung Pinang	Labor Export Agency in Nunukan
Commission for broker / sponsor	750,000 - 1,000,000	1,500,000	0 - 150,000 ¹⁴⁵
Accommodation and consumption in temporary settlement	600,000 - 1,000,000	600,000 - 1,000,000	0 - 300,000 ¹⁴⁶
Training at holding center, examination cost	95,000		

¹⁴⁵ Some labor export agencies did not pay any commission to brokers for recruitment. It is likely that the brokers would recover such costs either from the prospective migrant worker or her / his employer

¹⁴⁶ Some labor export agencies did not post any charge for board and lodging. While lodging is provided free of charge, prospective migrant workers are required to buy their own food.

Components of cost	Labor Export Agency in Jakarta	Labor Export Agency in Tanjung Pinang	Labor Export Agency in Nunukan
Medical test	75,000 – 400,000		
Passport formalization	228,000	130,000	188,000
Formalization of identity documents such as resident ID card, Family Card, Affidavit of Birth, etc.		125,000	20,000
Recommendation from Manpower Office / BP2TKI	10,000	Cost of photocopy	16,000
Transportation for document administration	100,000	50,000	
Final supply and legalization of work contract	85,000		
Tax Exemption handling Services	180,000		
Settlement for departure to the country of destination	150,000 ¹⁴⁷		
Pre and Post Placement Insurance	100,000		
Ticket / administration for departure to country of destination		150,000	
Contribution towards Labor Export Agency Head Office charges			0 – 50,000
Fee for Association			7,500
Total in Indonesian rupiah	1,865,000 – 2,745,000	2,555,000 – 2,955,000	575,000 – 750,000
In US Dollars	207 – 305	280 – 325	63 – 83

Source: Interview with labor export agency staff in Jakarta (Agustinanto, 2006); interview with labor export agency staff in Tanjung Pinang (Sofie, 2006); interview with labor export agency staff in Nunukan (Safaruddin, 2006).

One major thing that is demonstrated by the information gathered on holding center costs is that they could vary depending on the country of destination,

¹⁴⁷ Airfare is borne by the employer

the location of the labor export agency, and even between agencies. There are more components of costs charged by labor export agencies in Jakarta – though in compliance with the ministerial decree – compared to those from Tanjung Pinang and Nunukan. This could have been so because the labor export agencies in Tanjung Pinang and Nunukan were branch offices – their head offices being located elsewhere. Provided below is a comparison of the costs charged by the three labor export agencies for the same component.

Based on the table above, it can be seen that there are 11 main cost components charged by labor export agencies in Jakarta compared to seven – though under different headings – by labor export agencies in Tanjung Pinang and Nunukan for sending migrant workers abroad. Actually, in Nunukan, there are only five approved headings against which costs are incurred, the other two being Association fees (presumably, this goes to the Labor Export Agencies Association in Nunukan) and head office charges for the individual labor export agencies. The headings of costs incurred by labor export agencies, except the two specific ones for Nunukan mentioned last, conform to those approved by the ministerial decree. The holding centers in Tanjung Pinang and Nunukan neither provide nor charge for training, medical examination, and insurance. Labor export agencies in Nunukan do not even charge migrant workers for any transportation costs for document administration – perhaps because all the holding centers and government offices in Nunukan are located within walking distances. It can also be seen that the three components of costs charged by the Jakarta based agencies – namely, legalization of work contract, handling tax exemption, and departure settlement – apply specifically to those going to countries in the Middle East and the far east. Actually, very few workers migrate to Malaysia through Jakarta. Though costs of departure through Jakarta, Tanjung Pinang, and Nunukan vary from each other – Tanjung Pinang being the most expensive and Nunukan¹⁴⁸ the least – what is important to note is that the maximum cost to be incurred by prospective migrant workers does not exceed US\$ 300 – 350 at most. Costs incurred by prospective migrant workers to Singapore stand marginally higher

148 In an interview with a staff person of a labor export agency in Nunukan (ICMC Site Visit to Nunukan, February 2006), it was found that one of the reasons for the low cost was that most migrant workers going to Malaysia through Nunukan were low-skilled workers seeking employment in plantations or as domestic workers. Labor export agencies do not consider that such prospective migrant workers need job training or final supplies. The small commission for the broker was because most of the prospective migrant workers whose documents are handled by the labor export agencies in Nunukan have prior experience of working in Malaysia, and wish to re-enter and work in Malaysia legally. On the other hand, in order to source prospective migrant workers freshly recruited from the local regions, many plantations and other employers sent in their own employees (called foremen) as recruiters. Recruitment and transportation costs were borne directly by employers in Malaysia through their representatives.

at US\$ 450.¹⁴⁹ Field observations in Entikong, West Kalimantan found that costs incurred in obtaining legal documents varied between US\$ 55 to 110.¹⁵⁰

How costs become debts

It might be revealing to examine how the costs of recruitment and those incurred in transit become debts that the prospective migrant workers must bear. An employee of a labor export agency said that they tell a prospective migrant worker to Singapore, at the time of her departure, that she carries a debt equivalent to US\$ 770 which she must pay back through wage deductions (interview with migrant worker in Tanjung Pinang, 2006). Labor export agencies in Tanjung Pinang transferred a debt ranging between US\$ 440 and 550¹⁵¹ to prospective migrant workers. The comparable figures for Entikong were US\$ 440¹⁵² to 660, and in Nunukan, the agents charged between US\$83 and 125 for acquiring a passport.¹⁵³

The costs informed to the prospective migrant workers are highly inflated. For making a passport, in accordance with government regulations, the cost should not exceed 200 thousand rupiah. However, brokers assigned to handle the procurement of a passport add their profits to actual costs. These inflated costs are

149 In an interview with a staff person of another labor export agency in Jakarta, it was learnt that to send an Indonesian migrant worker to Singapore, 4 to 7 million rupiah was required. This included protection cost of S\$15, insurance of 200 to 400 thousand rupiah, accommodation and consumption in temporary settlement 900 thousand rupiah (for a period of 3 months), commission to broker amounting to 1-1.5 million rupiah, training cost of 500 thousand rupiah, passport cost of 500 thousand rupiah, airfare amounting to S\$60, competency test cost of 75 thousand to 90 thousand rupiah, medical check-up cost of 100 thousand rupiah, and supply cost of 50 thousand rupiah. Total cost is approximately 4 million rupiah, in which the largest component is the commission payment for broker or sponsor of 1 to 1.5 million rupiah.

150 Although labor export agencies in Entikong did not want to discuss cost-related issues, it was found that the costs for passport handling imposed by the brokers in Entikong ranged from 500,000 up to 1 million rupiah, including the costs for ID Resident Card to the extent of 35 thousand rupiah (field assessment by Eka Rahmawati to Entikong, 2005 & field assessment by Andrianto to Entikong, 2006).

151 An employee of a labor export agency explained how they arrived at this figure. The airfare was 550,000 rupiah, broker / sponsor commission was calculated to be 1.5 million rupiah, passport administration cost was one million rupiah, medical check-up cost 165 thousand rupiah, and contribution to the state 400 thousand rupiah. Other costs included airfare to Malaysia of 150 thousand rupiah and cost of procuring an endorsement letter from the Manpower office and BP2TKI was charged at 100 thousand rupiah. These added up to 4,015,000 rupiah. With the cost of accommodation and meals at the holding center, the total reached 5 million rupiah. This, according to the employee of the labor export agency, would be the debt placed on the prospective migrant worker to be repaid through wage deductions (interview with employee of the labor agency in Tanjung Pinang, by Sofie, 2006).

152 According to labor export agencies and brokers handling documents, this is made up of 800 thousand up to 1.5 million rupiah for passport formalization. In case of difficulty in getting a passport in Entikong, the broker has to procure it in Sanggau at higher cost which could vary between 1.5 and 2.2 million rupiah (Rahmawati, 2006).

153 In Nunukan, the service cost for passport handling imposed on the prospective Indonesian migrant worker ranges from 300 – 450 RM (or about 750,000 up to 1,125,000 rupiah). This cost includes issue of identity documents such as Resident Identity Card, Affidavit of Birth, and family card which are required for issuing passports.

then considered as investments to be recovered by the labor export agency from the prospective migrant worker.

Before labor export agencies actually dispatch a prospective migrant worker to the country of destination, they receive a certain payment from their counterpart placement agencies abroad, or employers. The amount of payment received from the counterpart agency in the destination country usually covers the costs incurred by the labor export agencies and includes a service charge or fee. The table below presents the approximate amount of fees received by labor export agencies in different locations.

Table 4.3:
The approximate amount of fees received by labor export agencies

	Jakarta	Tanjung Pinang	Entikong ¹⁵⁴	Nunukan
Amount actually spent by the labor export agency	US\$ 207 – 305	US\$ 280 – 325	US\$ 55 to 110	US\$ 63 - 83
<i>Fees collected for sending:</i>				
Plantation worker			US\$ 220 to 415	US\$ 83 to 125 ¹⁵⁵
Domestic worker		US\$ 550 ¹⁵⁶	US\$ 220 to 415	
Worker in café or restaurant			US\$ 330 to 500	
<i>Range of profits made by labor export agencies</i>				
Fees received minus actual costs incurred (Exchange rates: US\$ 1 = Rp. 9000)	Figure not available	US\$ 225 - 270	US\$ 110 – 445 ¹⁵⁷	US\$ 0 – 62

154 In Entikong, agencies in Malaysia must pay 800 up to 1500 RM to have an Indonesian migrant to be employed as a domestic worker or plantation worker. Meanwhile, for a prospective Indonesian migrant to be hired in a café, it requires a higher price of about 1200 up to 1800 RM. However, a woman considered good looking may easily fetch a broker anything from 2,500 to 5,000 RM if sent to an entertainment center (Rahmawati, 2006).

155 Interview with broker, site visit to Nunukan, 2006

156 Interview with staff person of labor export agency, Assessment Report, Sofie, 2006

157 This includes what the labor export agency may have to pay the broker as also costs incurred in accommodating prospective migrant workers.

From all accounts, it is possible to see that the labor export agencies in Nunukan operate on comparatively lower margins of profit. This is perhaps due to the high level of competition among labor export agencies operating in Nunukan to procure orders for labor supply from placement agencies in Malaysia. This is understandable since there are 37 labor export agencies operating in Nunukan (data from Manpower and Transmigration Office & BPS Nunukan, 2004). Therefore, each labor export agency is trying to offer a lower price to the agency in Malaysia.

Agencies in Nunukan are able to generate profits due to the high numbers they handle. Even if the figure of approximately 64,000 migrant workers going to Malaysia in 2004 (see the section on East Kalimantan in the chapter on Provincial Assessments) is used as the base, at an average US\$30 per person, the fees collected by 37 labor export agencies annually would work out to US\$1,920,000 or about US\$50,000 per agency – an amount which is significant by Indonesian standards.

A question which arises then is that if the Indonesian labor export agencies are more than covered for their legitimate costs through fees earned from their clients in destination countries, why do they subject the prospective migrant workers to debt repayment ranging from US\$440 to 770 through salary deductions, especially in Malaysia? To understand this, it is necessary to examine some of the practices adopted by the placement agencies in Malaysia.

Transaction between placement agencies in Malaysia and the employers

The process of placing Indonesian migrant workers does not end with their departure from Indonesia. Placement agencies in Malaysia are supposed to earn a certain fee from the prospective employers against the placement of a migrant worker. To obtain a migrant worker, the employer must first pay the placement agency. The employer also has to pay a levy to the government of Malaysia to hire a migrant worker. In order to expand their markets, the labor placement agencies in Malaysia enter into a tacit understanding with employers, especially the first time employers of foreign migrant workers, to the extent that the employers will not have to bear any cost of recruitment or placement. There are two scenarios that are common by which this understanding is operationalized. The first is, the employer pays the agency and recovers it through wage deductions. The second is, the employer does not pay the agency but deducts wages of the migrant worker on behalf of the agency. It is to the advantage of the placement agencies to be the benefactors of the wage deductions because this way they can determine how much is to be deducted monthly and for how long. In both ways, ultimately all the costs of recruitment, transportation and placement – together with the mark-ups added at each stage – are passed on to the hapless migrant worker. The worker is not in a position to leave the employer until such debts are fully recovered. In other words, they become indentured for a period of time. Knowing that the foreign migrant worker is bound by debt, the employers take advantage of the

situation by inflicting extremely unfavorable working conditions. It would be useful to take a look at some specific sectors in which Indonesian migrant workers are placed to see how profiteering takes place at the expense of the migrant workers.

Wage levels of Indonesian migrant workers in Malaysia and extent of deductions

Although there is a minimum wage standard set by the Malaysian government, the migrant workers from Indonesia in Malaysia earn the least even in comparison to migrant workers from other countries. Migrant workers in Malaysia working in factories receive wages in the vicinity of US\$185 per month. Domestic workers from Indonesia, on the other hand, earn only US\$93 - 105 per month. Plantation workers – especially in Sabah and Sarawak – earn even less: approximately US\$2.11 per day, hours of work not specified. Even if they worked every day of the month, their earnings would still be less than US\$65 per month. Compared to this, the standard wage of a unionized worker of Malaysian nationality is US\$264 at the minimum. In the following paragraphs some typical examples of wage deductions are described. The examples are grouped according to the sector of work.

Domestic Worker

The wage of Indonesian domestic workers in Malaysia could vary between US\$93 - 105 per month. Dita, a domestic worker in Malaysia, was contracted to work at a monthly salary of US\$100. After two years, her employer paid her only US\$530. In other words, US\$1,870 was deducted (quoted from Human Rights Watch, 2004a). Amina, another Indonesian domestic worker in Malaysia, was first subjected to a wage deduction of US\$530 by the agency. This, the agency said, was the cost of procuring a passport for her. At the end of the two year contract, her employer paid her US\$220. According to Amina, the employer owed her a further sum of US\$1,060 which he never paid (quoted from Human Rights Watch, 2004a). Human Right Watch (2004: 44) provided many examples to demonstrate that whenever employers paid the wages through the placement agency, the migrant domestic workers were further compromised. In many cases, the migrant domestic workers received no money at all. These acts certainly qualify to be called labor exploitation, and when viewed in its entirety, can be categorized as incidences of trafficking.

