

Document #2010827

USDOS – US Department of State

## 2019 Trafficking in Persons Report: Indonesia

INDONESIA: Tier 2

The Government of Indonesia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Indonesia remained on Tier 2. These efforts included establishing 13 law enforcement trafficking task forces and three local and district-level interagency task forces, and continuing to create and disseminate awareness materials. The government issued ministerial regulations mandating regional governments include anti-trafficking in their policy priorities and the comprehensive protection of Indonesian nationals overseas, including trafficking victims. The government also issued regulations to allow the government’s victim and witness protection institute to add restitution to the perpetrator’s penalties before or after conviction for human trafficking and other crimes and began formulating the implementing regulations of the 2017 Protection of Indonesian Migrant Workers law. However, the government did not meet the minimum standards in several key areas. Investigations, prosecutions, and convictions decreased. Official complicity in trafficking crimes remained a significant concern, and although the government reported ongoing investigations, it did not report any prosecutions or convictions of officials allegedly complicit in trafficking. The government partnered with an international organization to develop victim identification procedures but did not finalize them during the reporting period and the lack of such procedures hindered the identification of victims overall and male victims in particular. The government’s rehabilitation services were insufficient. During the reporting period, five provincial trauma shelters closed due to lack of funds. The government’s budget allocation to the coordinating office of the national task force decreased for the third year. The 2007 anti-trafficking law was inconsistent with international law by requiring a demonstration of force, fraud, or coercion to constitute a child sex trafficking crime.

### PRIORITIZED RECOMMENDATIONS

Increase efforts to vigorously investigate, prosecute, and convict traffickers under the 2007 law, including complicit officials that willfully ignore, facilitate, or engage in trafficking crimes. • Create legal clarity by amending the 2007 law to remove the required demonstration of force, fraud, or coercion to constitute child sex trafficking. • Develop, finalize, disseminate, and train all relevant officials, including law enforcement, foreign affairs, marine, and labor ministry staff, on comprehensive standard operating procedures (SOPs) for proactive victim identification. • Complete implementing rules to

enforce the 2017 law on migrant worker protection, including on the provision prohibiting worker-paid recruitment fees. • Increase resources for and proactively offer victims, including male victims, rehabilitation services. • Allow victims in government shelters freedom of movement. • Continue to increase efforts to effectively monitor labor recruitment agencies and take action against entities guilty of illegal conduct against migrant workers that contribute to forced labor including charging placement fees, deceptive recruitment practices, contract switching, and document forgery. • Institutionalize and regularly provide anti-trafficking training for judges, prosecutors, police, and social workers. • Increase resources for the anti-trafficking task force and improve its coordination across ministries. • Establish a data collection system to track anti-trafficking efforts at all levels of law enforcement. • Lift current bans on migration to encourage migration through documented channels. • Train hospital staff and other health care providers about provisions guaranteeing government-funded care for trafficking victims. • Create a national protocol that clarifies roles for prosecuting trafficking cases outside victims' home provinces.

## PROSECUTION

The government decreased law enforcement efforts. The 2007 anti-trafficking law criminalized all forms of labor trafficking and sex trafficking of adults and prescribed penalties of three to 15 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with international law, the 2007 law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. While the Ministry of Home Affairs issued a ministerial regulation in April 2018 that mandated regional governments include anti-trafficking in their policy priorities, the central government did not have a mechanism to enforce this mandate and did not influence all provincial governments to consistently allocate anti-trafficking funding or to implement national policies. Consequently, government agency coordination and data collection remained a challenge and some provincial police reported their budget did not allow for cross-province or cross-border investigations. Officials also reported ineffective coordination hindered the government's ability to investigate, prosecute, and convict traffickers, especially when cases involved multiple jurisdictions. Provincial police established 13 law enforcement trafficking task forces but did not report the results of the task forces. The national police anti-trafficking unit did not have a mechanism to track investigations at all levels of government, making it difficult to determine trends and the total number of investigations and resolved cases. In 2018 at the national level, police reported 95 case investigations, a decrease compared with 123 cases in 2017. The Supreme Court's comprehensive recordkeeping mechanism for national court data reported 316 prosecutions and 279 convictions in 2018, a decrease compared with 407 prosecutions and 331 convictions in 2017. The government did not report comprehensive sentencing data.

