



THE REPUBLIC OF INDONESIA

**THE ELIMINATION OF TRAFFICKING IN
PERSONS
IN INDONESIA**



2004-2005

**COORDINATING MINISTRY
FOR PEOPLE'S WELFARE**

Jakarta, 2005



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With full contribution from

**The Task Force of
the National Plan of Action
for the Elimination of
Trafficking of Women
and Children.**

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FOREWORD



In this democratic independent era, with the society that is religious and respects the Human Rights, Indonesia continues to increase its commitment to create welfare for the nation through the efforts carried out consistently and sustainably in order to protect its citizens from among others, trafficking in person practices and other types of exploitations.

The strengthening of Indonesia's commitment was expressed in Presidential Decree No. 88 Year 2002 on the National Plan of Action for the Elimination of Trafficking of Women and Children (RAN-P3A) and the establishment of cross-sectoral Task Forces for implementing the Plan, has intensified the efforts to fight modern slavery of trafficking in persons in better planned, integrated way, with the steps to eradicate the problem: poverty, the lack of education and skills, lack of access, opportunities, and information and socio-cultural values that marginalize and subordinate women.

Cooperation among internal elements within the country and with friendly countries and international organizations has been growing wider and stronger, and it will be continuously developed until stronger resources have been created to fight trafficking in persons, which has become organized transnational crime. Attention is paid especially in protecting victims, but at the same time, by nurturing government officers and the community, efforts have been made toward harsher prosecution against traffickers in order to create the deterrent effects. Various efforts of lectures, campaigns, and community awareness-raising are always conducted to prevent vulnerable groups from falling into trafficking in persons.

Indonesia have achieved some progress, but it is still far from reaching the goal. On the other hand, we also realize that traffickers – with all their tricks – are not going to give up so easily. Therefore, with support from friendly countries and international agencies, and advice and guidance from God Almighty, we should be more enthusiastic and try to take faster and bigger steps in order to can reach our goal immediately.

I would like to thank and express my highest regards to friendly countries, donor organizations, national and international NGOs and anyone, particularly the Ministry for Women's Empowerment, who have moved the Task Force including giving input and information for the development of this 2005 Position Paper (for the period of April 2004 – March 2005). May God Almighty bless all our efforts.

Jakarta, March 30, 2005

Coordinating Minister
for People's Welfare

A handwritten signature in dark ink, appearing to read 'Alwi Shihab', written over a horizontal line.

Dr. Alwi Shihab

SUMMARY

The reinforcement of the commitment made by the Government of the Republic of Indonesia (RI) for the elimination of trafficking in persons is reflected in Presidential Decree No. 88 Year 2002 on the National Plan of Action for the Elimination of Trafficking of Women and Children (RAN P3A) and the submission of Bill on Elimination of the Crime of Trafficking in Persons (RUU PTPPO) to RI House of Representatives (DPR) in order to be passed as a law. In the 2005-2009 National Legislation Program, the Bill on the Crime of Trafficking in Persons sits at number 22, out of 55 priority bills to be deliberated in 2005.

Prosecution against traffickers have been intensified by building the capacity of law enforcers and greater cooperation with other stakeholders and law enforcers from friendly countries, so the National Police of the Republic of Indonesia have could process 23 of 43 cases uncovered. During 2004 - (March) 2005, 53 defendants received the following verdicts from the Court: some were found not guilty, others were sentenced for between 6 months to 13 years in prison; the average punishments were 3 years and 3 months. Information dissemination and advocacy by various parties to law enforcers have led to serious penalties being inflicted upon the traffickers.

Increased protection for trafficking victims have been provided by better accessibility to services, through the establishment of Integrated Services Centers at General Hospitals administered by the Central, Provincial, and District/City Governments and at National Police Hospital and Police Hospitals in other areas. The number of Police Special Assistance Units managed by policewomen is increasing, now there are 226 units scattered at 26 provincial police stations and more will be set up in other provincial police stations and resort (district/city) police stations nationwide. In addition, more and more NGOs and community organizations have set up women's crisis centers, drop-in centers, or shelters; there are now 23 units of such centers/shelters scattered in 15 provinces. Moreover, for the refugees in Aceh, 20 children centers called "*Jambo Anak Metuah*" have been set up in cooperation with UNICEF and the Ministry of Social Affairs. An increasing number of legal aid organizations and NGOs, whose work include providing legal aid to trafficking victims, can be found in more districts/cities.

During 2004 – March 14, 2005, the Government returned at least 120 trafficking victims and 347,696 Indonesian migrant workers (TKIs) with problems from Malaysia. Some thought that many of those TKIs had fallen into the trap of trafficking practices. They had been sent to Malaysia - with passports and visiting or tourist visas – to be employed there. The lack of working visas have led many of them to suffer exploitations, such as passport withholding, low wages, confinement, even inhumane treatments. When their visiting visas had expired, their status became illegal as they had overstayed, and this made them even more vulnerable to exploitation.

The government cooperates will all parties: local, national, and international NGOs, and international agencies, in applying empowerment programs for former trafficking victims after they have been reintegrated, to prevent them from falling the second time into trafficking; the programs are also targeted for vulnerable community groups. The empowerment programs are integrated with efforts to alleviate poverty and improve education, the issues suspected to be the roots of trafficking in persons.

The Government has studied immigration and emigration patterns, with help from universities and NGOs, so now it can identify transportation movement patterns of trafficking in persons. To increase control on residents going in and out of border areas, particularly on the movement related to the sending of TKIs to Malaysia, the government has set up one stop service centers at 11 exit points in Indonesia. Those centers are operated jointly by officers from relevant governmental institutions and Malaysian Immigration agency.

The government was very happy to see the involvement of domestic and international NGOs, community organizations, and mass media (newspapers, magazines, tv stations, and radio stations) in raising public's awareness on the elimination of trafficking of women and children throughout. But the government realizes that they still need to extend their reach, mainly to those in areas not yet reached, and increase the intensity, so they can create better understanding and awareness that in turn can change the behavior of the public, who should not tolerate slavery (trafficking in persons) in this modern era.

Indonesia has made progress in the elimination of trafficking in persons especially in women and children, but it is still far from reaching the goal of National Plan of Actions of Elimination of Trafficking of Women and Children, that is: "All types of trafficking of women and children in Indonesia have been eliminated". Thus, strengthening the network should be intensified so the cruelty against Indonesian women and children could be immediately eliminated. ***

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INTRODUCTION

Human Rights: *“Every one was born free with equal dignity and rights and endowed with reason and conscience to live in a society, nation, and state in a spirit of brotherhood. Everyone is entitled to recognition, guarantee, protection and fair legal treatment and everyone shall receive legal certainty and equal treatment before the law. Everyone is entitled to have their human rights and basic freedom protected, without any discrimination”* (Article 3, Law No. 39/1999 on Human Rights)

“The right to live, to not suffer any torture, to personal freedom, freedom of thoughts and conscience, the right to believe in a religion, to not be subjected under slavery, to be recognized as a person and to equality before the law, and the right to be not prosecuted under the retroactive legal basis are human rights that cannot be lessened under any circumstances and by anyone” (Article 4, Law No. 39/1999 on Human Rights)

“No one shall be subjected to slavery or servitude. Slavery or servitude, slave trade, women trafficking, and any acts in any forms that has similar intention, shall be forbidden” (Article 20, Law No. 39/1999 on Human Rights)

“Every child is entitled to protection from exploitative activities and sexual harassment, from abduction, child trafficking, and from various types of abuse of narcotics, psychotropic, and other addictive substances” (Article 65, Law No. 39/1999 on Human Rights)

“The Government is obliged and responsible for providing respect, protection, for upholding, and improving the human rights regulated in this law, in other legislations, and international law on human rights accepted by the state of the Republic of Indonesia. The government’s obligation and responsibility include effective implementation measures in legal, political, economic, social, cultural, national defense and security, and other sectors” (Article 71 and 72, Law No. 39/1999 on Human Rights)

Trafficking in Persons in Indonesia

Slavery or servitude was once present in Indonesia’s history. In Javanese kings’ era, women were a supplementary part of the feudal administration system. At that time, the power of a king was described as something noble and glorious. The kings had absolute power; it was reflected for example, in the many concubines that they had. Some of the concubines were noble women presented to them as a symbol of loyalty, some were offerings from other kingdoms, but there were also those who came from poor families; they were “sold” or handed over by their families as their families wanted to directly link themselves to the royal families. The feudal system had not shown any presence of sex industry, but it had formed its basis, by positioning women as a commodity to satisfy men’s lust and to demonstrate power and prosperity. During the colonial era, sex industry became more organized and grew rapidly in order to satisfy the demands for sexual satisfaction coming from the European community; they include soldiers, merchants, and emissaries, who generally were single people. During the Japanese occupation period (1941-1945), sex commercialization kept growing. In addition to forcing native women and Dutch women to become prostitutes, Japan also brought many women from Singapore, Malaysia and Hong Kong to Java Island to serve Japanese high-ranking military officials (Hull, Sulistyarningsih and Jones 1997).

In the independence era, especially in the reformation era that highly appreciates Human Rights, the presence of slavery or servitude issue is no longer tolerated. From the legal point of view, Indonesia has stated that slavery or servitude is a crime against a person’s

freedom that shall be punished by an imprisonment that ranges between five to fifteen years (Article 324-337 of the Penal Code).

However, advancement in information technology, communication and transportation that have accelerated globalization, are also abused by criminals to disguise the slavery and servitude into their new form: trafficking in persons; they operate in secret and move outside the law. Traffickers – who quickly have grown into transnational syndicates – are very subtle in trapping their preys, but very cruelly exploit their preys in various ways so victims are powerless to free themselves.

Definitions. Definition on trafficking in persons had been evolving until the establishment of the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children Supplementing the United Nation Convention Against Transnational Organized Crime. The protocol defines trafficking in persons as follows: (a) ... the recruitment, transportation, transfer, harbouring 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 purposes of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

This definition was extended with a provision related to underage children (below 18 years old), that : The recruitment, transportation, transfer, harbouring 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).

From the definition, it could be concluded that the elements of trafficking in persons (Harkristuti, 2003), include:

1. Acts: recruitment, transportation, transfer, harbouring or receipt.
2. Facilities (means) to control victims: threats, use of force, various forms of violence, abduction, fraud, deception, abuse of power or positions of vulnerability or giving/receiving payments or benefits to achieve the consents of persons having control over the victims.
3. Purpose: **exploitation**, at least for prostitution or other forms of sexual exploitation, forced labor, slavery, servitude or the removal of organs.

From the three elements, one should pay attention to the element of purpose; this is because although for child victims there is no definition on the means used, but the purpose still has to be exploitation.

The definition according to the Protocol was the spirit of the definition of trafficking of women and children as stated in Presidential Decree of the Republic of Indonesia No. 88 Year 2002 on the National Plan of Action for the Elimination of Trafficking of Women and Children, that states: “Trafficking of women and children is any act committed by traffickers, which include one or more acts of recruitment, domestic and international transportation, transfer, sending, receiving and temporary harbouring or harboring at destinations – women and children – by means of threat, use of verbal and physical force, of abduction, of fraud, of deception, of the abuse of a position of vulnerability (for example when a person does not have any other choice, is isolated, addicted to drugs, trapped in debts, et cetera), of giving or receiving payments or benefits, where the women and children are used for the purpose of prostitution and sexual exploitation (including pedophilia), of legal as well as illegal migrant work, of child adoption, of work on fishing

platforms, of being rendered as mail-order brides, of domestic work, of begging, of pornography industry, of illegal drug dealings, of organs sale, and other forms of exploitation”.

Trafficking in persons is different from smuggling of persons. The smuggling of persons emphasizes more on the sending of persons illegally from one country to another that benefits the smugglers, meaning there is no exploitation against the smuggled persons. There might have been victims in the smuggling of persons, but it is more of a risk from the activities carried out and it is not something that has been intended from the beginning. On the contrary, trafficking in persons has, from the beginning, had the purpose to make the persons transported as objects of exploitation. Fraud and coercion/force are essential elements in trafficking in persons.

Crimes against Human Rights. Trafficking in persons is a despicable crime against human rights, which disregard a person’s right to live freely, to be not tortured, to have personal freedom, thought and conscience, to believe in a religion, to be not subjected to slavery, etc.

The sex industry, as one of the users of trafficking in persons, does not only raise considerable human, social and economic costs, but also transmit sexual diseases and HIV/AIDS. For child sex workers, their chance to have education and reach their full development potential have been taken away; this means damaging human resources vital for developing the nation.

In trafficking in persons, often because their immigration documents are incomplete, falsified, seized by their agents or employers, victims are treated as illegal migrants so they are subject to punishments. Actually, what they need more are protection and special services, given the physical, social and psychological trauma they have been suffering as a result of physical violence, sexual harassment and extortion they experienced. Trafficking in persons have sent many migrants who are not really “qualified”, who could create many social problems in the society, and on the victims’ side, they often would lose their rights and fall into inhumane way of living.

Most trafficking victims are women and children, putting them in a highly risky position, especially in relation their physical as well as mental-spiritual health, and they are very vulnerable to acts of violence, unwanted pregnancy, and sexual diseases infection including HIV/AIDS. Such condition of women and children would threaten the quality of mothers of the nation and Indonesia’s next generation.

Vulnerable Groups. Trafficking in persons can victimize anyone: adults and children, men or women who normally live in vulnerable conditions, for example: men, women and children from poor families who came from rural or urban slums; those who are educated and have limited knowledge; those who are caught up in serious economic, political, and social problems’ family members dealing with financial crisis, such as their husbands/parents lose their income, their husbands/parents are gravely ill, or dead; dropout children; victims of physical, psychological, sexual violence; job seekers (including migrant workers); women and street children; abductees; divorced women as a result of having married at an early age; those who are pressured by their parents or neighborhood to work; even sex workers think that working overseas promises higher income.

The modus operandi for recruiting the vulnerable groups usually starts with enticements, promises all kinds of pleasures and luxury, deception or false promises, trap, threats, abuses of authority, debt bondage, marriage or relationships, abduction, confinement, or rape. Another modus is recruitment under the pretext of seeking employees for entertainment sectors, plantations or service sectors in foreign countries and promising

big salaries. Pregnant mothers who do not have money to deliver their babies or raise their children would be persuaded using debt bondage, so they would let their children to be adopted in order to enjoy better lives, however, the babies will instead be sold to anyone who would like to have them. Underage children are persuaded to serve the pedophiles, by giving them the things they need and are even promised to have their education funded.

Identity falsification is often committed, especially for the purpose of trafficking persons to foreign countries. RTs (neighborhood units)/RWs (community units), *kelurahans* (government administration units below sub-districts) and sub-districts might be involved in ID or birth certificate falsifications, as agents specify minimum age requirement for processing documents (passports). The process also involves government offices (*dinas*) that do not conduct careful examination on whether the identities match with the subjects.

Agents and trafficking brokers approach their victims at homes in rural areas, at packed beach parties, malls, cafes, or restaurants. These agents or brokers work in groups and often disguise as teenagers who are having fun or as labor recruitment agents.

Having been recruited, victims are then brought to transit places or destinations separately or in groups, by planes, ships or cars, depending on their destinations. Agents or brokers normally will accompany them and pay all their travel expenses. For international destinations, the victims will be provided with tourist visas, but all documents will be held by the agents, who will also handle financial issues.

