



Going Home. Challenges in the Reintegration of Trafficking Victims in Indonesia

2016

**Rebecca Surtees
Laura S. Johnson
Thaufiek Zulbahary
Suarni Daeng Caya**



This research and publication were made possible through support provided by the United States Department of State Office to Combat and Monitor Trafficking in Persons (J/TIP), under the terms of Grant No. S-SGTIP-11-GR-044. The opinions expressed herein are those of the authors and do not necessarily reflect the views of the U.S. Department of State.



Authors: Rebecca Surtees, Laura S. Johnson, Thaufiek Zulfahary and Suarni Daeng Caya
Technical assistance and oversight: Stephen Warnath
Maps and graphics: Laura S. Johnson
Photos: Peter Biro

Project team: Rebecca Surtees, Thaufiek Zulfahary, Suarni Daeng Caya, Laura S. Johnson, Pattarin Wimolpitayarat, Stephen Warnath

Publisher: NEXUS Institute
1701 Pennsylvania Avenue NW, Suite 300,
Washington, DC 20006

Citation: Surtees, Rebecca, Johnson, Laura S., Zulfahary, Thaufiek and Suarni Daeng Caya (2016) *Going home. Challenges in the reintegration of trafficking victims in Indonesia*. Washington, DC: NEXUS Institute.

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Cover photo: *A former migrant worker in her home village in West Java.*

Photographs in this report illustrate various aspects of daily life in Indonesia. Unless stated otherwise, individuals in these photographs are not trafficking victims.

Going home.
**Challenges in the reintegration of
trafficking victims in Indonesia**

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Rebecca Surtees, Laura S. Johnson, Thaufiek
Zulbahary and Suarni Daeng Caya



This book is dedicated to the late Mr. Dadang F Muchtar, Chairperson of Migrant Worker's Solidarity of Karawang/Solidaritas Buruh Migran Karawang (SBMK), who was very meritorious in fighting for the rights of Indonesian migrant workers, trafficking victims and their families since 1998. NEXUS Institute is grateful for his substantial and generous contribution to this research project on the reintegration of trafficking victims in Indonesia conducted between 2014 and 2016.

Foreword from the Ministry of Women's Empowerment and Child Protection

May peace be upon you and best wishes to us all.

First of all, let us praise and thank God Almighty. Because of God's Consent, the book, *Going Home: Challenges in the Reintegration of Trafficking Victims in Indonesia*, can be completed by the research team and authors to assist trafficking victims and to increase effective prevention and control of trafficking.

We realize that trafficking victims are mostly women and girls, including those, who live in rural and remote locations and live in deprivation with inadequate education level. Hence they need assistance from various stakeholders, especially community, religious, and traditional leaders as well as humanitarian volunteers and activists.

Therefore, I, as the Minister of Women's Empowerment and Child Protection, believe that this book, *Going Home: Challenges in the Reintegration of Trafficking Victims in Indonesia*, is very important in improving access for victims of trafficking to nearby service agencies.

The book, *Going Home*, is expected to add to the quantity and quality of references on assistance provision to trafficking victims, which can be used either by the victims or stakeholders and communities, who care about fulfilling the victims' rights. Hopefully the book, *Going Home*, can be valuable in providing information to prevent and control trafficking.

Once again, I would like to thank the NEXUS Institute for completing the study, *Going Home: Challenges in the Reintegration of Trafficking Victims in Indonesia*. I hope strategies aimed at eliminating human trafficking will be better implemented.

Yohana S. Yembise
Minister of Women Empowerment and Child Protection
Republic of Indonesia

Foreword from the Ministry of Social Affairs

First of all, I welcome the idea of publishing a book of research findings on controlling human trafficking in Indonesia conducted by NEXUS Institute. The research findings laid out in the book titled: *Going Home. Challenges in the Reintegration of Trafficking Victims in Indonesia* portray trafficking polarization in Indonesia. The findings can be a necessary reference in assisting the government to support human trafficking victims.

Human trafficking in Indonesia is an important issue that demands attention from all sectors of our society. A great deal of data shows a surge in the number of trafficking cases in Indonesia. A staggering statistic, released by UNICEF in Jakarta, was that every year approximately 40,000 – 70,000 Indonesians are trafficked for sexual exploitation to Malaysia, Singapore, Taiwan, and Australia. Moreover, a research agency in Malaysia released another alarming figure, showing that 6,705 Indonesian women were trafficked for sexual exploitation to Malaysia.

The United States' Department of State in 2010 stated that Indonesia is a major source country of human trafficking; it is also a transit and destination country for woman, children, and men, who are subject to human trafficking, particularly prostitution and forced labor. It occurs due to unsafe migration in Indonesia; trafficking seems to be an integral part of the migration process itself. From falsification of legal documents, falsification of identity and age, prospective migrants' lack of information, to the lack of protection from the State.

The above empirical facts need to be seriously addressed by various elements of society to tackle trafficking. Trafficking is an up-stream to down-stream issue, which cannot be solved without a comprehensive approach. At the up-stream, the issue is how to lower Indonesia's poverty rate, which has been the main contributing factor of trafficking. Whereas at the down-stream, the issue is how to assist trafficking victims to reintegrate into their family and communities.

The Ministry of Social Affairs of the Republic of Indonesia is mandated to provide social welfare services to vulnerable persons, including trafficking victims. Child labor, forced labor, involuntary servitude, child sexual exploitation, forced labor migration, as well as other violence are among the forms of human trafficking and related exploitation addressed by the Ministry of Social Affairs.

Presidential Regulation No. 69/2008 establishing the Task Force for the Prevention and Control of Human Trafficking, or better known as the anti-trafficking task force, has placed the Ministry of Social Affairs as the chairman of the social rehabilitation sub-cluster, in which programs for repatriation and social reintegration for victims are included.

I hope NEXUS Institute's research findings can strengthen future outcomes, particularly related to:

1. Strengthening the Task Force for the Prevention and Control of Human Trafficking, in terms of revamping and updating data, human resources, infrastructure, and synergy in action and regulations, as well as strategic partnerships with stakeholders in the country and abroad;
2. Improving the achievements of the Task Force for the Prevention and Control of Human Trafficking through the expansion of outreach partnerships and optimization of the potential of media (written and/or visual, social media, and other information and communication technology), as well as the optimization of regional government's involvement in tackling human trafficking;

3. Increase cooperation in regulatory and activity strategies in the context of territorial, regional, and international levels.

Finally, I would like to give the highest appreciation for the publication of NEXUS Institute's research findings. I hope these findings can inspire and motivate not only the staff of the Ministry of Social Affairs, but also all stakeholders, to provide better social welfare services to trafficking victims. I would also like to say congratulations and wish you success.

Khofifah Indar Parawansa

Minister of Social Affairs
Republic of Indonesia

Preface from NEXUS Institute

I am pleased to present *Going Home*, the first in a series of studies by the NEXUS Institute that details the uncertain and precarious path toward recovery faced by many victims of human trafficking in Indonesia. As described in this report, for many individuals the ordeal of being trapped in modern slavery and under conditions of severe exploitation is too-often followed by a daunting personal struggle to put their lives back together. Some have the support of their families, but others face this struggle alone. These men and women shared their experiences with us and, in so doing, reveal stories of hope, determination, perseverance, courage, and resilience. This report documents their experiences and introduces what support is available for reintegration of victims of human trafficking in Indonesia, and the constraints and obstacles victims face in accessing that support.

While there has been important progress globally in efforts to end modern slavery, recognition of the pivotal role played by reintegration support as a component of a country's comprehensive efforts to end contemporary slavery has lagged behind. Certainly reintegration support is key in the recovery of victims after trafficking exploitation. In addition, strengthening reintegration helps prevent human trafficking in ways that are distinct from other prevention activities. Former victims of trafficking -- especially those who were unidentified or unassisted -- are among the most vulnerable to being enslaved again, perpetuating a cycle that can be most effectively broken with adequate policies and practices providing reintegration support. Consequently a country's prevention strategy is not complete without including meaningful reintegration support.

Supporting trafficking victims on their road to recovery is also the right thing to do. The imperative for countries to support longer-term recovery – in contrast to providing short-term, emergency care – is found in international law, as well as in global and regional directives, declarations, action plans, and guidance issued by the international community for over a decade. The clear international consensus is most recently reconfirmed in the letter and spirit of the Association of South East Nations' (ASEAN) Convention Against Trafficking in Persons, Especially Women and Children. This multi-lateral agreement, echoing current international law and policy, requires each country to use its best efforts to assist in the reintegration of victims of trafficking in persons.

This report focuses a lens on Indonesia. However, victims of human trafficking from many different countries in many different regions of the world face the same challenges as they try to recover and reintegrate after their exploitation. And they have shared stories similar to the ones recounted here with NEXUS. As such, while we all continue to work toward an end to modern day slavery, it is also necessary to work with those who have already been victimized. This includes helping to reduce, through reintegration services, the hardship and hurdles that trafficking victims face in the aftermath of their servitude as they work to put their lives back together.

We hope that you find this report, along with the other reports in this series, to be informative and helpful in understanding the critical issue of reintegration and the practical steps that are available to enhance the provision of reintegration support to victims of human trafficking – men, women and children – in all of its forms.

We invite you to follow our work at www.NEXUSInstitute.net and @NEXUSInstitute.

Stephen Warnath
Founder, President & CEO
NEXUS Institute

Acknowledgements

Many individuals and institutions contributed to this research study. The project (*Protecting the Unassisted and Underserved. Evidence-Based Research on Assistance and Reintegration in Indonesia*) is generously funded by the U.S. Department of State Office to Monitor and Combat Trafficking in Persons (J/TIP) and so our thanks begin here. This paper is the first in a research series produced on different aspects of the reintegration needs and experiences of Indonesian trafficking victims and aims to contribute to an enhanced reintegration response in the country. We are thankful for J/TIP's support of the project and dedication to furthering the assistance and reintegration of trafficked persons globally.

Thanks are also due to our partners in the Government of Indonesia – namely, the Ministry of Women's Empowerment and Child Protection (Kementerian Pemberdayaan Perempuan dan Perlindungan Anak) and the Ministry of Social Affairs (Kementerian Sosial Republik Indonesia) – which have been supportive of the research project from the outset, recognizing the importance of an enhanced reintegration response to better assist Indonesian trafficking victims, their families and communities.

We are especially grateful to the many Indonesian men and women who participated in this research, sharing with us their experiences of exploitation as well as the successes and challenges they have faced after trafficking. We would also like to thank their family members who helped us to understand life after trafficking, not only for trafficked persons but also for their families.

We also thank all of the professionals working on assistance in Indonesia who were interviewed for this study, often on multiple occasions. Staff of the following government institutions were generous with their time, knowledge and expertise:

- Kementerian Pemberdayaan Perempuan dan Perlindungan Anak (Ministry of Women's Empowerment and Child Protection of Indonesia), particularly Bagian perlindungan korban perdagangan orang (Victims of Trafficking Protection Unit) and P2TP2A (Pusat Pelayanan Terpadu Perlindungan Perempuan dan Anak or Integrated Service Center for Protection of Women and Children) in Sukabumi, Cianjur, Bogor and Jakarta.
- Kementerian Sosial Republik Indonesia (Ministry of Social Affairs), including: Direktorat Rehabilitasi Sosial Tuna Sosial (Directorate of Social Rehabilitation for the Socially Disadvantaged); Direktorat Perlindungan Sosial Korban Tindak Kekerasan dan Pekerja Migran (Directorate of Social Protection for Victims of Violence and Migrant Workers); RPTC (Rumah Perlindungan dan Trauma Center or House of Protection and Trauma Center) in Jakarta and Sukabumi; Rumah Perlindungan Sosial Wanita (Social Protection Home for Women); Panti Sosial Bina Remaja (Youth Center); Panti Sosial Karya Wanita (Social Homes for Women); LK3 (Lembaga Konsultasi Kesejahteraan Keluarga or Family Welfare Consultation) including LK3 Kesuma in Bogor and LK3 Dinsos Sukabumi; Dinas Tenaga Kerja, Sosial dan Transmigrasi Kabupaten Bogor (Social, Manpower and Transmigration Bureau of Bogor); Dinas Sosial Kabupaten Sukabumi (Social Bureau of Sukabumi); and TKSK (Tenaga Kesejahteraan Sosial Kecamatan or Voluntary Community Workers) of Ciawi of Bogor.

The following organizations also gave generously of their time and expertise, meeting with us and discussing issues and challenges around reintegration efforts in the country over the duration of the project. Thanks to: ATKI (Asosiasi Tenaga Kerja Indonesia or Association of Indonesian Migrant Workers); LBH Jakarta (Lembaga Bantuan Hukum Jakarta or Jakarta Legal Aid Institute); PBHI Jakarta (Perhimpunan Bantuan Hukum dan HAM Indonesia Jakarta or Indonesian Legal Aid and Human Rights Association of Jakarta); PBM (Peduli

Buruh Migran or Caring for Migrant Workers); SBMI (Serikat Buruh Migran Indonesia or Indonesian Migrant Workers Union) – including SBMI DPN (Dewan Pimpinan Nasional or National Board of SBMI, SBMI DPW (Dewan Pimpinan Wilayah Jawa Barat or Regional Board of West Java), SBMI Cianjur, SBMI Sukabumi, SBMI Cirebon, SBMI Banyuwangi; FORWA (Forum Wanita Afada or Afada Women Forum) of Sukabumi; SBMC (Solidaritas Buruh Migran Cianjur or Migrant Workers Solidarity of Cianjur); SBMK (Solidaritas Buruh Migran Karawang or Migrant Workers Solidarity of Karawang); SP (Solidaritas Perempuan or Women’s Solidarity for Human Rights); SPILN (Serikat Pekerja Indonesia Luar Negeri or Overseas Indonesian Workers Union); TIFA Foundation; Solidarity Center; ICMC (International Catholic Migration Commission); IOM (International Organization for Migration); AAPTIP (Australia-Asia Program to Combat Trafficking in Persons); Bandungwangi Foundation of Jakarta; Bahtera Foundation of Bandung; Institut Perempuan (Institute for Women) of Bandung; FWBMI (Forum Warga Buruh Migran Indonesia or Citizen’s Forum of Indonesian Migrant Workers of Cirebon); WCC (Women’s Crisis Center Balqis of Cirebon); Yayasan Kusuma Bongas of Indramayu; Jalin CIPANNAS of Indramayu; Kesuma Foundation; APSAKI (Assosiasi Pekerja Sosial Anak dan Keluarga Indonesia or Social Worker Association of Children and Family); Bandung College of Social Work; Societa Foundation; Migrant Institute; Migrant CARE; JBM (Jaringan Buruh Migran or Network of Migrant Workers).

In addition, some organizations and institutions were of great assistance in contacting and facilitating access to the trafficked persons who have generously participated in this research project. This support was integral to the success of the research and we extend our sincere gratitude to: Yayasan Bandungwangi Jakarta; Yayasan Bahtera Bandung; Institut Perempuan Bandung; FWBMI Cirebon; WCC Balqis Cirebon; Yayasan Kusuma Bongas Indramayu; Jalin CIPANNAS Indramayu; Dinsosnakertrans Kabupaten Bogor; TKSK Ciawi Bogor; SP; PBM; SPILN; SBMK; SBMC; IOM; SBMI DPN; SBMI Cianjur, SBMI Cirebon, SBMI Banyuwangi and SBMI Sukabumi.

Thanks to the translators, transcribers and assistants: Umi Farida, Gracia Asriningsih, Idaman Andarmosoko, Achmad Hasan, Santi Octaviani, Nur Yasni, Ilmi Suminar-Lashley, Elanvito, Ismira Lutfia Tisnadibrata, Ni Loh Gusti Madewanti, Ratih Islamiy Sukma, Susiladiharti, Nike Sudarman, Chandrasa Edhityas Sjamsudin, Yunda Rusman and Raymond Kusnadi. Thanks also to photographer, Peter Biro, whose compelling photographs illustrate victims’ lives after trafficking and during reintegration in Indonesia.

At NEXUS, Pattarin Wimolpitayarat, Research Assistant, was of great assistance in cleaning and coding the transcripts as well as a range of other supportive tasks. Sheila Berman provided administrative and moral support throughout the project. Finally, our sincere gratitude to Stephen Warnath, Founder, President and CEO of the NEXUS Institute for his oversight of the project and his input and technical advice on all papers within this research series. We have all benefited from his commitment to an enhanced understanding of human trafficking through sound empirical research and analysis.

Rebecca Surtees, Laura S. Johnson, Thaufiek Zulbahary and Suarni Daeng Caya
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Acronyms and abbreviations

ABK	Anak Buah Kapal (Crew Placement Agency)
BAPPENAS	Badan Perencanaan Pembangunan Nasional (National Development and Planning Agency)
BNP2TKI	Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia di Luar Negeri (National Agency for Placement and Protection of Indonesian Migrant Workers)
BP3TKI	Balai Pelayanan Penempatan dan Perlindungan Tenaga Kerja Indonesia (Bali Agency for Placement and Protection of Migrant Workers)
BPJS	Badan Penyelenggara Jaminan Sosial (Social Security Agency)
BPMPKB	Badan Pemberdayaan Masyarakat dan Perempuan dan Keluarga Berencana (Board for Community Empowerment of Women and Family Planning)
BPP-KB	Badan Pemberdayaan Perempuan dan Keluarga Berencana (Women's Empowerment and Family Planning Body)
BSM	Bantuan Siswa Miskin (Cash Transfers for Poor Students)
BSP	biopsychosocial
CCT	conditional cash transfer
CSEC	commercial sexual exploitation of children
DHA	Department of Home Affairs
DKI Jakarta	Daerah Khusus Ibukota Jakarta (Special Capital City District of Jakarta)
GAT	Gerakan Anti-Trafficking
GEBA	Group Economic Business Assistance
GMS	Greater Mekong Sub-Region
GTPPTPPO	Gugus Tugas Pencegahan dan Penanganan Tindak Pidana Perdagangan Orang (Task Force for the Prevention and Handling of Trafficking Crimes)
IDR	Indonesian Rupiah
IEC	Information, Education and Communication
ILO	International Labour Organization
IO	international organization
IOM	International Organization for Migration
ITF	International Transport Workers' Federation
JKN	Jaminan Kesehatan Nasional (National Health Insurance Program)
JPKMM	Jaminan Pemeliharaan Kesehatan Masyarakat Miskin (Health Safety Net for the Poor Program)
J/TIP	United States Department of State Office to Monitor and Combat Trafficking in Persons
KBRI	Kedutaan Besar Republik Indonesia (Indonesian Embassy)
KEMENKO PMK	Kementerian Koordinator Bidang Pembangunan Manusia dan Kebudayaan (Coordinating Ministry for Human Development and Culture)
KEMSOS	Kementerian Sosial Republik Indonesia (Ministry of Social Affairs)
KIP card	Kartu Indonesia Pintar (Smart Indonesia Card)
KIS card	Kartu Indonesia Sehat (Healthy Indonesia Card)

KJS card	Kartu Indonesia Sehat, dan JKN (Jakarta Health Card)
KKS card	Kartu Keluarga Sejahtera (Family Welfare Card)
KTP card	Kartu Tanda Penduduk (Residential Identity Card)
KUBE	Kelompok Usaha Bersama (Group Economic Business Assistance)
LBH	Lembaga Bantuan Hukum Indonesia (Indonesian Legal Aid Foundation)
LEAD	Legal Empowerment and Assistance of the Disadvantaged
LK3	Lembaga Konsultasi Kesejahteraan Keluarga (Family Welfare Consultation)
M&E	monitoring and evaluation
MENKO PMK	Menteri Koordinator Bidang Pembangunan Manusia dan Kebudayaan (Coordinating Ministry for Human Development and Culture)
MoH	Kementerian Kesehatan (Ministry of Health)
MoSA	Ministry of Social Affairs (Kementerian Sosial Republik Indonesia)
MoSW	Menko Kesejahteraan Rakyat (Coordinating Ministry for People's Welfare, no longer functioning, replaced with MENKO PMK (Pembangunan Manusia dan Kebudayaan)
MoWECP	Kementerian Pemberdayaan Perempuan dan Perlindungan Anak (Ministry of Women's Empowerment and Child Protection)
NGO	non-governmental organization
NTB	Nusa Tenggara Barat (West Nusa Tenggara)
NTT	Nusa Tenggara Timur (East Nusa Tenggara)
P2TP2A	Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak (Integrated Service Center for Women and Children)
PAP	Pembekalan Akhir Pemberangkatan (pre-departure training)
PEBA	Productive Economic Business Assistance
PERADI	Perhimpunan Advokat Indonesia (Indonesian Lawyers' Association)
PPT	Pusat Pelayanan Terpadu (Ministry of Health Integrated Service Center)
PPTKIS	Pelaksana Penempatan Tenaga Kerja Indonesia Swasta (Indonesian Migrant Workers Private Placement Agency)
PT	(short form of PPTKIS) Pelaksana Penempatan Tenaga Kerja Indonesia Swasta (Indonesian Migrant Workers Private Placement Agency)
PKH	Program Keluarga Harapan (Family Hope Program)
PPT	Pusat Pelayanan Terpadu (Integrated Service Center)
PSBR	Panti Sosial Bina Remaja (Institute for Adolescent Social Development)
RAN P3A	Rencana Aksi Nasional Perlindungan Pemberdayaan Perempuan dan Anak (National Plan of Action for the Elimination of Trafficking in Women and Children)
RPSA	Rumah Perlindungan Sosial Anak (Social Protection Home for Children)
RPSW	Rumah Perlindungan Sosial Wanita (Social Protection Home for Women)
RPTC	Rumah Perlindungan Trauma Center (House of Protection and Trauma Center)
RT	Rukun Tetangga (neighborhood)

RTLH	Rutilahu or Rumah Tidak Laya Huni (Restoration of Uninhabitable Homes)
RTSM	Rumah Tangga Sangat Miskin (very poor household)
RW	Rukun Warga (harmonious citizens)
SATGAS	Satuan Tugas (Entry Point Task Force)
SBMI	Serikat Buruh Migran Indonesia (Indonesian Migrant Workers Union)
SOP	standard operating procedure
SP	Solidaritas Perempuan (Women's Solidarity for Human Rights)
SPM	Standar Pelayanan Minimal (minimum service standards)
TKI	Tenaga Kerja Indonesia (Indonesian migrant worker)
TKIB	Tenaga Kerja Indonesia Bermasalah (problematic Indonesian migrant worker)
TKSK	Tenaga Kesejahteraan Sosial Kecamatan (voluntary community workers)
TNP2K	Tim Nasional Percepatan Penanggulangan Kemiskinan (Team for Accelerating Poverty Reduction)
TVET	Technical and Vocational Education and Training
UNDP	United Nations Development Program
UPPA	Unit Pelayanan Perempuan dan Anak (Women and Children Services Unit)
USD	United States Dollar
VoT	victim of trafficking
WHO	World Health Organization

Executive Summary

1. Introduction

This study explores the provision of reintegration assistance for trafficked persons in Indonesia, both in law and in practice. Overall, there is a range of laws, policies and programs currently in place in Indonesia aimed at supporting the reintegration of trafficked persons. This includes efforts and initiatives by various government ministries and departments (national, provincial and district levels), non-governmental organizations (NGOs) and international organizations (IOs). These initiatives and interventions afford often-critical support and services to many trafficked persons toward their recovery and reintegration after trafficking exploitation.