Official complicity remained a significant concern. Corrupt officials reportedly continued to facilitate the issuance of false documents, accept bribes to allow brokers to transport undocumented migrants across borders, protect venues where sex trafficking occurred,

and practice weak oversight of recruitment agencies. Bribes and extortion influenced prosecution, conviction, and sentencing in civil and criminal cases, including trafficking cases. Legal aid organizations reported cases often moved very slowly unless a bribe was paid and, in some cases, prosecutors demanded payments from defendants to ensure a less zealous prosecution or to drop charges. In one case in Batam district court, NGOs alleged potential collusion between the court and the main trafficker who received a lesser sentence compared to the other defendants convicted of trafficking in the same case. Civil society members alleged some police refused to arrest traffickers who were connected to influential members of society. In August 2018, after an NGO reported such inaction, media reported a high-ranking police officer in Riau was arrested by another police unit. In January 2019, police in East Nusa Tenggara (NTT) named a former NTT legislator as a suspect in a case involving the recruitment of a woman transported to Jakarta and forced to work for three different employers without pay. A former Indonesian administrative employee of the Indonesian Embassy in the United States was indicted in 2017 by a federal court in Maryland for alien harboring for private financial gain. The employee allegedly physically threatened and abused an Indonesian domestic worker from 2005 to 2012, withheld her identity documents, forced her to work seven days a week, and did not pay full wages. The government did not report taking any action to hold the employee accountable. Although the government reported ongoing investigations, it did not report any prosecutions or convictions of officials allegedly complicit in trafficking.

Although some officials received trafficking training from the government, international organizations, and foreign governments, the Indonesian government did not provide institutionalized trafficking training. Government officials and a legal aid organization noted officials' limited understanding hampered prosecutions under Indonesia's trafficking laws; instead, authorities often prosecuted suspected traffickers under the Law on Migrant Workers Protection, which mandated less severe penalties. The Supreme Court included trafficking in its annual curriculum for judges; however, it only accommodated 20 to 30 judges per year. During 2018, the government's anti-trafficking task force held two trainings in November on how to handle cases, one for 90 police in Central Java and the other for an unknown number of police, prosecutors, judges, and staff from centers for women and children from 10 provinces. The government continued to partner with international organizations and foreign governments to provide additional training. In 2018, the government partnered with an international organization on a multi-year project, funded by a foreign government, to create a national trafficking database.

## PROTECTION

The government maintained inadequate protection efforts. The government did not have SOPs for proactive victim identification and referral to rehabilitation services. While the Ministry of Foreign Affairs (MFA) utilized procedures for victim identification in its capacity to assist Indonesian citizens overseas, observers noted law enforcement did not use SOPs, especially at the municipality and district level. Observers expressed concern that the lack of SOPs and the government's anti-trafficking infrastructure, which was under the purview of local-level police units and protection agencies who focused

primarily on women and children, hindered the identification of victims overall and male victims in particular. Additionally, the government’s inadequate efforts to screen vulnerable groups for trafficking indicators, including during raids to arrest persons in prostitution or to combat illegal fishing, may have resulted in the punishment or deportation of unidentified trafficking victims. The government partnered with an international organization in 2018 to develop victim identification procedures but did not finalize the procedures during the reporting period. Officials did not collect comprehensive data on the number of victims it identified. Disparate government entities sometimes reported their own statistics, making aggregate data incomparable to data reported in earlier periods and possibly double counting victims as they came into contact with different government agencies.

The government primarily coordinated rehabilitation services for victims of abuse, including trafficking victims, through local integrated service centers for women and children (P2TP2A). There were P2TP2As in all 34 provinces and approximately 436 districts. Provincial or district governments managed and funded the centers. Services included short-term shelter, medical care, counseling, family liaison services, and some vocational skills training; however, in practice, services varied based on local leadership and funding. Women living in rural areas or districts where no such center was established had difficulty receiving support services, and some centers were only open for six hours a day and not the required 24 hours. NGOs continued to play a critical role in supplementing and filling gaps in government services—including for male victims who local governments had to refer to NGOs for shelter. The government’s victim and witness protection institute acknowledged the government needed to raise public awareness about the services it provided. In August 2018, the institute launched a hotline and mobile application to provide information to all victims of crime on filing complaints and available government protection services.

Trafficking victims entered and exited government shelters upon the approval of a government agency; victims did not have freedom of movement once the government placed them in a shelter. The central government’s Ministry of Social Affairs (MOSA) funded and staffed two trauma centers in Jakarta and the Riau Islands that provided short-term shelter for male and female victims of violence, including trafficking victims. The center in Riau Islands only served Indonesian citizens who were in some form of distress in Malaysia; in 2018, the center repatriated 2,755 Indonesians but did not report how many of those repatriated were trafficking victims. MOSA reported the Jakarta trauma center served 490 trafficking victims in 2018, but it did not report the type of trafficking or the age or gender of the victims. Comparatively, the government reported the two trauma centers served 1,291 trafficking victims in 2017. MOSA also funded and staffed a protection shelter for women who had experienced sexual violence; in 2018, the women’s shelter housed 37 trafficking victims. Provincial social affairs agencies funded and operated local trauma centers that were available to trafficking victims; however, in October 2018, MOSA held a training for provincial trauma center staff and discovered five centers had closed during the year due to lack of funds from the provincial or district governments. At the end of the reporting period, the government reported it had 21 trauma centers nationwide.

