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FIGHTING MIGRANT EXPLOITATION

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"The placement and protection of Indonesian workers/prospective Indonesian workers will be based on the principles of convergence, equality of rights, democracy, social justice, gender equality and justice, anti-discrimination and anti human trafficking."

Law 39/2004, Article 2



IOM - Ministry of Manpower reiterate commitment for future cooperation

In November last year, Mr. Denis Nihill, retired IOM Indonesia Chief of Mission, met with the new Indonesian Ministry of Manpower, Mr. Muhammad Hanif Dhakiri. The visit marked an ever closer relation between the two institutions. Mr. Dhakiri expressed his appreciation towards the support of IOM, viewing the cooperation as important to support the long-term program of the Ministry. The Minister and IOM agreed to increase cooperation, especially in the protection of Indonesian migrant workers from abuses and exploitation, through

particularly improving workers' awareness of the legal procedures to work abroad.

"Information campaign must be continually implemented to raise the awareness and knowledge of groups that are susceptible of becoming victims of labour trafficking. Strong law enforcement must be firmly implemented to punish violation of migrant workers' rights and criminal acts of trafficking in persons" said Mr. Dhakiri in his press statement.



IOM International Organization for Migration
OIM Organisation internationale pour les migrations
OIM Organización Internacional para las Migraciones

Supporting Safe Labour Migration in Indonesia

Indonesia is a major source country of labour migration. According to the BNP2TKI (National Board for the Placement and Protection of Indonesian Migrant Overseas), approximately 500,000 Indonesian migrant workers (TKIs) are deployed each year, and there are presently about 6.5 million Indonesians working abroad. This number is believed to be higher though, as a large number of TKIs depart through unofficial channels or become undocumented during their time abroad. The number of undocumented workers may be somewhere between 2 – 5 million, making the tally of Indonesians working abroad between 6 – 9 million. A majority of TKIs are women migrants working as domestic workers for private households.

Many of these labour migrants face difficult work conditions, including exploitation and abuses. IOM Indonesia's data from its Trafficking Victim Assistance Fund indicates that 85% of the assisted victims were trafficked out of Indonesia by registered recruitment agencies or agents working for recruitment agencies, highlighting a high trend of trafficking through the legal labour migration channels. Often in collusion with employer business partners in the destination countries, some registered recruitment agencies operate similarly to trafficking rings, using debt bondage, withholding of documents and threats of violence to keep Indonesian migrants in situations of forced labour, especially those working in unregulated 'private-sphere' sectors like domestic work. These conditions are further exacerbated when migrants are working in undocumented or irregular situation. Lacking legal protection, undocumented migrant labours are especially prone to become victims of human trafficking.

In the hope of providing better protection to migrants, the Government has taken several key steps. In 2004, the government signed Law No. 39/2004 on the Placement and Protection of Indonesian Migrant Workers, providing key instruction on migration procedures as well as the main protection framework for Indonesian workers abroad. It complements the Law No. 13/2003 on Labour. In 2007, Indonesia adopted its Anti-Trafficking Law No 21/2007, providing the primary legal framework for assistance and protection to victims of trafficking, counter-trafficking enforcement, and legal procedures towards the prosecution of perpetrators, and in 2009, the Government ratified the Palermo Protocol to prevent, suppress, and punish trafficking in persons. In 2008, the National Anti-Trafficking Task Force was set up under Presidential Regulation 69/2008, acting as the main coordination body for the formulation of policies and carrying out coordinated counter-trafficking strategies and interventions. This Task Force is coordinated by the Ministry of Women Empowerment and Child Protection under the Chairmanship of the Coordinating Ministry for People's Welfare.

IOM in Indonesia has worked closely with the Government since 2005, in support of Indonesia's continuing efforts to improve the Indonesian migrants conditions and combat trafficking in persons, by carrying information campaign on safe migration, providing direct assistance to victims of trafficking and providing capacity building activities to relevant stakeholders, including labour inspectors, police officers and lawyers.