The travel routes taken are often the circuitous ones, to give an impression that their journey is very far so it will be hard for them to return. If victims want to go home, they will be frightened or threatened.

At their destination, they stay at a safe house for several weeks, waiting for their job placement as promised. But then they will be taken to bars, pubs, beauty parlors, brothels, and other entertainment places, and start to be involved in prostitution. They are required to sign a contract although they do not understand its content. If they refuse, they will be asked to repay the travel expenses and “ransom” from the agents or brokers who brought them. The amount, which normally is inflated, will become debts to be borne by victims.

Sending, Transit, and Receiving Areas. Indonesia is known as the sending country for trafficking in persons in international community. Based on various studies, it is suspected that there are several provinces in Indonesia that mainly serve as sending areas, but there are several districts/cities in the provinces also known as receiving areas or transit areas.

Table 1. Sending, transit and receiving areas of trafficking in persons in Indonesia

Sending Areas	Transit Areas	Receiving Areas
<i>North Sumatra Province:</i> Medan, Deli Serdang, Serdang Bedagai, Simalungun, Pematang Siantar, Asahan, Langkat, Tebing Tinggi, Labuhan Batu, Tapanuli Selatan, Dairi, Langkat, Binjai	Belawan, Medan, Padang Bulan, Deli Serdang, Serdang Bedagai, Asahan, Tanjung Balai as well as Kabupaten Labuhan Batu	Deli Serdang, Medan, Belawan, Serdang Bedagai, Simalungun.
-	<i>Riau Province:</i> Tanjungbalai Karimun, Dumai	Tanjung Balai Karimun, Dumai, Pekanbaru.

Sending Areas	Transit Areas	Receiving Areas
-	<i>Riau Islands Province:</i> Batam, Tanjung Pangkor	Batam
<i>Lampung Province</i>	South Lampung	South Lampung
-	<i>Special Capital Region of Jakarta:</i> Central, West, East, North, South Jakarta.	Central, West, East, North, South Jakarta.
<i>West Java Province:</i> Sukabumi, Tangerang, Bekasi, Indramayu, Bandung, Karawang, Bogor, Cianjur, Ciroyom, Bekasi, Sawangan Depok, Cirebon, Kuningan.	Bandung, Losari-Cirebon	-
<i>Central Java Province:</i> Banyumas, Magelang, Purwokerto, Cilacap, Semarang, Tegal, Pekalongan, Purwodadi, Grobogan, Jepara, Boyolali	Cilacap, Solo	Baturaden, Solo.
<i>East Java Province:</i> Banyuwangi, Nganjuk, Madiun, Kediri, Surabaya, Blitar, Jember, Gresik.	Surabaya	Surabaya
<i>Bali Province:</i> Denpasar, Trunyan, Karang- asem, Kintamani, Bangli	Denpasar.	Denpasar, Gianyar, Legian, Nusa Dua, Sanur, Tuban. Kuta, Ubud, Candi Dasa and Denpasar.
<i>West Kalimantan Province:</i> Pontianak	Entikong, Pontianak	Pontianak
<i>East Kalimantan Province:</i> Samarinda	Balikpapan, Nunukan, Tarakan.	Balikpapan, Samarinda.
-	<i>South Sulawesi Province:</i> Pare-pare, Makassar, Sengkang, Watampone.	-
<i>North Sulawesi Province:</i> Manado	Bitung.	-
<i>Southeast Sulawesi Province</i>	-	-
<i>West Nusa Tenggara Province</i>	Mataram.	Senggigi Beach, Sumbawa.
<i>East Nusa Tenggara Province</i>	-	-
-	<i>North Maluku Province:</i> Ternate	-
-	<i>Papua Province:</i> Serui	Biak, Fak-fak, Timika.

Sources : Rosenberg, 2003; Harkristuti Harkrisnowo, 2003; PKPA, 2004.

Many Indonesian women and children are also trafficked to foreign countries; their transportation routes pass transit areas normally located at border areas or big cities with good transportation facilities.

Table 2. Sending, transit and receiving areas of trafficking in persons for international destinations

Sending Areas	Transit Areas	Receiving Countries
North Sumatra Province	Medan.	Southeast Asia (Singapore, Malaysia, Brunei, Philippines, Thailand), Middle East (Saudi Arabia), Taiwan, Hong Kong, Japan, South Korea, Australia, South America.
Lampung Province	-	
Riau Province	Batam.	
Jakarta Province	Jakarta.	
West Java Province	-	
Central Java Province	Solo	
East Java Province	Surabaya	
West Kalimantan Province	Pontianak, Entikong	
East Kalimantan Province	Nunukan	
North Sulawesi Province	-	
Bali Province	-	
West Nusa Tenggara Province	-	

Sources : Rosenberg, 2003; PKPA, 2004.

In addition to its status as sending country, recently there were indications that Indonesia may also a receiving and/or transit country for international trafficking in persons. *Jakarta Post*, on December 13, 2002, reported that 150 foreign sex workers operated outside hotels in Batam, Riau Province. Those women reportedly came from Thailand, Taiwan, China, Hong Kong and several European countries, including Norway (Rosenberg, 2003). *Media Indonesia*, on March 11, 2004, also reported the arrest of a Chinese citizen alleged as the mastermind of the smuggling and trafficking in persons. He had smuggled hundreds of Chinese people into Indonesia by enticing them with nice salaries, but instead they were only made as traders for China-made goods.

Traffickers. Trafficking in persons involve men, women, and children even babies as its “victims”, while agents, brokers, or syndicates, act as “traffickers”. The pimps, employers, or managers of entertainment places are “users” who exploit victims for their benefit; this is often done in a very subtle way that victims do not realize it. Users also include lechers or pedophiles that date women and children forced to become sex workers, or recipients of organs from trafficking victims.

Traffickers do not only involve transnational criminal organizations, but also institutions, individuals and even community leaders who often do not realize their involvement in trafficking activities (Rosenberg, 2003):

- Labor recruitment companies, with their network of agents/brokers in many areas, are traffickers when they facilitate the falsification of ID card and passports and illegally confine potential migrant workers at the safe house, and put them in a different job than the one promised or introduce them by force to sex industry.

- Agens or brokers could be outsiders but they also could be neighbors, friends, or even village heads, considered as traffickers when they lie, commit fraud, or documents falsification when they conduct the recruitment process.
- Government officers are traffickers when they are involved in document falsification, fail to prevent violations and facilitate illegal border crossing.
- Employers are traffickers when they put their workers in exploitative conditions such as: withholding their salaries, illegally confining workers, committing physical or sexual abuse, forcing them to work all the time, or entrap them into debt bondage.
- Brothel owners or managers, under article 289, 296, and 506 of the Penal Code, could be considered as having violated the law, especially when they force women to work when the women have refused to do it, trick them into debt bondage, illegally confine and limit their freedom to go out, do not pay their salaries, or recruit and employ children (below 18 years old).
- Marriage brokers are traffickers when the marriages arranged have made the wives fall into conditions similar to slavery and exploitative conditions, although the brokers do not realize the exploitative nature of the marriages to be performed.
- Parents and relatives are traffickers when they knowingly sell their children or relatives, directly or indirectly - through brokers – to employers in sex industry or other sectors. Or if they receive downpayments for the incomes to be received from their children in the future. This is also the case when parents offer services from their children for repayment of their debts and consequently put their children in debt bondage.
- Husbands are traffickers when they marry a woman but then send their wives to other places in order to exploit them for financial benefits, subject them to slavery, or force them to prostitution.

Users. Users of trafficking in persons, who directly benefit from victims, or exploit victims indirectly, include :

- Pimps and brothel managers who need women and children to be employed as sex workers.
- Philanderers, pedophiles, and people who have other types of sexual deviations and expatriates and international businesspersons who live temporarily in a country.
- Businesspersons who need child workers as they are cheap, obedient, not fussy, and easily scared.
- Entertainment businesspersons who need young women to be employed at massage parlors, karaoke, and other entertainment spots.
- Businesspersons in tourism sector who also offer sex tourism services.
- Irresponsible labor recruitment agents.
- Drug syndicates who need new dealers in order to extend their networks.
- Middle and upper class families who need women and children to be employed as domestic workers.
- Families who want to adopt children.
- Chinese men from overseas who want “traditional” women as their brides.

National Plan of Action

Trafficking in persons has grown into a strong and transnational business, as **although it is illegal**, it produces tempting amount of revenues, it brings the third biggest revenues after illegal drug dealings and arm dealings. So, no wonder if international organized crime then makes international prostitution and trafficking-in-persons network as the main focus of their activities. They are tempted by the tax-free profits and at the same time they also still receive income from the same victims and its risk is small. Like drug business that creates huge revenues, very profitable and also tax-free, trafficking in persons in essence is a part of shadow economy: operates in secret, very lucrative but it is also an evil crime.

Hence, to fight transnational organized crime with strong resources like that, the Government needs to have a stronger commitment, take actions in planned and consistent steps and involves wide networks, both among the areas within the country as well as with friendly countries and international agencies.

The Stance of the Indonesian Government. Since Indonesia gained its independence on August 17, 1945, slavery and servitude have been stated as unlawful acts and stated as crimes against a person's freedom, as established in the Penal Code, which last time amended with Law of the Republic of Indonesia No. 1 Year 1946; it states as follows:

Article 324: Anyone who, on his/her own expense or on another person's expense, runs slavery trade, or intentionally and directly or indirectly participates in any of such acts, is liable to a maximum imprisonment of twelve years.

Article 333 (1): Anyone who intentionally and unlawfully deprives another person's freedom or continues such freedom deprivation, keeps someone deprived of his liberty, is liable to a maximum imprisonment of eight years.

Article 333 (2): If the act results in serious injuries, the perpetrator is liable to a maximum imprisonment of nine years

Article 333 (3): If the act results in death, the perpetrator is liable to a maximum imprisonment of twelve years

Article 333 (4): The penalties set forth in this article shall also be applicable on anyone who intentionally and unlawfully provides a place for the deprivation of freedom

Slavery and servitude in the form of trafficking in persons are also criminalized in Indonesian legal system as set down in Article 297 of the Penal Code and Article 65 of Law No. 39 Year 1999 on Human Rights.

Article 297 of the Penal Code: "Trafficking of women and underage children is liable to a maximum imprisonment of six years".

Article 65 of Law No. 39 Year 1999 on Human Rights: "Every child has the right to receive protection from exploitation and sexual harassment, abduction, child trafficking, and from various forms of misuse of narcotics, psychotropic drugs, and other addictive substances".

In 2002, Indonesia passed Law No. 23 Year 2002 on Child Protection; it also criminalizes child trafficking and sexual exploitation of children as regulated in Article 83 and Article 88.

Article 83: Anyone who traffics, sells, or abducts children for themselves or for sale, is liable to a maximum imprisonment of 15 (fifteen) years and a minimum imprisonment of 3 (three) years and a maximum fine of Rp 300,000,000 (three hundred million rupiahs) and a minimum fine of Rp 60,000,000 (sixty million rupiahs).

Article 88: Anyone who commits economic or sexual exploitation against children, with an intention to benefit himself/herself or another person, is liable to a maximum imprisonment of 10 (ten) years and/or a maximum fine of Rp 200,000,000 (two hundred million rupiahs).

The stance adopted by RI Government in fighting trafficking in persons is reinforced in Presidential Decree No. 88 Year 2002 on National Plan of Action for the Elimination of Trafficking in Women and Children (*RAN P3A*), and the submission of Bill on the Combat of the Crime of Trafficking in Persons, the government's initiative proposed to the Indonesian House of Representatives (DPR) in 2004. In the 2005 National Legislation Program, the Bill sits at rank 22 from 55 bills to be deliberated by the DPR whose members were selected based on the results of the 2004 General Election.

RAN P3A. The National Plan of Action for the Elimination of Trafficking in Women and Children (*RAN P3A*) is an integrated action plan that brings together various programs and stakeholders at the national and local levels; it does not only consist of preventive efforts, law enforcement and protection for victims, but it is also integrated with measures to counter the root of the problem. Implementation of *RAN P3A* is undertaken at the same time with the application of practical measures to alleviate poverty, address health issues, and improve the quality of formal, non-formal, as well as informal (family) education, and the implementation of other relevant empowerment activities.

Efforts to eliminate trafficking in persons include prevention, prosecution and severe punishments on traffickers, and victim protection through repatriation, rehabilitation, counseling, education and skills training, including providing guarantee on issues related to their human rights, so they could become independent and reintegrate into the community. Given that trafficking in persons is related to transnational organized crime, international cooperation – bilateral as well as regional – and cooperation with international agencies and NGOs will always be fostered and developed.

The general objective of the *RAN-P3A* is "All forms of trafficking of women and children are eliminated"

Its specific objectives are :

1. Establishment of legal norms and legal actions against traffickers of women and children are taken.
2. Rehabilitation and social reintegration that are guaranteed by the law for victims of trafficking of women and children.
3. Prevention of all forms of practices of trafficking of women and children are implemented within families and the community.
4. Cooperation and coordination for the elimination of trafficking of women and children among institutions at national and international levels are established.

Targets of the *RAN-P3A* are :

1. Ratification of convention against transitional organized crime and two protocols on human and child trafficking (The Optional Protocol to the Convention on the Rights of the Child (1989) on the Sale of Children, Child Prostitution and Child Pornography, dan Proccol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children).
2. Adoption of Law on the Elimination of Trafficking of Women and Children, Law on Witness and Victim Protection, Law on the Elimination of Domestic Violence, Law on Protection for Migrant Workers and their implementing regulations.
3. International standard harmonization in relation to trafficking of persons into the national law through amendment of the Penal Code, the Criminal Procedure Code, Law on Marriage, Law on Immigration and Law on Human Rights Courts.
4. Mapping of the state of the problem and cases of trafficking of women and children.
5. Higher quantity and quality of Crisis Service Center for rehabilitation and social reintegration of victims of trafficking of women and children, especially in high-risk areas.
6. Lower number of cases of trafficking of women and children and higher number of cases processed up to the court – a minimum of 10% per year.
7. Model/mechanism to protect children and women during process of recruitment, transportation, and placement of workers, especially in migrant worker placement.
8. The central and local governments allocate budget for rehabilitation and social reintegration of the victims.
9. Guaranteed access for families, especially women and children, to education, training, higher income, and social services.
10. Partnership networking at national and local levels, among the areas, bilateral, regional as well as international cooperation.

RAN P3A has appendixes describing the types of scheduled activities, complete with their persons-in-charge, at national, provincial and district/city levels.

In addition to *RAN P3A*, there are other national plans of action related to the elimination of trafficking of persons, they are: the National Plan of Action on the Elimination of the Worst Forms of Child Labor (Presidential Decree No. 59 Year 2002), the National Plan of Action on the Elimination of Sexual Exploitation of Children (Presidential Decree No. 87 Year 2002), and the 2004-2009 National Plan of Action on Human Rights (Presidential Decree No. 40 Year 2004) .

Task Forces. Presidential Decree No. 88 Year 2002 also stipulates the establishment of the National Plan of Action for the Elimination of Trafficking in Women and Children Task Force (*RAN P3A* Task Force), which consists of a STEERING COMMITTEE headed by the Coordinating Minister for People's Welfare and has 10 ministers, National Police Head, and Central Statistics Bureau Head as its members; and an IMPLEMENTING COMMITTEE headed by the State Minister for Women's Empowerment, its members include Echelon I officials from 16 government institutions, National Narcotics Board Chairman, General Crime Investigation Director of the National Police Headquarter, and 10 persons from NGOs, women's organizations, religious organizations, businesswomen organizations, Indonesian Chamber of Commerce, and Indonesian Journalists Association.