The government housed child victims of crimes in children’s homes funded by MOSA, provincial or district governments, and some in partnership with local NGOs. The government reported it increased the number of children’s homes from 14 to 18 in 2018 and housed 11 child victims of trafficking. The Commission for Protection of Children reported it identified 65 cases of trafficking involving children in 2018 and separately identified 93 cases of “child prostitution.” NGOs and past government reports estimated the number of child sex trafficking victims to be in the tens of thousands.

In September 2018, the MFA issued a regulation on the protection of Indonesian nationals overseas, which included trafficking victims. The regulation outlined early detection through risk mapping and required an immediate response to a complaint or report of abuse. During 2018, the MFA reported it identified 164 Indonesian victims of trafficking overseas, a decrease compared with 340 in 2017 and 478 in 2016. The MFA reported it gathered information, provided assistance with procuring identity documents as needed, and referred 95 of the victims to social services agencies; the MFA did not report its actions regarding the additional 69 victims. The government housed foreign trafficking victims identified in Indonesia in MOSA’s Jakarta trauma center or in one of 13 immigration detention centers that were holding facilities for illegal migrants and shelters for irregular migrants, refugees, and asylum seekers. The government allowed an international organization to provide counseling and legal services at some shelters. The government did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution.

Police requested victims stay in government shelters until the completion of the investigation but limited government budgets resulted in only an average two-week stay in the trauma centers. Women and children in the protection shelters reportedly stayed longer, although the government did not provide data on the average length of stay or where victims went once the government released them from the shelters. Police acknowledged government services were insufficient and stated the government needed NGOs to provide shelter. Once the government released a victim from its care, the government did not track the victim, including for purposes of gathering testimony for their traffickers’ prosecution; the government relied on an international organization to remain in contact with the victims and follow-up and assist them, if necessary.

The government’s recently established universal healthcare system covered some of the medical needs of Indonesian victims; however, the system required identity documents that many returning Indonesian migrant workers who had been exploited overseas did not possess. The Ministry of Health (MOH) was responsible for funding victims’ health care, which national police hospitals were obligated to provide free of charge. The MOH trained hospital personnel to provide health services to victims of trafficking and violence in six provinces during 2018.

In the previous reporting period, the Supreme Court issued guidelines stipulating judges protect female victims during legal processes by considering psychological trauma and allowing video testimony. The government did not report if it consistently offered such protections during court proceedings for female trafficking victims. The government issued regulations to allow the government’s victim and witness protection

institute to add restitution to the perpetrator’s penalties before or after conviction for human trafficking and other crimes. The protection institute, national police, and attorney general’s office partnered with a foreign government to publish and disseminate a guide for law enforcement officials and victims on a victim’s right to restitution. In 2018, the institute provided legal assistance to 70 trafficking victims, in 39 cases, compared with 64 victims in 2017, and 105 in 2016. Of the 39 cases, the institute facilitated victim restitution in 18 cases, 19 cases were still under investigation, and in two cases the victims decided not to pursue restitution for unknown reasons. As of December 2018, only the victims in one of the 18 cases had received restitution, as Indonesian law allowed convicted offenders to serve additional imprisonment in lieu of paying restitution.

## PREVENTION

The government increased efforts to prevent trafficking. The national task force, coordinated by the Ministry of Women Empowerment and Child Protection (MOWECP), maintained 32 provincial-level task forces; Papua and West Papua did not have task forces. The government increased the number of local and district-level task forces from 191 in the previous reporting period to 194; the integrated service centers for women and children or the local social affairs office chaired these task forces. The government’s budget allocation to MOWECP’s trafficking office decreased from 21.9 billion Indonesian rupiah (IDR) (\$1.52 million) in 2017 to 20.1 billion IDR (\$1.39 million) in 2018 and to 17.3 billion IDR (\$1.2 million) in 2019. Observers continued to note insufficient funding and lack of coordination within and between the local task forces and the national task force at times impeded anti-trafficking efforts. MOWECP and the coordinating ministry of human development and cultural affairs conducted six meetings to discuss revisions to the national task force and recommended the government allocate anti-trafficking funds to each ministry, create a monitoring mechanism, and add the Ministry of Marine Affairs and Fisheries (MMAF) to the task force.