Prevention

IOM's Prevention strategy combines three simultaneous approaches of: (1) improving public awareness of safe migration procedures through information campaign; (2) providing pre-departure information services for departing migrants; and (3) the monitoring of recruitment market.



"JANGAN KEMBALI (Never Again) is a documentary film about the story of Memey, a former migrant worker and survivor of trafficking in persons. She was assisted by IOM and was tested HIV positive upon her return to Indonesia. Memey is now an active HIV/AIDS counselor, and draws on her own experience to raise public awareness on the risk of trafficking."



IOM also produces a comic book on the Guidelines of Working Abroad Legally and Safely. Based on the current national labour migration laws and regulations, the book takes the reader through various legal and administrative procedures that a prospective worker must undertake before working abroad, all told in easy to understand language. The book has proven to be successful with more than 15,000 copies distributed nationwide.

strategically taking an upstream prevention approach aiming at providing communities with timely and accurate information on labour migration and its risks.

For this purpose, IOM Indonesia partners with the KPP-PA, the Ministry of Education, the Ministry of Manpower and Transmigration, the National Board for the Placement and Protection of Indonesian Overseas Workers (BNP2TKI), the Indonesian Police, local provincial and district governments and community-based organizations to develop and disseminate information and education materials on safe migration, including a Safe Migration pocket book; a Safe Migration comic

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Public Awareness Campaign

Information campaign lies at the heart of IOM's prevention strategy. IOM's awareness-raising activities aim at promoting a culture of safe migration at the grassroots level and are

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book and a Counter-Trafficking comic book. Last year, safe migration campaigns were conducted in ten different provinces, and IOM is presently supporting a number of safe migration awareness-raising initiatives in the provinces of Lampung and Nusa Tenggara Timor (NTT) in partnership with local authorities, local traditional and religious leadership entities.

Pre-departure information services

Complementary to the community-based safe migration awareness-raising, IOM is working with the BNP2TKI to improve the pre-departure information service for departing Indonesian migrant workers. This has involved revising BNP2TKI's pre-departure training materials, training BNP2TKI's instructors from 19 provinces and develop a set of country-specific information booklets for ten selected destination countries to be distributed to migrant workers prior to departure. The booklets complement the more generic safe migration IEC materials referred above, in that it provides information on each country's respective customs, legal framework, care services, etc.

Monitoring of the recruitment market

Given that 98% of the deployed Indonesian Migrant Workers are recruited by private recruitment agencies and in light of the observed high prevalence of trafficking through labour migration channels, IOM has worked with KEMENAKERTRANS and BNP2TKI to improve government's capacities to monitoring the recruitment market. This involved assessing the current system in place, providing recommendations, developing SOPs and training tools, and building the capacity of government inspectors to monitor recruitment agencies and better coordinate with partner institutions for follow-up action on cases of recruitment malpractice – i.e. case referral for police investigation. Training for inspectors were conducted in 19 provinces where most of the recruitment agencies are located, namely: DKI Jakarta, North Sumatra, Riau, Riau Islands, West Sumatra, South Sumatra, Lampung, Banten, West Java, Central Java, DI Yogyakarta, East Java, Bali, West Nusa Tenggara, East Nusa Tenggara, West Kalimantan, East Kalimantan, South Sulawesi, and North Sulawesi.

Direct Assistance



Reintegration Assistance

From 2005 to date, IOM Indonesia has supported the government and non-government organizations to provide direct assistance to more than 7,100 survivors, 93% of whom are Indonesian nationals who mostly worked overseas as domestic helpers or sex workers. IOM has also assisted foreign nationals in Indonesia, including foreign fishermen from Myanmar and Cambodia. Survivors claimed to have experienced excessive working hours, limited movement, psychological abuse, and physical abuse. Some also claimed to have been traded to different employers, imprisoned and sexually abused.