Nonetheless, within Indonesia, many trafficking victims do not receive the assistance and support that they need to recover from their trafficking experiences and reintegrate into their families and communities. And those that do receive assistance do not always receive assistance that is suited to their needs or adequately supports their efforts to reintegrate. This is because there are some critical challenges in the current response in Indonesia, including that many trafficked persons are unidentified; reintegration is not clearly defined or understood; most assistance is “one-off” support; assistance programs are short-term; victims face barriers in accessing available services; lack of information about reintegration assistance; lack of assistance for trafficked men; lack of case management and tailored reintegration support; and an uneven provision of assistance due to decentralization and the geographic distribution of services.

This paper is intended as a starting point in better understanding how reintegration of trafficked persons currently takes place in Indonesia, including what is working well and what constitute constraints and obstacles for trafficked persons to the reintegration process. A better understanding of these issues and constraints is important in the design and implementation of an enhanced reintegration response by the Indonesian government and civil society organizations.

This paper is part of a research series produced in the context of the NEXUS Institute’s longitudinal research project, *Protecting the Unassisted and Underserved. Evidence-Based Research on Assistance and Reintegration in Indonesia*, which aims to enhance the evidence base about successful reintegration of trafficked persons in Indonesia. The project is generously funded by the United States Department of State Office to Combat and Monitor Trafficking in Persons (J/TIP).

2. Research methodology

2.1 Data collection and research process

This research is based on four main types of data – 1) in-depth, repeat interviews conducted with Indonesian trafficking victims, 2) interviews and interactions with trafficked persons’ family members, 3) interviews with 123 anti-trafficking professionals and service providers in Indonesia and 4) a literature review.

Interviews with trafficked persons. We conducted interviews with 75 trafficking victims between October 2014 and August 2015, both male (n=29) and female trafficking victims (n=46). Research was primarily conducted in Jakarta and seven districts in West Java (Bandung, Bogor, Cianjur, Cirebon, Indramayu, Karawang and Sukabumi). However, we also conducted select interviews in Central Java and South Sulawesi as a means of capturing specific trafficking experiences and diversifying the sample. The research team generally spent two of four weeks each month doing community-based fieldwork including participant observation.

Interviews with trafficked persons' family members. Interviews were conducted with family members of some respondents– including spouses, parents, siblings, grandparents and children. Interviews focused on issues related to their loved one's trafficking/migration and reintegration including their life and relationship before migration/trafficking, how they had experienced and coped with their loved one's absence while trafficked and their experiences over the course their loved one's return and reintegration.

Interviews with key informants. We conducted interviews with 123 key informants between October 2013 and August 2015. Interviews were conducted with government officials at the national, provincial and district level as well as village chiefs and community leaders within villages and communities. Interviews were also conducted with staff from NGOs and IOs working to assist trafficked persons and migrant workers - at a national, provincial and district level as well as within communities.

Literature review. This study benefits from a review of existing literature on human trafficking in Indonesia and on reintegration and assistance to trafficking victims. It also draws on laws, policies and regulations that relate to assistance to trafficked persons, migrant workers and Indonesian citizens generally. There has been very limited research on trafficking in Indonesia, with some aspects particularly under explored (i.e. trafficking in men and trafficking for labor). Moreover, there are no studies specifically on trafficking victims' experiences of reintegration.

2.2 About the respondents

Trafficked persons interviewed for the study were both male (n=29) and female (n=46). They were trafficked for sexual exploitation (n=15), as well as for different forms of labor exploitation (n=60), including construction (n=2), domestic work (n=31), fishing (n=15), factory work (n=4), work on plantations (n=6) and other forms of labor (n=2). Trafficked persons were trafficked within Indonesia (n=14) as well as abroad (n=58). Three individuals (n=3) were trafficked first within Indonesia and subsequently abroad. Trafficking within Indonesia was largely rural-urban migration within a province but it also sometimes involved trafficking in other provinces of the country. Those trafficked abroad were exploited in 17 different destination countries. Many were trafficked in the Middle East (n=22) – Bahrain, Jordan, Oman, Qatar, Saudi Arabia, Syria, UAE – and in Asia (n=23) – Brunei, Malaysia, Singapore, Taiwan (Province of China). Some (n=15) were trafficked in less common destinations such as Argentina, Ghana, Mauritius, South Africa, Trinidad and Tobago and Uruguay.

In-depth interviews were conducted with two main categories of respondents – 1) trafficked persons who have been assisted (e.g. assisted within the anti-trafficking framework or through non-trafficking assistance including those who have been fully assisted, partially assisted and under-assisted by government and NGO actors) and 2) unassisted trafficking victims, which may include those who were never identified as trafficked and so not assisted and/or those who have been identified but not assisted (e.g. they have not accepted assistance, were not offered assistance, do not need assistance and/or have declined assistance).

2.3 Data analysis

Data was analyzed following the principles of thematic analysis identifying key themes and patterns as well as variety within the dataset. The research team worked collaboratively in the identification of critical themes and issues faced in the reintegration process. Analysis was contemporaneous with data collection, which allowed the team to follow up on issues and themes that arose during on-going fieldwork.

2.4 Ethical issues and considerations

Because trafficked persons interviewed for this study included those who had not been identified and assisted, there were practical ethical obstacles in the research process. The research team worked together to identify possible entry points for interviews, especially when interviewing unassisted victims, and regularly discussed how this could best be done. We approached interviews carefully and cautiously, in close cooperation with local anti-trafficking organizations or community leaders and members. Particular attention was paid to respecting the privacy, confidentiality and safety of research respondents as well as the research team. Conducting research in communities was undertaken with the utmost attention to these concerns and in close cooperation with community members. Where risks or concerns were identified, interviews did not take place. Respondents were, under no circumstances, persuaded or pressured to participate in the study and they were given time before the interview to decide whether they agreed or not. Because compensation can potentially create a pressure to participate in research in ways that may compromise informed consent, compensation *per se* was not provided as part of the study. However, respondents were reimbursed for meals, transportation and provided with a small gift in recognition of their contribution to the project.

Prior to commencing the research, the research team compiled and validated a comprehensive listing of referral services available to trafficking victims. This referral sheet was updated every two months over the course of the project as we became aware of new services or needed to access specific types of referrals for respondents. At the end of each interview, the researcher gave this information to the respondent and spent time to discuss possible assistance options and how to access them.

3. Framing the discussion

3.1 What is reintegration?

Reintegration is the process of recovery and economic and social inclusion following a trafficking experience. It is best understood as a process which trafficked persons navigate as they recover and move on from trafficking. Successful reintegration is often comprised of different components including: a safe and secure living environment, access to a reasonable standard of living, mental and physical well-being, opportunities for personal, social and economic development, and access to social and emotional support.

The specifics of reintegration vary for each individual. Trafficked persons may reintegrate into different settings, depending upon their individual needs, interests, opportunities and situations. Some trafficking victims reintegrate into their community of origin, while others integrate in a new community. Others still may integrate in a new country – e.g. staying in the country of exploitation/trafficking. While there are different post-trafficking trajectories, this paper focuses on the reintegration support currently available to trafficking victims who have returned to Indonesia and who are living either in their home communities (i.e. reintegration) or in a new community in Indonesia (i.e. integration). Reintegration takes place at different levels – at an individual, personal level; within the trafficked person’s family environment; within the wider community; and also within the overarching formal society.

3.2 What is reintegration assistance?

To support the reintegration process, trafficked persons may need various forms of assistance and services. A comprehensive package of reintegration assistance includes (some or all of) the following services: housing and accommodation, medical assistance, psychological support and counseling, education and life skills, economic opportunities, legal and administrative support, legal support during legal proceedings, family mediation and counseling, case management and assistance to family members, if needed. Reintegration assistance most commonly refers to the provision of “formal assistance” (i.e.

assistance offered by government institutions, NGOs, international organizations, religious organizations and community groups), which is different from “informal assistance” (i.e. support or assistance received from neighbors, family and community). That being said, both formal assistance and informal support can play an important role in the recovery and reintegration of trafficked persons.

Indonesian trafficking victims are exploited for a wide range of purposes (for sexual exploitation and different forms of forced labor) and their distinct experiences of exploitation inform the types and amount of services they may require and be interested in, the time they will need to recover following exploitation and so on. As a result, not all trafficked persons will require all of the reintegration services listed above. Some trafficked persons require many and even all of the services listed at some stage of reintegration. Others require only one or two services and are able to draw on their personal, family and community resources to support their reintegration. And not all trafficked persons will necessarily want or need all services that are offered or are available. Many trafficked persons reintegrate without any reintegration services or assistance, drawing on their own personal and family resources. What services are required (if any) will depend on the specific situation of each individual trafficking victim.

4. Reintegration assistance in Indonesia

Indonesia's laws and regulations provide for assistance not only to trafficking victims, but also for exploited migrants, vulnerable persons (e.g. the poor, socially vulnerable) and Indonesian citizens generally. These different programs and services can be instrumental in supporting reintegration after trafficking.

4.1 Assistance for trafficking victims

Indonesia's anti-trafficking law (Law 21/2007) and implementing regulations provide for various forms of assistance to trafficked persons, namely temporary shelter, medical assistance, psychological support and some forms of legal assistance. The National Action Plan and other government regulations and guidelines serve to develop and expand the forms of assistance to be made available to trafficked persons. Further, some regional regulations may provide assistance for trafficked persons at the local level (in their communities).

4.2 Assistance for migrant workers

Trafficked persons who are also exploited migrant workers are eligible to access services and support under the laws and regulations that have been implemented to protect and assist migrant workers (*Tenaga Kerja Indonesia* or TKI). Law 39/2004 requires that migrant workers be provided with medical care as well as some other forms of protection and other regulations establish services that should be provided to exploited or trafficked migrant workers, namely temporary shelter, medical care, psychological counseling and safe return to their home regions. Additional regulations and guidelines further develop and strengthen the framework for assistance to migrant workers, which can include trafficking victims.

4.3 Social assistance, including to vulnerable persons

Indonesian trafficking victims should be able to access assistance via the general rights and entitlements established in Indonesia's laws and regulations, particularly those for socially vulnerable persons, of which the most significant is Law 11/2009 on social welfare.

Trafficking victims who are women and child victims of violence can also access assistance via laws intended specifically to protect that category of individuals. There are further laws, regulations and guidelines that provide various forms of social assistance to Indonesian citizens, including to vulnerable persons. This social assistance includes medical assistance, education, legal assistance and support, economic opportunities and housing options, all of which may be accessible to trafficked persons.

4.4 Summary of assistance in Indonesia

Indonesia's laws and regulations establish various rights and entitlements to assistance that can be critical to the reintegration of trafficked persons. Assistance may be specifically designed for trafficking victims (e.g. Law 21/2007), or trafficked persons may access assistance that is available to migrant workers (e.g. Law 39/2004) and/or social assistance, including to socially and economically vulnerable persons (e.g. Law 11/2009). The range of reintegration services across these three areas of legislation and implementation are summarized in a table in this section.

5. Challenges in the reintegration of trafficked persons in Indonesia

Many Indonesian trafficking victims did not receive the assistance that they needed following their experiences of exploitation. Some trafficked persons were unassisted, which meant not receiving the support or assistance that they are entitled to under Indonesian law. In some cases, being unassisted meant that victims were unable to fully overcome the trauma of their trafficking experiences.

Many other Indonesian trafficking victims are what can be described as “under-assisted”. That is, they received some forms of assistance, but not the full range of services they required (and are entitled to) to move on after trafficking and reintegrate into their families and communities. Being under-assisted can be very stressful, even debilitating, for trafficked persons. They may be unable to recover (mentally and/or physically) from their exploitation as a result or to manage the social aspects and challenges of reintegration. In some cases, being under-assisted may lead to problems and challenges in the reintegration process and some trafficked persons may even re-migrate (and perhaps also end up re-trafficked), having gone without the assistance and support they needed at home.

There is a raft of reasons that Indonesian trafficking victims are unassisted or under-assisted. These include one or a combination of the following issues:

- 5.1 Trafficked persons are unidentified
- 5.2 Reintegration is not clearly defined or understood
- 5.3 Most assistance is “one-off”
- 5.4 Assistance is short-term
- 5.5 Victims face barriers in accessing available services
- 5.6 Lack of information about assistance
- 5.7 Lack of reintegration assistance for trafficked men
- 5.8 Lack of case management and tailored reintegration support
- 5.9 Uneven provision of assistance due to decentralization and geographic distribution

5.1 Trafficked persons are unidentified

Many Indonesian trafficking victims are never identified as trafficking victims – both in destination countries and at home. Missed identification means trafficked persons are detained and deported, forced to pay their own way home (sometimes going into debt to do so) and/or at risk of further trafficking or exploitation in the return process. It also, almost invariably, means that these individuals end up being unassisted once home. Failure to identify victims – even individuals with visible indicia of exploitation or abuse – has resulted in significant deleterious impacts on trafficked persons who have already suffered at the hands of traffickers.

5.2 Reintegration is not clearly defined or understood

In Indonesia, reintegration is generally framed as the return to the family, even though reintegration is actually a complex, long-term process, which involves many aspects of the individual's life. The conflation of reintegration with return and the lack of clarity around what constitutes reintegration have contributed to Indonesian trafficking victims being unassisted or under-assisted. Nonetheless, there is increasing understanding of what constitutes reintegration among government and civil society.

5.3 Most assistance is “one-off”

Much support currently available to trafficked persons in Indonesia is one-off assistance, with limited or no follow-up. And yet most trafficking victims described a raft of issues and needs that they struggled to manage and overcome as part of their reintegration. The provision of one-off assistance has limitations in terms of supporting the successful reintegration of trafficking victims. Service providers should work with trafficking victims to collaboratively develop a reintegration plan that considers and meets all of their needs.

5.4 Assistance is short-term

Reintegration is a long-term process. While the specific time required for supporting reintegration depends on the individual, reintegration typically requires ongoing support over time as well as access to services to address problems that may emerge in the longer term. Assistance currently available to trafficked persons in Indonesia is predominantly short-term and designed to meet only immediate and urgent needs. Short-term assistance was generally insufficient to support individuals' reintegration after their experiences of human trafficking.

5.5 Victims face barriers in accessing available services

In spite of the entitlements to assistance and support that trafficked persons are provided by Indonesia's laws and regulations, some assistance remains inaccessible. Trafficked persons face different types of barriers in accessing services including administrative requirements, bureaucratic hurdles, structural barriers, personal and individual issues (e.g. shame or embarrassment about asking for assistance, lack of confidence in authorities, pessimism about the likelihood of receiving help, mistrust of authorities) and practical challenges (e.g. lack of resources to access services). Not being able to access services can negatively impact the long-term reintegration of trafficked persons.

5.6 Lack of information about assistance

Many trafficked persons said that they did not know what assistance they were entitled to or where to go to get assistance. Some trafficked persons described being confused about their eligibility for assistance as well as the process of applying for assistance. Migrant workers also lacked information about assistance. Lack of information about available assistance serves as a barrier for trafficked persons to receive the support they need to reintegrate into their homes and communities.

5.7 Lack of reintegration assistance for trafficked men

The framework for combating trafficking and protecting and assisting victims in Indonesia is built around an assumption that trafficked persons are most frequently women and children. Inconsistencies exist between different policies and regulations in terms of the provision of services and assistance for trafficked men. Most trafficked men who have been assisted have received support from NGOs and international organizations, rather than from the government. Many trafficked men received no formal assistance at all. Of the trafficked men who have received assistance, it is primarily one-off support or fairly short-term assistance that does not address their long-term reintegration.

5.8 Lack of case management and tailored reintegration support

Case management plays an important role in anticipating and addressing issues and problems that trafficked persons may face during reintegration. However, in Indonesia, individual case management is generally weak to non-existent. Needs assessments were seldom done; service providers seldom designed reintegration plans with victims. Assistance was typically a standard package of one-off or short-term services. Lack of professional social workers at the community level contributes to the lack of case management and tailored reintegration support. Lack of case management and follow-up from service providers can lead to negative consequences and even failed reintegration for trafficked persons.

5.9 Uneven provision of assistance due to decentralization and geographic distribution

Decentralization may negatively impact the provision of assistance – e.g. when there are inadequate financial resources at the local level and/or an ineffective or inefficient local government administration. In provinces or districts where there are no local anti-trafficking regulations nor an active anti-trafficking task force, trafficked persons face additional challenges in finding assistance. Decentralization in Indonesia has resulted in wide variation in terms of the services and quality of care that are available to trafficked persons in different provinces and districts. These variations are deepened by the geographic distribution of services, with less-populated areas less likely to have services available and trafficked persons having to travel great distances and at great cost to access the assistance they need.

6. Conclusion and recommendations

Significant investment has been made by the Indonesian government, NGOs and international organizations toward supporting and assisting trafficked persons upon their return to Indonesia. And this support has had a positive impact in the recovery and reintegration of many trafficked persons. Nonetheless, many trafficking victims did not receive the assistance and support that they needed to recover from their trafficking experiences and to reintegrate into their families and communities. There are some specific gaps and challenges in terms of supporting the reintegration of trafficked persons in Indonesia that, in practice, mean that many trafficked person are often unassisted and underserved. Without access to long-term services and comprehensive reintegration support, many Indonesian trafficking victims struggle as they seek to move on with their lives after trafficking.

Attention is needed as to how organizations and institutions working on anti-trafficking assistance in the country can make further changes and improvements that will ensure the successful and sustainable reintegration of trafficked persons in Indonesia. Addressing the gaps and issues noted above will constitute a critical starting point in an improved reintegration response in Indonesia and, by implication, have significant and positive impacts in the lives of trafficked persons. To that end, the following recommendations are proposed as ways to begin addressing these gaps and issues and, in so doing, enhance the provision of reintegration support to trafficked persons in the country – including men, women and children and victims of all forms of trafficking exploitation:

- Enhance the identification of trafficked persons
- Develop a policy and programmatic response on reintegration
- Provide comprehensive reintegration assistance to trafficking victims
- Ensure the availability of long-term reintegration assistance
- Eliminate barriers to assistance
- Enhance referrals for reintegration services
- Provide trafficking victims with information about reintegration assistance
- Include trafficked males in all reintegration programs and policies
- Tailor reintegration assistance to each individual

- Enhance case management
- Promote the provision of reintegration services across Indonesia

1. Introduction

Men, women and children from Indonesia are trafficked for different forms of exploitation – sexual exploitation and various forms of forced labor including domestic work, factory work, construction, agriculture and plantation work and work on fishing boats. Indonesians citizens are trafficked within the country or exploited abroad – in neighboring countries in Asia as well as further afield including the Middle East, Africa and Latin America.

A critical aspect of any anti-trafficking response is identification of and assistance to trafficking victims, including long-term reintegration assistance. Many trafficking victims require substantial support and assistance over time to be able to recover from their exploitation and move on with their lives, reintegrating into their families and communities. And yet, reintegration services and support are not always or even commonly available to trafficking victims in Indonesia. Many trafficked persons are unassisted or underserved and struggle as they seek to move on with their lives after their trafficking. Meeting the reintegration needs of all trafficked persons is of paramount importance and must be at the center of any assessment of a country's response to human trafficking.

This study explores the provision of reintegration assistance to trafficked persons in Indonesia, both in law and in practice. Overall, there is a range of laws, policies and programs currently in place in Indonesia aimed at supporting the reintegration of trafficked persons. This includes efforts and initiatives by various government ministries and departments (national, provincial and district levels), non-governmental organizations (NGOs) and international organizations (IOs). These initiatives and interventions afford often-critical support and services to many trafficked persons toward their recovery and reintegration after trafficking exploitation.

Nonetheless, within Indonesia, many trafficking victims do not receive the assistance and support that they need to recover from their trafficking experiences and reintegrate into their families and communities. And those that do receive assistance do not always receive assistance that is suited to their needs or adequately supports their efforts to reintegrate. This is because there are some critical challenges in the current response in Indonesia, including that many trafficked persons are unidentified; reintegration is not clearly defined or understood; most assistance is “one-off” support; assistance programs are short-term; victims face barriers in accessing available services; lack of information about reintegration assistance; lack of assistance for trafficked men; lack of case management and tailored reintegration support; and an uneven provision of assistance due to decentralization and the geographic distribution of services.

In what follows, we will discuss each of these issues in turn. This paper is intended as a starting point in better understanding how reintegration of trafficked persons currently takes place in Indonesia, including what is working well and what constitute constraints and obstacles for trafficked persons in the reintegration process. A better understanding of these issues and constraints is important in moving forward in the design and implementation of an enhanced reintegration response by the Indonesian government and civil society organizations.

This paper is part of a research series of papers produced in the context of the NEXUS Institute's longitudinal research project, *Protecting the Unassisted and Underserved. Evidence-Based Research on Assistance and Reintegration in Indonesia*, which aims to enhance the evidence base about successful reintegration of trafficked persons in Indonesia.

2. Research methodology

2.1 Data collection and research process

This research is based on four main types of data – 1) in-depth, repeat interviews conducted with 75 Indonesian trafficking victims, 2) interviews and interactions with trafficked persons' family members, 3) interviews with 123 anti-trafficking professionals and service providers in Indonesia and 4) a literature review.

Interviews with trafficked persons. We conducted interviews with 75 trafficking victims between October 2014 and August 2015, both male (n=29) and female trafficking victims (n=46).¹ The research was primarily conducted in Jakarta and seven districts in West Java (Bandung, Bogor, Cianjur, Cirebon, Indramayu, Karawang and Sukabumi). However, we also conducted select interviews in Central Java (n=8) and South Sulawesi (n=3) as a means of capturing specific trafficking experiences and diversifying the sample.

In-depth interviews were conducted with two main categories of respondents – 1) trafficked persons who have been assisted (e.g. assisted within the anti-trafficking framework or through non-trafficking assistance including those who have been fully assisted, partially assisted and under-assisted by government and NGO actors) and 2) unassisted trafficking victims, which may include those who were never identified as trafficked and so not assisted and/or those who were identified but not assisted (e.g. they have not accepted assistance, were not offered assistance, do not need assistance and/or have declined assistance). This was done to offset the bias of most current research on human trafficking, which relies on information from identified and assisted trafficking victims.² It was also done to explore and better understand trajectories of reintegration for trafficked persons who had to recover and cope without formal support. However, these two categories of respondents were generally not mutually exclusive and victims fell into different categories at different stages of their post-trafficking lives. For example, some trafficked persons were unidentified and unassisted in the country of destination, but were identified and assisted upon their return home. Some were identified and assisted abroad, but then declined to be assisted in their own country upon returning. Other trafficked persons initially declined to be identified and/or assisted but later sought out assistance. And some trafficked persons moved between these categories (of identified/unidentified; assisted/unassisted) over the course of the project, not least because the research protocol involved referring trafficked persons for identification and assistance when needed, which was often the case.

