

Remarks from the
Director of the Protection for Indonesian Citizens and Legal Entities
Abroad
Ministry of Foreign Affairs of the Republic of Indonesia
for Workshop on Trafficking in Person and Exploitation of Migrants:
Ensuring Protection of Human Rights
Geneva, 9 July 2009

Ladies and Gentlemen, distinguished participants

It is truly an honor for me to be given the opportunity to deliver speech in this workshop. Allow me to share with you, in this occasion, the mechanism that the Government of the Republic of Indonesia has been practicing in protecting our citizens abroad, victimized by trafficking in persons and migrant exploitation.

As an independent country, The Republic of Indonesia values human rights and recognizes its importance in building a civil society. It is government's absolute duty to guarantee those rights through the means of protection for the citizens. Therefore since its independence in 1945, the obligation of the Indonesian Government to provide protection for its citizens has been stated in paragraph 4 of the Preamble of the National Constitution 1945, as one of the national goals is "to protect all of Indonesian citizens....". This mandate has been implemented in various laws and regulations in accordance to the principles of human rights.

Indonesia views the protection issue as a very important matter since there are currently more than three million of Indonesian citizens residing abroad. More than half of those numbers are Indonesian migrant worker, working both in formal and informal sectors. Our government realizes that the existence of our migrant workers abroad may also be subject or vulnerable to the threat of human trafficking and other related crimes such as modern slavery, abuses, abduction, and fraud that are degrading human dignity and violating human rights.

The Government of the Republic of Indonesia has also made its best effort in establishing a proper system of placement and protection for Indonesian migrant workers. This effort reached its peak by passing The Act No. 39 year 2004 on the Placement and Protection of Indonesian Migrant Workers Abroad. The Law was passed in the spirit of better protection for migrant workers' human rights, intended to ensure equal protection for those working inside and outside the country, to guarantee social justice, gender equality, non-discrimination, and anti human trafficking.

The Act No. 39 year 2004 has stipulated that, for protection reason, the Government of the Republic of Indonesia shall send Indonesian migrant workers based on bilateral agreement between the Government of Indonesia and the Government of the Receiving Country. In the absence of such

agreement, a placement may be conducted based on receiving country enacts a labor law that protects migrant workers, working in formal and informal sectors. This is because Indonesia believes that migrant workers issue is neither a mere business nor private issue that we all leave it up to the free market mechanism between the user and the worker. Migrant workers issue has also public aspects, in which governments are liable to regulate, protect, and guarantee and that is the role that Indonesian Government is playing in the placement of its migrant workers abroad.

INDONESIA'S MECHANISM IN PROTECTING INDONESIAN VICTIMS OF HUMAN TRAFFICKING OR MIGRANT EXPLOITATION

The most occurred problem of Indonesian migrant workers abroad is unpaid salary. Yet there are also numbers of human trafficking victims. Based on IOM's data from March 2005 – March 2009, there have been 3376 victims from Indonesia. Out of that number, 89% are women, 25% are children, and 55% are Indonesian Migrant Workers, working as domestic workers.

Furthermore, in the same reference, since 2005 until May 2009 The Indonesian Missions abroad have reported 1612 cases related to trafficking in person. However, these are not the exact numbers of victims

fallen, because as we all know, human trafficking is an under-reported crime as well as invisible.

To respond the phenomenon, Indonesian Missions abroad have been practicing a certain mechanism in protecting Indonesian citizens abroad.

Usually, after receiving reports or notifications from the government, police, immigration or other parties, we are shorting the case in accordance to the merit and the type of the case, whether it's a criminal case, a labor case, or any other case.

In the event of human trafficking case, our Consular Agent will take measure to ensure that the post traumatic stress disorder is dealt in a proper way. In certain mission abroad, legal counselors are available and provided. During the counseling process, the victims shall be placed in the mission's shelter and involved in various vocational courses such as: language, computer, handy craft, hair cutting and face beautification, art and cultural activities, religious activities while waiting for their repatriation.

Prior to the repatriation, the Government of the Republic of Indonesia and its mission establish intensive coordination and cooperation with respective agencies, such as: technical ministries, provincial and local government, IOM, and non governmental organizations. This kind of cooperation and coordination has proven to be effective in

smoothing the repatriation and reintegration programs.

The Indonesian Government has also taken some measures to provide better protection through the Presidential Decree No.06 Year 2006 on the Reformation of Placement and Protection Policy. Our Minister of Foreign Affairs has been given the mandate to strengthen the consular function at Indonesian Missions abroad, in order to provide better service and protection for all Indonesian citizens abroad, especially our migrant workers.

Following the instruction, in 2007 we have established Citizen Service centers in 6 Indonesian Missions in Amman, Bandar Seri Begawan, Damascus, Doha, Seoul and Singapore.

The main function of Citizen Service center is to provide quality service and protection for Indonesian citizens abroad, especially Indonesian Migrant Workers. These centers provide shelters and programs for Indonesian victims of trafficking in person or migrant exploitation abroad, and facilitate their repatriation and family reintegration.

In 2008, we expanded the Citizen Service in 9 Indonesian Missions in Abu Dhabi, Kuwait City, Kuala Lumpur, Riyadh, Jeddah, Dubai, Johor Bahru, Kota Kinabalu and Hong Kong.

This year the Government of the Republic of Indonesia is opening another 9 Citizen Service centers in Tokyo, Osaka, Perth, Darwin, Sidney, New York, Los Angeles, Penang and Kuching.

Ladies and Gentlemen,

We realize, although the Indonesian Government has made various efforts in combating trafficking in persons or migrant exploitation, we cannot deny that this struggle can not be done alone. To achieve its goal, this struggle needs a global partnership and mutual assistance from other countries.

As declared in The Palermo Protocol, “effective action to prevent and combat trafficking in persons, especially women and children, requires a comprehensive international approach in the countries of origin, transit, and destination”.

Now it is the time we ask our selves, “What can we do together, as civilized nations, to combat trafficking in persons and migrant exploitation, in order to protect our migrant workers?”

Last but not least, in reality, we can not deny that legal instrument alone can not eliminate the practice of human trafficking or migrant exploitation. An extra effort must also be made in order to prevent their threat and their graver impact. Apart from legal instrument and legal enforcement, we need to

educate our people more on the meaning of human trafficking and migrant exploitation. The danger of these two crimes must be taught throughout our education system, both formal and informal, so that our society shall know and be aware of the danger they may face in working abroad. A sufficient knowledge and awareness shall trigger them to protect themselves better against the danger of human trafficking or migrant exploitation. Therefore, it is our duty to provide them with the information so that our migrant workers can also empower themselves while they are away from their homeland.

In the end, I hope what I have shared with you today, the information about what we have been doing in our country, shall make a little contribution to our on going struggle in protecting our migrant workers against the crime of trafficking in persons.

Thank you for your attention.

Geneva, 9 July 2009