Plantation Worker

The wages of plantation workers are lower than those of domestic workers. While in waiting at holding centers, many of the prospective plantation workers are told that they will be paid US\$3.16 to 4 per day. On arrival at the plantation, many of them are paid only US\$2.10 per day. Further, they will be subjected to deductions ranging from US\$13 to 40 per month as repayment of costs for passport

administration and travel documents. Udi, whose daily wage was US\$3.16, was subjected to a deduction of US\$21 per month. What he received in hand on average was about US\$26 per month accounting for weekly, and sometimes involuntary, off-days. Another migrant plantation worker, Amin said that he was indebted for US\$330 to his employers as cost of arranging his passport. To settle the debt, his wage will be deducted at the rate of US\$13 per month and it will be fully repaid in 25 months (interview, 2006). Naturally, during these two years or so, he will not be permitted to leave his employer. The period of indenture might increase if he has to incur further debts during these two years, should any contingency like illness arise.

The experiences of Udi and Amin were comparatively better than those of other Indonesian migrant workers in plantations. Rahman, who had been working for nine months in a plantation, had not received any wage at all. According to Rahman, he was informed by the labor export agency in Indonesia that he would be paid US\$158 per month. Kodir, who worked in a plantation in Malaysia for ten years from 1994 to 2004, was promised by the labor export agency in Indonesia that he would earn US\$4 per day. Actually, after monthly deductions, he got only US\$2.10 per day in hand (interview, 2006). Migrant plantation workers who enter Malaysia without proper documents suffer a much worse fate. Sudi and Firman migrated to Malaysia with the help of an agent, crossing the border without proper papers. During the one year they stayed in a plantation in Malaysia, they were paid nothing. They decided to escape and seek fresh employment elsewhere (interview, 2006).

Based these examples, it can be argued that the costs to be incurred at each stage of migration presents all parties connected with the migrant worker system with opportunities to profit at the expense of the prospective migrant workers. Some of the contributing factors to this state of affairs are: firstly, the lack of transparency in the way cost is imposed on the prospective migrant workers. At each stage, costs are incurred by third parties and the prospective migrant workers are presented with inflated bills. Secondly, although the government has clearly defined the components of cost that the prospective migrant worker must bear, in practice, they are also made to pay costs other than those allowed by the government. One example is the brokers' fees. The lack of clearly defined penal provisions allows those involved with the migrant worker system many such transgressions. The agonies of the prospective migrant workers are compounded by a lack of options – they must go through labor export agencies if they want to migrate for work in a legal manner. Collusion of the state apparatus cannot be ruled out since many government staff knowingly aid falsification of identity documents.

4. Protection of Indonesian migrant workers in Malaysia

This section will provide a brief overview of migrant worker protections in Malaysia. Recent progresses have been made in protecting the departing migrant

workers to Malaysia through bilateral agreements between the two governments. These agreements are in continuation of the Memorandum of Understanding (MoU) on the Departure of Indonesian Labor to Malaysia signed between the two countries in 1998. The MoU provides protection to Indonesian migrant workers employed in the formal sector only.

In May 2004, another MoU was signed by the governments of Indonesia and Malaysia on Labor Protection in the Informal Sector. This MoU governs the protection of unskilled laborers in the construction and the plantation sectors. However, it did not cover domestic workers. NGOs felt that some of the provisions contained in the MoU were not in the interest of Indonesian migrant workers. Some notable provisions considered to be harmful were: allowing employers to keep in their custody passports of Indonesian migrant workers employed, and restrictions imposed on Indonesian migrant workers in the matter of forming trade unions. In addition, some other shortcomings were in not defining working conditions sufficiently, and not making any provision for penalizing abusive employers and placement agencies.

In May 2006, another Memorandum of Understanding on Placement of Indonesian Household Servants in Malaysia was signed by the two countries. The term "household servant" was used to cover several categories such as drivers, gardeners and domestic workers. This MoU governs the rights and obligations of employers and household workers. The MoU stipulates that the employer must enter into a written contract with the domestic worker which should clearly state the wage to be paid. The MoU further puts restrictions on salary deductions at up to 50% of monthly wages. This MoU also requires that the employer must pay the levies on behalf of migrant workers. This is considered a good step since until now the tax was imposed on the worker and thus became a routine component of wage deduction.

This section helps in understanding how the migrant worker system in Indonesia ultimately lands migrant workers into situations of forced and exploitative labor. It also establishes the profit motives at every level, and that each party colludes with the other with one ultimate aim – profit from the forcible extraction of the labor of Indonesian migrant workers.

C. Law Enforcement Efforts to Combat Human Trafficking

Anis Hamim

In 2002, the Government of Indonesia enacted its first five-year National Plan of Action for the Elimination of Trafficking in Women and Children (NPA) through the issuance of Presidential Decree No. 88 of 2002. The NPA heavily emphasizes actions needed to be taken to strengthen Indonesia's legal framework and law enforcement capabilities to combat trafficking.¹⁵⁸ Since the NPA was issued, the government has published three progress reports on efforts to eliminate trafficking in persons – in March 2004, March 2005 and March 2006.¹⁵⁹ These reports include sections that provide a good list of laws and regulations (both old and those newly passed) that are called for in the NPA. There is no analysis, however, of how well the laws and regulations passed over the last four years are designed to effectively to combat trafficking. The government reports also provide data on the numbers and types of trafficking cases handled by police and prosecutors throughout Indonesia. This case data, however, seems far from complete. Information on trafficking cases collected and compiled by the Solidarity Center/ICMC from media reports, NGO findings and some local police stations in 17 provinces indicate that the number of arrests and prosecutions is far higher than that shown in the government's progress reports.

This section aims to provide a brief overview of actions already taken to strengthen Indonesia's legal framework and data on the numbers and types of trafficking cases handled in the past four years. The main purpose of the section is to present

158 Chapter II of the NPA starting on page 22 provides general goals and objectives that include legislative and law enforcement actions. These actions are outlined in more detail in the charts under "Program of Activities 2003-2007" starting on page 32. Section A under each level of government (national, provincial and district/municipality) provides objectives, outputs, activities, a time schedule, and a list of actors for steps needed to establish legal norms and empower law enforcers to combat trafficking at each level of government.

159 Each report is entitled "Elimination of Trafficking in Persons in Indonesia". The first two reports, for the periods of April 2003 – March 2004 and April 2004 – March 2005 respectively, were issued by the Coordinating Ministry for People's Welfare. The latest report covering the period of April 2005 – March 2006 was issued jointly by the Coordinating Ministry along with the Ministry of Women's Empowerment on behalf of the national Counter-Trafficking Task Force (Gugus Tugas RAN-P3A). However, the Coordinating Ministry did write an initial draft of the 2006 report that contains more information than the final report does for some subjects (such as the list of laws and regulations that are relevant to trafficking). As such, the Coordinating Ministry draft is a useful reference as well. Only the March 2005 report is available online – the Indonesian version can be accessed at http://menkokesra.go.id/pdf/deputi3/human_trafficking_ind.pdf ; the English version can be accessed at http://menkokesra.go.id/pdf/deputi3/human_trafficking_eng.pdf

findings compiled by the Solidarity Center/ICMC in a way that supplements data already available to the public through the government progress reports or other publicly available sources of information.

1. Development of Legal Instruments to Combat Human Trafficking

The government's progress reports on efforts to eliminate trafficking provide a mostly comprehensive list of newly passed and older national laws and regional regulations relevant to trafficking. The Solidarity Center/ICMC and IOM have also published materials that provide a review of legal instruments.¹⁶⁰ All of the publications listed above provide some analysis and guidelines on how these laws and regulations may be used against trafficking. With so much information already available to the public, this section will only seek to briefly outline the most important developments since the issuance of the NPA as well as provide some commentary on the legislation that has not yet been considered in previous reports.

The Government of Indonesia has drafted and passed three of the four laws prioritized in the NPA.¹⁶¹ These are:

- ◆ Law No. 23 of 2004 on Elimination of Domestic Violence;
- ◆ Law No. 39 of 2004 on the Placement and Protection of Overseas Workers (PPTKLN); and
- ◆ Law No. 13 of 2006 on the Protection of Witnesses and Victims.

The fourth piece of legislation emphasized in the NPA is a law specifically criminalizing human trafficking. At the time of this report's publication, the Indonesian national parliament was nearing completion of its deliberations of an Anti-Trafficking Bill (RUU PTPPO) with plans for passage in early 2007. Assuming that the Anti-Trafficking Bill is passed in early 2007, the Government of Indonesia appears to be on track to enact the most important national legal instruments called for in the NPA.¹⁶² However, the 2006 government report lists eight more bills relevant to trafficking that await consideration by the national parliament (DPR) – the most important of these being the Bill on the Ratification of the United Nations Convention Against Transnational Organized Crime and the Bill on the Ratification of the UN Protocol to Prevent, Suppress and Punish Trafficking in

¹⁶⁰ The publication by the Solidarity Center/ICMC is entitled *"Trafficking of Women and Children in Indonesia"* edited by Ruth Rosenberg published in 2003 – see chapter 6: Review of Indonesian Legislation. The publication by IOM is entitled *"Guidelines for the Investigation and Prosecution of Human Trafficking Cases and the Treatment of Victims during Law Enforcement Proceedings"* published in 2005.

¹⁶¹ See Chapter II, Section B, item 2 on page 23 of the NPA for the list of laws called for.

¹⁶² Enactment of these new laws, however, came later than the time schedule detailed in the NPA – see page 32 of the NPA for this time schedule.

Persons, Especially Women and Children.¹⁶³ The report notes that these bills are not currently prioritized by the DPR.

The Ministry of Manpower and Transmigration has entered into Memorandums of Understanding (MoU) with several countries accepting Indonesian migrant workers, including Malaysia, Jordan, Kuwait, South Korea, Taiwan and the Philippines. Nearly all of these agreements were negotiated following the issuance of the NPA. As of March 2006, discussions on new MoU were being held with Brunei Darussalam, Singapore, Japan, England, Australia, USA, Canada, Spain, Greece, Italy, Bahrain, Qatar, United Arab Emirates, Oman and Lebanon. The 2006 government report states that the ministry has also issued a policy to cut down the placement of migrant workers in informal sectors (emphasizing domestic workers) and to increase placement of Indonesian migrant workers in the formal sector in an effort to reduce the abuse of overseas migrant workers.¹⁶⁴

Apart from the efforts of the national government outlined above, there are also a significant number of provincial and district/municipality level regulations relevant to trafficking. Since the enactment of the NPA, two provinces and one district passed regulations specifically aimed to eliminate trafficking. These are:

- ◆ North Sulawesi with Regional Regulation No. 1 of 2004 on Prevention and Elimination of Trafficking of Women and Children;
- ◆ North Sumatra with Regional Regulation No. 6 of 2004 on Elimination of Trafficking of Women and Children; and
- ◆ Indramayu District with Local Regulation No. 14 of 2005 on Prevention and Prohibition of Trafficking for Child Commercial Sexual Exploitation.

Given the close relation between migration and trafficking, it is important to note that one province and one district passed regulations within the last four years aimed to better protect overseas migrant workers. These are:

- ◆ Sumbawa District with its Local Regulation No. 11 of 2003 on Protection of Indonesian Overseas Workers originating from Sumbawa; and
- ◆ East Java Province with its Local Regulation No. 9 of 2005 on Provision of Protection for Women and Children Victims of Abuse.

163 For a complete list of the eight bills, see "Elimination of Trafficking in Persons in Indonesia: Year 2005-2006" by the Coordinating Ministry for People's Welfare and the Ministry of Women's Empowerment - see the section on the reinforcement of legal basis under the chapter on legal actions.

164 Same as above

The initial draft of the 2006 government report by the Coordinating Ministry for People's Welfare¹⁶⁵ lists a total of two provinces and 23 districts/municipalities with regulations aimed at prohibiting prostitution – the majority of which were enacted in the last four years. The initial draft of the report also lists seven districts/municipalities with regulations on registration or control of population – four of them enacted since the issuance of the NPA. Not a single regulation was enacted within the last four years regarding domestic workers – only Jakarta has such a regulation, which was issued in 1993.

The number of new laws and regulations enacted over the first four years of the NPA is impressive. The sections describing legislative actions in the three government progress reports also demonstrate that the authors have a clear understanding of the wide range of issues connected to trafficking. However, some of the most important aspects of trafficking have yet to be addressed and are not so well understood by the majority of lawmakers – so they still have not been prioritized. The most important of these issues is debt bondage and the need to better protect domestic workers. Although the NPA does specifically mention debt bondage as a problem in relation to trafficking, there are no specific actions called for in the plan on how to address it. As such, Indonesia's lawmakers missed a major opportunity to address debt bondage during their deliberations on the Bill on the Placement and Protection of Overseas Workers. Civil society activists attempted to provide input to lawmakers regarding debt bondage but complained that the process was mostly closed to them. Critics of the passed law argue that the migrant worker system continues to virtually institutionalize debt bondage in its migration processes. The Anti-Trafficking Bill, which was still under deliberation at the time of writing this report, is another critical legal instrument that should address debt bondage. Given the fact that debt bondage is so closely associated with trafficking in Indonesia, an Anti-Trafficking Law that attempts to criminalize trafficking without criminalizing debt bondage may prove to be less effective than needed to combat trafficking.¹⁶⁶ A coalition of civil society institutions is also calling for a specific law to better protect domestic workers (as current labor laws do not consider domestic workers as part of the labor force and thus do not include them in regulations designed to protect workers). As the NPA does not emphasize a need for such a law, this issue has not been prioritized by officials tasked to fight trafficking.¹⁶⁷

165 The final report for 2006 issued jointly by the Coordinating Ministry for People's Welfare and the Ministry of Women's Empowerment on behalf of the national Counter-Trafficking Task Force (Gugus Tugas RAN-P3A) does not present a complete list of regulations and laws relevant to trafficking. The initial draft of the 2006 report written by the Coordinating Ministry has a more complete list. This initial draft is being referenced for this paragraph.