Interviews were conducted using two distinct standardized questionnaires –for the first and second interviews.³ Nonetheless, the approach was semi-structured and researchers adapted their lines of inquiry according to the specifics of the individual's experiences. Standardized probes assisted researchers in maintaining commonality and consistency in terms of lines of inquiry. Interviews were conducted with trafficked persons from a cross-section of ages, sexes, ethnicities, forms of trafficking, destination countries and at varying stages of the reintegration process (see section 2.2 below for more details).

Each interview began with a detailed process of informed consent, which included an explanation of the purpose of the study, what the interview would involve, the questions that would be asked, the respondent's right to decline to answer any questions or end the interview at any time and assurances of confidentiality. Interviews were conducted in a location chosen by the respondent – e.g. in his/her home, the office of the NGO/migrant

¹ Interviews were conducted with more trafficking victims from August 2015 onward. Subsequent studies include data from all research respondents.

² See Brunovskis, A. and R. Surtees (2007) *Leaving the past behind? When victims of trafficking decline assistance*. Oslo: Fafo & Washington: NEXUS Institute, pp. 150–51.

³ In addition to formal re-interviews, we have also had informal follow-up contact with a number of respondents.

workers' association, the home of the community activist who arranged the interviews, a restaurant or café. All interviews were strictly confidential; interview transcripts were shared within the research team and secured according to NEXUS' internal data protection policies.

Interviews were conducted by two professional Indonesian researchers, after having been trained by the Lead Researcher and mentored throughout the research project. The Lead Researcher and two field researchers worked as a team over the course of the project – conducting fieldwork, regular debriefs and on-going analysis. This not only ensured quality control in terms of the data but also meant that the team was able to discuss and address any issues faced in interviewing and data collection and to deal with any practical or ethical issues that arose during the research.

Interviews were conducted in Bahasa Indonesian and recorded with the respondents' permission and later transcribed verbatim. Professional translators then translated transcripts to English.⁴ We conducted fieldwork regularly in communities during the project. The research team generally spent two of four weeks each month doing community-based fieldwork, conducting interviews and participant observation. Detailed field-notes were prepared by the research team for each field site and were a key part of the process of data analysis

In addition, researchers had informal contact with a number of respondents in between formal interviews – speaking by telephone, exchanging text messages and meeting informally. Researchers initiated some interactions, most commonly following up on problems that the respondent faced (e.g. health concerns, the status of her legal case) or facilitating referrals. In others cases, respondents initiated contact with the research team – to ask about assistance, for some information or just to 'stay in touch'.

Interviews with trafficked persons' family members. We also met with and interviewed family members of some respondents, although this was approached very carefully for fear of 'outing' respondents or drawing unwanted attention to them (and their trafficking past) within their family or community. We met with different family members – including spouses, parents, siblings, grandparents and children – to discuss issues related to their loved one's trafficking/migration and reintegration.⁵ This included their life and relationship before migration/trafficking, how they had experienced and coped with their loved one's absence while trafficked and their experiences over the course of return and reintegration. Interviews with family members took place only after the first interview when we were familiar with the individual's situation and better positioned to assess whether it would be safe and appropriate to ask to interview a family member. Permission was always sought first from respondents after which, if they agreed, we asked them to put us in touch with their family member.

Interviews with key informants. We conducted interviews with 123 key informants between October 2013 and August 2015. Interviews were conducted with government officials at the national, provincial and district level as well as village chiefs and community leaders within villages and communities. Interviews were also conducted with staff from NGOs and IOs working to assist trafficked persons and migrant workers - at a national, provincial and district level as well as within communities.

Fieldwork was conducted in Jakarta as well as seven districts in West Java (Bandung, Bogor, Cianjur, Cirebon, Indramayu, Karawang and Sukabumi). Stakeholder interviews (n=123)

⁴ All quotations in this paper have been transcribed and translated verbatim from Bahasa Indonesian to English. We use the verbatim formulation to stay as true to the respondent's voice and meaning as possible.

⁵ As of August 31, 2015, we had conducted interviews with family members of ten trafficked persons. More family interviews were conducted from September 2015 onward and are included in the subsequent research studies from this project.

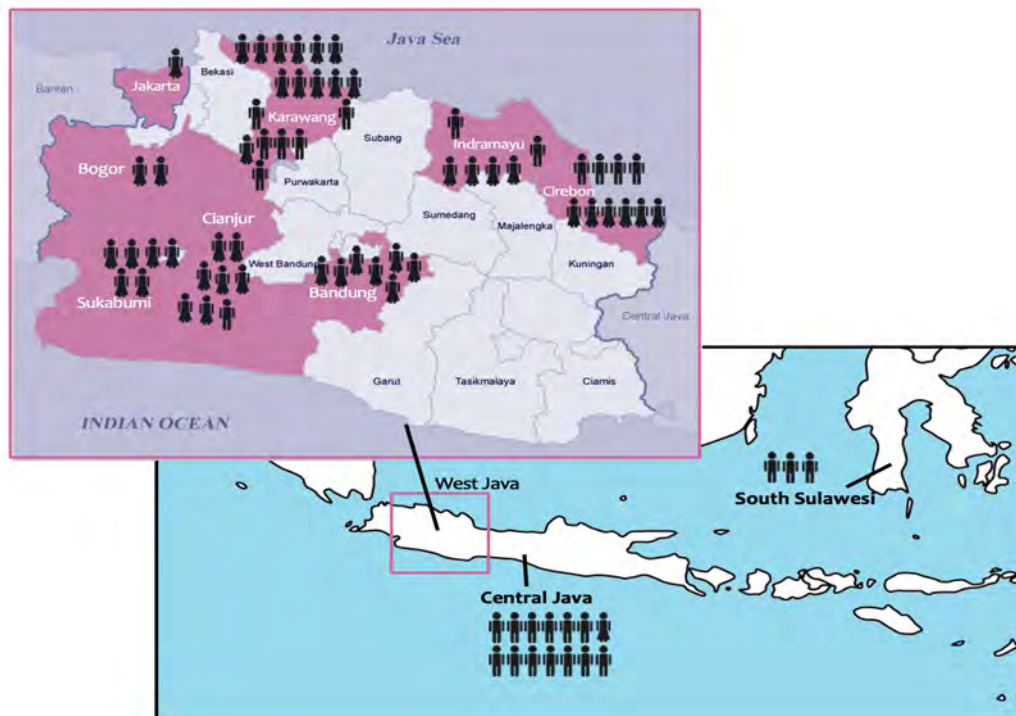
were conducted with representatives of the Indonesian government (n=24), national and international NGOs (n=85), international organizations (n=5), donors/embassy staff in Indonesia (n=4) and academics/researchers (n=5). Twenty informants were interviewed on more than one occasion. In addition, NEXUS researchers participated in a number of government consultations and NGO meetings on a range of subjects that intersected with reintegration including. case handling, assistance to migrants, restitution to trafficking victims, return procedures for migrant workers, the development of local regulations on trafficking and consultations on draft regulations on social protection and revisions to the *Law on the Protection and Placement of Indonesian Migrant Workers* (Law 39/2004).

Literature review. This study benefits from a review of existing literature on human trafficking in Indonesia and on reintegration and assistance to trafficking victims generally. It also draws on laws, policies and regulations that relate to assistance to trafficked persons, migrant workers and Indonesian citizens generally. That being said, there has been limited research on trafficking in Indonesia, with some aspects particularly under explored (i.e. trafficking in men and trafficking for labor). Moreover there are no studies specifically on trafficking victims’ experiences of reintegration.

2.2 About the respondents

Interviews were conducted in Jakarta, South Sulawesi, Central Java and seven districts in West Java (Bandung, Bogor, Cianjur, Cirebon, Indramayu, Karawang and Sukabumi).⁶ Individuals originated primarily from districts in West Java and most had returned to live in their home communities after trafficking. However, some individuals were living in new locations – some staying temporarily in Jakarta, some having integrated in Jakarta and others having moved to new villages/communities in the province or district after their return.

Map #1. Reported origin districts and provinces for the 75 male and female respondents



⁶ While the majority of respondents were from West Java or Jakarta, we also conducted interviews in Central Java (n=8) and South Sulawesi (n=3) as a means of capturing specific trafficking experiences and diversifying the sample.

Respondents were trafficked for sexual exploitation (n=15), as well as for different forms of labor exploitation (n=60), including construction (n=2), domestic work (n=31), fishing (n=15), factory work (n=4), work on plantations (n=6) and other forms of labor (n=2).

Table #1. Forms of trafficking exploitation for the 75 male and female respondents

	Male (n=29)		Female (n=46)	
	# of persons		# of persons	
Form of trafficking	Fishing	15	Domestic work	31
	Palm oil plantation	6	Sexual exploitation	15
	Factory	4		
	Construction	2		
	Other labor	2		

Some trafficked persons suffered multiple forms of exploitation and abuse, which necessarily impacted their needs and well-being post trafficking as well as the process of reintegration. This most commonly involved women trafficked for labor who were also sexually abused or exploited. Four of thirty-one domestic workers interviewed were raped while trafficked; seven others suffered attempted rapes and sexual harassment.⁷ However, one man trafficked for labor reported suffering sexual abuse and service providers assisting men also reported sexual violence against men trafficked for labor. This has also been documented in other studies among some men trafficked on fishing boats, including Indonesian men.⁸

Respondents were largely married, divorced or widowed when trafficked and had children. However, some respondents were unmarried at the time of their exploitation, generally those who were younger. Respondents ranged in age from 16 to 48 when trafficked. Age varied according to the form of exploitation. Most women trafficked for domestic work were between 20 and 29 years of age (n=16 of 31 women) or 30 to 39 years of age (n=12 of 31 women). Two women (n=2) trafficked for domestic work were between 40 and 49 years and one girl (16 years old) was trafficked for domestic work to the Middle East, the broker having manipulated and falsified her documents to state that she was age 22.

Table #2. Personal details of trafficked persons interviewed, as of August 31, 2015

	Male (n=29)		Female (n=46)	
	# of persons		# of persons	
Age at trafficking	Child (under 18)	1	Child (under 18)	9
	18-29	15	18-29	18
	30-39	12	30-39	16
	40-49	1	40-49	3
Marital status (at time of)	Married ¹⁰	20	Married	31
	Single	9	Single	4

⁷ This is likely an underreporting as some women did not disclose their experiences of rape in the first interview and we only learned about this in later interactions and interviews.

⁸ See Stringer, C., G. Simmons and D. Coulston (2011) *Not in New Zealand's waters, surely? Labor and human rights abuses aboard foreign fishing vessels*. Auckland: University of Auckland; and Surtees, R. (2014) *In African waters. The Trafficking of Cambodian Fishers in South Africa*. Washington: NEXUS & Geneva: IOM, p. 102.

¹⁰ This count (for both males and females) includes individuals who were married once and still married, remarried after divorce or widowhood, as well as polygynous marriages. In Indonesia, not all second marriages indicate the dissolution of the first; approximately 4% of marriages in West Java are polygynous (a husband marrying more than one wife). See Jones, Gavin W., Yahya Asari and Tuti Djuartika (1994) 'Divorce in West

trafficking) ⁹	Divorced ¹¹	None	Divorced	7
	Widowed	None	Widowed	4
Number of children	None	9	None	6
	1	6	1	8
	2	8	2	20
	3	6	3	6
	4+	None	4+	6
Ethnicity ¹²	Sundanese	7	Sundanese	31
	Javanese	18	Javanese	8
	Betawi	None	Betawi	3
	Bugis	3	Bugis	None
	Did not identify	1	Did not identify	4

Women trafficked for sexual exploitation were generally young when trafficked. Of the 15 women interviewed who had been trafficked for sexual exploitation, eight (n=8) were children at the time that they were trafficked (between the ages of 13 and 17). Three (n=3) women trafficked for sexual exploitation were between 20 and 29 years of age when exploited and four (n=4) women were between 30 and 39 years of age.

Men trafficked for fishing were generally under 40 years of age – between 20 to 29 years (n=9) or between 30 to 39 years of age (n=6). Men trafficked for other forms of labor exploitation (i.e. in factories, construction and on palm oil plantations) ranged in age from 18 to 40 years at the time of trafficking. One boy (16 years old) was trafficked for construction work in Singapore, having used fraudulent documents and entering Singapore on a tourist visa.

Trafficked persons were trafficked within Indonesia (n=14) as well as abroad (n=58). Three individuals (n=3) were trafficked first within Indonesia and subsequently abroad. Trafficking within Indonesia was largely rural-urban migration within a province but it also sometimes involved trafficking in other provinces of the country.

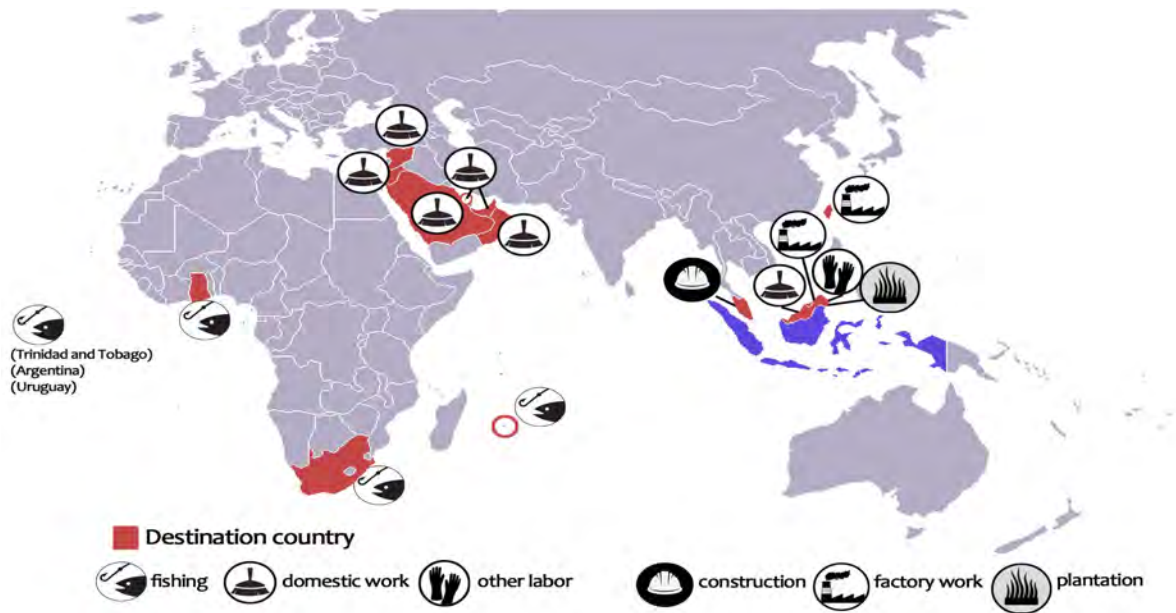
Java', *Journal of Comparative Family Studies*, 25(3), p. 404. Polygamy is relatively rare in Indonesia although it may be more acceptable among Sundanese individuals; it is not uncommon for religious leaders or wealthy men in West Java to have more than one wife. Some of the women interviewed for this study were second wives or informal wives (not having been legally married) or were an abandoned first wife.

⁹ Marital status changed for some individuals after their return from trafficking, as well as over the course of the research project and between interviews.

¹¹ This includes both informal divorce and *talak*. *Talak* (or *talaq*) is the ending of a marriage with the husband saying specific words to the wife, such as: "I divorce you", or by the husband's actions being considered an end to the marriage ("activating the *talak*" such as through neglect or abuse). *Talak* is distinguished in law from an official divorce; the 1974 *Law on Marriage* requires divorce to be executed in court. See Bowen, John Richard (2003) *Islam, Law, and Equality in Indonesia: An Anthropology of Public Reasoning*. Cambridge: Cambridge University Press, pp. 205-206.

¹² Javanese and Sundanese are the two largest ethnic groups in Indonesia – accounting for 40% and 15% of the population respectively. Ananta, A., et al. (2013) *Changing Ethnic Composition: Indonesia 2000-2010*. Paris: International Union for the Scientific Study of Population, pp. 7-14. Bugis is the largest ethnic group in South Sulawesi. Betawi are the descendants of the people living around Batavia, the colonial name for Jakarta from around the 17th century. It is a creole ethnic group that came from various parts of Indonesia (e.g. Sundanese, Balinese, Javanese, Minangkabau, Bugis, Malays, Ambonese, Makassares) and also includes foreign ethnic groups who came originally as laborer to Indonesia (e.g. Dutch, Arabs, Portuguese, Chinese, Indian).

Map #2. Forms of exploitation and destination countries for respondents, at August 31, 2015



Those trafficked abroad were exploited in 17 different destination countries. Many were trafficked in the Middle East (n=22) – Bahrain, Jordan, Oman, Qatar, Saudi Arabia, Syria, UAE – and in Asia (n=23) – Brunei, Malaysia, Singapore, Taiwan (Province of China). Some (n=15) were trafficked in less common destinations such as Argentina, Ghana, Mauritius, South Africa, Trinidad and Tobago and Uruguay.

Some trafficked persons were exploited in more than one destination while trafficked. Two men trafficked for labor were exploited in multiple destinations (one within Indonesia and then Malaysia; the other in Singapore and Malaysia). One woman was trafficked for sexual exploitation within Indonesia and then in Singapore and Malaysia. Trafficked fishers were often exploited in multiple destinations and moved through many borders and jurisdictions over the course of trafficking. Some men trafficked for fishing flew to Trinidad and Tobago where they worked initially before sailing onward – some to fishing grounds around South America and then on to Africa. Others flew to West Africa before sailing to South Africa. And one man was initially working in the waters off of Mauritius and then moved to vessels fishing around South Africa.



Men working as fishers in Jakarta port. Photo: Peter Biro.

2.3 Data analysis

All interviews and field-notes were cleaned, coded and entered into the qualitative data analysis software NVivo 10. Data was analyzed following the principles of thematic analysis identifying key themes and patterns as well as variety within the dataset.¹³ The research team worked collaboratively in the identification of critical themes and issues faced in the reintegration process. Analysis was contemporaneous with data collection, which allowed the team to follow up on issues and themes that arose during on-going fieldwork over time.

2.4 Ethical issues and considerations

Because trafficked persons interviewed for this study included those who had not been identified and assisted, there were practical and ethical obstacles in the research process. We approached interviews carefully and cautiously, in close cooperation with local anti-trafficking organizations or community leaders and members. Particular attention was paid to the privacy, confidentiality and safety of research respondents (as well as researchers). Potential respondents were only approached if we were able to identify a safe and ethical channel. Conducting research in communities was undertaken with the utmost care, in close cooperation with community members. Where potential risks or concerns were identified, interviews did not take place. Respondents were, under no circumstances, persuaded or pressured to participate in the study. They were first approached by an interlocutor (NGO staff, community leader, migrant worker activist, another migrant worker) with information about the study and then given time to decide whether to participate in the research. They were also not immediately asked to participate in repeats interviews but rather given the time to reflect and decide about their subsequent participation.

¹³ Aronson, J. (1994) 'A Pragmatic View of Thematic Analysis', *The Qualitative Report*, 2(1) and Braun, V. and V. Clarke (2006) 'Using thematic analysis in psychology', *Qualitative Research in Psychology*, 3.

Prior to commencing the research, the research team compiled and validated a comprehensive listing of referral services available to trafficking victims. This referral sheet was updated every two months over the course of the project as we became aware of new services or needed to access specific types of referrals for respondents.¹⁴ At the end of each interview, the researcher gave this referral information to each respondent and spent time explaining possible assistance options and how to access them. Given that many respondents in the study were unassisted (or under-assisted), the research team spent a great deal of time explaining about the various assistance options and also researching additional referrals, when needed. In urgent or “in-need” cases, researchers facilitated referrals – e.g. contacting service providers on behalf of respondents (with their consent), providing phone credit to call service providers for assistance or accompanying respondents to the agency or department to access services. The research team also followed-up with some service providers (with the respondent’s consent) to ensure that their requests had been received and needs were being addressed.

Because compensation can potentially create a pressure to participate in research in ways that may compromise informed consent, compensation *per se* was not provided. Instead we reimbursed costs associated with respondent’s involvement in the project – e.g. transportation costs, meals and accommodation, if needed. Interviews were set up in locations and at times that did not interfere with working hours or other commitments. In addition, a small “gift” was given to each respondent to acknowledge and appreciate his/her important contribution to the project.¹⁵

¹⁴ The referral sheet has been an important part of the project; respondents generally have very limited information about what assistance they are entitled to and how to access this support. The referral sheet has since been expanded and developed into the *Directory of Services for Trafficking Victims and Exploited Migrants (Jakarta and West Java)*, which provides information about human trafficking and services available to trafficked persons and exploited migrant workers in Indonesia. It is disseminated to trafficking victims through NGOs and government partners of the project.

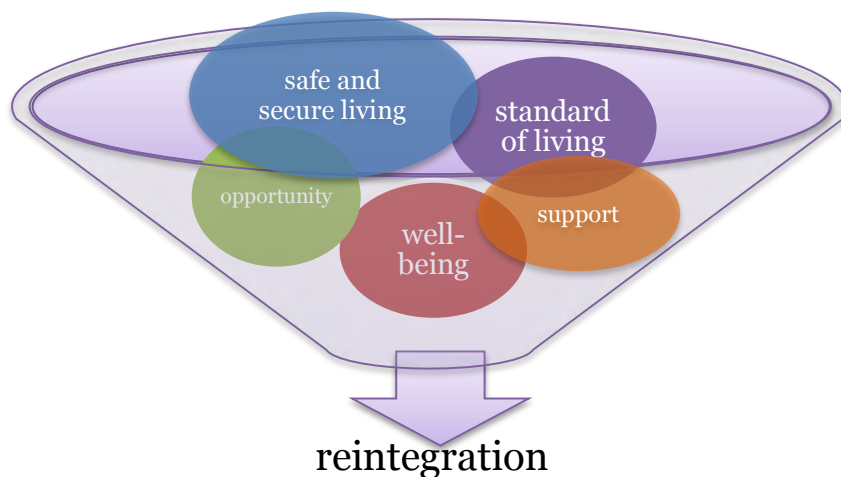
¹⁵ This gift was typically *Sembako* – *Sembilan Bahan Pokok* – which are the nine necessities for daily living, namely, *beras* (rice), *gula* (sugar), *minyak tanah* (fuel), *garam* (salt), *ikan asin* (salted fish), *minyak goreng* (cooking oil), *kopi* (coffee), *telur* (eggs) and *gandum* (flour).

3. Framing the discussion

3.1 What is reintegration?

Reintegration is the process of recovery and economic and social inclusion following a trafficking experience.¹⁶ It is best understood as a process which trafficked persons navigate as they recover and move on from trafficking. Successful reintegration is often comprised of different components including, for example, living in a safe and secure environment, access to a reasonable standard of living, mental and physical well-being, opportunities for personal, social and economic development, and access to social and emotional support.

