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Trafficking in Persons Report 2018 - Country Narratives - Indonesia

INDONESIA: Tier 2

The Government of Indonesia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore Indonesia remained on Tier 2. The government demonstrated increasing efforts by investigating, prosecuting, and convicting more traffickers, and identifying more victims compared to the previous year. It also repatriated and provided services to more Indonesian victims from overseas; implemented new regulations to prevent trafficking in the fishing industry; negotiated initiatives with the private sector to reduce vulnerability of Indonesian overseas workers; and conducted training for officials. The government convicted an immigration official under the 2007 anti-trafficking law and sentenced him to six years in prison in June 2017. However, the government did not meet the minimum standards in several key areas. Endemic corruption among officials remained, which impeded anti-trafficking efforts and enabled many traffickers to operate with impunity. The 2007 anti-trafficking law included a requirement of demonstrated force, fraud, or coercion to constitute a child sex trafficking crime, which is inconsistent with international law. Officials' lack of familiarity with trafficking indicators and anti-trafficking laws impaired proactive victim identification among vulnerable populations and hindered law enforcement efforts.

RECOMMENDATIONS FOR INDONESIA

Investigate, prosecute, and convict corrupt public officials that willfully ignore, facilitate, or engage in trafficking crimes; amend the 2007 law to remove the required demonstration of force, fraud, or coercion to constitute child sex trafficking; increase efforts to effectively monitor labor recruitment agencies and brokers and investigate, prosecute, and convict traffickers; refine procedures to identify potential victims among vulnerable groups, including returning migrant workers, persons in prostitution, and fishing vessel crewmembers; train marine ministry staff and labor inspectors on victim identification and referral procedures; provide anti-trafficking training for judges, prosecutors, police, and social workers; take steps to eliminate recruitment fees charged to workers by labor recruiters; proactively offer identified victim reintegration services; promote safe and legal migration with trafficking prevention measures; 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; train hospital staff and other health care providers about provisions guaranteeing government-funded care for trafficking victims; and create a national protocol that clarifies roles for prosecuting trafficking cases outside victims' home provinces.

PROSECUTION

The government increased 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 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.

Corrupt officials reportedly continued to facilitate the issuance of false documents, accepted bribes to allow brokers to transport undocumented migrants across borders, protected venues where sex trafficking occurred, practiced weak oversight of recruitment agencies, and thwarted law enforcement and judicial processes to hold traffickers accountable. However, the government did convict an immigration official under the 2007 anti-trafficking law and sentenced him to six years in prison in June 2017.

The government ratified the ASEAN Convention against Trafficking in Persons, Especially Women and Children, through passage of Law No.12/2017. The Law expanded the government's authority to prosecute suspects for illegal recruitment and provided a legal basis for Indonesian law enforcement agencies to collaborate with other ASEAN countries.

Officials reported ineffective coordination among police, witnesses, prosecutors, and judges continued to hinder the government's ability to investigate, prosecute, and convict traffickers, especially when cases involved numerous jurisdictions or other countries. The national police anti-trafficking unit did not have a mechanism to track trafficking investigations at the national, provincial, and district level, making it difficult to determine the total number of investigations and resolved cases. The police reported 123 new trafficking investigations in 2017, up from 110 in 2016. The national police also reported referring 51 investigations to the attorney general's office in 2017. The Supreme Court implemented a comprehensive prosecutorial recordkeeping mechanism, but statistical discrepancies continued due to lack of coordination with law enforcement entities, whose own informal self-monitoring practices remained underdeveloped. The Supreme Court reported 407 new trafficking prosecutions during 2017, an increase compared to 263 reported the previous year and a result of improved data collection. The Supreme Court also reported 324 convictions, compared to 190 in the previous year; sentences ranged from two and a half years up to seven years.

The Attorney General’s Office conducted training for 580 prosecutor candidates and coordinated with an NGO to create trafficking guide books for law enforcement officials. Other ministries provided training for law enforcement from nine provinces, including 22 districts in East Nusa Tenggara (NTT), as well as for 71 members of the illegal fishing task force.

PROTECTION

The government maintained protection efforts. Although officials at the national level did not collect comprehensive data, they identified 5,801 victims. The Commission for the Protection of Children officially identified 293 suspected child trafficking victims. However, the government did not report if identification led to investigations or the provision of victim protective services. A local NGO estimated as many as 80,000 children were exploited for sex trafficking in 2017.