In the previous reporting period, the government passed the 2017 Protection of Indonesian Migrant Workers law that outlined procedures to regulate and monitor labor recruitment. The law mandated provincial governments—instead of private companies—oversee the provision of pre-departure vocational training and the placement of workers. Article 30 stated Indonesian migrant workers “cannot be borne with placement costs” and Article 72 prohibited recruiters or employers from passing on any placement costs to the worker that they had originally paid. However, the law did not define placement costs and the government stated the law required implementing rules in order to be fully executed. Relevant ministries met twice in 2018 to discuss and formulate the implementing regulations but did not expect to complete them until November 2019. Some observers stated the law remained weak in preventing exploitation. Prior to the 2017 law and still in practice due to the lack of implementing regulations, recruitment agencies charged migrant workers fees based on their chosen profession and destination. Observers reported the government had not been effective in ensuring migrant workers were not charged above the government-set recruitment

fee and continued to note the majority of migrant workers' first year of wages were often given to the recruiter or the employer to repay the cost of recruitment—debt that traffickers could use to coerce victims' labor.

While the new law stated the Ministry of Manpower (MOM) had the authority to terminate a recruitment agency's license if it violated any of the regulations, the law did not address the use of unlicensed sub-agents who regularly charge migrant workers a fee to connect them to a recruitment agency. In 2018, MOM temporarily suspended the licenses of 18 recruitment agencies for coercive or deceptive recruitment practices and contract signings, document forgery, underage recruitment, illegal fees, and other violations. MOM revoked the license of one agency for illegally sending migrant workers to Saudi Arabia, the same number of licenses it revoked in 2017. Separately, the police in West Java reported they arrested the director of a recruitment agency for allegedly forcing more than 80 migrant workers to agree to give the first six months of their salaries to the recruitment agency.

The government continued its ban on overseas placement to 21 Middle East and North African nations, despite noting the number of migrant workers circumventing the ban through the use of illegal recruiters was increasing. The UN, other international organizations, and NGOs continued to argue any ban on migration increased the likelihood workers would migrate illegally and therefore heightened their vulnerability to human trafficking. In November 2018, the government signed a memorandum of understanding (MOU) with Saudi Arabia on guidelines for the recruitment, placement, and protection of migrant workers in Saudi Arabia. Among other stipulations, the MOU reportedly stated migrant workers should not be charged placement fees. Article 31 of the 2017 protection of migrant workers law stipulated the government only allow a person to migrate to a destination country that had a law on foreign worker protection, a written agreement with the Indonesian government, and a social security system or insurance to protect migrant workers. MOM reported it began reviewing all MOUs it signed with other countries on migrant workers protections to ensure their compliance with the law.

The MMAF reportedly continued to implement its regulations on human rights certification in the fisheries business, including the requirement that Indonesian fishery businesses comply with international human rights standards in order to obtain a permit for fish capture. The MMAF also continued to implement a 2016 regulation on work agreements by taking steps to standardize work contracts for Indonesian fishermen to decrease the power a boat owner or captain has over the crew's working conditions. NGOs commented the government did not effectively implement the regulations. During the reporting year, the MFA negotiated with the governments of Mauritius, South Korea, and Taiwan to expand its pilot program to assist Indonesians working on foreign fishing vessels through dedicated centers to collect data and provide services to fishermen in distress; at the end of the reporting period, the new centers had not yet been implemented.

Several ministries and agencies operated hotlines on a range of issues, not limited to trafficking. The MFA operated a 24-hour hotline for Indonesians overseas and two mobile applications that included information on safe travel and protection services. In

December 2018, MOM launched a mobile application for migrant workers that allowed them to get in touch with MOM, other migrant workers, and their families. The application also shared information about MOM’s services. The National Agency for the Protection and Placement of International Migrant Workers (BNP2TKI) also operated two 24-hour hotlines, a fax number, and an email address that served as a complaint center for Indonesian migrant workers. In 2018, BNP2TKI’s complaint system received 4,678 complaints from workers placed overseas, an increase from 4,475 complaints in 2017. Of the 4,678 complaints, BNP2TKI reported 36 were clearly trafficking cases, a decrease compared with 71 in 2017, and 1,852 cases were indicative of trafficking, a decrease compared with 2,430 cases in 2017. Although BNP2TKI reportedly referred these cases to police for investigations, the government did not report the results.