166 See section on debt bondage for more information on its international definition and how it is connected to trafficking in Indonesia.

167 The NPA does call for passage of a domestic violence law – which was passed as noted above. The law includes components designed to better protect domestic workers from violence – but does so with the point of view that these workers are members of the household rather than employees. As such,

It is also not yet clear how effective the newly passed legal instruments outlined above will be in deterring traffickers and protecting people vulnerable to this crime. Several of the new laws and regulations have been criticized for disregarding basic human rights and for not properly protecting people vulnerable to trafficking and other crimes. Also, on closer look at some of the legislation and policies listed above, it is not overly clear how much policymakers took trafficking into consideration during their drafting and deliberative processes. Law 39 of 2004 on the Placement and Protection of Overseas Workers (PPTKLN), for example, has been heavily criticized by migrant worker rights groups for emphasizing mechanisms for placement rather than protection of migrant workers.¹⁶⁸ An analysis of the law by an international lawyer familiar with Indonesia's migrant worker system concluded that "the provisions [of the law] operate on the assumption that exploitation, debt bondage, extortion, confinement, document falsification and abuse are not part of the migrant worker reality, where as in fact they very much are."¹⁶⁹ Similarly, more than 260 national and international labor rights groups sent a letter to Prime Minister Abdullah Badawi and President Susilo Bambang Yudhoyuno in April 2006 urging Malaysia and Indonesia to provide far greater protections to Indonesian domestic workers than was being considered at the time in a draft bilateral agreement on non-formal migrant workers. The MoU was signed soon afterwards with no significant changes to the draft. The labor rights groups criticized the MoU as merely an "operational mechanism" to regulate the recruitment process for the benefit of labor agencies, without putting essential rights and protections of domestic workers in place.¹⁷⁰

Despite the criticisms concerning a lack of protection of Indonesian migrant workers overseas, Manpower Minister Erman Suparno has stated repeatedly that the government is trying to expand the number of migrant workers from current levels of around 400,000 per year to between 700,000 to 1.5 million annually in the coming three years to increase the level of remittances. This plan for such a rapid increase in the number of migrant workers does not logically correspond with the government's statement in its 2006 trafficking report that there is currently a policy to reduce the number of unskilled domestic workers migrating overseas. Over 70% of Indonesians currently migrating abroad are unskilled and employed in domestic work. Although the Manpower Ministry does state a wish to decrease the numbers of unskilled workers going overseas, it provides no clear information

it does not protect domestic workers from other exploitations and abuse – such as unreasonably long working hours, hazardous conditions, and unfair wages – that are commonly reported.

168 See "Legal Analysis: Undang Undang No. 39 Tahun 2004 - Penempatan dan Perlindungan Tenaga Kerja Indonesia di Luar Negeri" by Konsorsium Pembela Buruh Migran Indonesia (KOPBUMI), September 2005.

169 This analysis was contracted by the Solidarity Center/ICMC in September-October 2004 and performed by Victoria Stewart-Jolley.

170 See <http://www.tenaganita.net/> for a copy of the April 2006 letter to the Malaysian Prime Minister and the Indonesian President. This website also provides an article by *The Jakarta Post* on 17 April 2006 entitled "NGOs fault MOU on Migrant Workers".

on how they intend to do this as they simultaneously and rapidly increase overall numbers of migrant workers.¹⁷¹

On first glance, the large number of ordinances on prohibiting prostitution also may seem to be a step in strengthening the legal framework to better combat trafficking. However, critics of these regulations have argued that officials are less concerned with protecting women and girls from traffickers and more interested in appearing to be tough on crimes of morality. These critics argue that these regulations simply result in criminalizing the women and girls found in prostitution and that law enforcers rarely investigate whether they were controlled and abused by traffickers. A widely publicized case in Tangerang, West Java in May 2006 illustrates this point. Indonesian newspapers reported that Tangerang officials put on a “show trial” during the city’s anniversary in which several women were paraded before a jeering crowd of civil servants at city hall to answer charges of prostitution. One woman described to reporters that she had been wrongfully arrested the night before for simply standing on the street in the early evening waiting for a bus – and that several other innocent female bystanders were also swept up at the same time (two of them were teenagers eating at a food stall and one a 63-year old woman buying fruit from a vendor). The officials felt they had proof enough that the woman was a prostitute as she was found alone and had cosmetics in her bag. The judge agreed with the allegations without allowing her to defend herself and gave the woman a choice to pay a fine or spend three days in jail.¹⁷²

Officials responding to the criticisms outlined above often cite the need for educating law enforcers on how to better enforce laws – rather than admitting there may be a problem in the design of the laws.¹⁷³ The government progress reports do share information on efforts to educate police and prosecutors on how to use available legal instruments to fight traffickers. These reports also provide information on how many cases are handled and under what laws such cases were prosecuted. As noted above, this information seems incomplete. The next section will look at how law enforcers have been doing in terms of using the legal framework outlined above.

171 See “RI Migrant Workers Remit \$1.53 Billion”, *The Jakarta Post*, 5 July 2006 for an example of the many media articles stating the ministry’s plans to expand numbers of migrant workers. This article also explains the ministry’s hope to increase the number of skilled workers to increase remittances – but no information is provided on how the ministry plans to bring about a change in the skill levels of the average Indonesian worker migrating abroad.

172 See “When Makeup Brands You a Prostitute”, *The Jakarta Post*, 4 May 2006 for a more detailed account of this incident.

173 Tangerang officials responded to criticism in this manner as reported in the article cited above.

2. Numbers of Trafficking Cases Reported

The Government of Indonesia's 2006 trafficking report presents information on 30 trafficking cases registered and handled by police during 2005 as compiled from the Crime Investigation Board of the Police Headquarters (*Badan Reserse Kriminal Mabes Polri*). The following table – which breaks down numbers of cases by province – is taken from the government report (Task Force for NPA, 2006: 18):

Table 4.4:
Trafficking Cases by Province in 2005 (2006 Government Report)

No.	Police Region	Cases	No.	Police Region	Cases
1.	North Sumatra	1	7.	East Java	6
2.	Riau Islands	2	8.	West Kalimantan	4
3.	South Sumatra	3	9.	Central Sulawesi	1
4.	Lampung	2	10.	South Sulawesi	2
5.	Metro Jakarta Raya	7	11.	Papua	1
6.	West Java	1	Total		30

Source: Crime Investigation Board, RI Police Headquarters (2006)

The government report also presents a table with total numbers of cases compiled by the Police Headquarters from 1999, which includes the number of cases subsequently submitted to the prosecutor's office. No information is given as to which provinces these cases were registered in for the years 1999-2004. Part of the table follows (Task Force for NPA, 2006, March: 19);

Table 4.5:
Number of Trafficking Cases (2006 Government Report)

Year	Total Cases	Submitted to Prosecutor's Office
1999	173	134
2000	24	16
2001	179	129
2002	155	90
2003	125	67
2004	43	23
2005	30	8

Source: Crime Investigation Board, RI Police Headquarters (2006)

The government report explains that the 30 cases during 2005 involved 42 alleged traffickers and 58 trafficked persons, 40 of whom were adult women, 3 underage girls, 10 children and 5 babies. The report provides no data on the total number of traffickers or trafficked persons involved in the cases of previous years.¹⁷⁴ However, the initial draft of the 2006 government report by the Coordinating Ministry for People's Welfare stated that media reports indicated the police arrested 126 people in 2005 and 151 people in 2004 for alleged involvement in trafficking.¹⁷⁵ The following table¹⁷⁶ was included in the initial draft of the report:

Table 4.6:
Trafficking Cases for 2004-2005
(Government compilation of media reports)

Year	Traffickers (persons)	Court (persons)	Sentenced (persons)
2004	151	53	53
2005	126	23	16

Source: Media (printed and electronic) Reports, 2005-2006

The total number of alleged traffickers for 2005 from the media compilation by the Coordinating Ministry for People's Welfare is three times bigger than the number of alleged traffickers reported by the Police Headquarters. As there is no information provided from the Police Headquarters in the government report on numbers of alleged traffickers arrested in 2004 out of the total of 43 cases, no comparison can be made with the figures compiled from the media reports for 2004. However, it would seem that there may be a similar discrepancy in the numbers of cases compiled by the Police Headquarters in 2004 compared to the number reported in the media.

The Solidarity Center/ICMC also compiled information from media reports, as well as from NGOs and several local police stations, in 17 provinces from the beginning of 2004 through April 2006. The results of this compilation also show a difference in the number of trafficking cases from these sources compared to the number reported by the Police Headquarters. The following table provides the number of cases found through this compilation process:

¹⁷⁴ The government reports from 2005 and 2004 also do not provide such data.

¹⁷⁵ The final version of the 2006 government trafficking report does not include this information.

¹⁷⁶ The table is found under the section on Trafficking in Persons Cases. It is not included in the final 2006 report.

Table 4.7:
Number of Trafficking Cases from Beginning of 2004 through April 2006
(Solidarity Center/ICMC compilation)

No.	Province	Year			Number
		2004	2005	2006 (per April)	
1.	Riau Islands	14	35	3	52
2.	North Sumatra	13	20	2	35
3.	North Sulawesi	3	18	5	26
4.	West Java	6	16	1	23
5.	Jakarta	11	6	5	22
6.	East Kalimantan	9	7	-	16
7.	East Java	2	6	3	11
8.	South Sulawesi	-	4	-	4
9.	Bali	2	4	-	6
10.	Central Java	6	3	-	9
11.	Lampung	-	3	-	3
12.	Bengkulu	-	2	-	2
13.	West Kalimantan	14	2	-	16
14.	Riau	2	1	-	3
15.	Banten	-	1	3	4
16.	E. Nusa Tenggara	-	1	-	1
17.	Papua	-	1	-	1
	Total	82	130	27	239

Source: Trafficking Case Compilation (Solidarity Center/ICMC, 2006)¹⁷⁷

The figures for 2006 are only from January through April and cannot be compared to any data provided by official police reports or government media compilations as of yet. However, in looking at the numbers for 2005, the 130 cases compiled by the Solidarity Center/ICMC (which involved no less than 198 traffickers and 715 trafficked persons (see appendix B for more details on the Solidarity Center/ICMC data compilation) far exceed the 30 cases reported by the Police Headquarters

¹⁷⁷ Solidarity Center/ICMC data compilation was obtained from newspaper clippings, NGO reports and data from some local police stations in 17 provinces. See annexure for more data from the compilation.

(which involved 42 traffickers and 58 trafficked persons as noted above). The Solidarity Center/ICMC numbers also exceed the 126 persons arrested for trafficking according to the Coordinating Ministry's media compilation. There are similar inconsistencies for the 2004 figures.

There are several possible reasons for so many discrepancies when looking at the data above. The first consideration is the fact that the data collected by the Solidarity Center/ICMC and the media compilation collected by the Coordinating Ministry for People's Welfare must be viewed with the assumption that accidental duplications of cases may occur (counting the same case more than once) and that the media and NGOs may report some cases inaccurately. On the other hand, the media and NGOs likely did not detect and report all cases handled by police. But the fact that these compilations produced numbers far bigger than the numbers reported by the Police Headquarters also should lead to the question of whether the police have been able to accurately compile trafficking cases at the national level. In comparing the figures for 2005, the number of cases compiled by the Police Headquarters are very similar to the number of cases compiled by the Solidarity Center/ICMC for the provinces of Lampung (difference of 1 case), Jakarta (difference of 1 case), East Java (no difference), West Kalimantan (difference of 2 cases), South Sulawesi (difference of 2 cases), and Papua (no difference). The big differences in numbers of cases are found for the provinces of North Sumatra (difference of 19 cases), Riau Islands (difference of 33 cases), and West Java (difference of 15 cases). The reason for the big differences in these three provinces is not clear. However, government officials and police officers responsible for keeping records on trafficking cases explain that it is difficult to identify trafficking cases since there is no law defining trafficking – making it necessary to arrest traffickers under a variety of charges that can be a component of trafficking (such as abduction and pimping under the Criminal Code, placing children into prostitution under the Child Protection Act, improper recruiting under the Placement and Protection of Overseas Workers Act, and child labor under the Manpower Act). It is likely that some provincial police offices are more capable than others in determining which cases are connected to trafficking and which are not. It is not clear if this explains the differences found for the provinces of North Sumatra, Riau Islands and West Java.

Overall, it seems that the Government of Indonesia may not yet have an accurate system to record the number of trafficking cases handled by police and prosecutors. Once the Anti-Trafficking Bill is passed into law, the job of keeping records on number of cases may become easier. However, trafficking is a complex crime – it is a “package” of several individual crimes that often results in a greater impact on victims than the sum of the individual crimes. Once the bill is passed, the challenge will be whether police and prosecutors can properly identify crimes as trafficking rather than just one or two of the individual crimes that may be components of a trafficking situation.

3. Types of Cases Reported & Legal Instruments Applied

Data from the National Police Headquarters quoted in the 2006 government report on trafficking does not include much information on the types of human trafficking cases police handled. The data compiled by the Solidarity Center/ICMC provides a good degree of information for 2005 on types of cases – but less so for 2004 and the first four months of 2006. The following table is a summary of the types of cases for the year 2005:¹⁷⁸

Table 4.8:
Types of Cases Reported for 2005
(Solidarity Center/ICMC compilation)

Types of Cases	2005	
	Total	%
Domestic forced prostitution	56	43.1
Baby trafficking/illegal adoption	34	26.2
Overseas forced prostitution	17	13.1
Migrant worker exploitation	15	11.5
Domestic worker exploitation	2	1.5
Others ¹⁷⁹	6	4.6
Total	130	100

Source: Trafficking Case Compilation (Solidarity Center/ICMC, 2006)

The difference in the percentages between sex trafficking (totaling 56.2% from domestic and overseas forced prostitution) and trafficking of domestic workers and migrant workers (with a combined total of 13%) is quite large given the fact that estimates of persons vulnerable to trafficking are large in all of these categories (see tables 2 and 3 in the overview chapter, Rosenberg, 2003b: 30). As noted in Chapter 2, the extent of trafficking cannot be measured by the records of trafficking cases as documented by the police – and thus, it is likely that the difference in percentages is not representative of the prevalence of one type of trafficking versus another. What this difference in percentage between these types of cases may indicate is that sex trafficking is likely the easiest type of trafficking to identify – and thus may be more frequently documented as trafficking by both law enforcers and the media. Similarly, the high number of baby trafficking/illegal adoption cases documented could be due to a lack of understanding whether such a case is trafficking or not rather than its prevalence as a crime compared to the other forms of trafficking.