A draft law on the protection of domestic workers in Indonesia continued to stall in the national legislature. An international organization reported trafficking victims were often unaware of government reintegration services, including training on how to start a small business, and follow-up services for victims who had departed shelters remained insufficient. 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 12 provinces during 2017, including physical and psychological treatment by trained paramedics and health service personnel at community health centers and hospitals.

The government’s overseas crisis center complaint system received 4,475 complaints from workers placed overseas, including 71 confirmed trafficking cases and 2,430 cases with trafficking indicators. Although the government reportedly initiated investigations based on these complaints, the government did not report the results. Seven ministries jointly finalized a screening form for staff at Indonesian embassies overseas to identify trafficking victims and as a reference in trafficking-related investigations. In May 2017, the national police and the Attorney General’s Office, supported by the Indonesian embassy in Kuala Lumpur, used the screening form to identify 40 Indonesian trafficking victims. The government repatriated 340 suspected trafficking victims from overseas, compared with 602 in 2016. The government provided returning victims with short-term shelter and reintegration assistance, and it referred them to local government entities for further care.

The government’s witness protection unit provided legal assistance to approximately 257 trafficking victims, compared to 165 in 2016. Since multiple agencies provided legal assistance with varying degrees of adherence to recordkeeping protocols, the total number who received such aid is unknown. In August 2017, the Supreme Court issued a decree on Guidelines to Prosecute Women Facing Legal Cases. The guidelines specify that judges should protect female victims during the case review, conviction, and judicial review phases of legal processes by considering gender equality and psychological trauma. The decree also included guidelines to prevent re-traumatization by allowing video testimony. The government facilitated restitution payments for 54

victims during the year. There were no reports that the government punished victims for crimes committed as a result of being subjected to trafficking, but inadequate efforts to screen vulnerable groups for trafficking indicators, including during raids to arrest persons in prostitution or combat illegal fishing, may have resulted in the punishment or deportation of unidentified trafficking victims. The government did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution.

PREVENTION

The government increased efforts to prevent trafficking. The national task force maintained 32 provincial-level task forces and 191 local and district-level task forces. The national task force held meetings in three provinces, attended by officials from 33 provinces, culminating in December 2017 with an evaluation of implementation of the plan of action. However, insufficient funding and lack of coordination within and between local task forces and with the national task force at times impeded anti-trafficking efforts.

In October 2017, the government passed amendments to an overseas worker law that added sentencing guidelines for illegal recruitment crimes and limited the role of private recruitment and placement agencies by revoking their authority to obtain travel documents for migrant workers.

The Indonesian consulate in the Malaysian state of Penang negotiated an agreement with several Malaysian companies to implement an electronic banking payment system to reduce Indonesian migrant workers' vulnerability to exploitation or extortion.

To better protect Indonesian fishermen, the Ministry of Maritime Affairs and Fisheries (MMAF) began enforcing several new regulations to combat trafficking. The regulations obligated Indonesian fishery businesses to comply with international human rights protection standards, such as on work health and safety, recruitment, and security, and compliance became a prerequisite for obtaining permits for fish capture. The MMAF also started requiring state-owned fishing companies to include the regulations in their company by-laws and internal policies. An additional MMAF regulation allowed the government to apply a standardized work contract for Indonesian fishermen who work on domestic and foreign fishing vessels in both Indonesian and international waters.

To address child trafficking, the government, in conjunction with two local NGOs, implemented the “Count Every Child Project,” which ensured children are issued identity documents, such as birth registrations, thereby decreasing their vulnerability to trafficking. A recent World Bank study concluded Indonesia's high number of undocumented migrant workers was partly a result of its cumbersome bureaucratic registration procedures, which incentivized migrant workers to seek illegal brokers to obtain identity documents and visas for travel.

The Ministry of Labor (MoL) broadened its efforts to reach domestic workers seeking employment abroad with specific training in domestic service skills and guidance on how to avoid traffickers and unlicensed brokers. Domestic workers employed in

Indonesia also received training from the Association of Training and Placement for Domestic Workers Across Indonesia (APPSI). In 2017, the Batam Immigration Office rejected 511 passport applications from applicants intending to use their passports to work overseas illegally. Additionally, the MoL reported it foiled the departure of 1,310 overseas workers and revoked the license of one recruitment agency.

In December 2017, the MFA re-launched its Safe Travel Application, which allowed the ministry to track identity and employment details of migrant workers abroad. The app featured a panic button that enabled vulnerable migrant workers abroad to request local assistance when in distress. It also contained contact information for Indonesian consulates and embassies around the world.