The tasks of the *RAN P3A* Task Force include:

1. Coordinating implementation of the efforts to eliminate trafficking of women and children carried out by the government and the public in accordance with their respective functions and/or qualifications.
2. Advocating and disseminating information on trafficking and *RAN-P3A* to stakeholders.
3. Conducting periodical and incidental monitoring and evaluation and communicating the problems occurred during the implementation of *RAN-P3A* to the institutions authorized to address them and follow them up, according to applicable legislations.
4. Undertaking national, regional and international cooperation for implementing preventive and countering measures in an effort to eliminate trafficking of women and children.
5. Reporting the development of the implementation of efforts to eliminate trafficking of women and children to the President and the public.

In accordance with its objectives, the Task Force focuses on efforts to eliminate trafficking in persons, especially women and children, while to counter the roots of the problem – poverty (in various sectors of life), health, and lack of education, efforts are implemented across sectors, at national and local levels, under the coordination of Coordinating Minister for People's Welfare.

In addition to the *RAN P3A* Task Force, there are also other task forces still relevant to the elimination of trafficking in persons, for example the Committee of the National Action on the Elimination of the Worst Forms of Child Labor (Presidential Decree No. 12 Year 2001), the National Plan of Action on the Elimination of Sexual Exploitation of Children Task Force (Presidential Decree No. 87 Year 2002), the Commission for Indonesian Child Protection (Presidential Decree No. 77 Year 2003), the National Commission against Violence on Women (Presidential Decree No. 181 Year 1998), the National Commission of Human Rights (mandatory by Law No. 39 Year 1999 on Human Rights), and the National Coordinating Committee for the Prevention and Combat of the Crime of Money Laundering (Presidential Decree No. 1 Year 2004).

Regional Autonomy. In the autonomy era, similar task forces, which will develop local plan of action - are expected to be founded at provincial and district/city levels. Minister of Home Affairs has expressed his support through Ministry of Home Affairs Gazette No. 560/1134/PMD/2003, intended for Governors and Regents/ Mayors all over Indonesia. The gazette recommends the work unit of the local government authorized to administer women and child issues should be the focal point for the implementation of elimination of trafficking of persons at the area, which will be achieved by holding meetings to coordinate the local government offices (*dinas*), the objectives of which include: (1) Developing minimum standards in fulfilling child rights, (2) Establishing a local counter-trafficking unit, (3) Applying tight control over labor recruitment, (4) Allocating fund from the local budget for such needs.

Sending, transit and banded areas are places prioritized for the establishment of local task forces for elimination of trafficking in persons. In several provinces and districts/cities, the task forces established often do not focus on eliminating trafficking of women and children, but they also deal with the elimination of sexual exploitation of children, the elimination of the worst forms of child labor, and other related issues.

1. The Government of North Sulawesi Province issued Local Regulation No. 1 Year 2004 on the Prevention and Elimination of Trafficking in Persons especially Women and Children, and by Governor's Decree No. 130 Year 2004 on the Establishment of the Task Force against Trafficking in Persons especially Women and Children.

2. The Government of North Sumatra Province issued Local Regulation No. 6 Year 2004 on the Elimination of Trafficking of Women and Children, and set up the North Sumatra *RAN P3A* Task Force.
3. Riau Province:
 - The Government of Dumai City, Riau Province, in January 2005 established the Task Force for the Elimination of Trafficking in Persons especially Women and Children and was developing a Local Plan of Action.
4. The Government of the Special Capital Region of Jakarta, by Governor's Decree No. 1099 Year 1994, issued an Implementing Regulation on Better Welfare for Domestic Workers in the Special Capital Region of Jakarta. In 2004, The Government of the Special Capital Region of Jakarta issued Local Regulation No. 6 Year 2004 on Employment, in which there are some articles that regulate child workers and the worst forms of child labor.
5. The Government of West Java Province, by Governor's Decree No. 43 Year 2004, has established the Committee for the Elimination of the Worst Forms of Child Labor, and developed the Plan of Action for the Elimination of the Worst Forms of Child Labor, Child Trafficking and Sexual Exploitation of Children.
 - The Government of Indramayu District has developed the Plan of Action for the Elimination of Trafficking in Persons especially Women and Children.
 - The Government of Sumedang District has set up the Committee for the Elimination of the Worst Forms of Child Labor.
 - The Government of Bandung City set up the Committee on the Worst Forms of Child Labor and developed the Local Plan of Action for Child Protection (August, 2004).
 - In May 2004, the Local House of Representatives of Bekasi City passed Local Regulation on Restriction against Indecent Acts as amendment of Local Regulation of Bekasi City No. 58 Year 1998. This local regulation explains in detail the definitions of sex worker, prostitution, and places of prostitution alleged as one of the factors prompting trafficking of persons.
6. Central Java Province :
 - The Government of Cilacap District, Central Java Province, has developed a Local Regulation draft on Placement and Protection for Migrant Workers in Foreign Countries.
 - The Government of Surakarta City, Central Java Province, has developed the Plan of Action for the Elimination of Trafficking in Persons especially Women and Children.
7. The Government of the Special Region of Yogyakarta has developed a Local Regulation draft on Working Relationship between Domestic Workers and Employers in the Special Region of Yogyakarta Province.
8. The Government of East Java Province, by Governor's Decree No. 88/145/KPTS/013/2003, has established the Task Force for the Elimination of Trafficking in Persons, Commercial Sexual Exploitation of Children and the Worst Forms of Child Labor. The Local Regulation draft on the Elimination of Trafficking in Persons especially Women and Children has been developed and the local house of representatives is going through the process of adopting it.

The East Java Province's Plan of Action on the Elimination of Trafficking in Persons especially Women and Children, the Plan of Action for the Elimination of Commercial Sexual Exploitation of Children, and the Plan of Action for the

Elimination of the Worst Forms of Child Labor for the 2004-2008 period, were planned to be adopted in February 2005.

- The Government of Tulungagung District, by Regency Decree No. 844 Year 2004, has established the Child Protection Commission.
- The Government of Malang District has issued a Local Regulation on Migrant Worker Protection; it also has developed the Plan of Action for the Elimination of Trafficking of Women and Children, which will be established in February 2005.
- The Government of Ponorogo City has issued a Local Regulation on Migrant Worker Protection.
- The Government of Blitar District has issued a Local Regulation on Protection for Blitar's Migrant Workers and Their Family Members.
- The Government of Banyuwangi District has established the Child Protection Commission concerning the Worst Forms of Child Labor, Commercial Sexual Exploitation of Children, and Child Trafficking.

9. West Kalimantan Province:

- The Government of Sambas District has issued a Local Regulation on Prevention and Protection for Women and Children from Trafficking in Persons Practices.

10. The Government of East Kalimantan Province, by Governor's Decree No. 350/K.36/2004 dated March 25, 2004, has established the East Kalimantan Anti-Trafficking Coalition (KAT) and by Governor's Decree No. 463/K.214/2004 established the Committee of Action for the Elimination of the Worst Forms of Child Labor.

11. West Nusa Tenggara:

- The Government of Sumbawa District issued Local Regulation No. 11 Year 2003 on Protection and Development of Indonesian Migrant Workers from Sumbawa.

PROSECUTION

Prosecution against traffickers, in accordance with the relevant authority, is held by law enforcers (the Police, Prosecutors, Lawyers and the Court), but given that trafficking in persons is a crime operating covertly, information has been disseminated to the general public, community organizations and NGOs, that they should take active part in uncovering this crime, by providing information to the authorities if they see, witness, or suspect that there are indications of trafficking in persons activities or things that could be suspected of leading to the crime. Police in all areas have opened hotlines accessible by the public who wish to report a crime, and the police will immediately respond to and follow up the information provided.

Strengthening the Legal Basis

In the last several years, law enforcers have taken many legal actions against traffickers, performed legal process against them and took them to court. But the police, prosecutors, advocates/lawyers and observers concerned with trafficking in persons have complained

on impediments from legislations that have made the punishments inflicted against the traffickers not really severe and did not serve as deterrent to them.

Harkristuti Harkrisnowo (2003) said that trafficking in persons was indeed regulated in Indonesian legislation, but the regulations were considered as far from adequate, in relation to how wide the definition of trafficking in persons was, so they could not be used to criminalize all acts within the current definition. She thought that there were several articles in the Penal Code that could be used to prosecute some acts of trafficking in persons, even though the articles still have many loopholes.

Article 297 of the Penal Code specifically regulates trafficking of women and underage boys. If we look from the victims, almost all of the cases found involve women and underage children, including babies, as their victims. Only few cases involved Indonesian migrant workers, the victims of which were also adult men, meaning they were not within the category of the victims protected by Article 297 of the Penal Code. Given the situation taken place nowadays, that is the presence of adult male victims, the article should be extended and does not define victims as only women and underage boys. Another weakness of Article 297 of the Penal Code is that it limits its scope to sexual exploitation, meaning that the article can only criminalize trafficking in persons when victims are used for activities that in essence are sexual exploitation, while there are other forms of exploitation that make their victims as workers, domestic workers, even as illegally adopted children and babies.

Another issue concerning Article 297 of the Penal Code is the definition of not of mature age (underage) for the trafficked boys. It has been identified that in the Penal Code, none of the articles explicitly state that victims must be underage, some articles simply specify that victims must be underage, but there are also articles that specifically state age 12, 15, 17, thus there is no clear reference for this age issue. Under the Burgerlijk Wetboek (BW), underage is below 21 years old or not yet married, while under Law No. 1 Year 1974 on Marriage, definition of not of mature age is not yet reached 18 years old or never enters into a marriage. Law No. 3 Year 1997 on Juvenile Court also states that a child is 'a person that has reached the age of 8 but not yet 18 years old and she/he has never entered into a marriage'. Here it could be concluded that someone below 18 years old who got married means that he/she is no longer categorized as 'a child'. Further, in Law No. 23 Year 2002 on Child Protection, it is stated that the definition of children is 'one that has not reached the age of 18, including unborn children". There should be one explicit provision on this age limit, so there would be only one definition.

In addition to Article 297 of the Penal Code, Article 324 can also be used for prosecuting some of trafficking in persons acts as this article prohibits acts that can be categorized as trafficking in persons, but the object is specifically stated – bought slaves – so the application of this article is very limited.

In addition to the Penal Code, Law No 23 Year 2002 on Child Protection can also be used to prosecute traffickers as regulated in Article 83 and Article 88.

Article 83: "Anyone who traffics, sells, or abducts children for his/her own benefit or for sale, is liable to a maximum imprisonment of 15 (fifteen) years and a minimum imprisonment of 3 (three) years and a maximum fine of Rp 300,000,000 (three hundred million rupiahs) and a minimum fine of Rp 60,000,000 (sixty million rupiahs)

Article 88: Anyone who commits economic or sexual exploitation against children, with an intention to benefit himself/herself or another person, is liable to a maximum imprisonment of 10 (ten) years and/or a maximum fine of Rp 200,000,000 (two hundred million rupiahs).

But the scope of this law is limited only to children, so traffickers whose victims are not children, cannot be charged with this law.

According to the analyses made by legal observers, the absence of any official definition on trafficking in persons in the Penal Code, Law No. 39 Year 1999 on Human Rights, or in Law No 23 Year 2002 on Child Protection, has made the articles of those laws hardly applicable. Police also reported that each phase of trafficking in persons was often completed by different traffickers, for example the recruiters are different from those who will take or bring the victims, and again different persons will receive or handover victims to users. So if the police arrests one of them, he could only be charged with fraud or offensive treatment, of which the penalty is nothing compared to the suffering and damages suffered by the victims. Efforts to prosecute the pimps who often act as traffickers with Article 333 of the Penal Code on 'deprivation of personal freedom' are also difficult, as their 'wards' are willing to 'give' a written statement saying that they came on their own will and were allowed by their parents.

Prosecution against traffickers who had sold and exploited workers as uncovered from cases of the return of Indonesian Migrant Workers – who had problems – and their families, from Malaysia, for the period of October 2004 to March 2005, actually could use Article 324 of the Penal Code, even though it might trigger debates as there was analogical interpretation on migrant worker being categorized as bought slaves or because of the stretching of the semantic that was adjusted to the development.

Many people want to see a strong legal basis that will support the elimination of trafficking in persons especially women and children. In 2003, The Indonesian Government developed the Bill for the Elimination of the Crime of Trafficking in Persons and in 2004 it was submitted to the National House of Representatives to be deliberated and later passed, but until its new members – from the 2004 General Election – were elected, the bill had not been deliberated. In the 2005-2009 National Legislation Program developed by Indonesian House of Representatives, the Bill for the Elimination of the Crime of Trafficking in Persons and several related bills are listed on the 55 priority bills to be deliberated by Indonesian House of Representatives in 2005; they are as follows:

- No. 8. Bill on Immigration as Substitute of Law No 9 Year 1992 on Immigration.
- No. 21. Bill on Pornography and Pornoaction.
- No. 22. Bill on the Crime of Trafficking in Persons
- No. 25. Bill on Protection for Victims and Witnesses
- No. 26. Bill on the Penal Code
- No. 27. Bill on Narcotics as Substitute of Law No. 22 Year 1997 on Narcotics.
- No. 28. Bill on Amendment of Law No. 25 Year 2003, that amended Law No. 15 Year 2002 on the Crime of Money Laundering.
- No. 31. Bill on the Ratification of the United Nations Convention Against Transnational Organized Crime.
- No. 32. Bill on the Ratification of Protocol to Prevent, Suppress, and Punish Trafficking in Person, Especially Woman dan Children, Supplement of the United Nations Convention Against Transnational Organized Crime.
- No. 33. Bill on the Ratification of the 2003 United Nations Conventions against Corruption.

One of the activities that has encouraged trafficking in persons is prostitution. In Indonesia, 'prostitution activities' are not explicitly stated as a crime, but gaining benefits and prostituting another person are acts considered as crimes against decency or violations against public order, as set down in the Penal Code as follows:

Book Two - Crimes, Chapter XIV. Crimes against Decency :

Article 289: Anyone, who by force or threats of force, forces a person to commit, or allows someone else to commit, an act of obscenity, is liable to a maximum penalty of nine years in jail for committing the act that assaults the respect of decency.

Article 296: Anyone who deliberately connects or facilitates an act of obscenity committed by another person with another person, and performs it as a livelihood or a habitual act, is liable to a maximum penalty of one year and 4 months in jail or a maximum fine of fifteen thousand rupiahs.

Book Three – Offences, Chapter II on Offences against Public Order :

Article 506: Anyone who takes profit from indecent acts committed by a woman and makes it as his/her livelihood, is liable to a maximum penalty of one year in engagement.

The Penal Code articles still need an interpretation that prostitution is an indecent act, so it could be considered as a crime against decency or an offence against public order.

As stated in the above articles, activities of brothel owners/managers, customers, pimps, and organizers, who often commit abuse, deliver (subtle) threats, coercion, and provide facilities for prostitution, have been criminalized, but the penalties are so mild (4 months, 1 year, 9 year is the maximum or fines) that they provide no deterrent effects to the traffickers.