Diagram #1. Successful reintegration



There are specific considerations or “results” which may, cumulatively, may indicate that a trafficked person has successfully reintegrated. These center around different aspects of an individual’s life and well-being as well as the broader family and social environment and may include the following:¹⁷

- **Safe, satisfactory and affordable place to live.** Access to a safe, satisfactory and affordable place to live.
- **Physical well-being.** Healthy physical condition and a general sense of physical well-being.
- **Mental well-being.** Mental well-being including self-esteem, confidence and self-acceptance.
- **Legal status.** Having legal status including access to identity documents.
- **Access to justice.** Having access to the legal process (criminal or civil) and best interests of victim/witnesses being assured including informed consent.
- **Safety and security.** Being physically safe and well, including safety from threats or violence by trafficker(s), or those within the family or community.
- **Economic well-being.** A satisfactory economic situation and access to economic opportunities – for example, the ability to earn money, support family.

¹⁶ Surtees, R. (2008) *Re/integration of trafficked persons. How can our work be more effective?* Brussels: KBF & Washington: NEXUS Institute. See also Derks, Annuska (1998) *Reintegration of Victims of Trafficking in Cambodia*. Geneva: IOM & Phnom Penh: CAS; and Lisborg, Anders and Sine Plambech (2009) *Going Back - Moving On: A synthesis report of the trends and experiences of returned trafficking victims in Thailand and the Philippines*. Geneva: ILO.

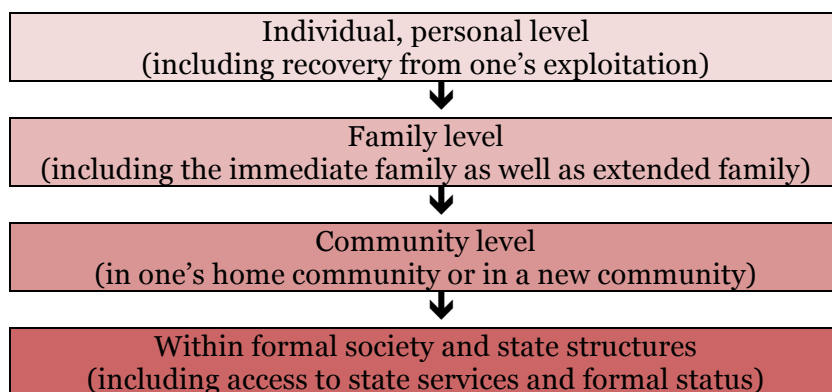
¹⁷ Adapted from Surtees, R. (2010) *Monitoring anti-trafficking re/integration programmes. A manual*. Brussels: KBF & Washington: NEXUS Institute.

- **Educational and training opportunities.** Satisfactory attainment and access to education, personal/life skills and professional skills.
- **Healthy social environment and interpersonal relationships.** Positive and healthy social relations, including vis-à-vis peers, family, spouses/intimate partners and community. This includes not being exposed to discrimination, stigma, marginalization and so on.
- **Well-being of victims' families and dependents.** General well-being of trafficked persons' dependents, including children, spouses, parents and/or siblings.

The specifics of reintegration vary for each individual. Trafficked persons may reintegrate into different settings, depending upon their individual needs, interests, opportunities and situations. Some trafficking victims reintegrate into their home community, while others integrate in a new community. Others still may integrate in a new country – e.g. staying in the country of exploitation/trafficking. While there are different post-trafficking trajectories, this paper focuses on the reintegration support currently available to trafficking victims who have returned to Indonesia and who are living either in their home communities (i.e. reintegration) or in a new community in Indonesia (i.e. integration).

Reintegration also takes place at different levels – at an individual, personal level; within the trafficked person's family environment; within the wider community; and also within the overarching formal society.

Diagram #2. The different levels of reintegration



Successful reintegration can take years to achieve and, therefore, reintegration assistance and programs (activities “aimed at ensuring the overall social and economic recovery of the victim of trafficking”) must plan for the long-term and include follow-up and case management.¹⁸ According to the International Organization for Migration (IOM), reintegration is only complete when the trafficked person is an active member of the economic, cultural, civil and political life of a country.¹⁹

¹⁸ Ezeilo, J.N. (2009) *Report of the Special Rapporteur on trafficking in persons, especially women and children*. New York: United Nations General Assembly, A/64/290.

¹⁹ IOM (2007) *The IOM Handbook on Direct Assistance for Victims of Trafficking*. Geneva: IOM (subsequently referred to as IOM Handbook).



A woman and her family in their home community in West Java. Photo: Peter Biro.

3.2 What is reintegration assistance?

To support the reintegration process, trafficked persons may need various forms of assistance and services. A comprehensive package of reintegration assistance includes the following services: housing or accommodation, medical assistance, psychological support and counseling, education and life skills, economic opportunities, legal and administrative support, legal support during legal proceedings, family mediation and counseling, case management and assistance to family members, if needed.²⁰

Reintegration assistance (or reintegration services) refers to any type of support provided to a trafficked person that supports his or her eventual social and economic inclusion. This may involve a single service (such as transportation to the victim's home country or emergency medical care) or multiple services (such as a combination of housing, medical assistance, psychological care, legal support, education and vocational training). Assistance includes trafficking-specific assistance (i.e. offered by anti-trafficking organizations and institutions) as well as non-trafficking specific assistance (i.e. offered by agencies/institutions working with vulnerable persons, returned migrants, community development, child protection).

²⁰ See, e.g., Delaney, Stephanie (2012) *(Re)Building the Future: Supporting the recovery and reintegration of trafficked children. A handbook for project staff and frontline workers*. Cologne/Geneva: Terre des Hommes; ILO (2006) *Child-friendly Standards & Guidelines for the Recovery and Integration of Trafficked Children*. Geneva: ILO; IOM Handbook; and Surtees, R. (2010) *Monitoring anti-trafficking re/integration programmes. A manual*. Brussels: KBF & Washington: NEXUS Institute.



A girl, reintegrating after having been trafficked into prostitution, walks through her home village. Recovering and reintegrating after trafficking often requires a range of immediate and long-term support measures. Photo: Peter Biro.

Reintegration assistance most commonly refers to the provision of “formal assistance” (i.e. assistance from government institutions, NGOs, international organizations, religious organizations and community groups), which is different from “informal assistance” (i.e. support or assistance from neighbors, family and community).²¹ That being said, both formal assistance and informal support can play an important role in the recovery and reintegration of trafficked persons.

Meaningful reintegration is a complex and costly undertaking, often requiring a full and diverse set of services for victims (and sometimes their families), who themselves have widely differing short- and long-term physical, psychological, social and economic needs.²² Once the immediate needs of trafficked persons have been met (e.g. emergency health needs, immediate protection and so on), many victims require further assistance to reintegrate into their families and communities (e.g. vocational training, economic support, long-term access to healthcare, counseling, education, family mediation and so on).

Indonesian trafficking victims are exploited for a wide range of purposes (for sexual exploitation and different forms of forced labor) and their distinct experiences of exploitation inform the types and amount of services they may require and be interested in, the time they will need to recover following exploitation and so on. As a result, not all trafficked persons will require some or all of the reintegration services listed above. Some

²¹ See, e.g., Brunovskis, A. and R. Surtees (2007) *Leaving the past behind? When victims of trafficking decline assistance*. Oslo: Fafo & Washington: NEXUS Institute, pp. 26, 70-71; and Brunovskis, A. and R. Surtees (2012) *Leaving the past behind? When victims of trafficking decline assistance: Summary report*. Oslo: Fafo & Washington: NEXUS Institute, pp. 14-16.

²² See Surtees, R. (2010) *Monitoring anti-trafficking re/integration programmes. A manual*. Brussels: KBF & Washington: NEXUS Institute.

trafficked persons need many, even all, of the services listed at some stage of their reintegration after trafficking. Others require only one or two services and are able to draw on their personal, family and community resources to support their reintegration. And some trafficked persons will not want or need the services that are offered or are available. Many trafficked persons reintegrate without any formal services or assistance, drawing on their own personal, family and community resources. What services are required (if any) will depend on the specific situation and needs of each individual trafficking victim.

4. Reintegration assistance in Indonesia

Indonesia's laws and regulations²³ provide for assistance not only to trafficking victims, but also for exploited migrants, vulnerable persons (e.g. the poor, socially vulnerable) and Indonesian citizens generally. These different programs and services, which are listed below and discussed in turn, can be instrumental in supporting reintegration after trafficking.

- 4.1 Assistance for trafficking victims
- 4.2 Assistance for migrant workers
- 4.3 Social assistance, including to vulnerable persons
- 4.4 Summary of assistance in Indonesia

4.1 Assistance for trafficking victims

Indonesia's anti-trafficking law (Law 21/2007) and implementing regulations provide for various forms of assistance to trafficked persons, namely temporary shelter, medical assistance, psychological support and some forms of legal assistance. The National Action Plan and other government regulations and guidelines serve to develop and expand the forms of assistance to be made available to trafficked persons. Further, some regional regulations²⁴ may provide assistance for trafficked persons at the local level (in their communities).

Anti-trafficking Law: Law 21/2007

Under Indonesian law, there are specific entitlements for trafficking victims, most significantly in the framework of Indonesia's *Law on the Eradication of the Criminal Act of Trafficking in Persons (Number 21, Year 2007)*. Article 51 of Indonesia's anti-trafficking law states that trafficking victims are "entitled to receive medical and social rehabilitation, return assistance and social reintegration from the government if such victim suffers physical and psychological hardship as a result of the criminal act of trafficking in persons."²⁵ A trafficking victim is defined in the law as: "a person suffering from psychological, mental, physical, sexual, economic, and/or social trauma caused by the criminal act of trafficking in persons".²⁶

The Indonesian anti-trafficking law does not define reintegration but instead refers to "rehabilitation", which is defined as: "recovery from physical, psychological and social ailments in order to enable [the victim] to resume his/her role within the family or community".²⁷ Under the law, rehabilitation involves the provision of medical assistance, psychological support and other forms of support toward victims' well-being.

The anti-trafficking law also provides for legal assistance to trafficking victims who serve as witnesses during criminal proceedings against trafficker(s) and ensures the right of restitution. Article 35 states: "In the course of investigation, prosecution, and examination in court, witnesses and/or victims are entitled to be accompanied by a legal counsel and/or

²³ Indonesian law comes in several forms; the official hierarchy of Indonesian legislation is enumerated in Republic of Indonesia (2004) *Law on the Formulation of Laws and Regulations*, Number 10, Year 2004. The hierarchy (from top to bottom) is as follows: 1) 1945 Constitution; 2) Laws, Government Regulations in Lieu of Laws; 3) Government Regulations 4) Presidential Regulations (also referred to as a Presidential Decrees); 5) Presidential Instructions, various Ministerial Regulations (or Ministerial Decrees); 6) Regional Regulations (also referred to as a Regional Decrees).

²⁴ In Indonesia, the term regional regulation (*Peraturan Daerah*) is used to refer to a regulation at the provincial level, district level, municipal level or village level.

²⁵ Republic of Indonesia (2007) *Law on the Eradication of the Criminal Act of Trafficking in Persons*, Number 21, Year 2007 (subsequently referred to as Law 21/2007). Article 51 defines "medical rehabilitation" as "the rehabilitation to normal of both physical and psychological conditions and "social rehabilitation" as "the rehabilitation of mental/social disorder and the restoration of social ability in order for the victim to be able to resume his/her role in the family and society". Law 21/2007, 'Elucidation of the Law'.

²⁶ Law 21/2007, Article 1(3).

²⁷ Law 21/2007, Article 1(14).

other escort as necessary”.²⁸ Article 48 provides for the right to restitution for “a) loss of assets or income; b) suffering; c) cost of medical and/or psychological treatment; and /or d) other losses suffered by the victim arising from the criminal act of trafficking in persons.”²⁹ Trafficking victims who participate in court cases as victim/witnesses receive additional protections under the anti-trafficking law.³⁰



A police investigator at a special unit dealing with crimes against women and children in West Java. Photo: Peter Biro.

Finally, Articles 46 and 52 require national and provincial governments to establish shelters and trauma centers to provide medical and social rehabilitation, return assistance, and social reintegration.³¹ The entitlements of trafficking victims under Indonesia’s anti-trafficking law are detailed in the diagram below.

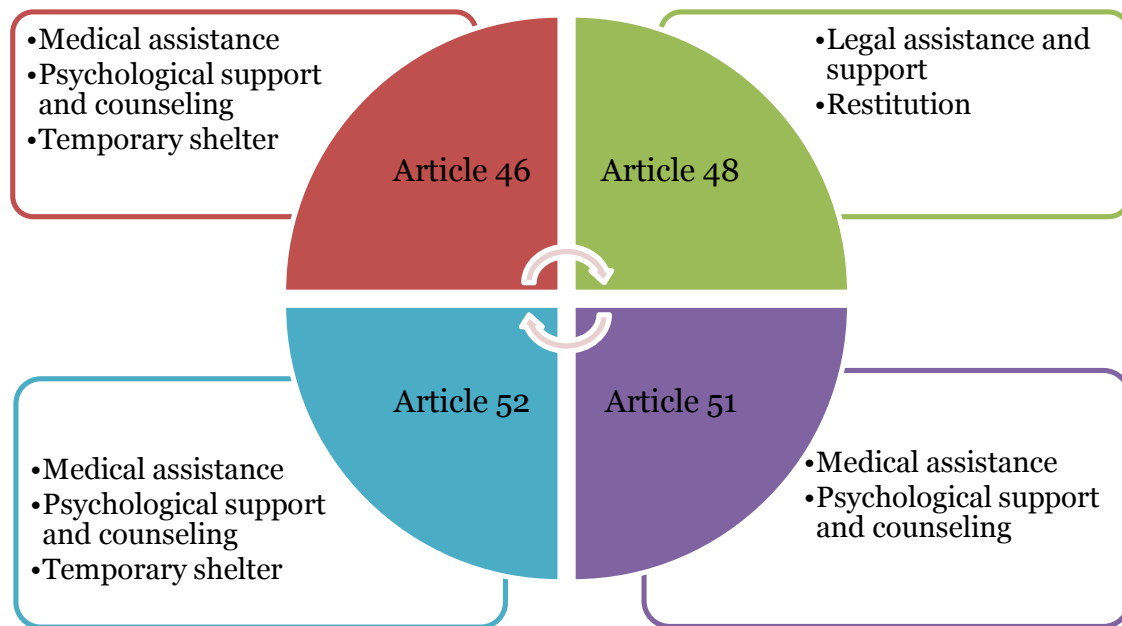
²⁸ Law 21/2007, Article 35.

²⁹ Law 21/2007, Article 48. Restitution is a monetary amount that a convicted trafficker is ordered by the court to pay to the victim. This differs from compensation, which refers to a government-funded scheme to compensate crime victims. For example, Indonesia’s *Law on Witness and Victim Protection* provides that witnesses/victims in court cases are to receive compensation from the Indonesian government for transport expenses as needed, as well as temporary sustenance support during proceedings. Republic of Indonesia (2006) *Law on Witness and Victim Protection*, Law of the Republic of Indonesia, Number 23, Year 2006.

³⁰ These include witness protection during criminal proceedings (including making the disclosure of a witness/victim’s identity a punishable crime) and specific protections for children who participate as witnesses during criminal proceedings. *See generally* Law 21/2007, Articles 28-50.

³¹ Law 21/2007, Article 52(2). Communities and social organizations may also establish shelters and/or trauma centers. Law 21/2007, Article 52(3).

Diagram #3. Forms of assistance guaranteed in Law 21/2007, Indonesia’s Anti-Trafficking Law



These entitlements can be claimed by “the victim or his/her family, colleagues, the police, escorting volunteer, or social worker following the reporting of the case by the victim or any other person to the Indonesian National Police”.³² After a claim is made to the government through the minister or agency in charge of medical and social issues in the respective region, the minister or agency is obliged to provide medical and social rehabilitation, return assistance, and social reintegration no later than seven days from the date of the claim.³³

Government Regulation 9/2008 and the National Action Plan

A number of government initiatives have been developed or assigned to provide medical and social rehabilitation, return assistance and social reintegration to trafficking victims as required under Law 21/2007. In 2008, to enact Article 46 of the anti-trafficking law, Indonesia’s government formalized the *Regulation on Procedures and Mechanism of Recovery Services for Witnesses and/or Victims of Trafficking (Number 9, Year 2008)*.³⁴ *Government Regulation 9/2008* provides that both victims of and witnesses to trafficking are entitled to receive free health and social rehabilitation, return, social reintegration and legal assistance from an Integrated Service Center operating at both the national and local levels.³⁵ These Integrated Service Centers are operational in some districts.

In 2014, the Ministry of Women’s Empowerment and Child Protection (MoWECP) managed 247 Integrated Service Centers (*Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak* or P2TP2A), most of which were operated by provincial governments.³⁶ For example,

³² Law 21/2007, Article 51.2.

³³ Law 21/2007, Article 52.

³⁴ Republic of Indonesia (2008) *Regulation on Procedures and Mechanism of Recovery Services for Witnesses and/or Victims of Trafficking*, Number 9, Year 2008 (subsequently referred to as *Government Regulation 9/2008*). Article 46 provides that Integrated Service Centers may be established in each district/municipality in order to protect witnesses and/or victims of human trafficking.

³⁵ Sofian, Ahmad and Francois-Xavier Souchet (2012) *Universal Periodic Review: Indonesia, 13th UPR Session*. Jakarta: National Coalition for the Elimination of Commercial Exploitation of Children.

³⁶ United States Department of State (2015) ‘Indonesia’ in *Trafficking in Persons Report*. Washington: United States Department of State.

in Jakarta³⁷ the P2TP2A was established through the *Governor's Decree Number 64 of 2004*. Jakarta's P2TP2A is an Integrated Service Center that serves women and child victims of violence in Jakarta, providing them with free of charge services including counseling, psychosocial care, advocacy, legal advice, referral for medical services and temporary shelter. In Jakarta, the P2TP2A is a coordinated effort between the Agency for Community Empowerment of Women and Family Planning (BPMPKB) and the Provincial Government of Jakarta. P2TP2A typically serve only women and children, although male victims may be able to access some services as victims of violence. For example, the P2TP2A in Cianjur provides services to men.

Under the *National Plan of Action for the Elimination of Trafficking in Women and Children* (National Action Plan), Indonesia's National Anti-Trafficking Task Force plays an important role in furthering government initiatives to assist trafficking victims in the country.³⁸ According to the *Presidential Regulation on the Task Force for the Prevention and Control of Human Trafficking (Number 69, Year 2008)*, which established the National Anti-Trafficking Task Force, and the *2009 Coordinating Minister for People's Welfare Regulation (Number 25, Year 2009)*,³⁹ the National Anti-Trafficking Task Force is responsible for, among other tasks, monitoring the progress of the implementation of protection services for victims, including rehabilitation, repatriation and social reintegration.⁴⁰

Government initiatives that provide health and social rehabilitation, return, social reintegration and legal assistance to trafficked persons in Indonesia include:

- Integrated Service Centers (P2TP2A) – which can accept a claim or report of trafficking and which provide some emergency services to women and children (in some provinces, men may also be able to access services through P2TP2A).
- House of Protection and Trauma Centers (*Rumah Perlindungan Trauma Center* or RPTC) – which provide some short-term services to men and women.⁴¹
- Protection Homes for Women (*Rumah Perlindungan Sosial Wanita* or RPSW) – which provide some services to women.
- Protection Homes for Children (*Rumah Perlindungan Sosial Anak* or RPSA) – which provide some services to children.

³⁷ Jakarta is the capital and largest city in Indonesia and is considered to be a region with special status. The official name is *Daerah Khusus Ibukota Jakarta* (DKI Jakarta or Special Capital Region of Jakarta). DKI Jakarta has a governor (instead of a mayor) and consists of five *kota* or *kotamadya* (cities/municipalities), each headed by a mayor: Central Jakarta, West Jakarta, South Jakarta, East Jakarta and North Jakarta. DKI Jakarta also includes one *kabupaten* (regency) headed by a *bupati* (regent) – the Thousand Islands (*Kepulauan Seribu*), a collection of 105 small islands located on the Java Sea, which was formerly a district within the city of North Jakarta.

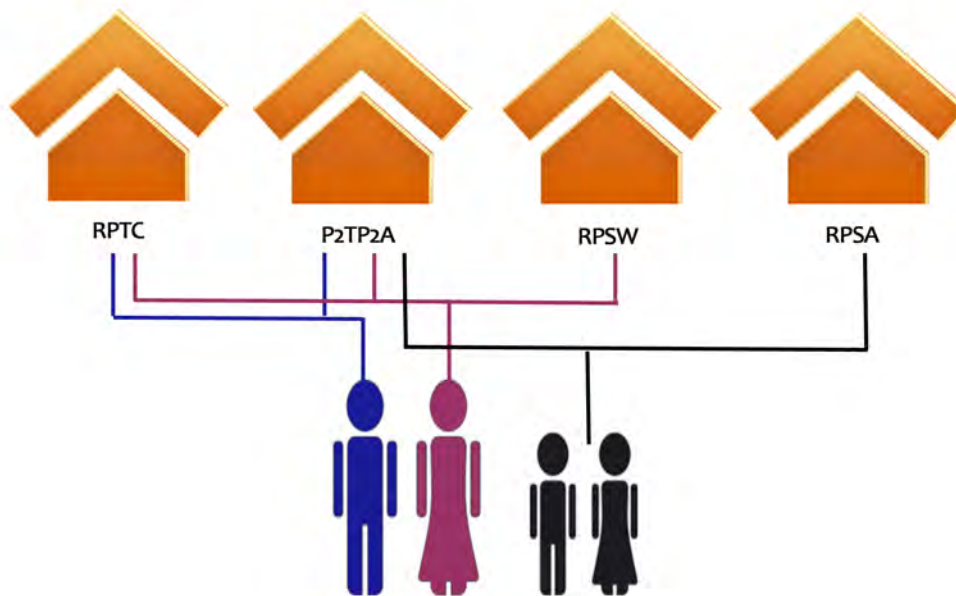
³⁸ Indonesia's 2002 National Action Plan (RAN P3A) included the establishment of the National Plan of Action for the Elimination of Trafficking in Women and Children Task Force (RAN P3A Task Force or National Anti-Trafficking Task Force) to implement the National Action Plan. Republic of Indonesia (2002) *Presidential Regulation on the National Plan of Action for the Elimination of Trafficking of Women and Children*, Number 88, Year 2002 (subsequently referred to as National Action Plan 88/2002).

³⁹ MENKO PMK (2009) *Coordinating Minister for People's Welfare Regulation*, Number 25, Year 2009. This regulation covers the tasks and responsibilities of the National Anti-Trafficking Task Force for the period 2009-2014. The next National Action Plan and regulations regarding the corresponding tasks and responsibilities for the National Anti-Trafficking Task Force for the period 2015-2019 are currently in the process of development.

⁴⁰ Republic of Indonesia (2008) *Presidential Regulation on the Task Force for the Prevention and Control of Human Trafficking*, Number 69, Year 2008 (subsequently referred to as Presidential Regulation 69/2008).

⁴¹ Prior to the passage of Law 21/2007, the National Action Plan 88/2002 mandated that RPTC and RPSA be built and developed for the social rehabilitation of trafficking victims and victims of commercial sexual exploitation of children (CSEC) and that coordination be established between the relevant departments and agencies for the social reintegration of trafficking victims and victims of CSEC.