The protection and assistance needs of these survivors are complex and diverse, requiring careful identification and flexibility of assistance. IOM's range of assistance includes: (a) psychosocial counseling; (b) health and medical assistance; (c) legal referral assistance; and (d) return and sustainable reintegration support such as micro enterprise assistance. Group-based livelihood support proves to be beneficial for survivors to regain self-confidence; re-learn trusting others and cooperating with others; as well as gain greater respect from other family and

community members. This is important as most victims have gone through particularly traumatizing experiences, affecting their level of self-confidence in themselves and trust towards others. By being part of group initiatives, beneficiaries have learned how to overcome the barriers to their social reintegration back in their own communities.

To date, from cases referred by the Government to IOM, around 5,400 survivors were assisted to return to their homes, with about 1,800 of them further supported through financial capitalization of small local businesses. An important aspect of victim assistance is partnership with government institutions, such as the Ministry of Women Empowerment, the BNP2TKI, Ministry of Social Affairs and others, as well as non-governmental organizations. Benefiting from a long-standing close relationship, IOM is able to support these institutions to provide crucial immediate assistance to the survivors.



Reintegration Assistance

Capacity Building of Legal Practitioners

Conviction rates of perpetrators have remained low in Indonesia. This low conviction rate may be caused by a number factors, which include but not limited to: (a) survivors' perception that a legal battle is a long and arduous process; (b) economic pressures which force the survivors to abandon court cases in order to pursue livelihood; and (c) fear for retaliation (d) shame; (e) lack of trust towards law enforcers; (f) low awareness of trafficking case preparation, case lodgment and court procedures and criminal legislation. To improve access to justice for human trafficking survivors and concurrently to its capacity-building support of law enforcement agents (police, prosecutors, judges), IOM partners with PERADI (Perhimpunan Advokat Indonesia – the Indonesian Lawyers' Association) since 2011. Through this partnership, IOM provides trainings for PERADI member-lawyers on relevant legislation to prosecute acts of trafficking and related criminal offences, while PERADI provides pro-bono legal services to survivors referred by IOM.

The Head of the PERADI Legal Aid Center, Mr Kusumanegara, emphasizes the importance of having stronger cooperation with other organizations that have the same commitment to ensure the protection and safety of Indonesian labour migrants abroad, as well to protect the well-being of foreign migrants in Indonesia. To achieve this, he said, PERADI considers IOM as one of its leading partners.

"We see IOM as a strong working partner, because we have the same spirit and understanding that trafficking in persons is a major crime. IOM with its international network has also enabled us to keep up with the worldwide trends on law enforcement, politics, as well as international standards related to the fight against trafficking in persons," he said.



PERADI was established in 2004, as a merger of 8 legal advocate associations. It is the only professional lawyers association in Indonesia that is authorized to issue practice license for advocates. Membership of PERADI is therefore compulsory for all practicing advocates. PERADI is also authorized to organize nationwide annual bar test for prospective advocates.

There are 35,000 PERADI member advocates who are affiliated with 57 PERADI local branches of executive board, stretching from Aceh to Papua provinces. It is currently chaired by DR Otto Hasibuan SH, MM.

In line with the Indonesian Government Regulation 83/2008 (art. 2), which makes it compulsory for lawyers to provide free legal aid to people without economic resources, PERADI requires all of its member lawyers to comply with this principle. PERADI also formed its own Regulation 1/2010 on the 'Implementation Guidelines for Cost-free Legal Aid' and in 2009 it created a department called 'Legal Aid Centre' dedicated to equip PERADI's national branches to help those who seek legal assistance.



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The batik fabric design used in the IOM Indonesia newsletter banner is courtesy of Batik Kebon Indah – an IOM livelihood beneficiary under the Java Reconstruction Fund Programme in 2008-2011. Kebon was among 4,300 micro and small enterprises (MSE) in the earthquake-affected provinces of Yogyakarta and Central Java, assisted by IOM Indonesia. The Indonesian Batik is designated by UNESCO as a Masterpiece of Oral and Intangible Heritage of Humanity. Beyond supporting the revitalization of local economic development in areas of high migration pressure at post-disaster, IOM Indonesia has also contributed to the preservation of Indonesia's greatest cultural heritage.