¹⁷⁸ The less complete data from 2004 and 2006 can be found in the annexure.

¹⁷⁹ Includes child exploitation for begging and pedophilia.

Information is again limited regarding what legal instruments police and prosecutors have used to arrest and prosecute traffickers in these cases. The reports by the government provide very little information on this. Data from the Solidarity Center/ICMC compilation also does not provide a full picture. The following table shows the cases from the Solidarity Center/ICMC compilation that clearly indicated which laws and articles were used by police in arrests:

Table 4.9:
Legal Instruments Applied (Solidarity Center/ICMC compilation)

No.	Law Applied	Number of cases	Articles used
1	KUHP	29	Art. 297, 55, 378, 332, 296
2	Child Protection Law	22	Art. 88, 83, 79
3	PPTKLN Law	7	Art. 102, 39, 104
4.	Manpower Law	3	Art. 71, 74
5	Immigration Law	1	Not mention

Source: Trafficking Case Compilation (Solidarity Center/ICMC, 2006)

The Criminal Code (KUHP) seems to have been utilized most by police and prosecutors according to this data. Although trafficking is expressly stated as a crime in Article 297 of the Criminal Code, there is no clear definition of what constitutes trafficking – making this article difficult for law enforcers to use. However inadequate it may be, some police and prosecutors make use of this article. Other articles used in the Criminal Code Articles 296 and 506 on prohibition to facilitate prostitution, and Article 332 on transporting a girl without her parents' consent. There are indications that Article 285 on rape and Articles 287-292 on molestation are also likely used by law enforcers.

In addition to the Criminal Code, Law No. 23 of 2003 on Child Protection seems to have been used almost as much by law enforcers. Article 83 of this law touches on child trafficking by stating that a child trafficker should receive 3 to 15 years imprisonment and a fine of 60 to 300 million Rupiah. Law 39 of 2004 on the Placement and Protection of Overseas Workers (PPTKLN) has been applied to cases in which migrant workers have been trafficked. Another law used to a lesser extent to arrest traffickers is the Manpower Law (No. 13 of 2004), particularly the articles on wages, work conditions and time, and child labor. The Immigration law No. 92 of 1992 has been applied to at least one case involving falsification of travel documents (though the article used was not clear from the data).

4. Indictments

The government reports provide some information regarding court processes and sentencing. The following table is from the 2006 government report (note that each of the three government reports covered the periods of April through March which correspond to each of the periods below):

**Table 4.10:
Verdicts for Trafficking Cases in Indonesia
(2006 Government Report)**

No.	Year	Defendants	Verdicts	Sentence
1.	2003 - 2004	84	27	Sentences passed range from 5-6 months imprisonment to a maximum of 4 years.
2.	2004 - 2005	53	449 *)	There were some acquittals. Sentences of imprisonment ranged from 6 months to a maximum of 13 years. The average sentence was 3 years and 3 months.
3.	2005 - 2006	23	16	There were no acquittals. Sentences of imprisonment ranged from 3 months up to a maximum of 9 years. The average sentence was 2 years and 6 months.

*) No clear verdict

Source: Processed from various sources (2006)

The 2005 data from the Solidarity Center/ICMC compilation recorded 19 convictions as shown in the following table:

**Table 4.11:
Length of Imprisonment for Traffickers
(Solidarity Center/ICMC compilation)**

Imprisonment	Total	Percentage
< 1 year	6	31.58
1 - 5 years	11	57.89
> 5 years	2	10.53
	19	100.00

Source: *Trafficking Case Compilation (Solidarity Center/ICMC, 2006)*

The length of imprisonment recorded by both sources is similar – with the majority of cases resulting in one to five years of imprisonment. Data from the Bareleng Batam police, for example, indicate that all of the traffickers in the six cases filed with the State Court were indicted with 1.5 years imprisonment. In Manado,

North Sulawesi, two cases were arraigned in 2005 to 2006. The sentence was one year imprisonment for the first case and 20 months for the second case (interview with PIPPA, October 31, 2006). In North Sumatra, 20 trafficking cases were filed with the police in 2005, 13 cases in 2004 and 2 cases up until April 2006. In the first case, traffickers were convicted with seven months to one year imprisonment for violation of Article 378 of the Criminal Code on Deception. This article stipulates a maximum of four years imprisonment. In the second case, a trafficker was punished with 3 years and 8 months imprisonment for violation of Article 378 on deception and Article 285 on rape (LBH Apik Medan Report, June 2006). In Samarinda, East Kalimantan, police reported 12 human trafficking cases from 2004 to 2005. They arrested six traffickers and rescued 17 women and children. Four out of the 12 cases were prosecuted. The traffickers were punished with one to six years imprisonment and a 67 million Rupiah fine, as per the Child Protection law (Interview, field assessment, 2006).

Very few cases resulted in sentences greater than five years. One sentence imposed by the Medan State Court in May 2004 was for seven years imprisonment as well as a 60 million Rupiah fine. This same court also punished another trafficker with 13 years imprisonment for trafficking nine women to Malaysia for sexual exploitation (LBH Apik Medan Report, June 2006).

5. Organized Traffickers and Punishment for Corporations

According all of the above data, it is evident that a significant number of trafficking cases in Indonesia involve three or more people and can therefore be categorized as organized crime¹⁸⁰. Data from Tanjung Pinang, for instance, show that in 27 cases reported, six of them involved more than three traffickers, seven cases involved two traffickers and 14 cases involve one trafficker. Twenty-eight out of the 130 cases in the Solidarity Center /ICMC compilation for the year 2005 involved three or more traffickers.

There were also cases involving corporations as traffickers. In theory, someone could be an alleged trafficker if he/she abuses their "function" in or through an organization. Unfortunately, the KUHP does not allow provisions for taking a corporation to court¹⁸¹. The available data shows that a criminal charge against a corporation is diverted to the owner or the administrator in the form of a charge against the individual.

180 According to article 2 verse a of the UN Convention Against Transnational Organized Crime, "an organized crime group" is a structured group consisting of 3 or more people, simultaneously implementing the same action for a criminal or serious violation purpose in order to directly or indirectly gain financial or material profits;

181 The 1999-2000 draft of suggested revisions to the KUHP included provisions making corporations also subject to criminal charges.

In December 2004, Liputan 6 SCTV (*Anggota Sindikat*, 2005) reported that the police raided a holding center for migrant workers in Tanjung Pinang, Riau. They found dozens of women and girls locked in the facility from East Nusa Tenggara and East Java, most of them under 18 years old. These women were forced to do household work in the area – being told that it was a form of training before they would be placed into jobs in Johor Baru, Malaysia. The women and girls held at the facility claimed they were treated badly and confined in an unventilated room for two months. Some were abused and sexually harassed by the guards. SCTV also reported that the police filed three charges against Regi Kurnianto, the Director of Anton Bina Perkasa agency (ABP) for the illegal employment of children, labor deception and abuse of prospective workers (*TKW Korban Penyelesaian*, 2006).¹⁸² The penalty for the abuse as a violation of Article 351 (1) is up to two years and eight months imprisonment.

The police also succeeded in unveiling three cases related to labor recruitment corporations. The three corporations were PT Adisanta Kencana, Jakarta, owned by Jimmy Chandra, suspected of trafficking women for domestic work to the Middle East (*Polres Bandara Soekarno-Hatta*, 2006), PT Balanta Budi Prima, Kupang branch, suspected of sending 27 illegal women migrant workers to Malaysia (*27 TKW Ditangkap*, 2005) and PT Media Seni Indonesia Jakarta, owned by Basri Nurdin, SH., suspected of trafficking 51 women for sexual exploitation in Japan under the pretext of a cultural exchange scheme (impresario service) (*Jual 58 wanita*, 2005).

The Ministry of Manpower and Transmigration conducted a series of raids on both licensed and unlicensed labor export recruitment agencies (PJTKI) over the period of 2004-2006. Several PJTKI administrators were arrested – with most charges under Law 39 of 2004 on the Placement and Protection of Overseas Workers (PPTKLN) for lack of proper license to operate and/or inhumane treatment of candidate migrant workers held at the facility. Minister of Manpower and Transmigration Erman Soeparno stressed in February 2006 following several raids that PJTKIs which violate regulations will be suspended or have their license revoked. At that point in time, 25 PJTKIs faced the possibility of suspension and revocation of their licenses (*25 PJTKI terancam*, 2006).

6. Cases Involving Child Trafficking

Police and prosecutors sometimes face the challenge of not knowing the age of the trafficked person or persons – making it difficult to know whether the Child Protection Act and other laws regarding children should be applied as these

¹⁸² Police had six suspects in this case. They were Regi Kurnianto as director of PT. AO, West Tanjungpinang, Sarno W., head of Kamboja sub-district M. Gasyim, and head of Kampung Baru sub-district Marwan. Regi is facing at least three charges for employment of children, labor deception and abuse against prospective migrant workers.

impose considerably harsher punishments than legal articles regarding adults. Currently, police simply rely on birth certificates and identity cards to determine the age of trafficked persons. However, the common practice by traffickers to falsify information, particularly age, on identity cards and travel documents presents a problem. At times police have attempted to overcome this problem by tracking down information on a person's age by going to the person's home village.

The difficulty of determining the age of some trafficked persons is complicated by the fact that Indonesian law is not clear on the legal definition of a child¹⁸³. Because of this, some trafficked children may not be offered the services and level of protection they need. According to Article 59 of the Child Protection Law, trafficked children shall receive different treatment as opposed to adults. Article 68 verse 1 stipulates, "the government and civil society is obliged to provide specific protection in forms of treatment and rehabilitation."

7. Future Actions in Law Enforcement

As noted above, the fact that trafficking is not clearly defined in the law has forced law enforcers to fight trafficking by prosecuting the individual crimes that may be committed by traffickers. Given the variety of laws used to arrest and prosecute traffickers to date, it is clear that police and prosecutors have been somewhat successful in finding ways to apply current laws to combat trafficking. However, the number of trafficking cases handled by police – according to all of the sources found above – is small compared to the numbers of clients reported by NGOs providing services to trafficked persons as well as the information provided by the growing number of research publications on trafficking. Perhaps the passage of a law specifically aimed to criminalize and combat trafficking will help to increase arrests and prosecutions. However, policymakers and law enforcers alike should be asking questions, such as: Has the State created an environment of deterrence regarding trafficking? Are traffickers considering the legal consequences for their actions and do they feel that they may be caught and punished?

These questions may not be easy to answer. However, as the current NPA nears the end of its five-year term, policymakers, law enforcers and civil society stakeholders will need to evaluate the progress achieved in efforts to strengthen Indonesia's legal framework to combat trafficking. This process could provide a mechanism to ask the above questions – as well as many other questions, such as:

183 The definition of a child is different in some laws. Article 45 of the Criminal Code stipulates a child is anyone under the age of 16. Law No. 3 of 1997 on Child Prosecutions says a child is anyone of 8 to 18 years of age. Law No. 4 of 1979 on the Social Welfare of Children stipulates that a child is someone under 21 and unmarried. Law No. 23 of 2003 on child protection stipulates a child as someone under 18.

- Are all the major issues of trafficking being addressed (i.e. debt bondage and protections of domestic workers)?
- How much was trafficking on the mind of the creators of passed legislation during the drafting and deliberation processes?
- How effective is the design and approach of passed legislation in combating trafficking?
- Is the legislation being used to effectively eliminate trafficking?
- Do lawmakers need to amend any of these laws to better address trafficking?
- What more do law enforcers need to effectively combat trafficking?

Answering these questions is beyond the scope of this report.¹⁸⁴ The thoughts shared above are simply aimed at emphasizing the need to ask these questions. However, in order to effectively evaluate the legal framework and how it is enforced, a more systematic and comprehensive effort to collect data and analyze it is needed. Current attempts by the Government of Indonesia to measure progress against trafficking in Indonesia suffer from a lack of specific indicators established by policymakers dictating the types of information to be collected or how it is to be evaluated. For instance, little effort has been made to collect and analyze data related to trafficking for undocumented migrant workers deported by Malaysia or deportations by Indonesia of foreign women arrested for prostitution. Similarly, little has been done by policymakers to collect and analyze statistics yielded from service providers, which could supply ongoing data on profiles of trafficked persons, trafficking routes, modus operandi, and types of services needed, so that law enforcers are better able to track down traffickers for arrest and prosecution and provide protection to people suffering from this crime.

184 To answer these questions fully, one must conduct a systematic evaluation of all laws and regulations and how they have been enforced. A good example of such an evaluation has been created by the Central European and Eurasian Law Initiative (CEELI) under the American Bar Association. CEELI has developed a standard evaluation approach called the “Human Trafficking Assessment Tool” that measures a country’s compliance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN Trafficking Protocol). This “tool” was first used in Moldova and a report on its findings was published in June 2005. More information can be found online at: <http://www.abanet.org/ceeli/publications/htat/home.html>

D. Counter-Trafficking Efforts from Government, Non government Organization and Civil Society

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The understanding of trafficking as a serious crime and violation of human rights has come about in Indonesia only in the last few years, although the issue had been heard of long before that. Indonesia started serious and systematic efforts to eradicate this crime in 2002 when it passed its National Plan of Action (NPA) for the Elimination of Trafficking in Women and Children as mandated by Presidential Decree No. 88 of 2002.