Diagram #4. Centers and protection homes for trafficked persons in Indonesia



The Ministry of Health provides some forms of medical care to trafficked persons through their Integrated Services Centers (PPT).⁴² Under *Government Regulation 9/2008*, the Ministry of Health is responsible for paying the costs of health care for trafficking victims and all Indonesian National Police hospitals across the country are required by law to provide basic health services to trafficked persons at no cost.⁴³ And, in 2013, the Ministry of Health published *Circular Letter Number 149, Year 2013* on public health insurance membership, which included the provision of free medical examinations to trafficking victims/witnesses. However, these requirements are not fully implemented in practice.

The National Action Plan also tasked the Ministry of Health with, among other things, the following tasks related to assistance: increasing services to victims of trafficking and commercial sexual exploitation of children (CSEC); improving the capacity of health providers to provide rehabilitation services for victims of trafficking and CSEC; and providing facilities to treat victims of violence and trafficking victims.

⁴² In 2014, the Ministry of Health operated 28 PPT and 25 referral hospitals that could provide medical care and services to trafficked persons and TKIB (i.e. exploited migrant workers).

⁴³ *Government Regulation 9/2008*. See also: United States Department of State (2014) 'Indonesia' in *Trafficking in Persons Report*. Washington: United States Department of State. In 2014, there were 1,688 health centers in 377 districts/cities across Indonesia able to carry out the administration of health services to women and child victims of violence (including some trafficking victims).



A man receives medical care in a community clinic in West Java. Photo: Peter Biro.

Minimum Service Standards and Standard Operating Procedures

Article 7 of *Government Regulation 9/2008* mandates that “to further ensure the quality of integrated services, the Minister [shall] prepare and set minimum service standards and standard operating procedures” to be used as guidelines in the implementation of integrated services.⁴⁴ Therefore, in 2009, the MoWECP issued *Minimum Service Standards of Integrated Services for Witnesses and/or Human Trafficking Victims in Regent/City (Number 1, Year 2009)*.⁴⁵ The purpose of these minimum service standards (SPM) is to ensure that trafficking victims are able to obtain the services to which they are entitled by law from their local governments and to assist local governments to plan programs to achieve the targets of the SPM. The SPM provide that the integrated services that witnesses/victims of trafficking should receive through the Integrated Service Centers include, at minimum: handling public complaints; health rehabilitation services; legal protection services; social rehabilitation services; repatriation services; and social reintegration services.⁴⁶ However, the passage in 2014 of the *Law on Local Government (Number 23, Year 2014)* may have superseded the SPM, meaning that the issue of human trafficking is included in the *Regulation on Mandatory Government Affairs unrelated to Basic Services*⁴⁷ The practical implications of this change in terms of victims’ access to services is, as yet, unclear.

In 2010, the MoWECP issued the *Standard Operating Procedure of Integrated Services for Witnesses and/or Victims of Crime of Human Trafficking (Number 22, Year 2010)*, which sets forth the social reintegration procedure for victims of witnesses. This SOP outlines the

⁴⁴ *Government Regulation 9/2008*, Article 7.

⁴⁵ MoWECP (2009) *Regulation on Minimum Service Standards of Integrated Service for Witnesses and/or Human Trafficking Victims in Regent/City*, Number 1, Year 2009 (subsequently referred to as SPM 1/2009).

⁴⁶ SPM 1/2009, Article 6.

⁴⁷ Republic of Indonesia (2014) *Law on Local Government*, Number 23, Year 2014 (subsequently referred to as Law 23/2014). The law recognized six basic services relating to mandatory government affairs: education; health; public works and spatial planning; housing and residential areas; peace, public order and community protection; and social. Law 23/2014, Article 12.

steps of social reintegration for victims/witnesses of human trafficking in Indonesia as follows:

1. *Social pre-reintegration*. Obtaining informed consent from the victim/witness; creating a case record and preliminarily assessing the reintegration needs of the victim/witness; family and society assessment and so on.
2. *Assessment*. Conducting a full assessment of the needs of the victim/witness, including economic, education, health and society environment potential in the community to which the victim/witness will return; and preparing an intervention plan.
3. *Implementation of reintegration*. Performing a reassessment to prepare the victim/witness to be reintegrated; preparation of the family and community environment to accept the victim; providing the victim/witness with status and needed documents; granting of reintegration aid; training, physical/mental/social and skill guidance based on the individual interests and skills of the victim/witness; access to internships; information about safe migration, human trafficking, worker rights, the rights of women and children, reproductive health and legal aid; and business capital support.
4. *Monitoring/further assistance*. Monitoring monthly or every 3-6 months based on the individuals' needs (by visit or phone) and reassessing success and obstacles faced by the victim/witness in the reintegration process.⁴⁸

Some provinces have enacted laws to implement the SPM and SOP for integrated services for victims/witnesses of trafficking. For example, the *Governor Decree of West Java Province (Number 63, Year 2014)* recently established minimum standards regarding reintegration services for trafficking victims, as well as for victims of violence against women and children.⁴⁹

Additional SOPs provide for a range of services for trafficking victims through various government initiatives. The 2012 *SOP on Biopsychosocial (BSP) Rehabilitation in the RPTC* seeks to ensure that trafficking victims are provided with: identification; basic needs (food, clothing and shelter); assistance at the local clinic (*puskesmas*) or hospital; psychological support and counseling services; some forms of education and life skills; and home visits, external case conferences and follow-up.⁵⁰ This SOP (particularly the provisions for psychological support and counseling) is further enforced by the *Guidelines for the House of Protection and Trauma Center (RPTC)*, produced by the Ministry of Social Affairs (MoSA) in 2007 to guide the role of the social worker, codes of conduct, the rehabilitation process, the roles and tasks of RPTC staff, and so on.⁵¹ In 2014, the MoSA staffed some RPTCs with medical personnel to provide trafficked persons with basic health checks.

Other initiatives and programs

Several other government initiatives provide various forms of assistance and support to trafficked persons, including:

⁴⁸ MoWECP (2010) *Standard Operating Procedure of Integrated Services for Witnesses and/or Victims of Crime of Human Trafficking*, Number 22, Year 2010.

⁴⁹ Please see Section 4.3 for a detailed discussion of the separate SPM and SOP for integrated services for women and child victims of violence.

⁵⁰ MoSA (2012) *Standard Operating Procedure on Biopsychosocial Rehabilitation in House of Protection and Trauma Center (RPTC)* (subsequently referred to as SOP 2012 BSP RPTC). See also General Director of Protection and Social Security (2012) *Decision Regarding Standard Operational Procedures of Biopsychosocial Rehabilitation at Protection House and Trauma Center (RPTC)*, LJS/XI/2012.

⁵¹ MoSA (2007) *Guidelines for the House of Protection and Trauma Center (RPTC)* (subsequently referred to as 2007 RPTC Guidelines).

- Women and Child Services Units (*Unit Pelayanan Perempuan dan Anak* or UPPA) under the police – which receives trafficking cases, conducts investigations and makes referrals for assistance.⁵²
- Institute for Adolescent Social Development youth centers (*Panti Sosial Bina Remaja* or PSBR) – which provides services for youth, particularly vocational training.
- Productive Economic Business Assistance (PEBA) – which provides individual financial assistance to start a business (available to victims of trafficking, violence and other socially vulnerable persons).⁵³



A policewoman outside a unit tasked with investigating crimes against women and children in West Java. Photo: Peter Biro.

In 2015, the Ministry of Social Affairs (through its Social Rehabilitation Directorate) initiated a program for economic empowerment of female trafficking victims and drafted implementation guidelines for related activities (subsequently referred to as the Reintegration Guidelines).⁵⁴ This program – “Training and Assistance of Victims of Trafficking” (*Pelatihan dan Pendampingan Korban Trafficking*) – is currently assisting 600 female trafficking victims to set up small businesses and is comprised of grants of 5 million

⁵² The UPPA are established within every district police office to handle criminal cases that involve women and children, both as perpetrators and victims. *See, for example, Yusran, R. (2013) Violence, Exploitation and Abuse and Discrimination in Migration Affecting Women and Children in ASEAN: A Baseline Study Indonesia.* Depok: Human Rights Resource Centre, pp. 99-100.

⁵³ Assistance is provided on an individual basis when the beneficiary has unique characteristics that make it preferable to be assisted individually, rather than in a group. In 2014, the Ministry of Social Affairs provided 2,000 individuals (in Central Java, West Java, Yogyakarta, East Java, Lampung, West Nusa Tenggara, East Nusa Tenggara, Southeast Sulawesi and South Sumatra) with financial support (3 million IDR [273USD] per person) and technical guidance under this program.

⁵⁴ KEMSOS (2015) *Social Reintegration Manual for Women Victims of Trafficking.* Jakarta: Direktorat Rehabilitasi Sosial Tuna Sosial, Kementerian Sosial Republik Indonesia. These guidelines define reintegration as: “a recovery and economic and social inclusion process after the experience a victim of trafficking has had”.

IDR [450USD]⁵⁵ per person, as well as support from “social guides” (*pendamping*) who are responsible for supporting trafficking victims in establishing and managing their businesses.⁵⁶ The program is currently being implemented in the provinces of West Java, East Nusa Tenggara (NTT), West Nusa Tenggara (NTB), Lampung and Malang and includes women trafficked for sexual exploitation as well as domestic work. A total of 40 guides have been trained by the Ministry to support victims in this process.⁵⁷

While not specific to trafficking victims, *Government Regulation 83/2008* and the *Law on Legal Aid (Number 16, Year 2011)* (further discussed in Section 4.3) make it compulsory for lawyers to provide free legal aid to people without economic resources and, in some areas of the country, lawyers have focused on providing free legal aid specifically to trafficking victims.⁵⁸ However, one challenge is that *Government Regulation 83/2008* requires those seeking free legal aid under this regulation to submit an application and attach a letter stating that they are poor persons from a competent authority. This is a potentially time-consuming and bureaucratic process and some persons may also be reluctant or uncomfortable in applying for this status.

Local regulations

Indonesia’s national government and provincial governments⁵⁹ are obligated under the anti-trafficking law to formulate policies, programs and actions and to allocate budgets to prevent and address trafficking in persons.⁶⁰ At the provincial level, West Java’s regulation *On Prevention and Handling of Victims of Trafficking in West Java (Number 3, Year 2008)* stipulates that the local (district) governments must provide assistance and protection to trafficking victims who originate from West Java Province, coordinating between provincial and district governments. Assistance includes temporary shelter, legal aid and assistance, medical care, psychological support and, economic opportunities and education,⁶¹ with services to be implemented at the local (district) level. Accordingly, within West Java, as of the end of 2014, 18 districts/regencies or cities (of 24) have regulations on the prevention and handling of trafficking in persons as well as a task force.⁶² In Jakarta, *Governor’s Regulation of Jakarta Province regarding the Task Force for Prevention and Handling Trafficking Crimes (Number 218, Year 2010)* was established as a follow up to the Anti-Trafficking Law (Law 21/2007) and President regulation (Number 69, Year 2008). This

⁵⁵ The exchange rate from Indonesian Rupiah (IDR) to United States Dollar (USD) is calculated at a rate of 1USD = 11,000IDR. As exchange rates have varied significantly in the past year, calculations have been made using the average exchange rate from 2010-2015.

⁵⁶ Social guides (also known as *pendamping*) are paid for their work on this program – receiving a total of 750,000IDR [68USD] per month (250,000IDR [23USD] for transportation cost and 500,000IDR [45USD] as salary). Often social guides are from local NGOs in the community and under this program the NGO can receive an additional one million IDR [91USD] per person to support its operational costs.

⁵⁷ This training focused on how to support and encourage program beneficiaries, how to effectively communicate with program beneficiaries, how to work together as well as more practical issues in terms of the business (e.g. how to buy materials, bookkeeping and reporting).

⁵⁸ For example, *Perhimpunan Advokat Indonesia* (PERADI), the Indonesian Lawyers’ Association, works with IOM to provide *pro bono* legal services specifically to trafficked persons. Ayunindya, S. and A. Carreno (2014) ‘IOM Partnerships in Indonesia Helping Victims of Trafficking’, *IOM*. Other legal aid institutions – *Lembaga Bantuan Hukum* (LBH) – have also collaborated with NGOs to provide trafficking victims with some legal assistance; examples include *Gerakan Anti Trafficking* (GAT), *Embun Pelangi* and also the BPP-KB Biro at the provincial level in Batam.

⁵⁹ See Section 5.9 for a detailed discussion of decentralization and the administrative structure of Indonesia’s government.

⁶⁰ Implementing regulations mandated under the law were to be enacted no later than six months following the law coming into effect. Law 21/2007, Articles 57 and 66.

⁶¹ West Java Province (2008) *On Prevention and Handling of Victims of Trafficking in West Java*, Regulation of West Java, Number 3, Year 2008, Articles 8-9.

⁶² This includes the following districts/kabupaten: Bandung, Bogor, Purwakarta, Cianjur, Cirebon, Garut, Indramayu, Karawang, Subang, Sukabumi, Bekasi, Sumedang, Bandung Barat, Kuningan; and the following cities/kota: Bekasi, Sukabumi, Bogor, Cimahi. MoWECP (2015) *Report on the implementation of the task force for the prevention and handling of trafficking crime 2010-2014*. Jakarta: Ministry of Women’s Empowerment and Child Protection.

regulation outlines, in article 4, the responsibility of task force members to implement, monitor and evaluate the rehabilitation, repatriation and social reintegration of trafficking victims and, in article 26, specifies that the budget for the implementation of the taskforce is to come from the regional and national budget and other legal and not binding sources.

Some provinces and districts, however, have not yet enacted or adopted regulations or legal measures on human trafficking, including the establishment of anti-trafficking taskforces. An additional issue is that many provinces and districts have not allocated a budget for the protection of trafficking victims and even those with budgets receive only minimal funding for assisting trafficking victims.⁶³

4.2 Assistance for migrant workers

Trafficked persons who are also exploited migrant workers are eligible to access services and support under the laws and regulations that have been implemented to protect and assist migrant workers (*Tenaga Kerja Indonesia* or TKI).⁶⁴ Law 39/2004 requires that migrant workers be provided with medical care as well as some other forms of protection and *MoSA Regulation 22/2013* establishes services that should be provided to exploited or trafficked migrant workers, namely temporary shelter, medical care, psychological counseling and safe return to their home region. Additional regulations and guidelines (including the Standard Operating Procedures for the RPTC, which provides services to migrant men and women) further develop and strengthen the framework for assistance to migrant workers (which can include trafficking victims).

Law to protect migrant workers: Law 39/2004

The *Law On the Placement and Protection of Indonesian Migrant Workers Abroad (Number 39, Year 2004)* is largely focused on the issue of migrant worker placement. However, it does establish some rights for Indonesian migrant workers, including guaranteed protection under the law with respect to dehumanizing treatment or violation of one's rights for the duration of the placement abroad.⁶⁵ Law 39/2004 established the National Agency for the Placement and Protection of Indonesian Migrant Workers (BNP2TKI), which is tasked with coordinating, implementing and monitoring the process of placing migrant workers abroad, as well as assisting them with their return to Indonesia.⁶⁶

⁶³ The Jakarta government (at the provincial level) also uses the *Jakarta Regulation on Protection of Women and Children from Violence (Number 8, Year 2011)* to handle trafficking cases in their authority. Please see footnote 35 on the special status of Jakarta.

⁶⁴ While Indonesian migrant workers may be assisted by Indonesian consulates/embassies abroad, this section focuses on assistance within Indonesia available to returned migrant workers that can be potentially accessed by trafficking victims.

⁶⁵ Farbenblum, B., Taylor-Nicholson, E. and S. Paoletti (2013) *Migrant Workers Access to Justice at Home: Indonesia*. New York: Open Society Foundations, p. 59.

⁶⁶ This includes monitoring private recruitment agencies to ensure that they are in compliance with Law 39/2004 – such as the requirement that private recruitment agencies provide migrant workers with pre-departure orientation (PAP) and information about: the recruitment procedure; the required documents; their rights and obligations; the situation, conditions, and risks to be found in the destination country; and the protection mechanisms available to them. Republic of Indonesia (2014) *Law on Local Government*, Number 23, Year 2014 (subsequently referred to as Law 23/2014). Indonesia's government further elevated the regulatory framework to protect migrant workers by issuing the *Presidential Instruction No. 6/2006 on Reforming the System and Placement and Protection of Indonesian Migrant Workers*. This instruction clarified that Indonesia's central government has primary responsibility for labor migration management and set up guidelines for mechanisms such as service at embarkations under the "one roof" system (a system where immigration at airports provides special counters for returning overseas workers) and to eradicate illegal recruiters. See IOM (2010) *Labour Migration from Indonesia: An Overview of Indonesian Migration to Selected Destinations in Asia and the Middle East*. Geneva: IOM; and Setyawati, Dinita (2013) 'Assets or Commodities? Comparing Regulations of Placement and Protection of Migrant Workers in Indonesia and the Philippines', *ASEAS - Austrian Journal of South-East Asian Studies*, 6(2), pp. 264-280.

The BNP2TKI conducts some activities for returned migrant workers, including providing funding for starting a business and entrepreneurship training and has also established a Crisis Center and a hotline that migrant workers can contact regarding violations of their rights, such as unpaid salary, experiences of violence (physical, emotional or sexual) and health problems (physical and psychological).

However, Law 39/2004 *does not* establish services that should be provided to returned migrant workers. Instead, Article 75 requires private recruitment agencies – PPTKIS (*Pelaksana Penempatan Tenaga Kerja Indonesia Swasta*) or PT (the short form of PPTKIS) – with oversight from BNP2TKI, to be responsible for the migrant worker’s return to Indonesia, as well as for any needed medical services during their return. Article 75 also states that private recruitment agencies must provide “protection for TKIs from adverse actions by unscrupulous third parties during the return journey”.⁶⁷ The implementation of this law, however, is limited and many migrants are not assisted to return by their PPTKIS.

Article 68 of Law 39/2004 stipulates that migrant workers sent abroad by recruitment agencies must be insured.⁶⁸ Private recruitment agencies typically facilitate this process, linking migrant workers with insurance companies but migrant workers themselves pay for insurance as part of their recruitment fees. The mandatory policy costs 400,000IDR [36USD] for a two-year employment contract. The policy insures the migrant worker and his/her family “in the event of failed recruitment, unpaid wages, early termination of contract, contractual deception, physical abuse, sexual harassment and assault, legal proceedings, being stranded, illness, industrial accident and death”.⁶⁹ There nonetheless exist challenges to making claims, such as lack of information about rights and entitlements under insurance policies and administrative requirements that are difficult to realize in practice. For example, claims for illness or injury when abroad require a letter from the hospital abroad and an itemization of costs. There is also a statute of limitations for claims; insurance can only be claimed within twelve months of the illness or accident, which is difficult to do when someone returns from a trafficking situation. Moreover, some agencies and/or their insurance companies refuse to honor their responsibilities vis-à-vis migrant workers and commonly deny insurance claims of exploited migrant workers and trafficked persons.

⁶⁷ Law 23/2014, Article 75.

⁶⁸ Under separate regulations, seafarers and fishers are also required to have insurance.

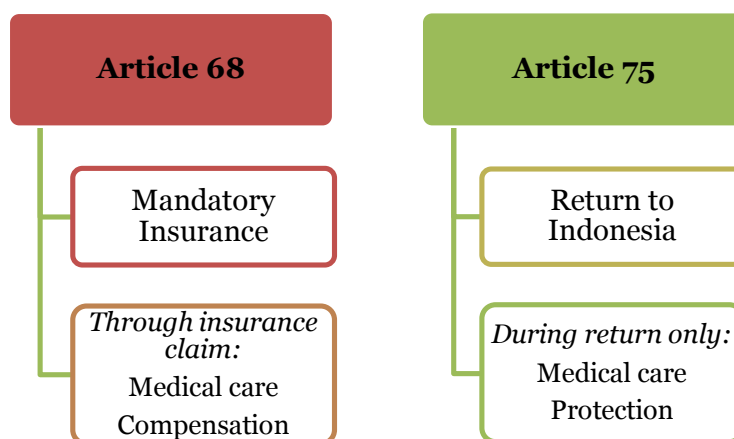
⁶⁹ Amnesty International (2013) *Exploited for Profit, Failed by Governments: Indonesian Migrant Domestic Workers Trafficked to Hong Kong*. London: Amnesty International, p. 40.



A group of Indonesian women practice elderly care at a recruitment center for migrant workers in Jakarta. The center trains and deploys women to Taiwan, Hong Kong and Singapore. Photo: Peter Biro.

The entitlements of migrant workers under Indonesia's law on the placement and protection of migrant workers are detailed in the diagram below.

Diagram #5. Forms of assistance guaranteed in Law 39/2004



Law 39/2004 does not apply to all migrant workers. Seafarers, fishers and Bali spa therapists are excluded from Law 39/2004 as they utilize different placement agencies – *Anak Buah Kapal* (ABK) for seafarers and fishers and the Bali Agency for Placement and Protection of Migrant Workers (BP3TKI) for spa therapists from Bali⁷⁰.

⁷⁰ See, for example, Atmodjo, Wasti (2013) 'Bali demands higher wage for spa therapists', *Jakarta Post Bali Daily*, May 11.

Moreover, Law 39/2004 is difficult to enforce as it does not identify the party or parties responsible for fulfilling and enforcing any of the guaranteed rights, nor does it impose any penalties for violations of the guaranteed rights. Also, Law 39/2004 establishes serious consequences for migrant workers who do not uphold their obligations under the law; migrant workers who fail to uphold their obligations are considered “illegal” and therefore potentially unable to obtain redress.⁷¹

Standard Operating Procedures and Guidelines

The previously mentioned 2012 *SOP on Biopsychosocial (BSP) Rehabilitation in the RPTC* also provides for assistance to migrant workers, specifically ensuring that migrant workers who utilize the RPTC should receive a set of services (detailed in Section 4.1, above).⁷² Other guidelines strengthen the system for assistance to migrant workers. The 2013 *Guidelines on Implementation of Social Protection for Migrant Workers* provide that social assistance should be provided to migrant workers who need help, including: food, housing and accommodation; psychosocial recovery for migrant workers and their families who have experienced violence or trauma; social advocacy to provide referral information that can be accessed to facilitate remittance to family; re-socialization and family reintegration; and access to information and services for migrant workers who experience problems in the placement country. These Guidelines also cover the distribution of Productive Economic Business Assistance (PEBA) to migrant workers who are selected and complete a course in capacity building.⁷³ Additionally, the *Guidelines on Program Implementation of Social Assistance and Social Security* provide specific social assistance for migrant workers and victims of violence, including Group Economic Business Assistance (GEBA or KUBE), which is discussed in the next section.⁷⁴

Other regulations and instructions

In 2013, to further protect migrant workers, the Ministry of Social Affairs issued the *Regulation Regarding Repatriation of Migrant Workers and Problematic Indonesian Labor (Number 22/2013)*. Notably this regulation covers migrant workers who are trafficked for labor exploitation. *Regulation 22/2013* requires authorities (i.e. governors/regents/mayors) to form task forces that are operational at entry points where migrant workers return to Indonesia.⁷⁵ These task forces – Santuan Tugas (SATGAS) – are required to accept and register exploited or “problematic” migrant workers (TKIB); provide temporary shelter, meals, medical care and psychological counseling at the shelter; ensure the migrant worker’s security during arrival, stay, transportation and return; repatriate the migrant worker to their areas of origin; and provide letters to facilitate the migrant worker’s

⁷¹ The obligations of migrant workers under Law 39/2004 include: a) complying with the law both internally and in the country of destination; b) complying with and undertaking the work according to the work contract; c) paying the service fee for overseas placement; and d) notifying or reporting arrival, presence and return to the representative of the Indonesian Republic in the destination country. Farbenblum, B., Taylor-Nicholson, E. and S. Paoletti (2013) *Migrant Workers Access to Justice at Home: Indonesia*. New York: Open Society Foundations, pp. 59-60.