Although the government continued its ban on overseas placement to 21 Middle East and North African nations, in October 2017, Indonesia and Saudi Arabia reached an agreement to permit Indonesian migrant workers to apply for visas in the domestic sector and announced a 24-hour protection mechanism that enabled Indonesian migrant workers to seek assistance for contract switching. With a legal avenue to seek work in Saudi Arabia, migrant workers were less likely to seek the assistance of illegal recruiters and become trafficking victims.

The MFA conducted public awareness campaign programs in eight migrant worker source regions and in China. The ministry also organized 10 national radio talk shows and distributed printed material to 16 regencies in Indonesia. The Ministry of Tourism conducted public awareness campaigns to prevent sex tourism and initiated community empowerment programs to prevent the sexual exploitation of children and women. The government also collaborated with 10 universities to disseminate information about safe migration to people seeking employment abroad; more than 2,500 students joined the information sessions.

The government provided anti-trafficking training for military personnel prior to their deployment abroad on international peacekeeping missions, and it conducted training on trafficking victim identification and domestic migrant worker protections for diplomatic personnel.

The MFA partnered with South Africa to create a pilot program to assist Indonesians working on foreign fishing vessels. The program collected data through a dedicated center with fishermen and was intended to help the MFA monitor Indonesian fishermen overseas to prevent trafficking. Officials plan to expand the program to Mauritius and other locations with high numbers of visiting Indonesian fishermen.

TRAFFICKING PROFILE

As reported over the past five years, Indonesia is a major source, and to a much lesser extent, destination and transit country for women, men, and children subjected to forced labor and sex trafficking. Each of its 34 provinces is a source and destination of trafficking. The government estimates 1.9 million of the 4.5 million Indonesians working abroad—many of whom are women—are undocumented or have overstayed their visas, increasing their vulnerability to trafficking. The actual figure is likely higher, as a

significant number of migrant workers traditionally circumvent government overseas placement and permitting requirements, often at the instigation of traffickers. A significant number of Indonesians are exploited in forced labor and debt bondage in Asia and the Middle East, primarily in domestic service, factories, construction, and manufacturing, on Malaysian palm oil plantations, and on fishing vessels throughout the Indian and Pacific Oceans. Malaysia remains the top destination for Indonesian migrant workers; the government estimates more than one million of the 1.9 million Indonesian workers in irregular status are in Malaysia.

Indonesian women and girls are subjected to sex trafficking, primarily in Malaysia, Taiwan, and the Middle East. Domestic workers account for the biggest group of Indonesian women who work in Indonesia as well as Singapore, Malaysia, Hong Kong and the Middle East, but they are not considered formal workers and are unprotected under local labor laws. Excessive working hours, lack of a formal contract, and unpaid wages are some of the most common abuses Indonesian domestic helpers face.

NGOs estimate labor recruiters are responsible for more than half of Indonesian female trafficking cases overseas. Migrant workers often accumulate significant debt from both Indonesian and overseas labor recruitment outfits, making them vulnerable to debt bondage. Some companies use debt bondage, withholding of documents, and threats of violence to keep migrants in forced labor. Endemic corruption among government officials facilitates practices that contribute to trafficking vulnerabilities in the travel, hospitality, and labor recruitment industries.

In Indonesia, women, men, and children are exploited in forced labor in fishing, fish processing, and construction; on plantations, including palm oil; and in mining and manufacturing. Many women and girls are exploited in domestic servitude and sex trafficking. Victims are often recruited with offers of jobs in restaurants, factories, or domestic service, but are subjected to sex trafficking. Debt bondage is particularly prevalent among sex trafficking victims. Women and girls are subjected to sex trafficking near mining operations in Maluku, Papua, and Jami provinces. Child sex tourism is prevalent in the Riau Islands bordering Singapore, and Bali is a destination for Indonesians traveling to engage in child sex tourism.

Indonesian fishermen working on foreign-flagged vessels reported pervasive abuse, forced labor, unpaid salaries, and, in some cases, allegations of murder. They worked on Taiwan, Thai, Malaysian, and Philippines-flagged fishing vessels operating in Indonesia and in the waters of Thailand, Sri Lanka, Mauritius, and India. 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. The fishermen were prohibited 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 Taiwan, Korea, and Japan.

ecoi.net summary:

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