The counter-trafficking actions called for in the NPA are divided into four categories: 1) existence of legal norms and remedies for traffickers, 2) rehabilitation and social reintegration of trafficking victims, 3) preventing all forms of trafficking, and 4) establishment of cooperation and coordination. Since another section in this chapter covers legal norms and law enforcement, this section will discuss what government and civil society have undertaken to address trafficking in terms of social rehabilitation and reintegration as well as prevention efforts and coordination.

1. Rehabilitation and Social Reintegration Efforts

Rehabilitation and social reintegration are important interventions in the framework of overcoming the trafficking in women and children. Rehabilitation refers to the first immediate actions in providing support to a trafficked person to begin the process of overcoming mental and physical injuries from the trauma of slavery and abuse. Such support could be offered in a shelter, crisis center, medical facility or any environment that is conducive to a healing process.

Social reintegration refers to a process in which a trafficked person re-enters society. The goal is that the person can live as a member of society again rather than as a slave or object of profit. Reintegration does not necessarily mean that the person returns to the "normal" life she or he had before being trafficked. The trauma experienced from trafficking undoubtedly changes a person in many ways. Caregivers must be sensitive to the possibility that the trafficked person may not wish to return to their family or place of origin and may wish to create a new "normalcy" that is different from their previous life.

Institutions that provide assistance to trafficked persons have found that their services are very much needed to help their clients overcome trauma and stress as well as to begin a process of handling a wide range of socio-economic challenges upon re-entering society. The International Organization on Migration (IOM), for example, reported that as many as 25% of the trafficked persons they helped to assist suffered from symptoms of clinical depression¹⁸⁵ and as many as 21% suffered from post-traumatic stress symptoms¹⁸⁶ (IOM, 2006, August: 5).

The term “rehabilitation and reintegration” is used more by Indonesian government institutions, particularly the Ministry of Social Affairs. Non-governmental organizations (NGOs) operating in Indonesia tend to use the term “recovery and reintegration”. IOM, for example, applies a variety of terms in the stages of handling clients, including identification, assessment and contract, medical and psycho-social recovery, companion institution/family assessment, return, reunification, empowerment, monitoring, and evaluation as well as termination (IOM, 2006).

Rehabilitation

Over the last three years, there has been a substantial increase in the availability and forms of rehabilitation or recovery services available for trafficked persons. Such services include temporary accommodation offering protection (often generally referred to as shelters), counseling assistance, medical or legal assistance and return to places of origin.

The Government of Indonesia – through a cooperative agreement in 2002 among the Ministry of Women’s Empowerment, the Ministry of Social Affairs, and the Police – has developed integrated service centers to provide assistance for women and children who have experienced violent crimes, including trafficking. These

185 Wikipedia defines clinical depression as a state of intense sadness, melancholia, or despair that has advanced to the point of being disruptive to an individual’s social functioning and/or activities of daily living. The symptoms of depression are numerous and can vary from person to person. The most common symptoms include: feelings of overwhelming sadness (or conversely the seeming inability to feel emotion), changing appetite marked by either a loss or gain of weight, disturbed sleep patterns such as insomnia or excessive sleep, intense feelings of guilt or anxiety, a decrease in self-esteem, recurrent thoughts of death, and many more...

186 Wikipedia provides the following description of post-traumatic stress symptoms: nightmares, flashbacks, emotional detachment or numbing of feelings (emotional self-mortification or dissociation), insomnia, avoidance of reminders and extreme distress when exposed to the reminders (“triggers”), irritability, hypervigilance, memory loss, and excessive startle response, clinical depression and anxiety, loss of appetite. For most people, the emotional effects of traumatic events will tend to subside after several months; if they last longer, then a psychiatric disorder may be diagnosed. Most people who experience traumatic events will not develop post-traumatic stress disorder (PTSD). PTSD is thought to be primarily an anxiety disorder and should not be confused with normal grief and adjustment after traumatic events. It is also possible to suffer other psychiatric disorders; these disorders often include clinical depression, general anxiety disorder and a variety of addictions. PTSD may have a delayed onset of months, years or even decades and may be triggered by an external factor or factors.

centers are based in police hospitals or general hospitals and are supported by a network of referral facilities located outside of the hospital operated by a variety of governmental and non-governmental institutions. As of March 2006, there were 41 hospitals with integrated service centers in the following 26 provinces: Aceh, North Sumatra, West Sumatra, Jambi, Riau, South Sumatra, Bengkulu, Lampung, DKI Jakarta, West Java, East Java, Bali, West Kalimantan, Central Kalimantan, East Kalimantan, South Kalimantan, North Sulawesi, Central Sulawesi, South Sulawesi, Southeast Sulawesi, West Nusa Tenggara, East Nusa Tenggara, Maluku, North Maluku and Papua (Laporan Penghapusan Perdagangan Manusia di Indonesia 2005 – 2006: 25-26). These facilities provide a significant step forward in addressing the need for services to trafficked persons. The fact that most of them are located in provincial capitals, however, sometimes presents a challenge if the trafficked person who needs services is far from the capital, such as in a border area or in a remote area. It also should be noted that not all integrated service centers are familiar with trafficking and how to provide services to trafficked persons. However, the fact that staff are familiar with how to treat women and children who suffer from violent crimes is likely to be sufficient in many instances.

Some of the facilities operated by the Ministry of Social Affairs have been connected to integrated service centers. In Jakarta, for example, four facilities operated by the Social Affairs Department that provide shelter assistance and social services are integrated into the network – they include the Child Social Protection House (*Rumah Perlindungan Sosial Anak*) in East Jakarta, the Cipayung Social Rehabilitation Center, the Kedoya PSBKW West Jakarta Harapan Mulia Center, and *Panti Sosial Karya Wanita* (PSKW) Mulya Jaya Pasar Rebo. These four institutions, however, are not yet specialized to provide services to trafficked women and children. In fact, most of the Social Affairs facilities throughout the country were designed to receive prostitutes seized by the police who were to be “rehabilitated” and given skills to change professions in these facilities.

Another part of the network of integrated services are the police Special Service Rooms (RPK) staffed by policewomen with special training to sensitively handle cases involving violent crimes directed at women and children, including trafficking. There were 237 RPK units scattered throughout 25 provinces of the country as of March 2006 (Bareskrim Mabes Polri, 2006). The police plan to continue to increase the number of units over the next several years – mostly at the district/ municipality level. Many NGOs have praised these services, saying that the RPK units often provide a sense of protection to women and children at a time when they need to feel secure.

In addition to governmental institutions, non-governmental organizations have also taken initiatives to establish and provide services to trafficked women and children. IOM, for example, directly supports the integrated service center in Jakarta at the Kramatjati police hospital as well as service centers in Surabaya, Pontianak and Makassar. In addition to supporting services such as temporary

shelter, medical, psychological, and legal assistance provided at these centers, IOM also supports the process of return and reintegration of trafficked persons. In the period of March 2005 to July 2006, IOM supported assistance provided to as many as 1,231 trafficking survivors (IOM, 2006, August: 1).

NGOs in many parts of Indonesia have also established services for trafficked persons in several existing shelters and facilities. Some NGOs have created new shelters specifically for trafficked persons. Many of these facilities are directly linked with the integrated service centers, while some are not. These NGOs use different terms for such services, in line with their functions. Such terms include, for example, women crisis center, trauma center, shelter, safe house or drop-in center. Such services are available in the following 17 provinces: Aceh, North Sumatra, West Sumatra, Riau, Riau Islands, South Sumatra, Bengkulu, DKI Jakarta, West Java, Central Java, East Java, DI Yogyakarta, West Nusa Tenggara, West Kalimantan, East Kalimantan, North Sulawesi and South Sulawesi (Laporan Penghapusan Perdagangan Manusia di Indonesia 2005-2006; Reports from Solidarity Center/ICMC NGO partners).

Some of the new shelters and service facilities that have been established over the past three years are located in strategic places where services are needed but not yet provided by the government. These areas include Tanjung Pinang and Tanjung Balai Karimun in Riau Islands, Dumai in Riau, Entikong in West Kalimantan, Nunukan in East Kalimantan, and Manado in North Sulawesi. Many of these areas are transit points where significant numbers of trafficked persons have been identified and require assistance.

When one considers how the limited funds and resources to combat trafficking should be used, it is easy to assume that awareness-raising activities to educate people to protect themselves from traffickers are the most useful allocation of resources. This is because such efforts may reach thousands of people for the same cost of providing services to only dozens in a shelter. But this is a false assumption given the fact that there are thousands of people trafficked who need assistance as well as the fact that service facilities can be a central driving force for counter-trafficking efforts in the places they are located. Shelters not only provide important services to the people who need them, but also can document important and useful information about traffickers, their modus operandi, and the profiles of trafficked persons. Such information is important for law enforcement as well as to more effectively develop prevention strategies.

Many shelters that provide services to trafficked persons have stated that the majority of their clients were referred to them by police. The shelter operated by Hiperpro in Nunukan, for example, has said that 70% of their clients who were trafficked were referred to them by police, while the shelter run by Kemala Bintan in Tanjung Pinang has said that 90% of its clients were from police referrals. Many shelters are seen by police as important facilities that can provide

safe accommodation and services that are not available from government-run institutions in the area. Similarly, Manpower Offices in several areas have also referred migrant workers who have been trafficked to NGO shelters. The Women's Crisis Center in Medan recorded that about 70% of its clients were referred to them by the Manpower Office. Shelters also receive clients through their networks of non-governmental institutions or through the fact that the community knows of their existence. The very existence of these shelters in some areas helps to encourage and support counter-trafficking efforts by such institutions as the police, social affairs offices, labor offices, and other NGOs.

Trafficked persons can receive the assistance they need from such shelters – where they can begin a process of healing in a safe and supportive environment. During their trafficking experience, many women, men, girls and boys have been subjected to violence, confinement, verbal abuse and many other inhumane actions. In short, they were abused and treated as a commodity. In a shelter, they can find safety and be treated as humans again – with the right to talk and act freely and to make decisions for themselves.

Despite the clear importance of such shelters, most of the non-governmental facilities find it extremely difficult to maintain their operations due to lack of funds and resources. Such shelters require a trained and dedicated staff as well as a physical building, food, beds, and other necessities. Currently, many NGO shelters survive only because they receive funding from international donor institutions. Such funding is often provided for short-term periods of a few years at most. These shelters face closing their doors or reducing their level of services if other sources of funding cannot be found once the funds from the international donor institution are exhausted.

In order to overcome the unsustainable dependency of many NGO shelters on international donor funds, Indonesian sources of funding should be mobilized – particularly from state funds of local and central government. Some local governments have already allocated funds to operate shelters in their areas. The Batam government, for example, funds the operation of a shelter managed by Kan-PP. Another example is in East Java, where the government has allocated significant funds for the operation of the integrated service center there. The shelter operated by Hiperpro in Nunukan provides another example as it is located in a border area, far from the provincial capital. Hiperpro not only receives some funding from local government but also works closely with the Nunukan Manpower Office, Social Affairs Office, the police and the Pelni sea ferry company which all support the shelter operations. These examples should be seen as models for other areas that have not yet established a sustainable approach to keeping their shelters running in a sustainable manner.

Reintegration of Trafficking Survivors

As mentioned above, social reintegration is the effort to assist trafficking survivors to return to society in a way that they can function in a healthy life free from the vulnerability of being trafficked again. Efforts to help trafficking survivors reintegrate back into society are very limited to date in Indonesia – even compared to the limited rehabilitation efforts found in shelters. So far, only a few institutions provide such services. These include some branches of the Trade Union of Indonesian Migrant Workers (SBMI), some member NGOs of the KOPBUMI network, some member NGOs of the JARAK network, Solidaritas Perempuan and Koalisi Perempuan to name a few. IOM has supported more than 70 such NGOs to provide reintegration services to about 1,180 clients that are returned home from the facilities they support in Jakarta, Pontianak, Surabaya and Makassar.

The following table shows some information on the types of assistance provided to trafficking survivors by Indonesian NGOs with IOM assistance:

Table 4.12:
Types of Reintegration Assistance Provided
March 2005 – July 2006 Period

Types of Reintegration Assistance	Number	Percentage
Continuing socialization services	611	49.6
Small business grants	290	23.6
Educational grants	88	7.1
Skills training	70	5.7
Continuing medical treatment	36	2.9
Cooperatives' credit	31	2.5
Cattle assistance	26	2.1
Support for families	11	0.9
Agricultural assistance	6	0.5
Fishery assistance	6	0.5
Motorcycle taxi business assistance	3	0.2
Adoption/orphan parents	2	0.2
Total of those receiving reintegration assistance	1,180	96.0
Not assisted *)	51	4.0
Total	1,231	100.0

*) Clients who chose not to take any assistance, disappeared, or found jobs on their own.

Source: IOM, August 2006

As can be seen from the table above, 96% of the 1,231 clients assisted at IOM-supported service facilities in Jakarta, Surabaya, Pontianak and Makassar received reintegration assistance upon exiting the shelters. The most common types of reintegration services received included continuing socialization services, small business grants, and educational grants (to continue studies). The types of reintegration assistance can be varied since it depends largely on the needs of each individual, taking into account their social and psychological situations. It is important to note that each client requires a personal approach.

NGOs operating with Solidarity Center/ICMC assistance have provided similar reintegration assistance. In 2005, for example, the Children and Women Foundation (*Yayasan Anak dan Perempuan*) in Jakarta provided training and internship assistance for women prostitutes. In cooperation with a doll factory, a number of the women managed to disentangle themselves from the sex industry and become employees of the doll factory. Similarly, TPBM in North Sumatra and KSP Nusa Dua in Nunukan developed economic empowerment mechanisms for clients who had been trafficked. The schemes provided manageable loans without interest as capital to start up a small business. Before receiving any funds, the candidate recipients undergo training on how to start up and manage a small business. Clients are also encouraged to form support groups to not only discuss the challenges of running their businesses but to also provide emotional support to each other regarding their past trafficking experiences.