⁷² SOP 2012 BSP RPTC. See also General Director of Protection and Social Security (2012) *Decision Regarding Standard Operational Procedures of Biopsychosocial Rehabilitation at Protection House and Trauma Center (RPTC)*, LJS/XI/2012.

⁷³ MoSA (2013) *Guidelines on Implementation of Social Protection for Migrant Workers* (subsequently referred to as 2013 Social Protection Guidelines). See also General Director of Protection and Social Security Number (2011) *Decision Regarding General Guideline of Social Protection for Migrant Workers*, 56a/LJS/III/2011.

⁷⁴ MoSA (2003) *Guidelines on Program Implementation of Social Assistance and Social Security* (subsequently referred to as 2003 Social Assistance Guidelines). See also General Director of Social Assistance and Social Security (2002) *Decision Regarding General Guideline on Program Implementation of Social Assistance and Social Security*, 09B/BJJS/2002.

⁷⁵ In 2014, the Ministry of Manpower and Transmigration maintained task force workers at 22 locations of embarkation/debarkation, including: Jakarta, Surabaya, Semarang, Batam, Tanjung Pinang, Palu, Makassar (Pare-pare), Belawan, Bandung, Solo, Tanjung Balai, Dumai, Pontianak, Nunukan, Manado, Bali, NTB, NTT, Tanjung, Jabung, Banten and Banjarmasin.

return.⁷⁶ *Regulation 22/2013* provides in Article 12 that migrant workers who have been exploited (and/or trafficked for labor exploitation) should be provided with social assistance at the entry point including clothing; food; health services; temporary shelter; psychosocial rehabilitation services; financial assistance in cash; and/or assistance with the execution of a funeral and funeral expenses.⁷⁷

In 2012, Indonesia ratified the *Convention on Migrant Workers*, which establishes the rights of migrant workers (including undocumented migrant workers) and their families, defining both their human rights (applicable to all migrant workers) and other specific rights (applicable only to migrant workers in regular situations).⁷⁸ While Indonesia's government has not yet passed laws to implement the *Convention on Migrant Workers*, this should, in the future, translate into further protections and support for the reintegration of exploited migrant workers in Indonesia.

4.3 Social assistance, including to vulnerable persons

The Indonesian anti-trafficking law states: "In addition to the rights as provided in this Law, a witness to and/or victim of the criminal act of trafficking in persons is entitled to the rights and protection as provided in other laws."⁷⁹ Indonesian trafficking victims should be able to access assistance via the general rights and entitlements established in Indonesia's laws and regulations, particularly those for socially vulnerable persons, of which the most significant is Law 11/2009 on social welfare. Trafficking victims who are women and child victims of violence can also access assistance via laws intended specifically to protect that category of individuals. There are further laws, regulations and guidelines that provide various forms of social assistance to Indonesian citizens, including to vulnerable persons. This social assistance includes medical assistance, education, legal assistance and support, economic opportunities and housing options, all of which may be accessible to trafficked persons.

Law on social welfare: Law 11/2009

The *Law on Social Welfare (Number 11, Year 2009)* has several articles that provide for services that should be available to socially vulnerable persons, which many trafficking victims are. For example, Article 6 includes the provision of 1) social rehabilitation, 2) social empowerment, 3) social protection and 4) social security.⁸⁰ These are discussed in turn.

⁷⁶ MoSA (2013) *Regulation Regarding Repatriation of Migrant Workers and Problematic Indonesian Labor*, Number 22, Year 2013, articles 6-9.

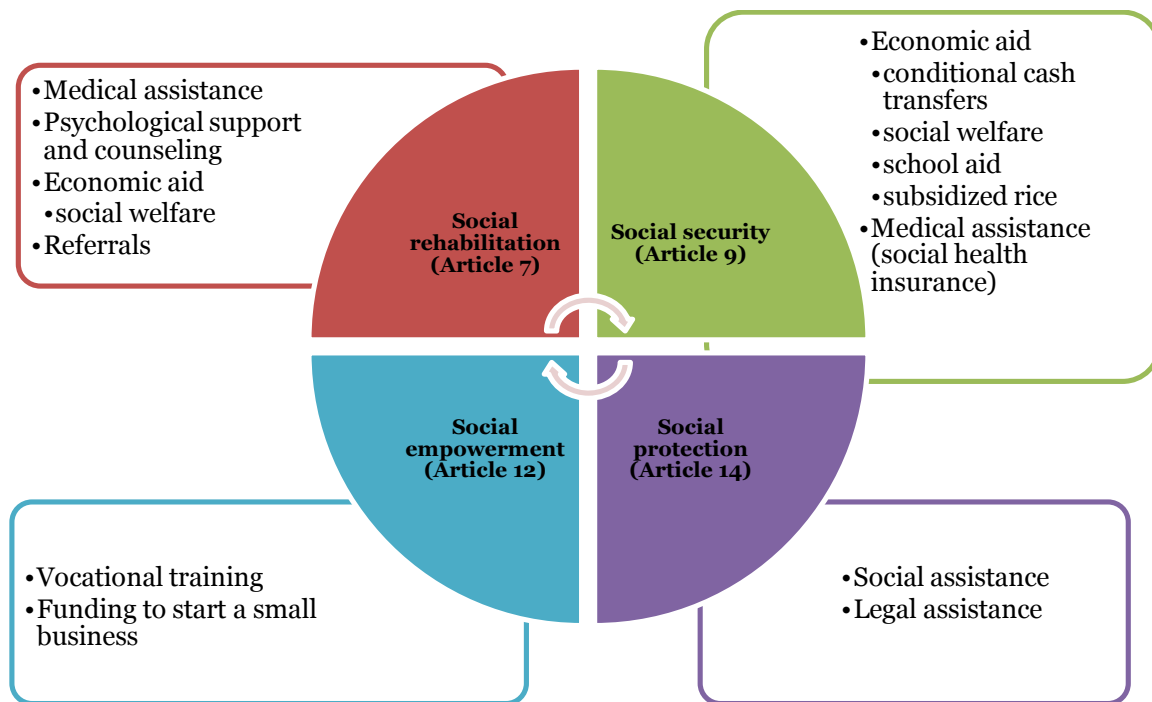
⁷⁷ MoSA (2013) *Regulation Regarding Repatriation of Migrant Workers and Problematic Indonesian Labor*, Number 22, Year 2013, articles 12-20. Additionally, the *Presidential Regulation on Coordination of the Repatriation of Indonesian Migrant Workers (Koordinasi Pemulangan Tenaga Kerja Indonesia) (Number 45, Year 2013)* established a team to coordinate and synchronize the return of migrant workers to Indonesia. This regulation has provisions for temporary shelter, as well as some forms of psychological support and counseling, which should be provided to migrant workers; however, this regulation is not yet fully implemented. Republic of Indonesia (2013) *Presidential Regulation on Coordination of the Repatriation of Indonesian Migrant Workers (Koordinasi Pemulangan Tenaga Kerja Indonesia)*, Number 45, Year 2013.

⁷⁸ United Nations (1990) *International Convention on the Rights of All Migrant Workers and Members of Their Families*. General Assembly Resolution 45/158. In addition to guaranteeing fundamental rights and prohibiting cruel, inhuman or degrading treatment, slavery, servitude and forced or compulsory labor, the Migrant Workers' Convention establishes rights to redress for contract violations and requires states parties to cooperate in the repatriation of migrant workers (Article 67). Article 67 requires states parties to cooperate with a view to "promoting adequate economic conditions for [the] resettlement [of migrant workers] and to facilitating their durable and cultural reintegration in the state of origin".

⁷⁹ Law 21/2007, Article 55.

⁸⁰ Republic of Indonesia (2009) *Law on Social Welfare*, Number 11, Year 2009 (subsequently referred to as Law 11/2009).

Diagram #6. Forms of assistance guaranteed in Law 11/2009



Social rehabilitation. Article 7 lays out the specifics of “social rehabilitation”, which is “intended to recover and develop the ability of a person who has a social dysfunction in order to carry out his/her social function naturally” and which can be provided within the family, society and/or social institutions.⁸¹ Under Law 11/2009, “social rehabilitation” includes: motivation and psychosocial diagnosis; treatment and care; vocational training and entrepreneurship coaching; mental and spiritual guidance; physical guidance; social guidance and psychosocial counseling; accessibility of services; assistance and social assistance; re-socialization guidance; further guidance; and/or referral.⁸²

Social empowerment. Law 11/2009 also provides for “social empowerment”, which is intended to “empower individuals, families, groups and people who have social welfare problems in order to meet their needs independently”.⁸³ Social empowerment services and programs under Law 11/2009 include: “diagnosis and motivation; skills training; mentoring; giving stimulant capital, business equipment and a place of business; increasing market access results of operations; supervision and social advocacy; strengthening social harmony; environmental regulation; and/or further guidance”.⁸⁴ To increase the participation of institutions and/or individuals in implementing social welfare, under Law 11/2009, “social empowerment” is provided in the form of: “diagnosis and motivation; institutional and community strengthening; partnerships and fundraising; and/or providing stimulant”.⁸⁵

Social protection. Law 11/2009 defines “social protection”, which is intended to prevent and [address] the risks and social vulnerability of a person, family, group and/or communities to [enable them] to fulfill their minimum basic necessities.⁸⁶ Social protection is to be implemented through social assistance, social advocacy and/or legal assistance.

⁸¹ Law 11/2009, Article 7.

⁸² Law 11/2009, Article 7.

⁸³ Law 11/2009, Article 12.

⁸⁴ Law 11/2009, Article 12.

⁸⁵ Law 11/2009, Article 12.

⁸⁶ Law 11/2009, Article 14.

Social security. Law 11/2009 establishes social security, an institutionalized scheme to ensure that all citizens are able to meet their basic needs. More specifically, social security is intended to ensure that those with socio-economic problem are able to fulfill their basic needs including the poor; abandoned orphans; neglected elderly; persons with a physical disability, mental disability, physical and mental disabilities; and chronic disease patients.⁸⁷ Social security is provided in the form of insurance, social welfare and direct assistance.

Medical assistance, psychological support and counseling

Other laws establish rights and entitlements to formal assistance for all Indonesian citizens (men, women and children). For example, the *Law on Health (Number 36, Year 2009)* established, among other things, the government's responsibility to provide health care to all citizens, resources in the health sector and undertake efforts to realize the best possible health for the community (with special recognition and protection of the health of mothers, infants, children, adolescents, elderly and the disabled). The *Law on Health* specifically guarantees women's access to basic healthcare and services, including the right to sexual and reproductive health.⁸⁸

In October 2011, in accordance with the *Law on National Social Assistance Systems (Number 40, Year 2004)*, which ruled that all Indonesians must be covered by social insurance,⁸⁹ the government passed the *Social Security Providers Bill*, requiring the implementation of health care coverage for all citizens and other social security benefits for workers. The government established the Healthcare and Social Security Agency (*Badan Penyelenggara Jaminan Sosial Kesehatan* or BPJS Kesehatan) to implement the social security scheme. Two non-profit public companies - BPJS I and BPJS II - were formed out of the four existing state-owned insurance companies that previously handled social security services. BPJS I provides universal health care and BPJS II provides work-related accident, pension and benefits.⁹⁰

In early 2014, Indonesia's government established a National Health Insurance Program – *Jaminan Kesehatan Masyarakat (JKN)* – which provides health insurance to impoverished and socially vulnerable persons.⁹¹ In November 2014, as part of JKN, the government launched a card system to improve disadvantaged Indonesians' access to health services and education. The Health Indonesia Card (*Kartu Indonesia Sehat* or KIS) expands the reach of the National Health Insurance Program (which is handled by the BPJS). The KIS card entitles its holder to treatment at public primary care clinics (*puskesmas*) and treatment in third-class hospitals. While the BPJS manages the benefits provided under KIS, the Ministry of Health pays for the premiums; insurance premiums are 19,225IDR [1.75USD] per person.

⁸⁷ Law 11/2009, Article 9(a).

⁸⁸ Saria, H.E.L.A. (2012) 'Introductory Statement by H. E. Linda Amalia Sari, Minister of Women Empowerment and Child Protection Republic of Indonesia', *52nd Session of the Committee of the Elimination of All Forms of Discrimination Against Women*.

⁸⁹ See, for example, Widjaja, M. and R.A. Simanjuntak (2010) 'Social Protection in Indonesia: How Far Have We Reached?' in Asher, M., G.S. Oum and F. Parulian (Eds.) *Social Protection in East Asia - Current State and Challenges*. Jakarta: ERIA.

⁹⁰ Towers Watson (2012) 'Indonesia: Government Passes Universal Health Care Law - February 2012', *Global News Briefs*, February 6.

⁹¹ Before the establishment of JKN, the government had previously implemented programs for medical care. For example, in 2005, the Ministry of Health implemented a social health insurance program that was originally called the Health Safety Net for the Poor Program (JPKMM) (more commonly known as *Askeskin* or Health Insurance for the Poor). From 2008 to 2013, the program changed its name to the Social Health Insurance program (*Jamkesmas*).



A man receives medical care at a clinic in a village in West Java. All Indonesian citizens are entitled to healthcare under the law. Photo: Peter Biro.

Tens of thousands of KIS cards were initially distributed to residents in nineteen cities who could not afford health care (including street children, orphans, and people living with disabilities or mental illness who were unable to previously register with JKN because they didn't have the family certificates required under that program). Candidates for the KIS card must register with the BPJS and be recorded by the Ministry of Social Affairs to receive the card.⁹² Eligibility for the entitlement cards is determined by an integrated database containing names of poor and near-poor households and individuals nationwide compiled by the Team for Accelerating Poverty Reduction (TNP2K).⁹³ Additionally, some districts have established local card systems, such as the Jakarta Health Card (KJS), which is limited to residents of Jakarta and affords access to free medical care in all health centers in Jakarta.⁹⁴

Nevertheless, accessing health care remains problematic across the country, particularly for trafficked persons and other vulnerable populations.⁹⁵

⁹² Rabu (2014) 'Beda KJS, Kartu Indonesia Sehat, dan JKN', *Tempo.Co*, November 5.

⁹³ Sihite, E. and H. Genie (2014) 'Jokowi Unveils Slate of Social Benefit Cards to Confusion', *Jakarta Globe*, November 4. The TNP2K was established by the *Presidential Regulation on the Acceleration of Poverty Reduction (Number 15, Year 2010)*.

⁹⁴ Rabu (2014) 'Beda KJS, Kartu Indonesia Sehat, dan JKN', *Tempo.Co*, November 5.

⁹⁵ Access to health care is challenged by under-funding, decentralization, lack of qualified staff, rising medical costs and outdated medical equipment. Further, in remote areas it can take several days to reach a doctor. The health insurance scheme for the poor launched by the government in 2008 requires a patient to provide documentation on income, identity, hospital registration, family records and a doctor's referral notice, a complicated process that many low-income earners or unemployed persons are not able (or willing) to mediate. IRIN (2009) 'Indonesia: Healthcare system failing millions', *IRIN*, August 6. While Indonesia's government continues to work to improve access to health care, most recently with a new program managed by Indonesia's Social Security Organizing Body (BPJS) (which aims to cover all 247 million Indonesian citizens by 2019), it remains to be seen how access to health care will improve. Hewson, J. (2014) 'Indonesia's innovative healthcare scheme', *Aljazeera*, January 16.

Further, in terms of psychological support and counseling, dedicated mental health legislation does not exist in the country, although some legal provisions concerning mental health are covered in other laws.⁹⁶ There is limited access to psychological counseling and support for vulnerable persons. There are psychologists and social workers in some but not all hospitals, who may provide counseling to vulnerable persons. There are also social workers working in the Bureau of Social Affairs (Dinsos) but they only work at a district level and are not posted at a sub-district or village level. Family counseling and support is available in some LK3 (Lembaga Konsultasi Kesejahteraan Keluarga or Family Welfare Consultation Institute), which is an institution that works with vulnerable persons and their families – mediating problems and improving the social welfare of these families. LK3 provides a range of services including counseling, consultation, administration and information dissemination, outreach, protection and empowerment of families. LK3 also refers clients to other services as needed. LK3 is one of the technical units under the Ministry of Social Affairs and, in addition to operations at a national level, there are also units of LK3 in the Bureaus of Social Affairs at the provincial and district levels. However, not all provinces have LK3 nor are there LK3 in all districts.



A man begging in a main thoroughfare in a town in West Java. Indonesia's government recently established a program providing health insurance to impoverished and socially vulnerable persons. Photo: Peter Biro.

Formal education, technical and vocational training

Education in Indonesia is the responsibility of the Ministry of Education and Culture (and the Ministry of Religious Affairs for Islamic schools). The *National Education System Law (Number 20, Year 2003)* has its foundations in the 1945 *Constitution of Indonesia*, which states that every citizen has the fundamental right to education. The *National Education*

⁹⁶ For example, Republic of Indonesia (2009) *Law on Health*, Number 36, Year 2009, Articles 144-151. See WHO (2011) 'Indonesia' in *Mental Health Atlas 2011*. Geneva: World Health Organization Department of Mental Health and Substance Abuse.

System Law creates a legal framework for education and seeks to open access to education at all levels and in all forms (formal, non-formal, and informal). The law implements compulsory, free of charge basic education, for all Indonesian citizens from ages seven to fifteen years.⁹⁷ While the law provides for nine years of compulsory education (six years of elementary and three years of secondary school), access to education in rural areas remains limited. School drop out rates are high in Indonesia; 1.8 million children each year are unable to continue their education primarily because they need to work to support their families or due to early marriage.⁹⁸



Children at play in their home village in West Java. Many Indonesian children are unable to complete their education. Approximately 1.8 million children are unable to continue their education each year because they are forced to work or marry. Photo: Peter Biro.

The *National Education System Law* also describes and seeks to provide technical and vocational education and training (TVET) to Indonesian citizens, but the TVET currently provided by Indonesia's vocational schools seldom matches the requirements of the private sector, nor do graduates of TVET institutions possess the kind of competencies they need to find employment.⁹⁹ As mentioned in Section 4.1, the Ministry of Social Affairs provides vocational training through the Institute for Adolescent Social Development youth centers (PSBR). These vocational trainings are available to socially vulnerable youth, including those who have been trafficked.

The 2014 card system to improve disadvantaged Indonesians' access to social services included the launch of the KIP card, which guarantees twelve years of free education and aims to provide for students' needs. The KIP card also guarantees free higher education for poor students who pass university entrance exams. The KIP card program is an improved

⁹⁷ Republic of Indonesia (2003) *National Education System Law*, Number 20, Year 2003.

⁹⁸ USAID (2013) *Reflections on Education in Indonesia*. Washington: USAID.

⁹⁹ GIZ (2013) 'Sustainable economic development through technical and vocational education and training (SED-TVET)', *Deutsche Gesellschaft für Internationale Zusammenarbeit*.

and expanded continuation of an existing program called Cash Transfers for Poor Students or Poor Student Aid (BSM). The individuals who are eligible for the KIP card include school dropouts and street children who haven't gone to school, as well as those who attend non-formal learning institutions such as some Islamic boarding schools and community learning centers. KIP cardholders will receive 225,000IDR [20USD] per semester for elementary students, 375,000IDR [34USD] per semester for middle school students and 500,000IDR [45USD] per semester for senior high or vocational school students.¹⁰⁰

Legal assistance and support

Under *Government Regulation 83/2008*, it is compulsory for lawyers to provide free legal aid to individuals without economic resources.¹⁰¹ However, as mentioned in Section 4.1, *Government Regulation 83/2008* requires proof of being a poor person, creating administrative and other challenges for individuals who wish to apply for free legal aid. The *Law on Legal Aid (Number 16, Year 2011)* further establishes that legal aid services should be provided free of charge to poor persons (individuals who cannot fulfill their basic needs properly and independently; the law recognizes basic needs as including the right to food, clothing, health care, education, work and/or housing) who face legal problems. Some legal aid services are available through the Indonesian Legal Aid Foundation – *Lembaga Bantuan Hukum* (LBH) – which operates in fifteen provinces of Indonesia. And the *Law on Population Administration (Number 24, Year 2013)* states that Indonesian citizens should be provided with birth certificates, identity cards and family cards.¹⁰²

Small grants, cash assistance and funding to start a small business

Some forms of economic aid are available to socially vulnerable persons through Indonesia's social security scheme and soon should be accessible via the Prosperous Family Card (KKS), which will replace the current distribution system for social aid with electronic transfers. Under the KKS program, 15.5 million poor households will receive 200,000IDR [18USD] per month.¹⁰³ Through TNP2K, the government also has established the Family Hope Program (*Program Keluarga Harapan* or PKH), which provides conditional cash assistance to very poor households (RTSM) that meet a set of pre-determined terms and conditions.

The government¹⁰⁴ also offers a program called Group Economic Business Assistance (GEBA or KUBE) for poor individuals, through which ten individuals apply as a group for business funding.¹⁰⁵ The program is implemented in five stages: 1) orientation, action planning and evaluation; 2) formation of the group and selection of the type of business (including attending trainings on business management); 3) business development; 4) business partnership; and 5) implementation, monitoring and evaluation.¹⁰⁶ Successful proposals receive 20 million IDR [approximately 1820USD].

¹⁰⁰ Sihite, E. and H. Genie (2014) 'Jokowi Unveils Slate of Social Benefit Cards to Confusion', *Jakarta Globe*, November 4.

¹⁰¹ Ayunindya, S. and A. Carreno (2014) 'IOM Partnerships in Indonesia Helping Victims of Trafficking', *International Organization For Migration*. Some initiatives have been established to improve access to justice for impoverished or disadvantaged Indonesians. As mentioned, *Perhimpunan Advokat Indonesia* (PERADI), the Indonesian Lawyers' Association, works with IOM to provide *pro bono* legal services. Additionally, from 2007-2010, the Legal Empowerment and Assistance of the Disadvantaged (LEAD) project, a joint initiative between the United Nations Development Program (UNDP) and Indonesia's National Development Planning Agency (BAPPENAS), focused on enhancing access to legal services, legal and human rights awareness and legal capacity development. UNDP (2014) *Access to justice for the poor in Indonesia*.