Activities of the sex workers who offer themselves for sexual services to users, are not specified as criminal acts under the Penal Code. However, Article 509 of the Bill of Revised Penal Code (Draft 2004), states: "Anyone who wanders and roam around the streets or public places with the purpose of prostituting himself/herself, is liable to a maximum fine in reference to category I (a minimum fine of 150,000 rupiahs, a maximum fine of 1,500,000 rupiahs)". The bill establishes penalties that are too lenient; they are not imprisonment penalties, but fines instead.

Capacity Building

Law enforcement capacity building is intended for law enforcement officers (police, prosecutors, courts, advocates/lawyers) and other relevant officers and personnel. It is achieved through providing materials concerning aspects of trafficking in persons especially women and children and the efforts to eliminate it.

The capacity-building activities carried out by the National Police Headquarter include:

1. The January 2004 Training on Child Rights Protection; it was divided into two classes and attended by 65 participants. The National Police Headquarter held it in cooperation with UNICEF. The training facilitators were recruited from the New Zealand Police Force, the French Police Force, the University of Indonesia's Criminology Department, and Women's Partner NGO.
2. The April 2004 Training on Counter Trafficking in Persons, two classes and 51 participants, held by the Education Center for Criminal Investigators Megamendung, Bogor, in cooperation with ICITAP.
3. The May 2004 Training for Police's Special Assistance Units personnel, in fighting against trafficking in persons; it was attended by 51 participants and held by the National Police Headquarter Criminal Investigators' Body in cooperation with IOM,

with facilitators from the New Zealand Embassy, Derap Warapsasi, YMKK, and Jurnal Perempuan (Women's Journal).

4. The May 2004 Training on Trafficking in Persons; it was attended by 30 participants and held by the National Police Headquarter in cooperation with UNICEF, with the facilitators coming from UNICEF Jakarta and the French Police.
5. The June 2004 Training on Combating Trafficking in Persons; it was attended by 40 participants and held by the Criminal Investigators' Body of the National Police Headquarter in cooperation with IOM, with the facilitators coming from the Australian and British Police Forces, and Derap Warapsari.
6. The December 2004 Training on Child Rights Protection; it was attended by 25 participants, held by the National Police Headquarter in cooperation with UNICEF and the facilitators came from the New Zealand Police, the Philippines Police, UI criminologists, Bandung judges and NGOs.
7. A seminar on Juvenile Court that developed the Diversion and Restorative Justice System concept. It was attended by 179 participants and held by the National Police Headquarter in cooperation with UNICEF.

The capacity-building activities intended for officers other than the police, include:

- The Coordinating Ministry for People's Welfare organized information dissemination and advocacy activities in order to build the capacity of local government officers, to encourage them to establish Task Forces for the Elimination of Trafficking in Persons and develop Local Plan of Actions. The activities were conducted throughout 2004 in Medan, North Sumatra Province, Batam and Tanjungpinang, Riau Islands Province, Dumai, Riau Province, Pontianak, West Kalimantan Province, and Samarinda, East Kalimantan Province.
- The Coordinating Ministry for People's Welfare, the Ministry for Women's Empowerment, in cooperation with ICMC, provided advocacy in an bid to build the capacity of NGOs and community organizations, so they would have higher concern and participate in activities to eliminate trafficking in persons, in the prevention, victim protection, as well as in helping the authorities by reporting any crime of trafficking in persons they know. The activities were implemented in 2004 in Samarinda and Nunukan, East Kalimantan Province, Medan, North Sumatra Province, Batam, Riau Islands Province, Dumai, Riau Province, and Manado, North Sulawesi Province.
- The Coordinating Ministry for People's Welfare in cooperation with ICMC provided advocacy and training in an effort to build the capacity of Indonesian Representative Officers in Malaysia to be more sensitive in helping victims of trafficking in persons who seek for protection in Indonesian Representative Office. The activities were implemented in 2004 at the Indonesian Embassy in Kuala Lumpur and the Connecting Office of Indonesian Consulate General Sabah and Serawak, Kuching.
- The Ministry of Manpower and Transmigration held a workshop for 40 Labor Inspectors on the Elimination of Trafficking of Women and Children in North Sumatra and South Sulawesi Provinces.
- The Ministry of Manpower and Transmigration in cooperation with JARAK NGO implemented capacity building on government officers in West Java North Coast area, in Indramayu and Bekasi Districts, concerning the Elimination of Trafficking of Women and Children.

- The Ministry of Manpower and Transmigration implemented capacity building on government officers in Riau Province on the Elimination of Trafficking of Women and Children in a five-day workshop.
- The Ministry of Social Services in cooperation with ACILS held a Meeting to Disseminate Information on Child Trafficking Prevention Program. It was attended by the staff from Social Services Local Offices of 30 provinces, some officers from Regional Police stations, courts and relevant provincial government institutions.
- Save the Children in cooperation with local NGOs held capacity building on government officers of East Java Province, of Tulungagung and Malang Districts, and of North Sumatra Province on the Elimination of Trafficking of Women and Children.
- The Government of Indramayu District in cooperation with ILO Jakarta Office and Indonesian Children's Welfare Foundation (YKAI) in 2004 developed a training modul for teachers for the trafficking of women and children prevention program. A team from Indramayu District's Education Office and YKAI then trained about 100 elementary school (SD) and junior high school (SLTP) teachers in Indramayu using the material (*Media Indonesia Online*, accessed on 15 March 15, 2005).
- NGO Advocacy on the use of Law No. 23 Year 2002 on Child Protection to judges in courts has been implemented, so the law is used as a basis to decide sentences.

Cases

Based on data from Criminal Investigation Body of the National Police Headquarter, in 2004 it was recorded that there were 43 trafficking cases handled by the police. Outside of that figure, there might be trafficking cases recorded by NGOs and other community organizations but not reported to the authorities as victims or their families thought the settlement between them was enough. Therefore, it is very hard to make an analysis based on the data, to see whether the number of cases has indeed decrease in the last several years. From the 43 cases, 23 of them had been processed and the Prosecutors' Office had stated that the dossiers were complete, so the police then delivered them to Prosecutors' Offices for prosecution and trial process.

Table 3. Trafficking Cases in Indonesia between 1999 to 2004

No.	Year	Number of Cases	Submitted to Prosecutors' Offices	Percentage
1.	1999	173	134	77.46
2.	2000	24	16	66.67
3.	2001	179	129	72.07
4.	2002	155	90	58.06
5.	2003	125	67	53.60
6.	2004	43	23	53.48

Source : *Criminal Investigation Body of the National Police Headquarter (2005)*.

From the National Police Headquarter's report, it could be identified that more and more regional police stations – according to the cases – have based their charges on legal basis relevant to the criminal acts committed by the traffickers that they were charged with

punishments as severe as possible. Application of Law No. 23 Year 2002 on Child Protection in prosecution is increasing, indicating that information dissemination and advocacy activities implemented previously have borne some fruits.

Sentences

Some of the cases delivered by the police to prosecutors' offices had been brought to the Court and many of them have received verdicts from the judges. Based on the data collected from various sources, 53 defendants have been sentenced to relatively harsher punishments than the ones inflicted in the previous years.

In May 2004, Medan District Court inflicted 7-year imprisonment and a fine of Rp 60 million to a trafficker named Siti Mawar Sembiring. Tebing Tinggi District Court also inflicted severe punishment on a trafficker named Desi Prisanti; she was sentenced to 13 years in jail and ordered to pay a fine of Rp 60 million as she was found guilty of trafficking 11 children of 16-24 years old to Malaysia to be employed as sex workers (*Suara Karya Online*, December 11, 2004).

Table 4. Verdicts of Trafficking Cases in Indonesia, 2003 - 2004

No.	Year	Defendants	Verdicts	Punishments
1.	2003-2004	84	27	The punishments inflicted ranged from 5-6 months to 4 years of imprisonment.
2.	2004-2005	53	44 9 *)	The punishments inflicted were various; some were released, some were sentenced to 6 months to 13 years of imprisonment. Average punishment: 3 years and 3 months.

*) *The verdicts given were unknown*
Prepared from various sources (2005)

In addition to the 53 defendants who have received their verdicts, there are still 98 other trafficking suspects in 13 provinces (North Sumatra, Riau, Riau Islands, South Sumatra, Bangka-Belitung, Lampung, Jakarta, West Java, Central Java, East Java, West Kalimantan, East Kalimantan, and North Sulawesi); their statuses: being investigated by the police, in the process of submission to Prosecutors' Offices, and waiting for court's verdicts.

It was recorded that there were two cases closely related to child trafficking; they involved foreign pedophiles who had subtly exploited boys. In May 2004, William Stuart Brown, an Australian citizen, was sentenced to 13 years of imprisonment by Bali District Court. The next day, he was found dead for hanging himself at his cell. Another case involved Hendrik Tibboel, a Dutch national who committed pedophilia against his victim in West Nusa Tenggara in May 2004. But he managed to escape and then was put into the Indonesian Police's Wanted List.

Cooperation in Prosecution

Trafficking in Persons has become a threat to national security as it has become a huge source of income for international criminal syndicates. This transnational crime is also a

threat to human beings' health since its victims – men, women, and children – are trafficked without an ounce of humanity and any concern over psychological impacts and diseases that could be suffered by its victims.

As part of transnational organized crime, trafficking in persons cannot be fought partially or separately by each country. Countries that are against slavery and intend to protect the lives of their citizens should unite and cooperate to fight trafficking in persons. Government-to-government cooperation, cooperation among NGOs, community organizations and individuals, both domestically and internationally, should be fostered and nurtured in order to establish the power that can combat the organized crime.

Cooperation in prosecution between the Indonesian Government and neighboring countries and other receiving countries has long been developed, for example the ones with the Australian and Hong Kong Governments, through Law No. 1 Year 1999 on the Ratification of the Treaty Between the Republic of Indonesia and Australia on Mutual Assistance in Criminal Matters, and Law No. 1 Year 2001 on the Ratification of the Agreement between the Government of the Republic of Indonesia and the Government of Hong Kong for the Surrender of Fugitive Offenders. Recently, RI Government has been trying to reopen the talk with the Singaporean Government on extradition agreement for Indonesian criminals taking refuge at the island country.

Cooperation with the closest neighboring countries is essential; it was implemented, among others, through the Conference of International Law Enforcement on Trafficking in Persons in Batam, February 2004. It was attended by 50 investigators from Malaysia, Singapore and Indonesia. It was also attended by the US Ambassador for Indonesia who called on police investigators from the participating countries to punish traffickers and people involved in trafficking with punishments as severe as possible. The conference also intended to make a joint commitment among law enforcement officers from Indonesia, Malaysia and Singapore to solve trafficking in persons (*Batam Pos*, February 15, 2004).

The United States, suspected as a receiving country of trafficking in persons, has been providing strong support to other countries – sending or transit countries – including to Indonesia. Early 2005, the U.S. reinforced its support commitment through Indonesia-U.S. four-year cooperation that is worth US\$ 9 million, in an effort to fight transnational trafficking in persons from and to Indonesia, and also the one that occurs within Indonesia. The cooperation is intended toward prevention of trafficking in persons through education and other ways; providing assistance, protection and reintegration services for victims of trafficking in persons; and strengthening law enforcement efforts for stopping traffickers. The executing agencies are international NGOs and organizations like Save the Children-US, American Center for International Labor Solidarity (ACILS), International Catholic Migration Commission (ICMC), and International Organization for Migration (IOM), in cooperation with the Indonesian Government institutions, Indonesia's civil society groups, and local communities.

Control over Traffic at Border Areas

The width of the territory of the Republic of Indonesia is 5,193,252 km²; most of it is covered by seas and only 36.6% of it is land. The land is a series of 17,000 islands with a total width of 1,904,443 km², that makes borders between districts/cities and provinces within the country, as well as those with neighboring countries, very "porous", easy to be penetrated with various ways.

Borders between the provinces in Sumatra Island and Singapore and with the Malay Peninsula – through the sea – can be very easily penetrated. This is also the case for the border between provinces in Kalimantan and East Malaysia (Serawak and Sabah); it is very easy to just take “mouse routes” from West Kalimantan to Kuching, Serawak or from East Kalimantan to Tawau, Sabah. This also applies when it comes to the border between Papua and Papua New Guinea; residents of the two areas traditionally often visit each other as relatives.

Cities at border areas such as Medan (North Sumatra), Dumai, Tanjung Balai Karimun (Riau), Batam, Tanjung Pinang (Riau Islands), Pontianak, Entikong (West Kalimantan), Nunukan and Tarakan (East Kalimantan), and Bitung (North Sulawesi), are known as transit areas and points to send trafficking victims abroad (Rosenberg, 2003).

The “porosity” level of the borders between Indonesia and neighboring countries was identified when in 2004, the Malaysian Government stated that they would return Undocumented Foreign Migrants (*PATIs*) to their countries, the number of which reached 1.2 million people (Imigresen Malaysia, 2004), 80% of them came from Indonesia. Some of the *PATIs* had been staying from a long time ago in Malaysia, even had had a family and children and grandchildren whose status were also *PATI*. For years they had been living in Malaysia and the Malaysian Government had not taken any action on them, as if protecting the complicity (of the Malaysians), possibly, there were even Malaysian syndicates who transported and placed *PATIs* into the country.

The *PATIs* are indeed needed in Malaysia, to be employed in rural areas (forest, oil palm plantations, rubber plantations), and also in urban areas (cafes, households, factories, markets, or building). They are asked to do unskilled, dirty, even hazardous jobs and paid low. The Malaysians are reluctant and not really interested to take such jobs, so although the *PATIs* barely have the skills, they are nevertheless needed and recognized as tough, strong, and sometimes would dare any risks, since they dare to work at dangerous places that could lead to death.

To increase control over traffic of residents crossing the borders, the Malaysian and Indonesian Governments have agreed to set up One-Stop Services Center placed at 11 points at Malaysia-Indonesia border areas, namely in Medan (North Sumatra), Tanjung Uban (Riau Islands), Dumai (Riau), Entikong (West Kalimantan), and Nunukan (East Kalimantan), also in other areas such as Jakarta (the Special Region of Capital of Jakarta), Semarang (Central Java), Surabaya (East Java), Pare-pare (South Sulawesi), Mataram (West Nusa Tenggara) and Kupang (East Nusa Tenggara).

VICTIM PROTECTION

Protection for trafficking victims include activities: putting them in safe places, returning them (to their homelands or to their home countries) including efforts to provide legal aid and accompaniment, rehabilitation (physical and psychological health recovery), reintegration (reuniting them with their families or with their communities) and empowerment efforts (in economic and education sectors) so victims will not fall again into trafficking in persons. Victim protection efforts are implemented by the Indonesian Government together with its partners: NGOs – local, national, and international ones – community organizations, organizations devoted to the community, universities, and individuals concerned with this issue.

Services Accessibility

RI Government provides protection to its citizens, wherever they are, within or outside the country. RI representatives abroad are government institutions responsible for providing protection to Indonesian citizens as regulated in Law No. 7 Year 1999 on International Relationship. The protection provided, other than health services, counseling and administrative assistance, also include providing safe shelter and returning them to Indonesia.

Article 19: Representatives of the Republic of Indonesia shall provide care, protection, and legal aid for Indonesian citizens and legal entities in foreign countries, pursuant to national legislation and international law and practices.

Article 21: In the event that an Indonesian citizen is subjected to a real danger, Representatives of the Republic of Indonesia shall provide protection, assist, and collect them at a safe area, and try to return them to Indonesia on the expense of the state.