The government has also provided some services for reintegration, albeit their focus has been to reintegrate prostituted women and children back into society after being swept up in police raids. Such services were not originally established as a means to address trafficking but have the potential to be expanded as a tool to provide services to trafficked persons exploited in all forms of forced labor. The government facilities, usually run by Social Affairs departments of local governments, often provide some skills training and sometimes limited business capital. The variety of skills taught, however, is often limited to only cooking, salon and sewing – which are skills that likely would not generate more income than what some had been taking in as prostitutes. Some NGOs criticize such government services, saying that many of the women and children deposited by police at these Social Affairs facilities following raids did not wish to be taken out of prostitution. They say that many of these unwilling “clients” return to a life of prostitution after being released from the facility¹⁸⁷. NGOs also criticize police raids on prostitution establishments saying that the police do not really go

¹⁸⁷ This brings up a complex aspect in that not all women in prostitution have been trafficked and if police arrest them, some are not likely to feel that they have been “saved”. However, some women and children who have been trafficked may also feel that they do not have any other alternative to a life of prostitution at the time they are arrested in a police raid. These trafficked persons may gravitate back to prostitution if they are not provided with a good alternative to prostitution. The NGOs that criticize the government services say that sewing, cooking and salon are not marketable enough to convince many women to switch to these professions.

after traffickers and pimps but only sweep up the prostitutes. They argue that the government wishes to simply demonstrate to the public that they are “tough of vice” but that the system is not really designed to help the women and children they arrest¹⁸⁸.

Despite all of the challenges and limitations of the systems and efforts to provide services to trafficked persons, it is clear that protections and services have significantly increased over the last three years following the passage of the NPA.

2. Prevention: Awareness Raising and Life Skill Training

There are two predominant types of prevention activities, namely awareness-raising through a variety of communication and information media and long-term prevention that is aimed to decrease the vulnerability of the women and children living in the communities that become target areas for woman and child traffickers -- for example, by reducing the level of poverty, opening job opportunities, giving skills for work, and preventing school dropouts.

To date, most non-governmental organizations have focused on awareness-raising activities given the fact that the issue of trafficking is still relatively new. Awareness-raising activities have been implemented in many parts of Indonesia, especially in areas known to have significant trafficking activity. Civil society groups have played an important role in awareness-raising activities so far. Some government institutions have also been active in raising awareness, albeit to a lesser degree than their civil society counterparts.

Awareness-raising activities have included face-to-face education methods such as trainings, workshops and community meetings. Some organizations have conducted theater¹⁸⁹ or puppet (*wayang*) performances as a way to include an element of entertainment to the educational message. Music has also been a creative media to relay educational messages. Common methods to share information with a large number of people also include banners, flyers, and pamphlets – many of which have been printed in local languages of the target area. Several videos have been produced to educate people on trafficking issues. The most widely disseminated videos include the documentary *Don't Buy, Don't Sell* (produced by *Yayasan Jurnal Perempuan*), the training video *Silent Suffering* (produced by OnTrackMedia Indonesia), and an animated video titled *Shattered Dreams* (produced by IOM). These videos have been widely used in trainings,

188 The Social Affairs facility in Mataram visited by the Solidarity Center in 2005 stated that police did not seem concerned that between 10-15% of the prostitutes they deposited at the facility were children. They saw no indication that police investigated who had trafficked these children into prostitution.

189 Some performances have included actors who were actual trafficked persons – the idea being that these persons can not only help educate others but also continue a type of therapy to come to grips with their own experiences.

seminars and meetings¹⁹⁰. The Scouts in Indramayu (West Java) and IPPNU/IPNU in Blitar (East Java), for example, have shown the training video in face-to-face educational meetings with thousands of students in areas highly vulnerable to trafficking. Trainings using such video media have been provided to religious leaders (such as by the NGO Lestari in Semarang, Central Java) and to Manpower labor inspectors by the Solidarity Center/ICMC. The US Justice Department has also worked with police to produce special video material as an educational aid in training police officers about trafficking issues.

The Ministry of Women's Empowerment and *Yayasan Jurnal Perempuan* have both created several public service announcements aired on national television. Similarly, *Institute Perempuan* in Bandung developed a number of musical "jingles" with messages about trafficking that were aired on radio stations. Videos have been made in local areas using trafficking situations unique to the local areas – such as a video produced by PEKA, an NGO in North Sulawesi, that was aired on television and has been used in community meetings throughout the province.

Many organizations have used the news media through press conferences and interviews to get messages out through newspapers as well as radio and TV news broadcasts. In June 2003, the Ministry of Women's Empowerment announced that popular television personality Dewi Hughes would use her celebrity status to educate the public about trafficking by becoming the National Spokesperson for the Campaign to Eliminate the Trafficking of Women and Children. Since that time, Hughes has conducted countless interviews with news and tabloid media to raise the profile of trafficking issues through the electronic media. She has also traveled to many parts of Indonesia to speak to people about trafficking and encourage government and civil society to increase their efforts to combat trafficking.

In terms of long-term prevention efforts, not much can be noted as of yet. Some of the organizations conducting reintegration efforts mentioned above also carry out similar activities for people they deem to be vulnerable to trafficking – as an intervention to prevent this from occurring. Other notable activities include the utilization of what is known as the "positive deviance" approach. The idea of the approach is to look at why some families have "negative" behavior and other families have "positive" behavior – for example, why some families push their children into prostitution whereas others do not. Projects using positive deviance find out why some families do not place their children into prostitution when it is so common for other families in their community to do so. The families with "positive" behavior -- who "deviate" from the "negative behavior" that is so common in their community -- become models for other families to emulate. The

190 The Silent Suffering training video comes with a Facilitator's Manual that offers a full curriculum for different target audiences.

international NGO Save the Children has worked with several NGOs to carry out positive deviance projects in East Java and other parts of the country.

3. Cooperation and Coordination

Trafficking is a complex issue that requires a comprehensive approach to effectively combat it. Efforts should include prevention, protection, rehabilitation and reintegration, policy advocacy and law enforcement. These actions require cooperation and coordination of a wide variety of stakeholders in order to ensure effective implementation.

The NPA called for the formation of a national Counter Trafficking Task Force that will operate under and be directly responsible to the President. The Task Force's main duties are to coordinate the implementation of counter-trafficking efforts, disseminate the NPA to all stakeholders and advocate for its use, conduct periodic and ad hoc monitoring and evaluation of the implementation of the NPA, report problems in the NPA's implementation to those responsible for handling and resolving such issues, and report the progress of counter-trafficking efforts to the President and civil society¹⁹¹.

The Task Force's steering committee is chaired by the Coordinating Minister of People's Welfare, while the implementing committee is chaired by the Minister of Women's Empowerment. In addition to the ministries under the two chairpersons, the member institutions of the Task Force include the Ministry of Home Affairs, the Ministry of Foreign Affairs, the Ministry of Religious Affairs, the Ministry of Justice and Human Rights, the Ministry of Manpower and Transmigration, the Ministry of Social Affairs, the Ministry of Health, the Ministry of National Education, the State Ministry of Culture and Tourism, the State Ministry of Communication and Information, the national Police, the Central Bureau of Statistics and several non-governmental organizations.

Article 6 of Presidential Decree No. 88 of 2002 also calls on local level Task Forces to be formed by governor's decree at the provincial level and by district executive or mayor's decree at the district or municipality level. To date, the following six provinces have established Task Forces: North Sulawesi, North Sumatra, East Java, East Kalimantan, Bali and East Nusa Tenggara. The following six districts/municipalities have also formed Task Forces: Dumai and Karimun in Riau, Batam and Tanjung Pinang in Riau Islands, Banyuwangi in East Java, and Buleleng in Bali.¹⁹²

191 See Article 4 (2) of the NPA.

192 Report on Counter-Trafficking in Person in Indonesia 2005-2006, The State Ministry of Women Empowerment, March 2006, pages 41-42.

In some areas, the task force is not only for trafficking issues but also for other related problems like the elimination of the worst forms of child labor, sexual commercial exploitation, and domestic violence.

4. Summary

The authors of this report have been close observers of counter-trafficking efforts in Indonesia ever since the passage of the NPA. The following table provides an overview of the types of actions called for by the NPA and gives an assessment of the efforts conducted by government administrations, law enforcement institutions, non-governmental organizations (which do not include mass-based or community-based organizations), and mass-based and community organizations (such as trade unions, Scouts, Nadlatul Ulama, PKK, etc.).

Table 4.13:
Level of Counter-Trafficking Interventions¹⁹³

Types of Interventions	Government (Central and Local)	Law Enforcement Institutions	Non-Governmental Organizations	Mass-based/Community Organizations
Prevention through awareness-raising efforts	Limited – not much budget has been allocated	-	Relatively widespread but effectiveness is not yet determined	Only a few organizations have been active – this is a huge resource not yet mobilized
Prevention through life skills training, capital grants, etc.	Limited	-	Limited	None
Shelter and referrals to other services (including return activities)	Some, but far from enough	Police hospitals are now service providers in some places / RPK now widespread	Many but only reaching a limited geographical area	Limited

¹⁹³ This assessment was made by the authors themselves, based on observations and reports available on counter-trafficking activities in various territories in Indonesia and is, thus, subjective in its conclusions.

Protection of trafficked persons and law enforcement	Laws and policies are being developed but often not designed effectively	Level of activity is increasing but not enough to effectively deter trafficking yet / few arrests being made	Limited (in cooperation with police and prosecutors)	Few, but rare
Reintegration activities	A few, limited, but not always to trafficked persons (i.e. raids on prostitution sites)	-	Some, but with limited coverage	Not yet seen
Coordination and cooperation efforts	Some – only a few areas have formed Task Forces	Some, but limited	Some	Some

The table helps to see that most efforts have been in the form of prevention and services, implemented more by non-governmental organizations than their governmental counterparts. Some mass-based organizations like the Scouts, Nadlatul Ulama and trade unions have begun education efforts in some areas, and the results of these initial activities indicate that these types of organizations have a huge potential to reach millions of people if mobilized properly. Prevention has been mostly conducted in the form of awareness-raising rather than in long-term efforts to reduce social and economic vulnerabilities of people who feel they need to seek low-skilled jobs away from home. Very little has been done to assess whether these awareness-raising efforts have had a significant impact in preventing trafficking. Anecdotal evidence suggests that some people who know the dangers of trafficking still engage in risky or irresponsible behavior (such as migrating abroad illegally or forcing a child into hazardous work). Services provided to trafficked persons remain limited in geographical coverage and the quality of care is not always sufficient due to a lack of capacity and resources in many places. As discussed above, a lack of funding is one of the main problems in this area. Government resources have not been mobilized enough – both in terms of funding from state budgets and the need to revamp existing services to better assist trafficked persons (i.e. the *Panti* system or the training of staff in integrated service centers).

Law enforcement is, of course, the responsibility of the police, prosecutors and judges – though some NGOs have provided some assistance to trafficked persons in the judicial process and have cooperated with law enforcers in other ways. Efforts by law enforcers, however, have not yet created an environment in which traffickers are significantly deterred from committing the many crimes associated

with trafficking. The fact that the national police compiled only 30 cases of trafficking handled by police around the country in 2005¹⁹⁴ does not suggest that trafficking is a small problem with only a few cases. On the contrary, police are not detecting and arresting enough traffickers to reduce this crime in any significant numbers.

Regarding coordination and cooperation, in the three years since passage of the NPA only 12 Task Forces at the local level have been established. The number of provinces, districts and municipalities in Indonesia total in the hundreds. Granted, not all areas of Indonesia are equally vulnerable to trafficking. But as seen in the descriptions of the 15 provinces in this book, it is clear that many more than 12 government administrations need to take on the issue of trafficking as a matter of urgency.

In conclusion, much has been accomplished in the three years since passage of the NPA. But to put it simply: Indonesia is a large country with huge numbers of people migrating for work – each and every one of them is vulnerable to trafficking; thousands of people are trafficked and need assistance but do not receive it; laws are not deterring traffickers from their activities of seeking profit through modern slavery; and coordination and political will is not developed enough. Much more is needed before Indonesia can say that trafficking is a crime that is being effectively addressed and reduced.

194 See section on law enforcement in this chapter for more details.

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Appendix A:

Number of Commercial Sex Workers¹ in Indonesia in 2004 as Counted by the Department of Social Affairs

No.	Province	Commercial Sex Workers
1	Nanggroe Aceh D	193
2	North Sumatra	5,564
3	West Sumatra	312
4	Riau	6,874
5	Jambi	1,220
6	South Sumatra	6,117
7	Bengkulu	573
8	Lampung	3,218
9	Bangka Belitung	3,674
10	DKI Jakarta	9,519
11	West Java	6,494
12	Central Java	9,018
13	D.I Yogyakarta	1,464
14	East Java	10,733
15	Banten	799
16	Bali	2,129
17	West Nusa Tenggara	389
18	East Nusa Tenggara	567
19	West Kalimantan	2,324
20	Central Kalimantan	1,942
21	South Kalimantan	1,164
22	East Kalimantan	3,739
23	North Sulawesi	642
24	Central Sulawesi	735
25	South Sulawesi	1,427
26	Southeast Sulawesi	483
27	Gorontalo	218
28	Maluku	767

1 The Social Affairs Department describes commercial sex workers as adult women. It is likely that some of the women recorded in the figures are girls under 18 that have been portrayed by their pimps/brothel owners as adults. These figures do not include prostitutes in the many establishments unsupervised by the Department officials – so the actual number of prostitutes in Indonesia is likely to be significantly higher. These figures also do not include prostituted boys or men.