¹⁰² Republic of Indonesia (2013) *Law on Population Administration*, Number 24, Year 2013.

¹⁰³ Sihite, E. and H. Genie (2014) 'Jokowi Unveils Slate of Social Benefit Cards to Confusion', *Jakarta Globe*, November 4.

¹⁰⁴ Group Economic Business Assistance is implemented by the Ministry of Social Affairs.

¹⁰⁵ See 2003 Social Assistance Guidelines. See also General Director of Social Assistance and Social Security (2002) *Decision Regarding General Guideline on Program Implementation of Social Assistance and Social Security*, 09B/BJS/2002.

¹⁰⁶ Silaban, Himsar (2013) 'Assessment of Task Implementation and Coordination of Joint Business Group (KUBE) Program', *International Journal of Administrative Science & Organization*, 20(3), pp. 130-131.



A small business in a trafficking-affected village in West Java. Photo: Peter Biro.

Housing

One government program (*Rumah Tidak Layak Huni* or *Rutilahu*, Restoration of Uninhabitable Homes) assists impoverished Indonesian citizens with housing. Through *Rutilahu*, the national and provincial governments provide a budget for renovating homes that are deemed uninhabitable. In West Java the government provides 15 million IDR [1364USD] per home and the criteria is poor individuals whose homes are in need of repair. While the *Rutilahu* program offers a critical form of assistance to those in economic need, the government has a limited budget for the program and, in 2014, the head of the Ministry of Housing (*Kemenpera*) stated that there were more than 7.9 million homes considered uninhabitable (RTLH) in Indonesia, with that number was expected to continue to increase every year.¹⁰⁷ The TNP2K Team, which has its legal basis in the *Presidential Regulation on the Acceleration of Poverty Reduction (Number 15, Year 2010)*, also provides an affordable housing program as a strategy for the alleviation of poverty.

¹⁰⁷ Selasa (2014) 'Rumah Tak Layak Huni 7,9 Juta Unit', *SumutPos*, June 3.



A man in his home in the slums of Jakarta. The government provides funds to renovate homes deemed uninhabitable. Still, millions of Indonesians, including this man in Jakarta, live in poor conditions. Photo: Peter Biro.

Women and child victims of violence

Much of the assistance that is available to trafficked women and children comes under the umbrella of a specific subset of socially vulnerable persons: women and child victims of violence. Indonesia has several laws intended to protect women and children from violence, including the *Law on the Elimination of Violence in the Household (Number 23, Year 2004)*, *Law on Child Protection (Number 22, Year 2003)* and the *Law on Pornography (Number 44, Year 2008)*. Article 43 of Law 23/2004, which regulates cooperation in the implementation of the recovery of victims of domestic violence (to be carried out by government agencies, local government and social agencies in accordance with the duties and functions of each), requires the provision of necessary facilities and assistance for the recovery of domestic violence victims. In 2006, to enact the laws to protect women and children from domestic violence, Indonesia's government issued the *Indonesian Government Regulation on the Implementation and Partnership for the Recovery of Domestic Violence Victims (Number 4, Year 2006)*, which mandates minimum service standards and standard operating procedures to be used as guidelines in the implementation of services for victims of domestic violence.

In 2010, the Ministry of Women Empowerment and Child Protection (MoWECP) issued *Minimum Service Standards of Integrated Services for Women and Children Victims of Violence (Number 1, Year 2010)*.¹⁰⁸ The scope of these minimum service standards (SPM) covers the minimum services to be provided by the implementers of integrated services to women and child victims of violence, setting forth five types of services: handling complaints of violence against women and children; health services for women and children; social

¹⁰⁸ MoWECP (2010) *Regulation on Minimum Service Standards of Integrated Service for Women and Children Victims of Violence*, Number 1, Year 2010 (subsequently referred to as SPM 1/2010).

rehabilitation for women and child victims of violence; law enforcement and legal aid for women and child victims of violence; and repatriation and social reintegration for women and child victims of violence.¹⁰⁹ In 2010, the MoWECP issued the *Standard Operating Procedure of Integrated Services for Women and Children Victims of Violence (Number 22, Year 2010)*.



A woman with her two children in her home village of West Java. Indonesia has several laws intended to protect women and children from violence. Photo: Peter Biro.

4.4 Summary of assistance in Indonesia

Indonesia's laws and regulations establish various rights and entitlements to assistance that can be critical in the reintegration of trafficked persons. In Indonesia, assistance may be specifically designed for trafficking victims (e.g. Law 21/2007), or trafficked persons may access assistance that is available to migrant workers (e.g. Law 39/2004) and/or social assistance, including to socially and economically vulnerable persons (e.g. Law 11/2009). The range of reintegration services provided for across these three bodies of legislation are summarized in the table below.

¹⁰⁹ SPM 1/2010, Article 1.

Table #3. Formal assistance as established in Indonesian law

Form of assistance	VoTs			Migrant Workers		Socially Vulnerable Persons		
	Women	Men	Children/ Youth	Women	Men	Women	Men	Children/ Youth
Temporary and longer-term shelter	✓	✓	✓	✓	✓	✓*		✓*
Established formally	Law 21/2007, Regulation 9/2008, SOP 2012 BSP RPTC	Law 21/2007, Regulation 9/2008, SOP 2012 BSP RPTC	Law 21/2007, Regulation 9/2008	SOP 2012 BSP RPTC, 2013 Social Protection Guidelines, Regulation 22/2013	SOP 2012 BSP RPTC, 2013 Social Protection Guidelines, Regulation 22/2013	*victims of violence Law 23/2004		*victims of violence Law 23/2004
Program/ Service Provider	P2TP2A, RPTC, RPSW	P2TP2A, RPTC	P2TP2A, RPSA	RPTC, SATGAS TKIB	RPTC, SATGAS TKIB	Integrated Service Centers		Integrated Service Centers
Housing						✓	✓	
Established formally						-	-	
Program/ Service Provider						RTLH, TNP2K affordable housing program	RTLH, TNP2K affordable housing program	
Medical care	✓	✓	✓	✓	✓	✓	✓	✓
Established formally	Law 21/2007, Regulation 9/2008, SOP 2012 BSP RPTC, MoH Circular Letter 149/2013	Law 21/2007, Regulation 9/2008, SOP 2012 BSP RPTC, MoH Circular Letter 149/2013	Law 21/2007, Regulation 9/2008, MoH Circular Letter 149/2013	SOP 2012 BSP RPTC, Regulation 22/2013, Law 39/2004	SOP 2012 BSP RPTC, Regulation 22/2013, Law 39/2004	Law 11/2009, Law 36/2009, SPM 1/2010	Law 11/2009, Law 36/2009	Law 11/2009, Law 36/2009, SPM 1/2010

Program/ Service Provider	P2TP2A, RPTC, RPSW, PPT, National Police Hospitals	P2TP2A, RPTC, PPT, National Police Hospitals	P2TP2A, RPSA, National Police Hospitals	RPTC, SATGAS, through mandatory Insurance	RPTC, SATGAS, through mandatory Insurance	Social Health Insurance, Integrated Service Centers (for victims of violence), KIS card	Social Health Insurance, KIS card	Social Health Insurance, Integrated Service Centers (for victims of violence), KIS card
Psychological assistance / counseling	✓	✓	✓	✓	✓	✓	✓	✓
Established formally	Law 21/2007, Regulation 9/2008, SOP 2012 BSP RPTC, RPTC Guidelines, Minister of Social Affairs Regulation 16/2013	Law 21/2007, Regulation 9/2008, SOP 2012 BSP RPTC, RPTC Guidelines,Min ister of Social Affairs Regulation 16/2013	Law 21/2007, Regulation 9/2008, Minister of Social Affairs Regulation 16/2013	SOP 2012 BSP RPTC, 2013 Social Protection Guidelines, Regulation 22/2013, Minister of Social Affairs Regulation 16/2013	SOP 2012 BSP RPTC, 2013 Social Protection Guidelines, Regulation 22/2013, Minister of Social Affairs Regulation 16/2013	Law 11/2009, SPM 1/2010, Minister of Social Affairs Regulation 16/2013	Law 11/2009, Minister of Social Affairs Regulation 16/2013	Law 11/2009, SPM 1/2010, Minister of Social Affairs Regulation16/20 13
Program/Service Provider	P2TP2A, RPTC, RPSW, LK3	P2TP2A, RPTC, LK3	P2TP2A, RPSA, LK3	RPTC, SATGAS, LK3	RPTC, SATGAS, LK3	Integrated Service Centers (for victims of violence), LK3	LK3	Integrated Service Centers (for victims of violence), LK3
Informal education / life skills	✓	✓		✓	✓			
Established formally	SOP 2012 BSP RPTC	SOP 2012 BSP RPTC		SOP 2012 BSP RPTC	SOP 2012 BSP RPTC			
Program/Service Provider	RPTC	RPTC		RPTC	RPTC			
Funding to start a small business	✓	✓		✓	✓	✓	✓	

Established formally	Reintegration Guidelines			2013 Social Protection Guidelines, 2003 Social Assistance Guidelines	2013 Social Protection Guidelines, 2003 Social Assistance Guidelines	Law 11/2009	Law 11/2009	
Program/Service Provider	PEBA/UEP, Training/assistance of VoT program	PEBA/UEP		PEBA/UEP, GEBA/KUBE, BNP2TKI	PEBA/UEP, GEBA/KUBE, BNP2TKI			
Vocational training			✓	✓	✓	✓	✓	✓
Established formally			-	Presidential Decree No 81 / 2006	Presidential Decree No 81 /2006	Law 11/2009, Law 20/2003	Law 11/2009, Law 20/2003	-
Program/Service Provider			PSBR	BNP2TKI entrepreneurship training	BNP2TKI entrepreneurship training	TVET	TVET	PSBR
Legal Assistance	✓	✓	✓			✓		✓
Established formally	Law 21/2007	Law 21/2007	Law 21/2007	Presidential Decree No 81 / 2006	Presidential Decree No 81/2006	Regulation 83/2008, SPM 1/2010, Law 11/2009, Law 16/2011	Regulation 83/2008, Law 11/2009, Law 16/2011	Regulation 83/2008, SPM 1/2010, Law 11/2009, Law 16/2011
Program/Service Provider	Only to victim/witness during proceedings	Only to victim/witness during proceedings	Only to victim/witness during proceedings	Crisis Center BNP2TKI	Crisis Center BNP2TKI	LBH, Integrated Service Centers (for victims of violence)	LBH	LBH, Integrated Service Centers (for victims of violence)
Protection	✓		✓	✓	✓	✓		✓
Established formally				Law 39/2004, 2013 Social Protection Guidelines	Law 39/2004, 2013 Social Protection Guidelines	SPM 1/2010		SPM 1/2010

Program/ Service Provider	UPPA		UPPA	BNP2TKI (during return process only), SATGAS	BNP2TKI (during return process only), SATGAS	Integrated Service Centers (for victims of violence)		Integrated Service Centers (for victims of violence)
Restitution	✓	✓	✓					
Established formally	Law 21/2007	Law 21/2007	Law 21/2007					
Program/Service Provider	Court of Law	Court of Law	Court of Law					
Compensation				✓	✓			
Established formally				Law 39/2004	Law 39/2004			
Program/ Service Provider				Through mandatory Insurance	Through mandatory Insurance			
Referrals	✓		✓	✓	✓	✓	✓	✓
Established formally				2013 Social Protection Guidelines	2013 Social Protection Guidelines	Law 11/2009	Law 11/2009	Law 11/2009
Program/ Service Provider	UPPA		UPPA					
Education								✓
Established formally								Law 11/2009, Law 20/2003

Program/ Service Provider								School aid, KIP card
Small grant / cash assistance				✓	✓	✓	✓	
Established formally				2013 Social Protection Guidelines	2013 Social Protection Guidelines	Law 11/2009, Law 40/2004	Law 11/2009, Law 40/2004	
Program/ Service Provider				SATGAS	SATGAS	TNP2K, KKS card, PKH	TNP2K, KKS card, PKH	
Other				✓	✓	✓	✓	✓
Established formally				Presidential Decree No 81 / 2006	Presidential Decree No 81/2006	Law 11/2009	Law 11/2009	Law 11/2009
Program/ Service Provider				BNP2TKI hotline	BNP2TKI hotline	Subsidized rice	Subsidized rice	Subsidized rice

5. Challenges in the reintegration of trafficked persons in Indonesia

The anti-trafficking community in Indonesia recognizes the important, often vital, role that assistance and services can play in the recovery and reintegration of trafficked persons. The *Guidelines for Law Enforcement and the Protection of Victims of Trafficking in Handling Trafficking in Persons Cases* in Indonesia note specifically that: "...recovery assistance needs to be given to the victim[s] to allow them to fully recover for their own good and for the interest of the community."¹¹⁰ Similarly, a number of trafficking victims participating in this study described the importance of the assistance they had received in supporting their recovery and reintegration. One young man, trafficked for labor, received monetary support, housing and assistance to pursue further education following his return. For him, this support was important in moving on from his trafficking experience: "My mental state is more brave, more confident. Because before I was experiencing what the other migrant workers face". Similarly, a woman who was trafficked for sexual exploitation within Indonesia stressed the value of the assistance that she received from the Indonesian NGO that worked with her: "Support and assistance from [the NGO] was very useful and good. I got information, knowledge and they gave me a job". She went on to say: "If there were no assistance from [the NGO], maybe I am still *mejeng*¹¹¹ [hanging out on the street]..."

That being said, many Indonesian trafficking victims did not receive the assistance that they needed following their experiences of exploitation. Almost half of the trafficked persons in this study were unassisted, which meant not receiving support or assistance that they are entitled to under Indonesian law. In some cases, being unassisted meant that victims were unable to fully overcome the trauma of trafficking, as one woman, trafficked for domestic work to Saudi Arabia, explained:

When I went home, it was so sad and unsuccessful because I didn't bring money home. My daughter thought that I would bring some money. I cried and my tears dropped when I saw my daughter and my husband. I was mentally depressed...I am afraid it will happen again. When I slept and woke up, then I remembered what happened in Saudi Arabia. Until now, maybe it was five or six years ago but it is still on my mind, not being removed from my life. I was traumatized.

Many other Indonesian trafficking victims are what can be described as "under-assisted". That is, they received some forms of assistance, but not the full range of services they required (and are entitled to) to move on after trafficking and reintegrate into their families and communities. This was the case for about a third of respondents interviewed. Being under-assisted can be very stressful, even debilitating, for trafficked persons. They may be unable to recover (mentally and/or physically) from their exploitation as a result or manage the social and challenges of reintegration. One woman who was trafficked to UAE as a domestic worker was beaten and tortured by her "employer" and seriously injured as a result. When she returned to Indonesia, she initially received a small amount of money for medical care, but the assistance was one-off and she was subsequently unable to afford to continue with her treatment for her extensive injuries. She explained how not getting longer-term assistance meant that she was unable to heal: "I want to go to the doctor, but my mother said the doctor is really expensive so I just gave

¹¹⁰ IOM (2009) *Guidelines for Law Enforcement and the Protection of Victims of Trafficking in Handling Trafficking in Persons Cases, Revised Edition*. Geneva: IOM, p. 66.

¹¹¹ "Mejeng" literally means hanging out on the street and is generally used by youth to refer to recreation time. However, it is also an expression used by women in prostitution who "hangout" in the context of prostitution – e.g. on the street or at a *warung kopi* (coffee stand), karaoke, disco and so on.

up. I just left that wound, I just threw some coffee in it, to stop the bleeding...I've been told to use coffee". In some cases being under-assisted may lead to serious problems and challenges in the reintegration process and some trafficked persons may even re-migrate (and perhaps also end up re-trafficked), having gone without the assistance and support they needed at home.



Nearly half of the trafficked persons in this study were unassisted, like this woman in this district of West Java. Photo: Peter Biro.

There is a raft of reasons that Indonesian trafficking victims are unassisted or under-assisted. These include one or a combination of the following issues, each of which is discussed in turn below:

- 5.1 Trafficked persons are unidentified
- 5.2 Reintegration is not clearly defined or understood
- 5.3 Most assistance is “one-off”
- 5.4 Assistance is short-term
- 5.5 Victims face barriers in accessing services
- 5.6 Lack of information about assistance
- 5.7 Lack of reintegration assistance for trafficked men
- 5.8 Lack of case management and tailored reintegration support
- 5.9 Uneven provision of assistance due to decentralization and geographic distribution

5.1 Trafficked persons are unidentified

Large numbers of Indonesian trafficking victims are not formally identified, abroad or at home. Many trafficked Indonesian migrant workers were not recognized as trafficking victims in the destination country and were detained and subsequently deported as illegal migrants. One man,

trafficked on a palm oil plantation in Malaysia, spoke of his experience after the police raided the plantation where he was working. The police did not consider the workers to be trafficked, in spite of strong signals to the contrary, like workers not being paid):

We were powerless, finally we were arrested...we were taken to a police office [...] for one week nobody could sleep and everyone was sick...48 persons [crammed into a tiny room]. Every one slept in sitting position...only one toilet, forced to sleep together, it was not humane at all, for a week. After a week, we were processed and taken to prison...in that prison, one cell was for, more or less, 18 persons.

Similarly, authorities failed to identify 74 Indonesian fishers who were exploited on a group of ten fishing vessels in and around South Africa. When South African authorities arrested the fishing vessels in the Cape Town port for illegal fishing,¹¹² the authorities did not screen the men for trafficking¹¹³ in spite of visible evidence that they had endured brutal living and working conditions on board the vessels, gone unpaid and been subjected to extreme violence.¹¹⁴ Instead the men were forced to stay on their vessels in the Cape Town port, living in inhumane conditions with no food, electricity or fresh water, relying on food donations from private citizens and some NGOs. After some months (and in spite of a great deal of media attention), the men were still not screened and identified as trafficking victims. Instead South Africa's Department of Home Affairs (DHA) took the men in the middle of the night to a detention center for irregular migrants where they stayed for some months before being deported. One of the men described the experience:

After some time living on the boats, at 3am the police and the immigration team came to the boats. All my friends were confused. Most of them can't speak English... They brought guns and said: "Hurry up, move your things!". The voices were loud. They forced us to move from the boat. [They said]: "Hurry up, take everything that you need!"...No one picked up the phone at the embassy...We, 74 people, were moved to the police office. They wrote our data until 6am. At 6am, we were moved to the bus to Johannesburg. I thought we will return home at that time... You know, the [Indonesian] embassy staff did not answer our phone calls. They just arrived in the morning and waved their hands when the bus was about to leave, so innocent. I said: "What is this?" It was around 16 hours ride [to] Johannesburg [from] Cape Town under strict guard. We only ate bread and drank water. We arrived at Johannesburg around midnight... At midnight, we arrived at a place called Lindela, it's a detention center. Then they recorded our data first. We did not directly enter into jail. My friends were so hungry at that time. At 9am, the officers there took all of our things such as mobile phones and all personal things. It was like a jail. The only difference was that we did not wear the uniform.

¹¹² To arrest a vessel means to seize and detain a vessel in order to gain jurisdiction over it and therefore be able to impose a fine (e.g. for illegal fishing) or to bring a claim against the vessel owner(s) (e.g. for unpaid debts) in court. Arresting the vessel does not mean that the crew is arrested – in arresting the vessel, the vessel itself is the defendant (known as an *in rem* proceeding). The ability in Admiralty Law to bring a claim against the vessel itself (rather than a person) provides certain advantages, particularly if the vessel owner is a foreign-based person or corporation. See OECD (2004) *Fish Piracy: Combating Illegal, Unreported and Unregulated Fishing*. Paris: OECD.

¹¹³ United States Department of State (2014) 'South Africa' in *Trafficking in Persons Report*. Washington: United States Department of State.

¹¹⁴ See also Surtees, R. (2014) *In African waters. The Trafficking of Cambodian Fishers in South Africa*. Washington: NEXUS & Geneva: IOM, pp. 99-100.



Workers and fishers in Jakarta's port. Many trafficked Indonesian migrant workers were not recognized as trafficking victims, including men exploited in the fishing industry. Photo: Peter Biro.

The detention center where the Indonesian men were held has been documented as unsanitary, lacking adequate meals and medical care, with insufficient access to basic items (such as toiletries and clean clothes), and neglecting the psychological well-being of detainees. Further, detainees have reported physical abuse and injury by security guards and immigration officials and being beaten to sign documents “consenting” to deportation.¹¹⁵ After months and years of being trapped and severely exploited at sea, the men faced a longer unwarranted and unnecessary period of detention, this time at the hands of authorities. Failure to identify these 74 men as victims of trafficking – or at least as potential trafficking victims – led to many serious shortcomings in their treatment and the loss of months of their lives while unfairly detained by South African authorities and without satisfactory intervention on their behalf by the Indonesian Embassy, a violation of their rights as trafficking victims under Indonesian law.¹¹⁶

¹¹⁵ LHR (2012) *Monitoring Immigration Detention in South Africa*. Pretoria: Lawyers for Human Rights, pp. 20-21. The men interviewed for this study also reported physical and psychological abuse by guards in the detention centre.

¹¹⁶ Indonesia's anti-trafficking law provides: “If a victim located in a foreign country requires legal protection as a consequence of the criminal act of trafficking in persons, the Indonesian government through its representative mission in the said country has the obligation to protect the person and interests of the victim, and must make efforts to return the victim to Indonesia, the expense arising from which will be borne by the state”. Law 21/2007, Article 54. Our research did not determine facts that explained the failure of the Embassy of Indonesia to better protect these Indonesian citizens while overseas.



A fisher in the waters off of the port in Jakarta. Photo: Peter Biro.

Failed identification also happened at home; many trafficked persons were not screened or recognized as trafficking victims upon their return to Indonesia. In some cases, Indonesian trafficking victims remained unidentified because their exploiters sent them home – or at least got them quickly out of the country – most often when they felt at risk of imminent discovery and prosecution. This form of return meant that trafficked persons did not pass through channels that would have facilitated their identification as trafficking victims. One woman, trafficked to UAE for domestic work, was released when her “employers” decided they no longer wanted her and abruptly sent her home without payment for the months of her work. She described how they simply dropped her at the airport without any warning that she was going home or the opportunity to prepare:

They said they want to go to supermarket, but they bought me a plane ticket and I went home... They gave me a ticket and money. I was shocked because my clothes and my food were still in their house and I was wearing my pajamas and bringing my passport...I just got money for the ticket and I didn't know about my salary. I just thought: “It's okay they gave tickets to go home and I'm safe”. They liked to hit me so I'm grateful that they sent me back home.

Others were only able to leave their trafficking situations when released at the end of their work contracts. In such cases, they were most commonly concerned with getting home and did not seek out support. They often traveled on valid immigration documents and crossed formal border crossings and may not have manifested visible signs of their exploitation.