Coordination to address the problems faced by Indonesian citizens and legal entities in foreign countries is the responsibility of the Directorate for Indonesian Citizens and Legal Entities Protection, the Directorate General of Protocol and Consular Services, the Ministry of Foreign Affairs.

Indonesian Migrant Workers (IMWs) working in formal sectors abroad normally do not have any difficulties in accessing these services, but for workers who work in informal sectors and enter a country through illegal channels, they often experience barriers when accessing services and assistance from RI Representatives abroad since they usually do not report themselves or do not get any chance to report themselves from their placement agents or employers. Trafficking victims who are normally have their immigration documents withheld and illegally confined at a certain place, will have a very hard time to access the protection. Therefore, information on “how to migrate safely”, needs to be disseminated to the public within the country, so when someday, for various reasons, they are abroad, they already know what they should do when they are in an emergency situation.

Within the country, protection in forms of medical, psychological, and counseling treatment, including shelter and return to victims' homelands, is the responsibility of relevant sectors according to their tasks and functions. Joint Decrees issued by State Minister for Women's Empowerment, Health Minister, Minister of Social Affairs, and National Police Head No. 14/Men.PP/Dep.V/X/2002; No. 1329/MENKES/SKB/X/2002; No. 75/HUK/2002; POL.B/3048/X/ 2002, on Integrated Services for Victims of Violence against Women and Children, were realized by instituting Integrated Services Centers at several National and Local public hospitals and Police hospitals, so victims can easily access the services needed, whether in medical, psychological, as well as in social and legal aspects. Operators of the Integrated Services Centers are medical doctors and relevant nurses, psychologists, police investigators, and they could cooperate with social workers in integrated manner under the coordination of the heads of the related Integrated Services Centers.

Table 5. Integrated Services Centers at Police Hospitals in Indonesia

Provincial Police Stations	Police Hospitals
1. Nangroe Aceh Darussalam	NAD Bhayangkara Hospital, Banda Aceh.
2. North Sumatra	Medan Bhayangkara Hospital .
3. West Sumatra	<ul style="list-style-type: none"> • Padang Bhayangkara Hospital • Tebing Tinggi Bhayangkara Hospital
4. Jambi	Jambi. Bhayangkara Hospital
5. Riau	<ul style="list-style-type: none"> • Pekanbaru Bhayangkara Hospital • Dubai Bhayangkara Hospital
6. Riau Islands	-
7. South Sumatra	Palembang Bhayangkara Hospital
8. Bengkulu	Bengkulu Bhayangkara Hospital
9. Lampung	Lampung Bhayangkara Hospital
10. Bangka Belitung	-
11. Banten	-
12. Metro Jakarta Raya Jakarta Metropolitan ...	<ul style="list-style-type: none"> • Sukanto Central Police Hospital, Kramatjati. • Kelapa Dua Mobile Brigade Hospital, Cimanggis.
13. West Java	<ul style="list-style-type: none"> • Sartika Asih Bhayangkara Hospital, Bandung. • Secapa Hospital, Sukabumi.
14. Central Java	<ul style="list-style-type: none"> • Semarang Bhayangkara Hospital • Police Academy Hospital, Semarang
15. Special Region of Yogyakarta	-
16. East Java Jawa Timur	<ul style="list-style-type: none"> • HS Mertoyoso Bhayangkara Hospital, Surabaya. • Kediri Bhayangkara Hospital. • Nganjuk Bhayangkara Hospital. • Tulungagung Bhayangkara Hospital. • Lumajang Bhayangkara Hospital. • Gasum Hospital, Porong.
17. Bali	Trijata Bhayangkara Hospital, Denpasar.
18. West Kalimantan	Pontianak Bhayangkara Hospital.
19. Central Kalimantan	Palangkaraya Bhayangkara Hospital.
20. East Kalimantan	Balikpapan Bhayangkara Hospital.
21. South Kalimantan	Banjarmasin Bhayangkara Hospital.
22. North Sulawesi	Manado Bhayangkara Hospital.
23. Gorontalo	-
24. Central Sulawesi	Palu Bhayangkara Hospital.
25. South Sulawesi	Andi Mappa Odang Bhayangkara Hospital, Makassar.
26. Southeast Sulawesi	Kendari Bhayangkara Hospital.
27. West Nusa Tenggara	Mataram Bhayangkara Hospital.
28. East Nusa Tenggara	Kupang Bhayangkara Hospital.
29. Maluku	Ambon Bhayangkara Hospital.
30. North Maluku	Ternate Bhayangkara Hospital.
31. Papua	Papua Bhayangkara Hospital, Jayapura.

Source: Criminal Investigation Body of the National Police Headquarter, 2005

In 2004, the Ministry of Social Affairs established Social Protection Homes for Children (RPSAs) at Bambu Apus, Jakarta, which can house up to 30 children, and in Medan, North Sumatra Utara, which can house up to 170 children. The RPSAs have been informed to 80 people from provincial government offices, Child Protection Organization (LPA), NGOs, social organizations, and relevant sectors at the national level to pre-condition the plan to develop RPSAs in various provinces. RPSAs provide protection, physical and psychological health recovery services, develop social relationships and create living situation and neighborhood that support social functioning and prevent the abuse and mistreatment against the children from taking place again.

To extend the services reach to areas that do not have Integrated Services Centers which usually are found at police hospitals and general regional hospitals in big cities, the National Police Headquarter set up Special Assistance Units (RPKs) at Regional Police Stations (Provincial level), Territorial Police Stations and resort police stations (districts/cities). They are operated by policewomen and provide services to women and children who became victims of crime (including trafficking victims). In 2004, 18 RPKs were set up, making the total went up to 226 units that are scattered to almost all Regional Police stations in Indonesia. These special assistance units will be added that eventually they will be available at each resort police (district/city level) across Indonesia.

Table 6. Police's Special Assistance Units (RPK) in Indonesia.

Provincial Police Stations	RPK (unit)	Provincial Police Stations	RPK (unit)
1. Nangroe Aceh Darussalam	1	17. West Kalimantan	4
2. North Sumatra	16	18. Central Kalimantan	1
3. West Sumatra	5	19. South Kalimantan	1
4. Jambi	5	20. East Kalimantan	10
5. Riau	3	21. North Sulawesi	1
6. South Sumatra	10	22. Gorontalo	-
7. Bengkulu	1	23. Central Sulawesi	1
8. Lampung	7	24. South Sulawesi	6
9. Bangka Belitung	-	25. Southeast Sulawesi	1
10. Banten	-	26. Bali	9
11. Jakarta	10	27. West Nusa Tenggara	7
12. West Java	29	28. East Nusa Tenggara	14
13. Central Java	34	29. North Maluku	-
14. Special Region of Yogyakarta	3	30. Maluku	-
15. East Java	44	31. Papua	1
Total			226

Source: Criminal Investigation Body of the National Police Headquarter, 2005

Services to trafficking victims are also provided by the Ministry of Manpower and Transmigration or the Local Office of Manpower and Transmigration in other areas; they are especially intended for migrant workers with problems, by giving them assistance for return transportation and shelter at transit (debarkation) areas. The Ministry of Social Affairs also helps provide assistance for return expenses of victims of violence and

migrant workers with problems (including trafficking victims) and perform efforts to provide education and skills training to persons with social problems, to make them independent and able to reach sufficient lives in the community.

In addition, services to trafficking victims are also provided by integrated service centers, women's crisis centers, trauma centers, shelters or drop-in centers, which are organized by local governments, NGOs, and community organizations in several big cities of a number of provinces in Indonesia.

Trafficking victims are also provided with legal aid services and legal accompaniment concerning their problems and position; they are often asked to provide testimonies for the traffickers who have committed crimes against them.

Table 7. Women's Crisis Centres (WCCs), Trauma Centers, Shelters and Drop-in Centers set up by local governments, NGOs and community organizations in Indonesia.

Provinces	WCCs, Shelters or Drop-in Centers
1. Nanggroe Aceh Darussalam	Trauma Centres in Pidie and Lhoksukon, Children Center at the location where NAD tsunami victims took their refuge.
2. North Sumatra	Drop-in Center of the Center for Child Review and Protection (PKPA), Medan.
3. West Sumatra	Nurani Perempuan Women's Crisis Centre, Padang
4. Riau	Riau Child Protection Foundation (YPAR)-ICMC shelter in Dumai.
5. Riau Islands	Shelters of Women Migrant Workers Service Center (PP Nakerwan), Yayasan Pembinaan Asuhan Bunda (YPAB), PIKORI Integrated Services Center, Batam, Batam City Government Shelter.
6. South Sumatra	Pusat Pembelaan Hak-hak Perempuan Women's Crisis Centre, Palembang.
7. Bengkulu	Cahaya Perempuan Women's Crisis Centre, Bengkulu
8. Special Capital Region of Jakarta	Mitra Perempuan Women's Crisis Centre, Tribhuana Tunggaladewi Foundation (YATRIWI) Women's Crisis Center, Jakarta;
9. West Java	Yayasan Bahtera Drop-in Center, Bandung; Integrated Services Center for Women's Empowerment (P2TP2), Bandung.
10. Central Java	Lentera Perempuan Women's Crisis Center (LPWCC), Purwokerto.
11. Special Region of DI Yogyakarta	Rifka Annisa Women's Crisis Center, Yogyakarta
12. East Java	Savy Amira Surabaya Women's Crisis Center Surabaya; Jombang Women's Crisis Center.
13. West Kalimantan	Women's Organization Coordinating Board (BKOW) Shelter, Pontianak; Perempuan Khatulistiwa Crisis Center (PKCC), Anak Bangsa NGO Shelter, Entikong.
14. South Sulawesi	Women's Issues Observers Forum (FPMP) Women's Crisis Centre, Indonesian Workers Review Foundation Women's Crisis Centre, Makassar
15. West Nusa Tenggara	Mitra Annisa Women's Crisis Centre, Mataram.

Source: the Coordinating Ministry for People's Welfare, 2005

Several NGOs facilitate the provision of medical, psychological, rehabilitation, as well as legal aid services, to trafficking victims especially child victims; they include: Klinik

Remaja Yayasan Pelita Ilmu, South Jakarta; JARAK, East Jakarta, YKAI Central Jakarta, Gema Perempuan, South Jakarta.

In addition to the legal aid provided by the Government, the public is also encouraged to provide legal aid through legal entities that are increasing in their number and activeness in providing legal aid to the victims, other than actively disseminating information and advocating law enforcers so they will prosecute and inflict severe punishments on traffickers.

Various legal aid organizations have been established in several areas such as :

- Legal aid organization (LBH) Aceh, Medan, Padang, Palembang, Lampung, Jakarta, Bandung, Yogyakarta, Surabaya, Manado, Ujung Pandang, Bali, Jayapura.
- Indonesian Women for Justice Association LBH (LBH APIK) Aceh, Medan, Padang, Palembang, Jakarta, Malang, Pontianak, Samarinda, Makassar, Manado and Mataram.
- The National Law Commission; Indonesia Center for Legal and Human Rights Advocacy (PAHAM); Organization for Consultancy and Legal Aid for Women and Families; Indonesia Legal Aid Organization Foundation (YLBHI), Organization for Consultancy and Legal Aid for Women and Families (LKBHuWK), Jakarta.
- Center for Child Review and Protection, Medan
- Alliance of Advocates against Violence on Women, Palembang.
- Lampung Legal Aid Office (KBH Lampung).
- Organization of Consultancy and Legal Aid of Indonesian Women for Justice (LKPH PIK), Malang.
- Human Rights Legal Aid Organization (LBH HAM) West Kalimantan, Pontianak.
- Organization for Legal Aid and Indonesian Women's Empowerment (LBH-P2I), Makassar.
- Legal Aid Organization Justitia Veronika Atus; Justitia Consultancy and Legal Aid Foundation, Kupang.
- Et cetera.

In addition to the legal aid organizations, there is also Indonesian Migrant Workers Defense Consortium (KOPBUMI) with network in 14 provinces; it is a non-governmental organization that also provides legal aid to migrant workers with problems, including those who became trafficking victims. Together with Migrant Care NGO that has network in Malaysia, and various other NGOs scattered in all provinces in Indonesia, they are also critical of the performance of law enforcement agencies in taking actions against traffickers.

The organizations above provide accompaniment to victims of violence or trafficking victims, so they will get their lawful rights (as a witness) whether during pre-trial investigation, prosecution or during the trial of the traffickers. These accompaniment activities also control law enforcement agencies (police, prosecutors' offices, and courts), so legal rights of the victims, who should be protected, will not be violated and the victims will be treated as they should be, and the legal process of the traffickers will be continued until they are brought to the court and receive punishments in proportion to the crimes they have committed.

Although development has been achieved in the number and activities carried out by service centres for trafficking victims, so now it is easier for them to access the assistance needed, but they still have yet to include all strategic cities in various areas suspected as sending, transit, or receiving areas for trafficking in persons. As law enforcers in those areas have become prepared, traffickers are expected to take a detour through areas with

less control, therefore the vigilance of the government officers and the community should be extended to the areas. The RI Government keeps encouraging the growth of NGOs and community organizations willing to participate in efforts to prevent and protect trafficking victims.

Victims' Perception on Protection Services

It should be admitted that although there has been indeed better efforts to provide information to community groups vulnerable to trafficking in persons about their rights (if they became victims), for example the right to protection from the country's Government and from RI Representatives abroad, many victims still do not understand the services they should and normally get, compared to the treatment given by the country's Government that tend to see them as criminals, illegal migrant, or undocumented migrants.

The government, also through cooperation with NGOs, has made efforts to address the various issues indicated by Rosenberg (2003), that the training provided to migrant worker candidates before their departure (which is not always provided) is seen as not giving enough information on their rights as migrant workers and on various problems they may face at their workplace later and on how to protect themselves and where they can seek for assistance.

- Forum 182 Batam, in cooperation with ICMC, ACILS and USAID, published a small pocketbook called "Guide of Information on How to Fight Trafficking in Person Practices" which has been disseminated to those who have once received assistance, in order to be shared with their friends so they will not suffer the same fate. But even if they had to face a vulnerable situation, they would be able to take necessary rescue actions.
- ICMC, in cooperation with the Ministry for Women's Empowerment, ACILS, and USAID, has published and distributed – for free of charge – comics titled "The Adventure of Wening and Friends, There is Always a Way Home" to community groups considered to be vulnerable to trafficking in persons, such as school students, young women in rural areas, etc. The comics were disseminated in cooperation with the network of the concerned NGOs across Indonesia.
- ACILS, in cooperation with the Ministry for Women's Empowerment, issued a public service advertisement placed on food packaging under the better community's nutrition program; it contained messages to fight trafficking in persons in several places in West Java.

Information to vulnerable community groups is not only provided directly to them, but it is also provided through officers responsible for handling trafficking victims, for example police officers, shelter officers, victims' companion, and local governments and relevant local government offices, that for example, will distribute leaflets and booklets issued by the Coordinating Ministry for People's Welfare and disseminated to local government offices and local governments in each information dissemination, advocacy and monitoring to many areas.

Information dissemination and advocacy on international requirements concerning treatment to be given to trafficking victims in relation to their rights, for example to not treating them as criminals, keep their identities confidential, provide protection from traffickers' threats, provide health recovery assistance and/or trauma counseling and other rights, has also been provided in a wider scope to the police and also mass media – so they will protect and keep victim's identity confidential.