29	North Maluku	1,280
30	Papua	3,958
31	Riau Islands	No information
32	West Irian Jaya	No information
33	West Sulawesi	No information
	Total	87,536

Source: Data Pusdatin Kesos Departemen Sosial 2004

TRAFFICKING CASE COMPILATION - 2005

Documented from media reports, police data, and information from NGOs
Last Updated: July 2006

Appendix B:

No.	Crime Location	Date	Source	Arrested/ Suspect	Persons Trafficked	Case description	Indictment	Case progress	Sentencing
BANTEN									
1	Tangerang	26-Jul-05	Media Indonesia, 27 Dec-05	Maretha and Rosdiana		baby selling, document falsification	KUHP 55, UU PA 83		8 years and 9 months in prison plus 50 million Rupiah or 5 additional months in jail
JAKARTA									
2	Jakarta	23-Feb-05	Renata Poida Jaya	Kamila and Nonon S	1 child	Sold their own child and helped to sell another baby	KUHP 297, UU PA 88	under police investigation	
3	Jakarta	12-Jun-05	Media Indonesia, 16 June -05	Halana, Hendra, Hikua and Yohana		Interrogated after bringing children from Nias to Jakarta		released	
4	Jakarta	Aug. 2005	Media Indonesia, 8 Aug. 2005	MRT, RDN and Rusdiana		Sold baby to LN	KUHP 266, 277, UU PA 79, 83	arrested	
5	Jakarta	Aug. 2005	Jawa Pos.com, 20 Aug-05	not named	67 women	Sold 67 women: 3 from Russia, 3 from Uzbekistan, with remaining from China (all forced into prostitution in Indonesia)		under police investigation	
6	Jakarta	17-Dec-05	Renata Poida Jaya	Fendi A	2 girls	Sold girls to Malaysia through licensed PJTKI	KUHP 310, 311	under police investigation	

	Jakarta	29-Dec-05	Kompas, 25 Oct-05	Adi Joko P and Basri	58 girls	Recruited and sent 58 girls to Japan	KUHP 297, 378, UU PPTKLN 102	prosecution stage	
WEST JAVA									
7									
8	Bogor	1-Feb-05	Jawapos.com, 17 Feb-05	Teli Ramdan		Sold girl		arrested	
9	Subang	15-Feb-05	Jakarta Post & Suara Karya online, 17 Feb-05	Surwa	30	Sold 30 women to Malaysia	UU PA, KUHP 297	arrested	5 years in prison
10	Bogor	15-Feb-05	Jakarta Post & Suara Karya online, 17 Feb-05	Evi	1	Sold girl		arrested	
11	Bogor	31-Mar-05	Media Indonesia, 1 April-05	Kuncoro S	4	Sold 4 girls	KUHP, 297	arrested	6 years in prison
12	Bogor	10-Apr-05	Media Indonesia, 11 April-05	Ai Muly and Bambang		Trafficking for sex work to Tanjung Pinang	KUHP 378, 332, 297		4 months and 3 months in prison
13	Sukabumi	26-May-05	Tempointeractive.com, 27 May-05	Ate alias Uke and Jujuun Z (foundation owner)		Sold women to Pekanbaru, Riau		arrested	
14	Bandung	Jun. 05	Pikiran Rakyat.com, 18 Jun-05	Lis & Suh		Sold girl to Tj. Pinang		arrested	
15	Bogor	16-Jun-05	Jakarta Post & Detik.com, 17 Jun-05	Yunita (foundation owner)	11 children	Took 11 children (9 from Nias) illegally	UU PA psl 79	arrested	
16	Bogor	15-Jun-05	Detik.com, 17 Jun-05	Leody Kusuma		Illegally took 9 children		arrested	
17	Bogor	11 Okt-05	Suarakarya-online.com, 11 Okt-05			kidnapped and sold children to Riau Islands for sex work			

18	Bekasi	15-Nov-05	Kompas, 21 Nov-05	Fitria N, Muhammad, Suryati F & Tedy A		Sold children	UU PA psl 80	under police investigation	
19	Indramayu	Nov, 05	Liputan6.com, 24 Nov-05		1	Sold woman to Batam			
20	Indramayu	21-Nov-05	Pikiran Rakyat, 22 Nov-05	Am, Rm, San, Nur	9 girls	Recruited and planned to send 9 girls to a café in Kupang	KUHP 297, 88 UU PA ps 187, 188	arrested	
21	Indramayu	21-Nov-05	Pikiran Rakyat, 22 Nov-05	Nrg, direktur PT Starnesia Seni Impresario, and Tar	57	Recruited and planned to send 57 girls to Japan	KUHP 297, 88 UU PA ps 187, 188, UU Naker	arrested	
22	Sukabumi & Bekasi	during 2004	Kompas, 9 June-05	6 PJTKI		Depnakertrans shut down 6 PJTKI in 2004			PJTKIs closed down
CENTRAL JAVA									
23	Purwokerto	Feb, 05	unknown, 2 Feb-05	Deltarisna Chandra	57	penipuan calon TKW	KUHP ps 372 jo ps 64 (1) dan 65 (1)		4 years in prison
24	Semarang	5-Jun	Kompas, 22 Jun-05	Lie Sie Tjin		Menjual TKI ilegal ke LN		under police investigation	
25		8-Jan-05	Suara Merdeka Nas, 8 Jan-05	Bambang	2 anak, 1 dewasa	domestik worker		under police investigation	
EAST JAVA									
26	Surabaya	5-Jan-05	Tabloid Nova, 5 Jan-05	Oei Oen Ley		Sold baby		arrested	
27	Surabaya	Feb. 05	Surabaya office/ ICITAP	Radji		Sex worker			several months

28	Surabaya	Feb. 05	unknown	Suraji	1	Sex worker	Ps 297 KUHP, ps 81 UU PA		
29	Probolinggo	15-Mar-05	Surabaya office/ ICITAP	Khoirul & Mulyadi	6 anak	jual gadis ke lokalisasi di Surabaya		under police investigation	
30	Bondowoso	3-Apr-05	Temporinteractive. com 4 April -05	Mubar, Tajudin, & Ahmad M		Jual gadis ke lokalisasi di Samarinda		under police investigation	
31	Surabaya	Sept. 05	Jakarta Pos, 29 Sept-05	Yudi, Yika, Mat andik & Boy	16 women	Sold and murdered aspiring migrant workers from Sumba and Central Lombok		not mentioned	
NORTH SUMATRA									
32	Medan	unknown	PKPA Medan	Hartati	1	Sold women to Malaysia		under police investigation	
33	Medan	15-Feb-05	Suara pembaruan, 16 Feb-05	RW		Sold baby		arrested	
34	Medan	11-Mar-05	Kompas, 14 Mar-05	Ev, An, At and Ai		Sold baby		arrested	
35	Medan	Jul. 05	PKPA Medan	not named	4	Sold 4 women		under police investigation	
36	Medan	Aug. 05	PKPA Medan	Eva, Lia and Nana	2	Sold 2 women to Malaysia		under police investigation	
37	Medan	Sept. 05	PKPA Medan	Yosua	1	Sold woman from Nias to Medan		under police investigation	
38	Medan	Sept. 05	PKPA Medan	Ft dan Sg	1	Sold child from Kisaran to Medan		prosecution stage	
39	Medan	Sept. 05	PKPA Medan	not named	1	Sold child from Kisaran to Medan		prosecution stage	

40	Medan	Sept. 05	PKPA Medan	not named	1	Sold child from Aceh to Malaysia	under police investigation
43	Medan	Sept. 05	PKPA Medan	not named	1	Sold child from Aceh to Malaysia	investigation stage
44	Medan	Sept. 05	PKPA Medan	not named	1	Trafficked child to Binjai	investigation stage
45	Medan	Sept. 05	PKPA Medan	not named	1	Trafficked child to Binjai	investigation stage
46	Medan	Sept. 05	PKPA Medan	not named	1	Trafficked child to Binjai	investigation stage
47	Medan	Sept. 05	PKPA Medan	not named	1	Sold baby to Binjai	investigation stage
48	Medan	Oct. 05	PKPA Medan	Ani	1	Sold woman from Lampung to Stabat	investigation stage
49	Medan	Oct. 05	PKPA Medan	Sihombing	2	Sold 2 women to Malaysia	investigation stage
50	Medan	Oct. 05	Batam pos, 13 Okt-05	Nurhasanah & pangeran nasution & windi	1	Adopted and sold baby	Released
51	Medan	Dec. 05	Sinar harapan baru, 6 Des-05	SbrH	1	Sold woman to Kisaran	arrested
52	Medan	12-Dec-05	PKPA Medan, Waspada online, 5 Jan -05	Rachmawati & Unyil alias Siu	1	Sold woman to Malaysia & falsified documents	first court
53	Simalungun	Dec. 05	Haruansib.com, 6 Des-05	1		Deceived and sold woman to Batam	
RIAU							
54	Pakanbaru	1-Jun-05	Liputan6.com, 14 June-05	Apao & Enny		Sold their own child	UU PA arrested

RIAU ISLANDS									
	Batam	wanted	Liputan6.com	AS-staf imigrasi		baby selling	UU PA	wanted	
55	Batam	1-Jan-05	Poires Tj. Pinang	Fitri H.		baby selling	UU PA	arrested	
56	Bintan	5-Jan-00	Posmetro, 13 Oct-05	Sr, Aw	3 women	Sold 3 women from Cianjur to Malaysia		not mentioned	
57	Karimun	Feb. 05	Tribune Batam, 17 Feb-05	Sahrana	1	Candidate migrant worker who committed suicide in hotel in Tj. Pinang		under police investigation	
58	Tj. Pinang	Apr. 05	Pikiran Rakyat, 9 Apr-05	AM & Bang Alias Akil		Sold woman from Bogor to Tj. Pinang		under police investigation	
59	Batam	Apr. 05	Tribune Batam, 13 April-05	PT Anto Bintang Permai		pemalsuan dokumen TKW dibawah umur	KUHP ps 53 junto 55 junto 263		
60	Tj. Pinang	Apr. 05	Liputan6.com, 20 Apr-05	pemilik PJTKI		penjualan bayi			
61	Tj. Pinang	Jul. 05	Batam Pos, 3 July-05	Bh	15 year old child	Sent 15 year old child abroad	KUHO ps 239 jo ps 37 ayat 2; UU PA, dan ps 71 dan 74 UU Ketenagakerjaan	Law states a minimum of 5 years in prison	
62	Tj. Batu	23-Jun-05	Tribune Batam, 23 jun-05	Ardi H & Sudirman	3	Sold 3 women into forced prostitution in Tj. Pinang		2 years in prison	
63	Tj. Pinang	23-Jun-05	Tribune Batam, 23 jun-05	Rahmat & Waluyo	5 women	Sold 5 women into forced prostitution in Tj. Pinang		5 years in prison	
64	Tj. Pinang	23-Jun-05	Tribune Batam, 23 jun-05	Oscar & Regi	dozens of children	Dozens of children from Kupang to be sent to Malaysia as migrant workers		under police investigation	

66	Tj. Pinang	23-Jun-05	Tribune batam, 23 jun-05	Tikok alias edy & Lie che Meng	1 girl	Sold girl from Tasikmalaya to Tj. Pinang for forced prostitution		not mentioned	
67	Tj. Pinang	25-Jun-05	Tribune batam, 25 jun-05	Chai Shing In & Tay Mei (Malaysians)	2 children	Sold 2 girls into forced prostitution to Malaysia			6 months in prison
68	Batam	27 Juli-05	Jakarta Post, 2 Aug-05	Rahmayani		Sold woman to Singapore	UU PPTKLN 39/04	arrested	
69	Batam	27 Juli-05	Tribune Batam, 27 Jun-05	Daeng Kebo	5 children	Trafficked 5 children from Makassar into begging		under police investigation	
70	Sekupang	28-Jul-05	Riau Pos, 28 Jul-05	Rahmaniar	more than 10	Sold women as sex workers to Singapore and sent migrant workers without documents	UU PPTKLN ps 102 ayat (1) dam (2)		Law states either 2-10 years in prison or fine of 2 billion Rupiah
71	Karimun	Aug. 05	unknown, 1 Aug-05	Arif & Rosi	20 women	Sent candidate migrant workers abroad through illegal channels	UU PPTKLN & UU Naker ps 71 dan 74		Minimum of 5 years in prison
72	Karimun	Aug. 05	Batam Pos, 31 Aug-05	Li and Al alias Pr	1	Sold children from West Java for sex work in Batam		under police investigation	
73	Batam	Sept. 05	29-Sep-05	Lin and mami PPh	1	Sold child to <i>lokalisasi</i>		under police investigation	
74	Tj. Batu	Sept. 05	Batam Pos, 29 Nov-05	H. anwar	7 children	Sold 7 children from West Java to <i>lokalisasi</i>		not mentioned	
75	Batam	Sept. 05	Batam Pos, 7 Sep-05	not named	1	Force into prostitution		investigation stage	
76	Bintan	Sept. 05	Liputan 6.com, 21 Sept-05	Syaiful	31	Sold women to Malaysia	UU PPTKLN 39/04	arrested	
77	Sekupang	Oct. 05	Batam pos, 1 Oct. 05	Helmy M, Sulian, Ng Sui,	2	Sold children for sex work in Batam	KUHP 296, 55		8 months in prison

78	Batam	7-Oct-05	Batam pos, 7 Oct. 05	Sulaiman	23 people	Deceived into marriage to foreigners and sold to Singapore	Ps 263, 264 KUHP	8 years in prison
79	Tj. Pinang	6-Oct-05	Liputan6.com, 6 Oct. 05	PJTKI	28	Sent migrant workers to Singapore through illegal procedures		
80	Kepri	unknown	Media Ind, 13 Oct. 2005	Helmy M	2 children	Trafficked children into sex work	KUHP 296, 55	8 months in prison
81	Bintan	12-Nov-05	?	Margi & Rumbadian		Sold babies birthed by migrant workers	arrested	
82	Tj. Pinang	Nov. 05	Sijori Mandiri, 12 Nov-05	M and wife	4	Baby selling	UU PA ps 79, 83	not mentioned
83	Tj. Batu	Nov. 05	Batam Pos, 15 Nov-05	Wn and Aj	9	menjual perempuan ke lokalisasi	KUHP 297, 296 UU Pa ps 88	6 years in prison
84	Batam	Nov. 05	Batam Pos, 29 Nov-05	Erna	1	Sold child		under police investigation
85	Batam	Nov. 05	Liputan 6.com, 8 Nov-05	Sulaiman		Sold women to Malaysia and Singapore		arrested
86	Batam	Dec. 05	Sijori mandiri, 1 Dec-05	SP and AH	1	Sold baby		investigation stage
87	Tj. Pinang	Dec. 05	Batam Pos, 5 Dec-05	Angi	3	Sold women to lokalisasi		investigation stage
88	Karimun	Dec. 05	Batam Pos, 15 Dec-05	Antoni	14	Sent migrant workers without documents	UU PPTKLN ps 102 ayat (1) dam (2)	
89	Tj. Pinang	Dec. 05	Tribune Batam, 19 Dec-05	Rini	1	Deceived woman into forced prostitution in Tj. Pinang		investigation stage