The government continued to increase training of trainers and general public awareness events on trafficking. The government published five prevention guidebooks for parents but did not report how many it disseminated. The government also created 20 awareness templates in the form of documentaries, leaflets, posters, banners, billboards, and radio and television talk show scripts that could be used in public information campaigns but did not report their use or how many members of the public they reached. NGO and government officials reported general awareness about trafficking had increased on the most populous island, Java, but traffickers were increasingly targeting provinces where awareness remained low. The government provided anti-trafficking training for military personnel prior to their deployment abroad on international peacekeeping missions, and there were no reports of Indonesian peacekeeping troops engaged in trafficking-related offenses. The MFA increased the number of junior diplomatic personnel it trained on trafficking from 33 in 2017 to 59 in 2018. The government closed some red light districts, but did not make efforts to reduce the demand for commercial sex acts.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Indonesia, and traffickers exploit victims from Indonesia abroad. Each of Indonesia’s 34 provinces is a source and destination of trafficking. The government estimates two million of the six to eight million Indonesians working abroad—many of whom are women—are undocumented or have overstayed their visas, increasing their vulnerability to trafficking. Labor traffickers exploit a significant number of Indonesians through force and debt-based coercion in Asia and the Middle East, primarily in domestic work, factories, construction, and manufacturing, on Malaysian oil palm plantations, and on fishing vessels throughout the Indian and Pacific Oceans. Singapore, Malaysia, Hong Kong, and the Middle East host a large number of Indonesian domestic workers who are unprotected under local labor laws and often experience indicators of trafficking including excessive working hours, lack of formal contracts, and unpaid wages. NGOs estimate unscrupulous labor recruitment agents and sub-agents are responsible for more than half of Indonesian female trafficking cases overseas. To migrate overseas, workers often assume debt that both Indonesian and overseas recruitment agents exploit to coerce migrants to work. Additionally, some companies



withhold identity documents and use threats of violence to keep migrants in forced labor. Sex traffickers exploit Indonesian women and girls primarily in Malaysia, Taiwan, and the Middle East.

In Indonesia, labor traffickers exploit women, men, and children in fishing, fish processing, and construction; on plantations, including oil palm; and in mining and manufacturing. Traffickers exploit women and girls in domestic servitude. Sex traffickers often use debt or offers of jobs in restaurants, factories, or domestic service, to coerce and deceive women and girls and instead exploit them in commercial sex across Indonesia but notably in Batam and Jakarta. Traffickers also exploit women and girls in sex trafficking near mining operations in Maluku, Papua, and Jami provinces. Traffickers increasingly use online and social media platforms to recruit victims. In 2017, an NGO estimated there were 70,000 to 80,000 child sex trafficking victims in Indonesia. Child sex tourism is prevalent in the Riau Islands bordering Singapore. Bali is a destination for Indonesians engaging in child sex tourism. Indonesians, including children, whose home or livelihood was destroyed by natural disasters are vulnerable to trafficking. Endemic corruption among government officials facilitates practices that contribute to trafficking vulnerabilities in the travel, hospitality, and labor recruitment industries.

Indonesian fishermen working on Taiwan, Thai, Malaysian, and Philippines-flagged fishing vessels operating in Indonesian, Thai, Sri Lankan, Mauritian, and Indian waters reported boat captains perpetrated pervasive abuse, forced labor, unpaid salaries, and, in some cases, murder. Dozens of recruitment agencies in Burma, Indonesia, and Thailand hire fishermen, assign them fake identity and labor permit documents, and force them to fish long hours in waters for low or unpaid salaries while incurring severe physical abuse. Boat captains and crews prohibit fishermen from leaving their vessels and reporting these abuses by threats of exposing their fake identities to the authorities or by detaining them on land in makeshift prisons. More than 7,000 Indonesian fishermen per year sign in and out of foreign vessels at the port in Cape Town, South Africa, reportedly facing dire working conditions, particularly on vessels owned by citizens of Taiwan, Korea, and Japan.

---

**ecoi.net summary:**

Annual report on trafficking in persons (covering April 2018 to March 2019)

**Country:**

Indonesia

**Source:**

[USDOS – US Department of State](#) (</en/source/11558.html>)

**Original link:**

<https://www.state.gov/reports/2019-trafficking-in-persons-report-2/indonesia/> (<https://www.state.gov/reports/2019-trafficking-in-persons-report-2/indonesia/>)

**Document type:**

Periodical Report

**Language:**

English

**Published:**

20 June 2019

**Document ID:**

2010827

---

**Austrian Red Cross**

Austrian Centre for Country of Origin and Asylum Research  
and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

---

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