To increasingly improve services for trafficking victims, the RI Government, with the Ministry for Women's Empowerment as the focal point, in cooperation with ICMC, in 2004 prepared Standard Operating Procedure (SOP) for Returning Trafficking Victims and developed education and training modules for program executors, from RI Representatives abroad to relevant domestic organizations, including NGOs and community organizations concerned with this issue.

The SOP and other guides already available before, one of which was issued by the Ministry of Social Affairs (including the one developed in 2004: Guidelines on Handling Children through Social Protection Homes for Children and guidelines on Preventing Child Trafficking and on Social Rehabilitation for Children), will continue to be disseminated to the police (RPKs), RI Representatives abroad, national and local government officers, Migrant Worker Recruitment and Sending Company/Agency (PJTKIs), NGOs and social organizations, also to migrant workers candidates and the general public, so they will know their rights, and to government officers, so they can treat trafficking victims properly. These efforts will also be implemented by the governments of neighboring countries and other destination countries, so they will be willing to provide protection to trafficking victims, in cooperation with RI Representatives in those countries.

Victim Return and Repatriation

In 2004, when the Malaysian Government stated they would return Undocumented Foreign Migrants (PATI) staying in their country that amounted to 1.2 million people and 80% of which came from Indonesia, some thought that many of the PATIs had fallen into the trap of trafficking in person practices.

A Human Rights Watch (HRW) Report published on *Kompas*, July 26, 2004 with title: "*Indonesia/Malaysia: Household Worker's Rights Trampled*" stated that violations against the rights of domestic migrant workers (DWs) in Malaysia had been going on for a long time, but they were simply not revealed. The situation followed the exploitation risks and violations faced at each phase of the migration cycle, from recruitment, training, transit, at workplace to when returning to Indonesia. They had fallen into the trap of trafficking in person and forced labor practices, deceived – the condition and type of job received were not as offered before. They were illegally confined and did not receive their salaries, while their documents were withheld by their agents, or employers.

- Around 90 percent of more than 240,000 DWs in Malaysia is female Indonesian nationals. They work 16-18 hours a day, seven days a week, and are paid between Rp 870,000 to Rp 990,000, meaning only half of the wages received by DWs from Philippines. So far, the problem has only been handled by recruitment agents who often refuse to be responsible for violence and harassments.
- Indonesian migrant workers have come to Malaysia since 1971 (two years after the interracial riot in Malaysia), when the Malaysian Government introduced the "New Economic Policy" in order to minimize the economic disparity between the Chinese and the Malays. This policy has aggressively encouraged export based industries and public sector expansion, that consequently created more job opportunities in urban areas and industrial sectors. Malaysian labor from rural areas flowed to the cities, while demands for workers in manufacturing, construction, agricultural and domestic sectors were brushed aside by the Malaysians, and filled by migrant workers from Indonesia, Bangladesh, India, and Vietnam. The presence of the migrant workers has indeed promoted Malaysia's economic growth.
- But later, the influx of migrant workers to Malaysia later became uncontrollable. The "porous" land and marine borders between Indonesia and Malaysia and with other

countries have opened up opportunities for trafficking of women and children. The situation has been worsened by corrupt government officials, deplorable labor agents, and weak law enforcement. To curb the migration waves, the Malaysian Government has launched several efforts but they have failed to hold back illegal migration and they have also failed to protect the rights of migrant workers. Malaysia sees undocumented migrant workers as criminals and arrests, detains, and regularly deport them without any consideration on the victims' backgrounds.

A report made by the Task Force of the Coordination Team for the Return of Indonesian Migrant Workers (TKI) with Problems and Their Families from Malaysia (Satgas TK-PTKIB), indicated that the policy that nationals of ASEAN countries do not need to apply for tourist or visit visas when they visit the ASEAN countries has been abused by irresponsible people who manipulate the facility and use them to send Indonesian nationals to Malaysia to work there. The absence of the working visas have caused many of them suffer exploitation in forms of passport withholding, low wages, illegal confinement, even inhumane treatment. This is because when their visiting visas have expired, the TKIs become illegal aliens as they have overstayed, and the status have made them more vulnerable to exploitation.

In addition to such modus, many Indonesian citizen (WNIs) are tricked by their agents who have promised to give their passports when they have been aboard - when they are entering Malaysia – but who then do not stick to their promise. At that stage, if the WNIs wanted to return, they are already halfway in their journey, no longer have any money, plus at the border, the TKI brokers have been waiting to take them into Malaysia; this is of course possible only because of the favors given by other corrupt officers. From that moment on, they then become illegal TKIs complete with its various consequences.

Many WNIs also enter Malaysia illegally, secretly, and without any documents, through "mouse routes" totaling more than 86 routes along the border of West Kalimantan and Serawak. This is possible since the population in both areas came from one tribe that was then separated by the border between Indonesia and Malaysia.

TKIs who enter Malaysia legally are also in a very weak position as their passports are withheld by their employers. Therefore, those who run away from their employers for certain reasons (for example, being given too many tasks, withholding of salaries, abused, or raped) or dismissed by their employers without any notification to their agents, will automatically cause their status to become illegal.

The return of PATIs from Malaysia in 2004 was carried out by the Malaysian Government through *Nyah* (Deportation) Operation scheduled for September 1, 2004, but was later rescheduled to after *Idul Fitri* (the feast that celebrates the end of fasting period) - November 16, 2004 – but it was again postponed to January 2005. However, nearing the 1425 H *Idul Fitri*, the Malaysian Government issued amnesty policy for PATIs who will return voluntarily to their country between October 29 to November 14, 2004. The amnesty program was extended twice, first after November 14, 2004 until December 31, 2004, and then following the national disaster of the earthquake and tsunami in Aceh, the Malaysian Government again extended the amnesty program until January 31, 2005.

The RI Government through the Coordination Team for the Return of Indonesian Migrant Workers with Problems and Their Families from Malaysia (TK-PTKIB) established under Presidential Decree No. 106 Year 2004, in accordance with their assignment, has helped and provided proportional and appropriate services to WNIs who became workers with problems in Malaysia, in his/her return to Indonesia, from the time they leave Malaysia, enter various entry points within Indonesia, to the transit are until they have arrived at their respective homelands.

The RI Government has named 13 entry points for the return of TKIs with problems from Malaysia, (1) Entikong (West Kalimantan), for land routes; for naval routes : (2) Belawan (North Sumatra), (3) Dumai, (4) Pekanbaru dan (5) Tanjungbalai Karimun (Riau), (6) Tanjung Pinang and (7) Batam (Riau Islands) (8) Nunukan (East Kalimantan) (9) Parepare (South Sulawesi); and air routes: (10) Medan (11) Jakarta (12) Semarang and (13) Surabaya.

Table 8. Data on the Return of Trafficking Victims from Malaysia and of TKIs with Problems for 2004-2005 Period.

No.	Debarkation	Trafficking Victims	TKIs with problems (Person)
1.	Medan	-	15.819
2.	Dumai	120	35.382
3.	Tanjungpinang	-	84.255
4.	Batam	-	15.532
5.	Tanjungbalai Karimun	-	18.464
6.	Jakarta	-	16.248
7.	Semarang	-	1.691
8.	Surabaya	-	55.784
9.	Entikong	-	7.985
10.	Nunukan	-	66.185
11.	Tarakan	-	687
12.	Pare-pare	-	29.664
	Total	120	347.696

Source: The Coordinating Ministry for People's Welfare Media Center, March 14, 2005

The RI Government allocated a budget of Rp 26.87 billion for services for TKIs with problems who used the amnesty period to return to Indonesia. Given that most of the TKIs who used the program could afford the expenses to return themselves and their families to their homelands, the fund was only used for extremely emergency humanitarian matters. For pardoned TKIs who could not afford it or were confronted with obstacles along the way, they could be assisted in accordance with the extent of their problems; the assistance included health, transportation and shelter services, meals and police escort, if necessary. The Central Government would bear the return expenses from the entry points up to the capitals of their home provinces, while the return expenses from their homeland provinces to their districts/cities up to their home *kelurahans*/villages would be borne by the relevant local governments.

A similar problem in fact was also suffered by Indonesian migrant workers in Saudi Arabia. A 2004 HRW Report titled '*Bad Dreams: Exploitation and Abuse of Migrant Workers in Saudi Arabia*' described the exploitation and violations against the rights of migrant workers in Saudi Arabia. The report documented practices similar to slavery, especially against migrant female domestic workers, which were categorized as 'severe violations'. Now there are 8.8 million foreigners in Saudi Arabia, almost 50 percent of the country's population. Around 500,000 migrant workers there came from Indonesia; they are mostly women. The HRW report revealed the Saudi Arabian Government's failure to apply their labor laws and regulations in the face of serious violations committed by the local employers against the migrant workers.

The RI Government, in addition to continue handling TKIs with problems in Malaysia, they will also handle similar cases in Middle East countries, which are almost as dire as those found in Malaysia. Minister of Manpower and Transmigration will go to Saudi Arabia soon to set right the situation or handle the cases faced by Indonesian workers there. Ultimately, only legal TKIs that can be sent abroad (*Sinar Harapan*, Februari 15, 2005).

Recovery and Reintegration

Physical as well as mental health recovery, provision of shelter and meals and protection to trafficking victims is implemented when they are at the RI Representatives abroad, while waiting for the legal process or necessary immigration administrative process. For Indonesian migrant workers with problems in Malaysia, who would return to Indonesia by taking advantage of the Malaysian Government's amnesty program, as long as they could still afford to fund their return travel, the Indonesian Government would just provide them information and facilitate transportation (plane, ship) ticketing at RI Representatives in Malaysia, and the processing of their immigration documents (Travel Documents in Lieu of Passports, SPLP). To help Indonesian migrant workers with problems who could not afford the expenses, the Indonesian Government even did not charge them for SPLP document, and tried to get the personnel transportation ships from Indonesian Navy Force to help return the Indonesian migrant workers with problems from Malaysia to Indonesia.

As soon as they arrived at entry point ports, for Indonesian migrant workers with problems who could afford their travel expenses, they were given information on tips that would help them return safely to their homelands, and for those in need, they were provided assistance in forms of health services, shelter, meals and transportation assistance – including police escort if necessary – until they arrived at their home provinces. In their home provinces, they would receive similar services from the local governments who would help their return to their home.

For Serawak, East Malaysia, the Connecting Office of the RI Consulate General in Kinabalu City, Kuching, in providing services to trafficking victims and Indonesian migrant workers with problems, they cooperated with Anak Bangsa Foundation in Entikong, Sanggau District, West Kalimantan. The foundation, using their own resources, helped provided shelter, consultancy and return services for trafficking victims and Indonesian migrant workers with problems in Serawak, Malaysia, who were returned to Indonesia through Entikong. For the victims, in addition to shelter, meals, and mental development services – to support them while at the shelter - they are also assisted in legal process concerning their working relationship with former employers.

For their recovery, before they would be reunited with their families or other people at the end, the Ministry of Social Affairs handled 37 baby trafficking cases in 2004. Five children had been sold to Singapore but two of them managed to return to Indonesia. 32 children that had been sold but were rescued later, are now under the care of the Ministry of Social Affairs, who cooperate with foundations authorized to take care of them.

Empowerment

As reported by Rosenberg (2003), profiles of women and children who became trafficking victims and those who were at risk normally came from poor families, were lack of education, information and lived in a socio-cultural conditions not very favourable for their development. Therefore, it is essential to implement the empowerment of women and children, so former victims will not be trapped into trafficking in persons for the second time, and those who are at risk can avoid the despicable crime against humanity.

Poverty is a condition when a person or a group of persons, men and women, do not have their basic rights fulfilled, in order to maintain and develop dignified lives. Poverty and inequality are serious problems faced by Indonesia, and they are complicated problems affected by intertwined factors, including: income rates, health, education, access to goods and services, location, geography, gender, and environment's condition. In this case, poverty is not simply financial inability, but also nonfulfillment of basic rights and discrimination against a person or a group of persons in living their lives in a dignified way.

Poverty alleviation effort is one of the priorities in Indonesia's national development, as stated in the draft of the 2005-2009 Medium-Term National Development Plan. In the next five years, the number of poor population is expected to decrease to 8.2 % by 2009 and new job opportunities will be created and will be able to reduce open unemployment to 5.1 % by 2009, supported by sustainable economic stability.

The poverty alleviation policy is directed toward respecting, protecting and fulfilling basic rights of poor communities, including: sufficiency in quality and affordable food; quality health services; quality and evenly-distributed basic education services; available job and business opportunities; fulfillment of clean and safe water; individual and communal rights on lands are guaranteed and protected; access to the use of natural resources is opened and natural environment is preserved; guarantee of safety from violence; and increased participation in public policy formulation.

Education is one of the most important pillars in improving human life quality, as it is an irreplaceable tool, which enable individuals to receive knowledge, as a precondition for solving problems, as needed by everyone in their worldly complicated lives.

The duty to "educate the life of the nation" is the mandate of National Constitution that is reinforced in Article 28B Verse (1), that everyone is entitled to self development through the fulfillment of their basic needs, to education and to benefit from knowledge and technology, art and culture for improving their life quality for the welfare of human beings, and Article 31 Verse (1) that gives mandate that every citizen is entitled to education.

National education development is directed toward the ability to ensure equal education opportunities, quality improvement and education management relevancy and efficiency in facing the challenges according to demands for changes in local, national and global life. The education development to be implemented has taken into account several international agreements, such as Education for All, Convention on the Rights of Child, Millenium Development Goals, and World Summit on Sustainable Development, which emphasize the importance of education as one of the means to address poverty, improve justice and gender equality, understand cultural values and multiculturalism, and enhance social justice.

The national education policy is directed toward, among them, greater access for adults to life-skills education, and better justice and education equality among community groups, between developed and underdeveloped areas, between urban and rural areas, between rich population and poor population, and between men and women.

The issues of education quality and the lack of education for women and children who are at risk to becoming trafficking victims, will be addressed by speeding up the accomplishment of 9-Year Compulsory School, by functional literacy education with wider access for women; quality non-formal education for illiterate, dropout, and other communities; giving greater access to poor, rural, isolated communities and communities in conflict areas; and developing learning models for non-scholastic education programs (Study Group Package A, B and C, family education, Business Study Groups, Functional Literacy Education and life-skills training and education, such as Domestic Worker Plus)

that orientate to increasing skills and entrepreneurial abilities suitable with the communal needs; to increasing the mastery of basic skills and skills to manage businesses in services and production sectors; and to increasing the qualities of educational organizations established by the community as well as the government.

Lack of information is one of the conditional problems related to the availability of the media to communicate information, such as newspapers, radio, and television, to the public. Indonesia's geographic condition that is consisted of islands, does need information technology and communication that should be able to bridge the distance; they are realized in the form of communication system via the Palapa satellite. However, many areas still not reached by the services, even "newspapers go into villages" program has not reached all rural areas.

The strategy to deliver information of the elimination of trafficking in persons thus should be implemented in a focused way by involving all elements, both the government and NGOs, to spread the information to the target groups within the community considered as vulnerable to trafficking in persons.

Patriarch culture that is still prevalent for many people in Indonesia, often "positions" women at subordinate status, as is seen when there is only a limited resources in a family, the sons will continue their school while their sisters will be asked to help do the housework, since the parents think that their daughters will eventually marry and at the end, also work in the kitchen. Socio-cultural changes within the society need a very long time, possibly even generations, hence, efforts concerning socio-cultural changes should be promoted through continuous fosterage.