**SOUTH
SUMATRA**

90	Martapura	21-Apr-05	Sriwijaya Pos, 21 Apr-05	Sukirman & Suryati		Sold woman to <i>lokalisasi</i> in Sungailiat		arrested	
91	Palembang	8-Jul-05	Tempointeractive.com, 8 Jul-05	Santi alias V		Sold children to Bangka		arrested	
92	Palembang	1-Oct-05	Riau Pos.com, 22 Oct-05	Ujang & Abi		Sold baby		not mentioned	
93	Palembang	Oct. 05	Batam Pos, 20 Oct-05	Ahu & Maryani	1	Sold baby		not mentioned	
LAMPUNG									
94	Bandar lampung	14-Nov-05	Republika, 15 Nov -05	Rantenah & Ucu		Brought 24 girls from Lampung to Jakarta to become domestic workers		released	
95	Bandar lampung	Jun. 05	Republika online, 5 Jun-05	Rudi & Mira		Sold child to Bandarlampung		under investigation	13 years in prison
96	Tulang Bawang	Dec. 05	Buser SCTV, 14 Dec-05	not named		Sold girl Bangka Island		under investigation	
BENGGKULU									
97	bangka belitung	12-Oct-05	Riau Pos.com	LM		Sold baby	UU PA	arrested	
98	Bengkulu	Dec. 05	Riau Pos.com 1 Dec-05	TJ, DL and NS alias Si		Sold girl to Batam	UU PA 83; KUHP 324, 332	under investigation	
WEST KALIMANTAN									
99	Pontianak	Dec. 05	Indosiar.com, 23 Dec-05	Herrnan, Ramdan, and Ramdan's wife		Attempted to sell women to Malaysia		arrested	

	Pontianak	Dec. 05	Suara merdeka, 17 Dec -05	RN	4 children	Sold 4 girls to Malaysia	arrested	
EAST KALIMANTAN								
100	Tarakan	Jan-Sep. 05	Kejagung	Siti marian		Sold girls		1 year, 8 months in prison
101	Nunukan	Jan. 05	Banjarmasin Pos, 20 Jan-05	Taufiqur Rosiq	child	Sold girls to Malaysia	investigation stage	
102	Kutai Kartanegara	Feb. 05	Samarinda Pos, 4 Feb-05	Umiyasih	2 children	Sold girls from East Java to <i>lokalisasi</i>	investigation stage	
103	Samarinda	May	Samarinda Pos, 14 May-05	Tia	2 women	Sold women from Surabaya to <i>lokalisasi</i>	released, not enough evidence	
104	Bontang	Jul. 05	Samarinda Pos, 20 Jul-05	not named	2 children	Children ran from <i>lokalisasi</i> after being trafficked there	not reported to police	
105	Balikpapan	Jul. 05	Samarinda pos, 26 Jul-05	not named	2 children	Children from Mamuju ran from <i>lokalisasi</i> after being trafficked there	unclear	
106	Nunukan	Aug. 05	Poires Nunukan	not named	17 children	Transported 17 children that had been sold back to Tana Toraja - children cannot be found	wanted list	
NORTH SULAWESI								
107	Tondano	Feb. 05	unknown, 27 Feb-05	TW alias Eda	5	?	KUHP ps. 328	12 years in prison
108	Menado	14-Feb-05	Heity Geru, UNSRAT lecturer	Vivi Kaloh	1 girl	Trafficking for sex worker	KUHP	1 year, 8 months in prison

110	Manado	28-Feb-05	Komentar (?)	Rina alias Rb	2	Sold into force domestik worker in Tondano		not mentioned	
111	Tondano	8-Mar-05	Manado pos, 8 Mar-05	Ts alias Su	1	Sold into force migrant worker abroad		not mentioned	
112	Manado	Mar. 05	Manado Pos, 16 Mar-05	TT alias Tely	1	Sold woman into forced prostitution in Samarinda		not mentioned	
113	Manado	Jul. 05	Manado pos, 13 July-05	LK alias Is	1	Sold woman into forced prostitution in Tobelo, Maluku		wanted list	
114	Tomohon	Jul. 05	Manado Pos, 16 July-05	DM alias dince	3	Attempted to sell women		arrested	
115	Tomohon	Jul. 05	Manado Pos, 19 July-05	Ok alias Os	7 girls	Attempted to sell girls to Papua		wanted list	
116	Manado	Aug. 05	Lip 6.com, 11 Aug. 2005. Hetty Geru	Deni Kol		Trafficked women into sex work in Jakarta	KUHP		1 year in prison
117	Manado	Aug. 05	idem	Elen Mogot		idem	KUHP		1 year in prison
118	Manado	Aug. 05	idem	Jefri T		idem	KUHP		1 year in prison
119	Bolmong	Aug. 05	Komentar, 29 Aug-05	not named	4 women	Sold women to Papua		under investigation	
120	Manado	Aug. 05	Manado Pos, 11 Aug-05	JS, DK & EM alias Elen	3	Sold women to discotheque in Jakarta	UU PA		15 years in prison
121	Manado	Sept. 05	Manado pos, 16 Sept-05	Ms alias Mia	3 women	Attempted to send 3 women migrant workers illegally to Malaysia and Singapore	UU PPTKLN		1 year in prison
122	Manado	Oct. 05	Manado Pos, 10 Oct-05	She alias Sanda	2 children	Attempting to sell children to Timika		under investigation	
123	Tomohon	Oct. 05	Manado Pos, 21 Oct-05	not named	3	Attempting to sell 3 women to Makassar for sex work		under investigation	

124	Manado	Oct. 05	Komentar, 25 Oct-05	Sonder	3	Sold 3 children to Sorong	KUHP ps. 297	6 years in prison	
125	Bitung	Oct. 05	Manado Pos, 27 Oct-05	not named	4 children	Sold children from Bitung to Sorong		under investigation	
BALI									
126	Denpasar	Feb. 05	Surabaya office/ ICITAP	Paul Thompson (WN Australia)	child	Pedofilia case in Australia			
127	Karangasem	9-Mar-05	Koran Tempo, 14 Mar-05	Michel Rene (WN Prancis)	child	Pedofilia	KUHP 290; UU PA	30 months in prison	
128	Buleleng	29-Jul-05	Koran Tempo, 31 Jul-05	Max Le Clero (WN Belanda)	child	Pedofilia	UU PA	arrested	
129	Denpasar	7-Jul-05	JawaPos, 30 Dec-05	Martha Angg		Sold girls	UU PA 83; KUHP 256, 506	under investigation	
EAST NUSA TENGGARA									
130	Kupang	5-Oct-05	Liputan6.com, 6 Oct-05	Yosef B (pemilik agen PJTKI balanta Budi Prima)	28 women	Attempted to send women through illegal channels to Malaysia		arrested	
PAPUA									
132	Sorong	24-Feb-05	Detik.com, Cendrawasih Pos	Norimichi G, Patricia, Rekha and Sandra		Sold children		released	

About the Authors

Fatimana Agustinanto has been a **Program Officer** at ICMC for its counter-trafficking program since February 2002. While at ICMC, Agus has been managing small grants with NGO partners and initiatives with local governments. Agus is also a facilitator for capacity development training for both government and non-governmental institutions in a variety of issues. He graduated from the Social Politics Faculty at the University of Indonesia where he majored in Social Welfare Science. Agus has conducted research in child prostitution and trafficking as well as on coping strategies for prostituted children with sexually transmitted diseases in cooperation with the University of Indonesia, ILO-IPEC and Yayasan Bandungwangi.

Abhijit Dasgupta has been a **Program Manager** at ICMC since 2005. Prior to Indonesia, Abhijit worked in a number of international NGOs in the areas of human rights, gender, and human trafficking. He is a senior international development professional with more than 26 years of experience out of which over 15 years was spent with NGOs in India. Abhijit has been working as an expatriate manager for the last six years and has a good understanding of trafficking in women and girls in Afghanistan, Bangladesh, Cambodia, India, Indonesia, Nepal, Pakistan, Thailand, and Vietnam.

Jamie Davis is a **Program Specialist** managing the Solidarity Center's counter-trafficking program in Indonesia. Jamie has more than five years experience working on trafficking issues along with 14 years in the areas of advocacy, political participation and media. He has worked in several issues while at the Solidarity Center, including projects designed to empower trade unions to effectively participate in public policy through lobbying, advocacy and elections as well as a project to address child labor. He has also worked for *The Jakarta Post*. Jamie holds a Bachelors Degree from the University of Virginia.

Farida has been a **Program Officer** for the Solidarity Center's counter-trafficking program since February 2003. Prior to this, she gained experience in training and implementing programs in the areas of gender, political empowerment, migrant workers, and domestic workers while

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Anis Hamim is a **Program Officer** for ICMC's counter-trafficking program. Prior to joining ICMC, Anis worked for Rifka Annisa's Women's Crisis Center in Yogyakarta as a Training and Research Coordinator for four years. While there, he conducted training programs on gender sensitivity and gender analysis as well as paralegal training for community organizers. He also was involved in research efforts on legislation relevant to human trafficking. Anis finished his studies at Syaria Faculty of IAIN Sunan Kalijaga Yogyakarta in 1999.

Sally I. Kailola is a **Program Officer** for ICMC's counter-trafficking program. She graduated in 1996 from Pattimura University. From there, she continued studies in English at Sydney Technology University. Sally has six years of experience in working with international NGOs in several areas of Indonesia, including Ambon, Manado, Pontianak and Aceh, particularly on the issue of water and sanitation as well as emergency response programs. While at ICMC, she has worked with local partners on counter-trafficking efforts in Jakarta and Banten.

Keri Lasmi Sugiarti has been a **Program Officer** for ICMC's counter-trafficking program since 2004. She is responsible for managing grants and providing technical assistance to local NGO partners in East Kalimantan. Keri previously worked in Yayasan Bahtera, Yayasan Akatiga, LPA Jabar and Yayasan Matahariku in Bandung from 1998 to 2003, where she implemented various projects focusing on child protection and education. Her experience specifically focuses on providing services and psychosocial support as well as conducted research and training programs. Keri graduated from the Psychology Faculty of Padjadjaran University in 1998.

Anna Puspita Rahayu has been a **Program Officer** for the Solidarity Center's counter-trafficking program since February 2003. She is responsible for implementing joint projects with non-governmental and governmental partner institutions in the areas of case-handling and prevention through trainings, workshops and community discussions on human trafficking. Prior to joining the Solidarity Center, Anna worked for the International Social Service (ISS) based in Hong Kong, an organization

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Magdalena Pasaribu is a **Program Officer** for ICMC's counter-trafficking program in Indonesia. Magdalena holds a degree in Business Administration from Universitas Katolik Parahiyangan Bandung, graduating in 1998. She has three years experience working with World Vision International in Indonesia, where she was a project coordinator for an urban community development program as well as a shelter coordinator for a street children program in Makassar sub-district in East Jakarta. She was also involved in a flood relief program in 2001. She then joined the Catholic Relief Service as a program officer handling issues related to conflict resolution, mediation, interfaith programs, and natural resource management. In 2003, she joined the Global Alliance for Workers and Communities as a program coordinator for a worker development and capacity building program as well as a corporate social responsibilities program.

Eka Rahmawati has been a **Program Officer** for the Solidarity Center's counter-trafficking program since February 2006. She focuses on capacity strengthening to institutions providing services to trafficked persons as well as development of counter-trafficking task forces in several districts/municipalities in West Kalimantan. She has more than seven years of experience working on gender issues since she was student of Anthropology at Airlangga University, Surabaya, and from work with Samitra Abhaya-Kelompok Perempuan Pro Demokrasi (SA-KPPD), where she served as coordinator for services provided to women victims of violence. Eka has also worked in Timor Leste, West Timor, Aceh and Nias in 2004 for another international organization. In addition, she also has experience in providing gender and participatory social analysis and community organizing trainings.

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Achmad Hasan has been working as a **Translator / Interpreter** for the Solidarity Center since 2000. Prior to this, he worked in the same capacity for an international market research firm in Jakarta for more than five years. After completing high school, he spent one year studying at Open

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This report is a companion volume to *Trafficking in Women and Children in Indonesia* published by the Solidarity Center and ICMC in 2003 and it attempts to bring the reader up to date on the developments in Indonesia during the three years from 2004 to 2006. It is not a new edition of the previous report, but only deals with events and patterns that have become visible in the meanwhile – particularly at local levels. Detailed analysis of the prevailing human trafficking situations in 15 provinces of Indonesia make up bulk of this report, and it is expected that it will offer greater utility to organizations and individuals who wish to roll out anti-trafficking interventions in any of those provinces.

It was felt that this volume should not dwell at length over forms of trafficking in Indonesia and factors leading to it as those had been rather comprehensively dealt with in the previous volume. However, this new volume includes sections on the current migrant worker system that is under intense scrutiny over allegations of contributing to debt bondage and trafficking of migrant workers, debt bondage itself, the efforts made by government and non-government organizations in Indonesia to combat trafficking, and the effectiveness of legislation to combat trafficking, enacted during the last three years, by local governments and Counter-trafficking Task Forces (CTTFs) formed under the auspices of the National Plan of Action for the Elimination of Trafficking in Women and Children (NPA). At the end of the report, there is a compilation of known trafficking cases that may help the reader better understand the nature of human trafficking in Indonesia.

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International Catholic Migration Commission
(ICMC) Indonesia



American Center for International Labor Solidarity
(Solidarity Center)



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