Such gender inequality and injustice have been addressed by implementing Presidential Instruction No. 9 Year 2000 on Gender Mainstreaming in Development. It instructs each government institution to integrate women's empowerment program into their respective programs, sectors, and areas.

In that case, the policy on women's empowerment is directed toward increasing women's involvement in political process and public positions; improving educational level and health services and other development sectors to heighten life quality and women's resources; escalating campaigns against violence on women and children; refining criminal law tools and completing them in order to protect every individual from various abuses, exploitations, and discrimination including domestic violence; increasing children's welfare and protection; strengthening the institutions, the coordination, and gender mainstreaming and child network, in the planning, implementation, monitoring, and evaluation of various policies, programs and development activities in all sectors, including the fulfillment of international commitments, data and gender statistics provision and higher public participation.

One of the empowerment efforts implemented by the Government for the Indonesian migrant workers with problems - who were returned from Malaysia - was the agreement made with the Malaysian Government to send them again as legal migrant workers to Malaysia. The government has provided one-stop service centers to facilitate the processing of immigration documents and permits for working in Malaysia as the centers also involve the Malaysian Immigration.

The one-stop service centers were set up at 11 exit points in Indonesia : Belawan (North Sumatra Province), Tanjung Uban (Riau Islands Province), Dumai (Riau Province), Jakarta (Special Capital Region of Jakarta), Semarang (Central Java Province), Surabaya (East Java Province), Entikong (West Kalimantan Province), Nunukan (East Kalimantan Province), Pare-pare (South Sulawesi Province), Mataram (West Nusa Tenggara Province), and Kupang (East Nusa Tenggara Province).

Until the morning of March 14, 2005, 8,996 TKIs have been sent back to Malaysia through One-Stop Service Centers, most through Nunukan (8,499 persons), followed by Dumai (162 persons), Tanjung Uban (133 persons), Medan (100 persons), Semarang (68 persons) and Entikong (34 persons). Before the centers began operating on March 1, 2005, some areas had sent back TKIs to work again in Malaysia, which until February 28, 2005, the number has reached 26,809 persons. Thus, up to March 14, 2005, a total of 35,805 TKIs have returned to Malaysia. The facilities are expected to help them out from the groups vulnerable to trafficking in persons.

Banks have big potentials to participate in the empowerment of community groups vulnerable to trafficking in persons. Citibank, through Grameen Trust and its Citibank Peka® (Care and Work) Program, has granted funds from Citigroup Foundation to support micro-credit agencies in Indonesia: Bangun Karya Central Java Project in Surakarta, Pokmas Mandiri Foundation (YPM) in Medan, Paluma Foundation, Dharma Bakti Parahabat Foundation (YDBP), Business Partner Foundation (YMU), and Siti Khadijah Foundation (YSK) in Jakarta. Borrowers are normally women who have small businesses, such as food, garment, traditional medicine, and tailor businesses, small shops, and catering business.

- Bangun Karya Central Java Project (BKCJP) is an organization devoted to the community under the Economic Faculty of the Universitas Sebelas Maret Surakarta, which manages the capital loans - Rp 200,000 – 250,000 in average - granted to 885 poor families in Karanganyar District.
- Paluma Foundation has given loans to 44 persons with the average amount of the loans is Rp 500,000 since the foundation received a grant from Citibank Peka® in March 2001.
- Dharma Bhakti Parahabat Foundation (YDBP) channeled funds from Grameen Trust under the capital loans disbursement activity to 1,200 poor families in Sukatani, Bekasi and 1,500 families in Pedes, Karawang, West Java Province.
- Business Partner Foundation channeled funds from Grameen Trust used for giving capital loans to 640 debtors in the Village of Taruma Jaya, West Java Province.
- Siti Khadijah Foundation (YSK) channeled funds from Grameen Trust for capital loans to 750 families in need in Mijen, Semarang.
- Pokmas Mandiri Foundation (YPM) channeled funds from Grameen Trust to give capital loans to 785 poor families in Galang, North Sumatra Province.

PREVENTION

Efforts to prevent trafficking in persons have been implemented by mapping trafficking in persons in Indonesia - for domestic and international destinations, increasing public education - especially alternative education for children and women, including its facilities and infrastructure, and raising the public's knowledge by giving as much information as possible on trafficking in persons and all aspects concerning the efforts to eliminate it - implemented through various available media – and trying to secure access for families, especially women and children, for obtaining education, training, higher income and social services. The efforts

involve all government and private sectors and (national and international) NGOs, international organizations, community organizations, individuals, and mass media.

Improvement of Education

Educational improvement has come to the attention of all people and the favor is especially intended toward school-age children from poor families, street children, and also to those who for one thing or another, cannot continue their education.

- Indramayu Regent's wife, Mrs. Sofiana, stated that Indramayu community rather thought that children were assets that should be financially productive. Often, with various ways, children are forced to make contribution to their families, while the family support to the children's education are very low. As a result, children have no other choice that leaving Indramayu for domestic or international destinations for taking unskilled jobs, mainly as domestic workers. To improve their education, the Indramayu Government budgeted a huge amount of scholarships for elementary-school-age children and hoped they would get the nine-year basic education. By having the education, they were expected to find and process more information. Education was one of the tool to fight trafficking of women and children. (www.jurnalperempuan.com, December 15, 2004).
- *Citra Bunda* Skills Training Agency (LPK), *Setia Bakti* LPK, Jakarta, *Tiara* Foundation, Mampang Prapatan, South Jakarta, and *Citra Abadi* Foundation, Binong Permai Complex, Karawaci, Tangerang, have been giving education and babysitter training for elementary school or junior high school graduates, while senior high school graduates can take nanny or governess courses. Babysitters, nannies and governesses are paid quite high.
- Improving education as implemented by the Government of the Special Region of Yogyakarta Province is very helpful for the poor community; they provided collaterals for loans for nurse education to their residents who were interested to working abroad. In March 2004, the Government of the Special Region of Yogyakarta Province sent 142 nurses to Malaysia. Even three months before, they had sent Indonesian migrant workers to work as nurses to the United States of America. The loans will be repaid directly by the employers abroad to the Local Development Bank of the Special Region of Yogyakarta (Media, March 16, 2004).
- *Pemberdayaan Umat*-Human Future Foundation (YPU-HFF), Bantul, Special Region of Yogyakarta, has been helping the poor, especially orphans, through the scholarship program. For the 2002-2003 school period, it gave scholarships amounted to Rp 149.4 million for 192 schoolchildren/students, while for the 2003-2004 school period the scholarships provided worth Rp 296 million, for 284 schoolchildren/students. For the fiscal year of 2004, YPU-HFF planned to award scholarships to more than 300 recipients (YPU-HFF Website, accessed on March 15, 2005).
- *Dharma Wanita Persatuan* (DWP) Central Java Province also participated in improving education. Cooperating with the Central Java Province Education Office, it provided Life Skills education, set up Business Study Groups and awarded scholarships/internships for dropout boys and girls and for its members, for example, in repair-shop and millennium painting courses, embroidery and sewing courses, and hairstyling courses. *Dharma Wanita Persatuan* (DWP) Central Java Province provided capital support and equipment for business study groups (DWP Website, accessed on March 16, 2005).

- *Mandiri* Bank's concern on education was shown in the form of *Mandiri* Care one-year scholarships for poor children. Elementary school students received Rp 25,000 per month, junior high school students received Rp 50,000 per month, and senior high school students received Rp 75,000 per month, while university students received Rp 500,000 per year. In addition to the scholarships, the bank also gave computer equipment to 102 schools across Indonesia, 39 schools in Jakarta and 63 schools outside Jakarta. The bank set aside 1-3% of its profit for *Mandiri* Care Program (Inkom Pontianak, July 22, 2004).
- Regent of Sidoarjo, East Java Province, asked the commercial sector in his area to have concern on the education program by giving scholarships to poor students, of which only 19.2% had received financial support. In addition to scholarships, the commercial sector could also help by offering more internship opportunities or equipment that supports the education program (www.sidoarjo.go.id, accessed on March 15, 2005).
- The Government of Brebes District, Central Java Province, also handed out scholarships to poor students and stated that education was a common responsibility (Brebes City Government's Website, accessed on March 15, 2005)
- The Government of Central Java Province gave scholarships to help poor students in order to lower the number of dropouts. In 2004, more than Rp 938 million was allocated to Pati District for education facilities and infrastructure and scholarships for poor students. But the aid had not been enough to help the students in need, so Pati Regent asked the public to participate in education sector through the Education Board and School Committee (*Pati* Online, accessed on March 15, 2005).
- Around 50 dropout teenagers in Indramayu received training on garment for six months at International Garment Training Centre (IGTC) in Citeureup, Bogor. (*Kompas*, February 4, 2005).
- Those who are called "street children" include peddlers, shoe polishers, vendors, newspaper sellers, street singers, beggars, vegetable scavengers at traditional markets, etc. They are highly vulnerable to illegal drugs consumption, to violence or to become victims of violence, of crimes, of harrassment and of prostitution, to health disorder from smokes (air pollution) emitted by motor vehicle, to traffic order disruption, and are sometimes antisocial. They do not have any more time to think about the importance of education, but they only think about the financial needs of themselves and their families. The Directorate of Public Education, the Ministry of National Education, cooperate with relevant institutions and community organizations to address the problems through education that can guide and recover educational rights of the street children, so they can learn and produce something useful as they should be.
- The Foundation for Marginalized Children's Welfare (YKAP), Jakarta, dedicate themselves to improving the living quality of street children by providing scholarships and educational support to students, from pre-school to senior high school, even up to university. In addition to Jakarta, YKAP also apply its program in Polonia and Belawan (Medan), as well as Genteng and Pabean (Surabaya). The program has provided services to more than 376 children. YKAP also implements Activity House Program that intends to provide educational activities and facilities outside school hours, so they will no longer be at the streets to earn money (YKAP Website, accessed on March 19, 2005).
- Street Children Alternative School (SAAJ) and *Pandu Rakyat Miskin* (PaRaM), an NGOs in Jakarta, have been very concerned and shown actual results in guiding

children in dire need, to make them more prepared toward their future, just like their friends. This is a very noble effort and a very helpful one, since there are still many Indonesian children who have quit school because of poverty (www.anjal.blockdrive.com).

- *Nanda Dian Nusantara* Foundation (YNDN) provides education for street children and poor children, and runs an education centers for street children and market children. At these places, children are taught general knowledge and practical skills, supplemented by education on moral and character. YNDN has 15 education centers at various locations in Jakarta. Citibank Peka® help fund and provide volunteers for Pasar Minggu and Kramat Jati locations (www.citibank.co.id).
- *Usaha Mulia* Foundation (YUM) set up a preparatory school for elementary school dropouts in Jurang Mangu, Jakarta, which has 42 students and another one in Cipulir. The dropouts receive one-year education there, so they later can continue their education at formal schools (www.citibank.co.id).
- *Bintang Pancasila* Foundation (YBP) has several shelters and around 12 schools equal to elementary schools for street children and dropout children sekolah. One of the schools, which is supported by Citibank Peka® program, is located at Pendongkelan, Jakarta, and has 75 students (www.citibank.co.id).
- NGO *ERa AKu*, ICT Watch and School Information Network (JIS), set up a self-supporting computer laboratorium functioning as computer education and training for street children. The lab, which was installed at Street Children School (SAJ), *Taman Ismail Marzuki* (TIM) complex, Jakarta, was meant as an effort to fulfill the right for knowledge and education for those who are structurally poor, like street children. But the hardware is out of date and needs to be upgraded (www.itcwatch.com).
- *Pasar Lama* Special Elementary School, a filial of Public Elementary School I Mawar, Central Banjarmasin, carries a mission to educate street children and stop the rise of young small-time criminals at the market; the street children are normally homeless. The school gained success in changing "the work ethics of stealing" to "the work ethics of searching", including by searching cardboxes that generate Rp 10,000 per day, to help fulfilling their families' needs. The teachers are Public Elementary School I Mawar retired teachers who got moral calling to teach the street children (*Kompas*, July 27, 2004).
- Hotline Foundation Surabaya sent their volunteers to give guidance to 124 elementary school students from four elementary schools in Licin sub-district, Banyuwangi, East Java Province. The guidance provided emphasized the importance of school to the children, as sufficient education would give bigger opportunities for better jobs. Thus, it is expected that in the future, there will be no more people who fall into the trafficking of women and children. The patterns used in giving the guidance were adjusted with children's thinking patterns, by putting more playful elements, so it would leave a deep impression on the children. For women who wish to gain sewing skill, sewing machines will be lent to them to learn the skill. For the teenagers, they are taught on how to plait bamboo and silk-screening techniques. This program is run by Hotline Foundation, in cooperation with ILO, ASA, and Education Office Branch, for one-year period, from January to December 2005 (Hotline Foundation Webiste, accessed on March 18, 2005).

In this issue of improving education, State Minister for Women's Empowerment, Dr. Meutia Hatta Swasono, stated that schools played a very important role in preventing trafficking of women as learning activities and being in the safe school neighborhood will distance women from the community's negative influences. In this case, teachers have a

role to increase children's participation in education by trying to keep their students at school. Teachers can also provide information on various things related to trafficking of children and women that is now rampant in Indramayu North Coast, West Java Province (*Media Indonesia Online*, accessed on March 15, 2005).

Information Dissemination

Information dissemination is conducted by anyone who is concerned with the issue of trafficking in persons, and it is intended for the general public, in order to provide information to them so they will be aware about trafficking in persons and in order to invite them to participate according to their ability and authority owned in the efforts to eliminate it. Campaigns on trafficking cases are accomplished through (print or electronic) mass media, in a bid to develop opinion, favor, and mass support.

- Public service advertising by the Women's Journal Foundation on the elimination of trafficking in persons, which was launched on Metro TV, February 7, 2005.
- Information dissemination and screening of a movie against trafficking of children and women held by the Women's Journal Foundation, in cooperation with Teres De Homes and Communication Forum for Women's Protection (FKPP) Indramayu, on December 9, 2004, in Indramayu; the event was attended by about 120 participants from schools, government offices of Indramayu district, and NGOs concerned with women and children. The event in Indramayu was the first of a series of information dissemination on anti-trafficking of children and women planned to be held in seven areas in Indonesia, with an objective to make the efforts to fight trafficking of children and women become a social movement.
- The Ministry of Culture and Tourism in May 2004 held a seminar on preventing commercial sexual exploitation of children, which was closely related to trafficking of children and women in Bali. It was attended by 100 participants from Bali Tourism Office, tourism industry, relevant government institutions, NGOs, *Dharma Wanita Persatuan* Bali, Family Welfare Movement (PKK), and Police Force. The issue was communicated in form of lecture to 100 students sitting at junior high schools, first and second grade of senior high school and their accompanying teachers. Similar programs were also held in Batam, Pontianak (June, 2004) Pekanbaru, Makassar (August 2004), and Manado (September 2004).
- The Ministry of Culture and Tourism throughout 2004 published various advertisements, leaflets, stickers, and posters. An advertisement in form of the article titled "Let Them Smile" was put on *Media Indonesia* daily, magazines: *Tempo*, *Matra*, *Hello Bali*, and *Garuda's Inflight Magazine*. In the last magazine, there was also an interview with Deputy for Capacity Building and International Cooperation on this matter. Another advertisement in form of the article titled "*Government's Concern about Sexual Exploitation of Children*" was published on *Travel News*, July-August 2004 edition. A 16-second TV public service advertising has been broadcast on TVRI (20 times) and ANTV (60 times). In cooperation with the Bali Tourism Board (BTB), the ministry made a leaflet of *Tourist Map* for 10,000 copies and starting September 2004, they have been distributed at Ngurah Rai Airport, Denpasar and terminal ferries and Hang Nadim Airport, Batam. In Bali, they are mainly targeted for foreign tourists from Europe, United States and Australia. In Batam, they are targeted for tourists from Malaysia and Singapore. Stickers and poster were put up and distributed at Bali, Batam, Padang, Manado and Mataram airports and at *Taman Impian Jaya Ancol*, Jakarta.

- The mass media, print and electronic ones (radios, televisions) also actively participate in spreading the word about trafficking in persons, including about the actions taken by the law enforcers to the traffickers. Various television programs, on criminal news (*Buser, Sidik, Sergap*, etc.), on general news (*Liputan-6, Seputar Indonesia, Lintas-5, Kontradiksi*, etc.), including talk shows, many times have reported trafficking in persons. Websites have also been used by many to disseminate information on this issue, complete with various programs they have run in an effort to eliminate trafficking of children and women.

Increased Control

In order to prevent trafficking in persons that is sometimes committed under the pretext of migrant work, the Government has applied tighter control on the operation of Migrant Worker Recruitment/Sending Company/Agency (PJTJKIs) in recruiting, accomodating, training, preparing documents and sending Indonesian workers abroad. The effort is supported by the public through the Parliament and several laws were passed: Law No. 13 Year 2003 on Labor, Law No. 2 Year 2004 on Settlement of Industrial Relationship Disputes, and Law No. 39 Year 2004 on Placement and Protection of Indonesian Workers Abroad.

- Minister of Manpower and Transmigration has asked the association of PJTKIs to immediately discipline its disobedient members before the Government take any action. Since October 2004, the Ministry of Manpower and Transmigration has revoked the operational licenses of 28 PJTKIs, four of which were taken to the court. In addition, the Government would also take actions against 40 other PJTKIs and 10 of them would be taken to the court. The minister said if the PJTKI association refused to take disciplinary actions against their members, the Government would take firm actions (*Sinar Harapan*, February 15, 2005).
- For an indefinite period, the Central Java Province Manpower and Transmigration Office will not extend the period for Indonesian worker candidates recruitment done by PJTKIs' branches in Central Java as a result of illegal recruitment and transportation of TKIs related to trafficking of women workers and children for domestic and international destinations. Central Java TKIs were mostly placed in Malaysia and those with problems were illegal TKIs send by brokers suspected to come from branches of PJTKIs who did not carry out the activities according to the rules (*Suara Merdeka*, April 21, 2004).
- The West Nusa Tenggara Province Manpower and Transmigration Office revoked licenses of at least three PJTKIs, having often violated labor regulations. In 2003, the Offices took actions against 15 PJTKIs for the same offence, such as manipulating the age of TKI/TKW candidates, sending underage candidates, falsifying documents - from health requirements documents to working visas, and submitting false reports on the number of workers sent. At the moment, there were 97 PJTKIs, five of them were based in West Nusa Tenggara (*Tempo Interaktif*, July 26, 2004).
- In relation to a case of child trafficking committed by a foundation in East Jakarta, the Office for Spiritual Mental Development and Social Welfare of the Capital Special Region of Jakarta Province in December 2004 conducted a research and found out that *PK* Foundation had neither a license for its establishment nor an operational license for its activities at its orphanages located in East Jakarta and Tangerang. The Police investigated the foundation after it uncovered that the foundation had sold the children under their fosterage. The 86 children staying at the orphanages would be moved to orphanages and foundations authorized to take care of the children.

COOPERATION

Facing international organized crime that has big resources and can afford to fund procurement and operation of sophisticated equipment for supporting the activities of the network, the Government, in implementing the National Plan of Action for the Elimination of Trafficking of Women and Children (Presidential Decree No. 88 Year 2002), has also chosen a strategy that unites preventive elements in one flexible tough network, so the network has a strength to curb and combat the transnational organized crime of trafficking in persons.

As an institution, the Government is authorized to arrest traffickers and allocate resources to support prevention and victim protection programs and activities. However, given that the Government is also facing other big problems such as terrorism, social conflicts and arm conflicts in several areas in Indonesia, and it bears large foreign debts, the activities to eliminate trafficking in persons face some limitations. To address the limitations, cooperation among all parties, both within and outside the country, among sending, transit and receiving areas, is needed. The cooperation is essential, as the effort to eliminate trafficking in persons in receiving areas will never gain any success if sending areas still send potential victims for the purpose of exploitation. In addition to cooperation between areas or countries, cooperation among the parties working for the elimination of trafficking in persons in an area is also very important, for example the Police may never be able to detect each crime taken place in their area as their personnel and equipment are limited, therefore, they need help from the public who can give information - about a crime taken place – to the police in order to be followed up immediately.

- The Government has tried to build some cooperation, including: cooperation between the Police's Special Assistance Units scattered in many areas in Indonesia and NGO-run shelters, women's crisis center, hospital integrated services centers; it is even supported by religious leaders, as in providing the physical or psychological services according to the victims' condition, victims might need religious guidance or might want to simply exchange ideas for their steps in the future.
- The Government of West Kalimantan Province, in an effort to develop a network of elements working for the elimination of trafficking in persons in its own province, in 2004 awarded a grant of Rp 25 million to the Shelter/Counseling of Women's Organizations Coordinating Body (BKOW), Shelter at local hospital (RSUD) dr. Soedarso Pontianak, *YLBH-PIK* Pontianak, Special Assistance Unit of West Kalimantan Regional Police Force, as an initial step of integrated efforts, in response to the high number of trafficking in persons and domestic violence in West Kalimantan (*Warta Pemprov* Kalbar Website , February 4, 2005)
- East Kalimantan Province, in an effort to coordinate the elimination of trafficking in persons, established East Kalimantan Coalition against Trafficking (KAT Kaltim) whose members are the Government of East Kalimantan Province, LBH-APIK, and NGOs. The coalition has developed a fixed procedure so each element knows their own duties, functions, and authorities. Now, KAT Kaltim is taking initial steps and coordinating with the Government of Nunukan District to build a coalition at district level. Nunukan District is suspected as the point for sending trafficking victims from and to Sabah, Malaysia.
- Forum 182 is a forum that actually is a coalition and a network whose members are individuals and institutions/organizations in Batam Island, with an objective to raise common awareness in counter trafficking campaigns. Besides developing the media, database and informasi needed in the campaigns, Forum 182 Batam also provides

counseling services, hotline services, psychological assistance and legal aid for trafficking victims.

- The cooperation could also be established in an effort to raise some funds, such as the one implemented by the National Commission for Women, in cooperation with sculptors and sculpture lovers, when they held a joint exhibition themed "Works for My Friends II", displaying 41 works of Dolorosa Sinaga, Sarah Gumelar, Indyra, Birgit Ulrike Hau, Nani Sakri, Magdalena Pardede, Hening Tyas Sutji, etc. The exhibition wanted to raise funds from the public for strengthening women's crisis centers (WCCs) in Indonesia totaling around 60 organisations scattered in various areas. The WCCs normally do not have enough operational funding for emergency costs such as medical actions and victim accompaniment. In 2003, "Works for My Friends I" raised funds of more than Rp 122 million, later made as a perpetual fund named "*Pundi Perempuan*" for WCC. The fund is managed by Indonesia Social Foundation for Humanity (YSIK), a separate organization from the National Commission for Women. Until 2004, *Pundi Perempuan* has strengthened eleven WCCs in Manado, Bone, Makassar, Maumere, Jombang, Surabaya, Bandung, Bengkulu, Palembang, Padang and Labuhan Batu. Such exhibition will be held once in two years on International Women's Day on March 8th (Women's Journal Foundation, 2005).

The Task Force of the National Plan of Actions for the Elimination of Trafficking of Women and Children (RAN-P3A) is building, facilitating and encouraging the cooperation as mentioned above in areas suspected as sending, transit or receiving areas, and areas bordering with Malaysia. Dumai and Tanjungbalai Karimun, Riau Province; Tanjungpinang, Riau Islands Province, Sanggau District, West Kalimantan Province, are areas where the Government is trying to establish cooperation. Sending and transit areas like East Java, North Sumatra, North Sulawesi Provinces and others who have had their own task forces will be encouraged to increase their cooperation, including starting the cooperation between transit or receiving areas and sending areas, so the best mechanism to provide protection for trafficking victims could be found.

At regional and international levels, cooperation to eliminate trafficking in persons continues to be increased. In addition to the cooperation that has been legally and officially reinforced, such as Law No. 1 Year 1999 on Ratification of Treaty Between RI and Australia on Mutual Assistance in Criminal Matters, and Law No. 1 Year 2001 on Ratification of Agreement between the Government of Indonesia and the Government of Hong Kong for the Surrender of Fugitive Offenders, there is also cooperation conducted with international NGOs, especially in preventive efforts, capacity building, and protection for trafficking victims.

ICMC, ACILS, Terre des Hommes, Save the Children US, IOM, are some of the international NGOs that have worked closely with the Indonesian Government in developing relationships and strengthening local NGOs for prevention activities and protection for trafficking victims. International bodies like UNICEF and ILO are some of those who have cooperated well with the Indonesian Government for the elimination of child trafficking and the worst forms of child labor. UNICEF for instance sponsored an ASEAN-level regional meeting held by PKPA Medan that produced the Medan Declaration, an ASEAN regional commitment to increasing cooperation for the elimination of trafficking in persons in this region.

One of the forms of cooperation for returning Indonesian workers (TKIs) with problems and their families from Malaysia was the establishment of the Coordination Team for the Return of TKIs with Problems and Their Families from Malaysia (TK-PTKIB) through Presidential Decree No. 106 Year 2004. The team coordinated the return of more than 347,000 TKIs with problems and their families from Malaysia by land, sea or air to 13 entry points in Indonesia, and facilitated them to reach their own homelands safely. For

TKIs who could afford their own return expenses, the team would only facilitate and provide information on things that could make their return home easier. But for those in need, the Indonesian Government, in an integrated way, provided health services, temporary shelters, including meals, transportation assistance and security and escort from the Police if necessary. Many of the TKIs with problems had been victims of trafficking practices: they had been promised of nice, high-paying jobs in Malaysia, but were later sent to Malaysia with only passports and tourist visas, then employed at plantations in exploitative conditions (passports were withheld, salaries were cut, incurred debts for meals, etc.).

The establishment of One-Stop Service Centers in 11 exit points in Indonesia is one of the cooperation between Indonesian governmental institutions related to the issue of Indonesian migrant workers placement and the Malaysian Government (Immigration) in order to facilitate Indonesian migrant workers to work again in Malaysia legally. The One-Stop Service Centers are expected to be able to lower the number of illegal sending of Indonesian workers, which previously was often committed by irresponsible people.

CONCLUSION

The Indonesian Government, together with national and international NGOs, international bodies, and active participation of all public elements, have implemented efforts to eliminate trafficking in persons in a coordinated way, in line with the National Plan of Action for the Elimination of Trafficking of Women and Children, for more than two years since the Plan of Action was established by Presidential Decree No. 88 Year 2002. Two years is a only a short time for fighting the tough transnational organized crime syndicates, but indeed, some progress has been achieved.

Based on the targets of the National Plan of Action for the Elimination of Trafficking of Women and Children (RAN P3A), it can be reported that:

1. The Bill on the Ratification of the United Nations Convention Against Transnational Organized Crime; and the Bill on the Ratification of the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Woman dan Children, Supplement of the United Nations Convention Against Transnational Organized Crime, have been developed and listed on the 2005 Priority National Legislations Program; the Bill on the Ratification of the 2003 United Nations Convention Against Corruption was also listed on the program.

2. Law on the Elimination of Domestic Violence was passed as Law No. 23 Year 2004. While the Bill on the Crime of Trafficking in Persons, the Bill on Witness and Victim Protection, the Bill on Pornography and Pornoactions, have been developed and listed on the 2005 Priority National Legislations Program.
3. Efforts to harmonize international standards with the national law were implemented through amending several laws. The Bill on the Penal Code (Amendment); the Bill on Narcotics (Amendment); the Bill on Money Laundering (Amendment); the Bill on Immigration (Amendment), have been developed and listed on the 2005 Priority National Legislations Program
4. With so many studies conducted by NGOs, universities and other institutions, the map of the situation of the problem and cases of trafficking of women and children in Indonesia in general have been identified and taken as the basis for developing policies, programs and activities to eliminate trafficking of women and children. The situational map is continuously updated, especially following the national disaster in Aceh that is vulnerable to practices of trafficking of women and children committed under the pretext of offering help to find jobs or raise children.
5. Improvement in the quantity and quality of Crisis Center is implemented by, for example, founding Child Social Protection Houses (RPSAs), and in cooperation with the donor organizations, provided assistance to shelters, drop-in centers, Women's Crisis Centers and other similar centers, which are operated by local NGOs in areas at risk.
6. Quantitatively, based on the report from the National Police Headquarter, the number of cases reported has declined, but the data is not convincing enough to make one say that there has been indeed a decline in the number of trafficking cases. But it could be reported that the quality of the punishments inflicted on traffickers by the Court has improved. The Court once sentenced a trafficker to 13 years in jail, using Law No. 23 Year 2002 on Child Protection.
7. The Standard Operating Procedure (SOP) on the Return of Trafficking Victims has been developed and in cooperation with ICMC, the government is developing modules for training for the parties that will apply the SOP in the field. Law No. 39 Year 2004 on Placement and Protection for TKIs Going Abroad has been passed, and it will be followed-up by the development of its implementing regulations.
8. The allocation of the national and local governments' budgets for rehabilitation and social reintegration of victims has been implemented, although in a small scale, since the budgets were limited. We would like to thank international donor organizations (USAID, ILO, etc.) that supported the activity.
9. Greater access for families, especially for women and children, to education, training, income increase, and social services, has been opened. We would like to thank banks, micro-credit agencies, and international donor organizations and local NGOs that participated in supporting and carrying out the activity.
10. Establishment and intensification of the network and partnerships at national and local levels, among the areas, bilateral, regional as well as international cooperation have been implemented. The activity will continue until the network has gained an expanding and stronger presence.

But we realize that the progress is still far from reaching the main objective: "All forms of trafficking of women and children in Indonesia have been eliminated". Therefore, Indonesia – learning from the experiences gained in the last two years – will continue to refine and improve the next implementation of the National Plan of Action.

Networking with friendly countries who are against slavery and with local and international NGOs and international bodies/organizations and international community in general, is

seen as the key program for addressing the movement and patterns of the transnational organized crime of trafficking in persons and for providing maximum protection to victims. The Indonesian public will be facilitated, in order to make them take active participation in activities to fight this modern slavery, through well-organized groups, whether through existing community institutions such as Neighborhood Units (RTs), Islamic praying groups, church groups, etc, or by founding professional NGOs. When the network among the state elements within and outside the country has been established, hopefully, Indonesia can guard themselves from the cruelty that threaten the survival of the nation and the country.

This position paper of the Republic of Indonesia was developed as input for all stakeholders, who need information on RI Government's activities for the elimination of trafficking of persons, especially women and children, in Indonesia.

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Coordinating Ministry for People's Welfare
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