That being said, screening for trafficking was not commonplace among respondents in this study. None of the individuals interviewed for this study described being screened as a potential trafficking victim when entering Indonesia in spite of sometimes quite visible signals that this might be the case.¹¹⁷ Some returning migrants workers were visibly ill or injured (sometimes seriously) and were still not screened as potentially trafficked upon arrival. The woman mentioned above, who was trafficked in the UAE and suddenly sent home by her “employers”, had a visible and still bleeding wound and several other visible scars when she arrived in Indonesia and yet was not screened by airport authorities. Another trafficked domestic worker who returned from Bahrain was so visibly sick that the flight attendant on the airplane asked about her condition, saying: “What’s wrong with you? Did your employer torture you?” Still this woman was not identified as a trafficking victim by the authorities upon arrival.¹¹⁸ Some trafficking victims sought out assistance but were not identified as trafficked, or even as exploited. One woman, trafficked as a domestic worker to Qatar, tried to explain that she was a trafficking victim upon arrival at the airport in Indonesia, but was classified as an “unsuccessful migrant worker” (TKIB).¹¹⁹

Many returning migrants did not know about trafficking or did not recognize that their exploitation constituted human trafficking. One woman had been home for five years and had never been identified as a trafficking victim. It was only when she participated in community discussions about trafficking some years after her return that she understood that she had been trafficked. As a consequence, she did not know that she had been (and indeed still was) entitled to assistance as a trafficked person, nor was she aware of what assistance might be available to her. And yet she spoke about her need for help and assistance: “I need to heal my trauma, what is the solution for this? Where can I go to remove it? I want to heal my trauma, to get recovered. There should be a program to heal the trauma. How to get help for this?” Similarly, another formerly trafficked domestic worker explained that she had had a very bad experience working abroad but had only recently understood (several years after the event) that this was actually human trafficking: “I was also trafficked. And it was only in 2012 that I understood that I had been trafficked”.

This is particularly likely to be the case among victims of labor trafficking, given that many Indonesians (including within civil society and the government) continue to associate trafficking solely with trafficking for sexual exploitation and the trafficking of children. The observation of one trafficked domestic worker is illustrative of this assumption and bias: “I thought that trafficking was only women trafficked as prostitutes. So right now I understand that [my situation as a domestic worker] was also a trafficking situation”. This is also an issue for trafficked men who, until very recently, were not generally understood to be at risk of trafficking and possible victims of this crime.

¹¹⁷ The 2015 United States Department of State *Trafficking in Persons* (TIP) report noted that while the Indonesian government had standard operating procedures for the proactive identification of victims, “it did not consistently employ these among vulnerable groups, such as returning migrant workers who reported problems during their overseas employment. The government continued to rely largely on international organizations and NGOs for the identification of victims”. United States Department of State (2015) ‘Indonesia’ in *Trafficking in Persons Report*. Washington: United States Department of State.

¹¹⁸ This woman was also later unsuccessful in making an insurance claim through her insurance as a migrant worker (TKI) as she was told that she had not passed through the correct terminal for returning migrant workers (Terminal 4) to receive the letter required to make a claim), leaving her without access to much-needed medical care.

¹¹⁹ TKIB stands for *Tenaga Kerja Indonesia Bermasalah*, which translates as a migrant worker with problems.



A man working in a rice mill in rural West Java. Photo: Peter Biro.

Summary. Many Indonesian trafficking victims are never identified as trafficking victims – both in destination countries and at home. Missed identification means trafficked persons are detained and deported, forced to pay their own way home (sometimes going into debt to do so) and/or at risk of further trafficking or exploitation in the return process. It also, almost invariably, means that these individuals end up being unassisted once home. Failure to identify victims – even individuals with visible indicia of exploitation or abuse – has resulted in significant deleterious impacts on individuals who have already suffered at the hands of traffickers.

5.2 Reintegration is not clearly defined or understood

The Indonesian anti-trafficking law does not define reintegration but instead refers to “rehabilitation”, which is defined as “recovery from physical, psychological and social ailments in order to enable [the victim] to resume his/her role within the family or community”.¹²⁰ The Indonesian anti-trafficking law states that a trafficking victim¹²¹ is “entitled to receive medical and social rehabilitation, return assistance, and social reintegration”,¹²² with the accompanying *Elucidation of the Law* defining “social reintegration” as “the reunification of a victim of the criminal act of trafficking in persons with his/her family or a foster family which can provide

¹²⁰ Law 21/2007, Article 1.14.

¹²¹ The law defines a victim as: “a person suffering from psychological, mental, physical, sexual, economic, and/or social trauma caused by the criminal act of trafficking in persons”. Law 21/2007, Article 1.3.

¹²² Law 21/2007, Article 51.1. After the claim is made to the government through the minister or agency in charge of medical and social issues in the respective region, the minister or agency is obliged to provide medical and social rehabilitation, return assistance, and social reintegration within no later than seven days from the date of the claim. Law 21/2007, Article 52.

protection to and meet the needs of the victim”. That is, reintegration in the Indonesian context and in its normative framework is essentially about return to one’s family, although reintegration, as has been discussed, is more than that.

Lack of clarity around what constitutes reintegration and the common conflation of reintegration with return is manifested in the programs and policies of both government and civil society. Interactions with many services providers indicated that many had a limited understanding of what reintegration is, with many individuals focusing on return or the pursuit of a legal case or some compensation. When asked to define reintegration in one group discussion, NGO staff offered the following definitions, which suggest divergent views and varying degrees of comprehension:

- Adaptation to the victim’s social environment
- Things or steps that should be prepared before joining or collaborating with community
- Movement of the Indonesian migrant worker from one country to another country
- Different aspects of handling the legal case
- Handling of Indonesian migrant workers’ legal case after they return home, especially migrants who were victims
- Guiding/empowering the victim after working overseas/migration
- Handling trafficking cases in the legal process

As one state social worker working with trafficking victims noted of the current reintegration response in the country: “Reintegration is often seen as sending someone home, but real reintegration is a lot more than this”.



Travellers at Jakarta’s main bus station. Reintegration is much more than the return to one’s family. Photo: Peter Biro.

That being said, there is increasing understanding of reintegration among service providers and policy makers in Indonesia. One NGO working to assist trafficking victims explained that her organization recognized the need to move beyond basic, immediate assistance, to long-term comprehensive assistance to more effectively support the reintegration of trafficked persons:

At [a recent meeting], we discussed a lot about reintegration and we realized that we need to concentrate more on this, this is lacking in our work. Right now, when someone goes home, this is seen as reintegration and the case is closed... But it is not enough. Reintegration is a difficult part because it means we have to assist [victims] with many things and follow-up [with victims] over time.

Similarly, in drafting guidelines for the implementation of a reintegration plan for trafficked women in early 2015, the Ministry of Social Affairs (through its Social Rehabilitation Directorate) also used a broader and more nuanced understanding of the issue, defining reintegration as “recovery and economic and social inclusion after the experience of trafficking” and highlighting the import role of social workers in supporting victim empowerment, self-reliance, resilience and self-sufficiency.¹²³



Villagers in a trafficking-affected village in West Java. Photo: Peter Biro.

Summary. In Indonesia, reintegration is generally framed as the physical return to the family, although reintegration is a complex, long-term process that involves many aspects of the individual’s life. The conflation of reintegration with return and the lack of clarity around what

¹²³ KEMSOS (2015) *Social Reintegration Manual for Women Victims of Trafficking*. Jakarta: Direktorat Rehabilitasi Sosial Tuna Sosial, Kementerian Sosial Republik Indonesia.

constitutes reintegration have contributed to Indonesian trafficking victims being unassisted or under-assisted. Nonetheless, there is increasing understanding of what constitutes reintegration among government and civil society.

5.3 Most assistance is “one-off”

Most assistance that trafficked persons reported receiving was “one-off” support – the provision of one type of assistance with limited or no follow-up. And yet most trafficking victims described a raft of issues and needs during their reintegration, which were coterminous and mutually reinforcing.

Often one-off support involved transportation home and some financial assistance to deal with emergency needs. For example, IOM provides “reinstallation grants” to cover the basic costs of housing, food, clothing and other necessary items for a period between 30 and 90 days after referral.¹²⁴ Similarly, in 2013, the Indonesian Ministry of Social Affairs provided a “financial assistance” equivalent of 250USD each to 3,650 victims of abuse overseas (an unknown number of whom were trafficking victims).¹²⁵ However, one woman, also trafficked as a domestic worker, explained that receiving one-off monetary assistance was not enough to meet her post-trafficking needs and did not go far enough in support her reintegration. She stressed her urgent need for other services, like medical and psychological support: “I suffered in pain. I was divorced from my husband. When I returned home, I was also sick. I did not bring any money since my five month-salary was not paid...I could not walk properly. I was so stressed since I did not have money”. These services were not available to her – she paid for her own medical care and did not receive any counseling, relying instead on talking to family members to cope with her stress and anxiety: “Since I was so stressed, it was not about the material things but my tension was related to marriage and my relationship with my husband”.

Economic assistance was a prioritized form of assistance, which was generally offered as a one-off form of assistance – e.g. small grants, conditional cash transfers, capital to start a business and so on – and seldom coupled with complimentary support like vocational training or skills in small business development, which trafficked persons also reported needing.¹²⁶ One woman, trafficked as a domestic worker, received a grant to set up a small business upon her return to Indonesia, but ultimately her business failed, largely because she did not have (nor did she receive) the skills to establish and run a sustainable business, as she explained:

There was no training or capital that can sustain the economic empowerment. They just gave me some money to borrow and I should discuss with my neighbor what we want to do with this money. The program did not really educate us. We trained ourselves and tried to sell anything that is valuable...I think I needed some vocational training which could increase my skills. For example, some training to manage a farm or to have a cattle business... I did not want to receive money without any training. It was useless.

Another woman who received 500,000IDR [45USD] from the government to start a small shop abandoned her business after one month because it was not profitable and it didn’t match her interests or needs. She described the disconnect between what she was able to do and what she

¹²⁴ Lyneham, Samantha (2014) ‘Recovery, return and reintegration of Indonesian victims of human trafficking’, *Trends & issues in crime and criminal justice*, No. 483.

¹²⁵ United States Department of State (2014) ‘Indonesia’ in *Trafficking in Persons Report*.

¹²⁶ See also Surtees, R. (2013) *After Trafficking: Experiences and Challenges in the reintegration of Trafficked Persons in the Greater Mekong Sub-region*. Bangkok: UNIAP & Washington: NEXUS; and Surtees, Rebecca (2012) *Re/integration of trafficked persons. Supporting economic empowerment*. Washington: NEXUS Institute & Brussels: KBF.

was supported to do by service providers: “I started my small shop... My income was not much. It was a small business. My profit was only 100–200,000IDR [9-18USD]. I failed. [...] After some consideration, I decided to quit. I wanted to do farming”.



Man running a small food business in his village. Food stalls are a common form of small business in Indonesia. Photo: Peter Biro.

Indeed economic assistance was often only successful when supplemented by other forms of support (whether for the victim and/or his/her family). In some cases this meant counseling, allowing the victim to recover and stabilize and more able to successfully find and keep a job or run a small business. One woman who was in urgent need of a job (she was unemployed and her husband worked only casually) nonetheless said her greatest need was counseling, to deal with her trauma. The impact of economic assistance may also be linked to medical needs in that trafficked persons who were physically unwell were often unable to work well or missed work because of illness. One NGO staff explained that in implementing a project that provided access to finance for small businesses among migrant workers, the staff found that many beneficiaries needed counseling services as part of their recovery and reintegration and as an ancillary support to galvanize successes in areas like the economic arena.

Summary. Much support currently available to trafficked persons in Indonesia is “one-off” assistance, with limited or follow-up. And yet most trafficking victims described a raft of issues and needs that they struggled to manage and overcome as part of their reintegration. The provision of one-off assistance has limitations in terms of supporting the successful reintegration of trafficking victims. Service providers should work with trafficking victims to collaboratively develop a reintegration plan that considers and meets all of their needs.



A woman with her vegetable stand in Jakarta. Economic assistance, such as capital to start a business, is generally offered as a one-off form of assistance for former trafficking victims. Photo: Peter Biro.

5.4 Assistance is short-term

Indonesian trafficking victims commonly return home in very difficult circumstances, having suffered physical and psychological violence and having endured brutal and inhumane living and working conditions. They often face economic problems, including debt, and some return to a difficult family and community environment where they face blame, discrimination or even stigma. Reintegration is, as a consequence, a long-term process and many trafficked persons require services and support over a period of some time. Moreover, some trafficked persons face “setbacks” and “failures” during their reintegration and may require ongoing support or a resumption of services to address emergent or recurring problems. The specific time that victims need to reintegrate varies, but it is commonly considered to be a multi-year process.¹²⁷

By contrast, assistance currently available to trafficking victims in Indonesia is typically quite short-term, designed to meet immediate and urgent needs and not oriented toward longer-term

¹²⁷ The Report of the Special Rapporteur on trafficking in persons notes that activities “aimed at ensuring the overall social and economic recovery of the victim of trafficking” must plan for the long-term and include follow-up and aftercare. Ezeilo, J.N. (2009) *Report of the Special Rapporteur on trafficking in persons, especially women and children*. New York: United Nations General Assembly, A/64/290. Organizations working under the framework of the Trafficking Victims Re/integration Programme (TVRP) in Southeastern Europe, have articulated three distinct phases of reintegration over a period of up to 36 months: 1) crisis intervention (0-3 months), 2) transition phase (4-12 months), and 3) reintegration / social inclusion (13-36 months). Surtees, R. (2008) *Re/integration of trafficked persons. How can our work be more effective?* Brussels: KBF & Washington: NEXUS Institute, p. 27.

reintegration.¹²⁸ The government-supported initiatives to assist trafficked persons, such as the Integrated Service Centers (*Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak* or P2TP2A) generally provide only short-term support; they are not long-term service providers. The RPTC (House of Protection and Trauma Center/*Rumah Perlindungan Trauma Center*) in Jakarta assists hundreds of trafficked persons each year, offering vital emergency counseling and medical treatment along with shelter¹²⁹ – however, the average stay in this shelter is between one and three weeks.¹³⁰

Moreover, there is limited follow-up or referral for services once victims return home after their stay at the RPTC or other such programs. One woman, trafficked to UAE for domestic work, was deprived of food, beaten and severely exploited. When she managed to escape her “employers” she went to the Indonesian Embassy (KBRI) in UAE, which assisted her to return. Upon her arrival in Indonesia, she spent two weeks in an RPTC where she received short-term assistance, including food, accommodation and was promised longer-term help (e.g. job placement or vocational training) once home. However, she did not get any further help once home nor was she contacted by the social worker. She described how she was struggling to survive: “The problem is, I want to work but I do not have any money or capital to make papers. I do not work”. Similarly, one woman, who was trafficked for sexual exploitation within Indonesia, described being accommodated in the *Rumah Perlindungan Sosial Wanita* (RPSW or Social Protection Home for Women) by the police after they raided the “café” where she and other women were being exploited: “[An RPSW staff] explained trafficking and that we are victims of trafficking”. She stayed at the RPSW for one month where she received food, some clothing, the option to attend vocational trainings, as well as “pocket money” (400,000IDR [or 36USD]), but noted: “since I returned home there was nothing. No assistance”.

It was not only government assistance that was short-term. Both NGOs and international organizations described substantial limitations in their ability to reach and support trafficked persons in terms of providing longer-term assistance needed for meaningful reintegration. As one NGO service provider explained: “We recognize that we are very weak on reintegration and this is where we need to start putting our attention. We cannot follow cases when they go home and we don’t have much assistance to offer them anyway [when they are home]”. Another service provider described current assistance as “hit and run”, while stressing that reintegration support and services needs to be ongoing and available over time. One woman, trafficked for domestic work to Malaysia, described receiving only short-term assistance when she came home to Indonesia:

After arriving in Jakarta, I was directly brought to [the organization]. I stayed there about two weeks. They provided me with medical treatment. They thought I was crazy. They also provided me with clothes and a car and the staff for me to return home. When

¹²⁸ This has also been noted in Southeastern Europe where a study found that donor funding for assistance to trafficked persons was generally short-term (one- to two-year project cycles) and in limited amounts. See Surtees, R. and F. de Kerchove (2014) ‘Who Funds Re/integration? Ensuring sustainable services for trafficking victims’, *Anti-Trafficking Review*, 3, pp. 64-86.

¹²⁹ The number of trafficked persons assisted in the RPTC in Jakarta, by year, is as follows: 6 in 2005, 18 in 2006, 245 in 2007, 249 in 2008, 623 in 2009, 303 in 2010, 255 in 2011, 295 in 2012, 205 in 2013, 605 in 2014 and 454 in 2015.

¹³⁰ A 2006 assessment of anti-trafficking programs in Indonesia noted: “for many victims, two weeks does not provide enough recovery time before returning home, especially to areas without services; some organizations providing assistance to victims have found signs of psychological trauma emerging after victims return home. Service providers report that due to a lack of economic alternatives or local support mechanisms (for victims and their families), victims often leave the village again shortly after returning home, putting themselves at risk of being re-trafficked and exploited.” Rosenberg, R. (2006) *Anti-trafficking Technical Assistance: Indonesia Analysis of United States Government Funded Anti-trafficking Activities, February 6-February 21, 2006*. Washington: Chemonics International, p. 12.

I arrived at my house, the staff gave me money, 1.5 million IDR [136USD]. But I was not informed by them what the money for. I was just thinking: “Why? I escaped and they gave me money?” Maybe they were just pitying to me.



A family having their evening meal in a small village near in West Java. Photo: Peter Biro.

Similarly, IOM, which is the primary international organization assisting trafficked persons in the country, reported that assistance provided by its programs was generally short-term. Among 3,699 trafficked persons assisted between January 2005 and January 2010¹³¹ most victims received one to two weeks recovery (57%, n=2,003) or less than one week recovery (22%, n=768). Some victims received longer periods of recovery, of two to four weeks (15%, n=536) or, in some cases, more than four weeks recovery (6%, n=200).¹³²

To some extent, lack of reintegration assistance is an issue of resources. Funding for long-term reintegration support and services is limited. Funding from the Indonesian government is primarily channeled to the Integrated Service Centers, which, as noted above, are focused on short-term care.¹³³ Similarly, within the framework of a decentralized government system (as discussed in Section 5.9), funding for assistance is provided to provincial governments that are

¹³¹ This included: 2,602 women (70%); 210 men (6%); 739 girls (20%) and 148 boys (4%). Lyneham, Samantha (2014) ‘Recovery, return and reintegration of Indonesian victims of human trafficking’, *Trends & issues in crime and criminal justice*, No. 483.

¹³² Lyneham, Samantha (2014) ‘Recovery, return and reintegration of Indonesian victims of human trafficking’, *Trends & issues in crime and criminal justice*, No. 483.

¹³³ United States Department of State (2013) ‘Indonesia’ in *Trafficking in Persons Report*. Washington: United States Department of State.

responsible for the allocation of these funds. And not all provinces have prioritized assistance to trafficking victims in their budgets, not least long-term reintegration services.

Similarly, NGOs and international organizations report an overall lack of funding from the government and a lack of donor interest in funding anti-trafficking assistance in the country. Also evident is the lack of investment in the high costs and long-term nature of reintegration work. One NGO service provider described being able to offer just a few months of support to its beneficiaries, focusing on initial recovery and stabilization, and without funding for longer-term needs.

Summary. Reintegration is a long-term process. While the specific time required for supporting reintegration depends on the individual, reintegration typically requires ongoing support to address problems that emerge over time. Assistance currently available to trafficked persons in Indonesia is predominantly short-term and designed to meet only immediate and urgent needs. Assistance and services should be oriented toward longer-term reintegration as short-term assistance is almost never sufficient to support an individual's reintegration after an experience of human trafficking.

5.5 Victims face barriers in accessing services

The legal and regulatory framework in Indonesia affords trafficking victims various forms of assistance and support. Moreover, trafficked persons can, in many circumstances, also access other assistance as returned migrant workers and socially vulnerable persons, as detailed in Section 4. However, these rights and services are not always available or accessible in practice due to different types of barriers including administrative requirements, bureaucratic hurdles, structural barriers, personal and individual barriers (e.g. shame or embarrassment about asking for assistance, lack of confidence in authorities, pessimism about the likelihood of receiving help, mistrust of authorities) and practical issues (e.g. lack of resources to access services).

In some cases, victims face barriers in accessing support due to administrative requirements. For example, accessing and registering for state services requires the presentation of legal identity documents. However, some trafficked persons returned home without their legal documents – having had them taken by their employers while abroad or having been destroyed while trafficked. One fisherman, for instance, lost all of his documents when his vessel caught fire. One woman, trafficked for domestic work to the Middle East, had her documents seized by her trafficker as a means of control: “Our numbers, our notes of family telephone numbers, our identity cards, the identity card copy of our relatives were confiscated to prevent us from contacting our family and these were never returned”. She remains without an identity card because she cannot afford the cost of a new one and, further, has not been able to obtain birth certificates for her two children, as she explained: “There are [no birth certificates]. I haven't made them. There is no money; both of them don't have it. I can't even afford to make my identity card”.

Another woman who returned home with serious health problems wanted to receive health insurance from BPJS (which provides health insurance to impoverished and socially vulnerable persons) to be able to access health services but her identity document had expired while she was abroad and she could only renew her document in her home village. She was living in another village and too ill to travel the distance to her home village to apply for her Residential Identity Card/*Kartu Tanda Penduduk* (KTP). She was eventually able to apply for her identity card with the help of a relative but it some time (several months) to apply for and receive her documents and to then apply for and be accepted into the BPJS, during which time she had no access to much-needed medical care.



A man and boy register for services at a local health clinic. Photo: Peter Biro.

Preparing new identity documents is not only cost-prohibitive for some trafficked persons, but also is often a time consuming and complicated process which requires a birth certificate, family card and a letter from the head of the *rukun tetangga* (RT) or neighborhood and also the head of village (*kepala desa*). It is even more expensive and complicated for persons who have integrated into a new community, particularly Jakarta. One woman who was trafficked to Jakarta and who remained in the city following her exit from trafficking was still, after many years, living on the seasonal, temporary identity card because of the cost and procedures involved in getting a permanent card: “I could not make a Jakarta identity card so I have to make my own non-permanent identity card. [...] It was so expensive, more than 500,000IDR [45USD] to make Jakarta’s identity card. [...] I would have to pay some amount of money and they will gave me a small yellow card that has a Jakarta logo. It will expire every three months”.

A further complication for some trafficked persons is that they may inadvertently lose their citizenship under the *Law on Citizenship (Number 12, Year 2006)* which stipulates that an Indonesian citizen who lives outside of the territories of the Republic of Indonesia for five consecutive years for “nonofficial purposes, without legal reason” and who “deliberately refuses” to declare his or her intention to remain a citizen of Indonesia within those five years loses his or her Indonesian citizenship.¹³⁴ Trafficked persons (who are commonly without contact with

¹³⁴ Republic of Indonesia (2006) *Law on citizenship*, Number 12, Year 2006, Article 23(i). The Representative Offices of the Indonesian government in foreign countries have the responsibility to duly inform Indonesian citizens abroad of the requirement that they “declare their intention of retaining their citizenship to the Indonesian Representative offices in which the said person’s residence is under their jurisdiction”.

others for long periods of time) may lose their citizenship if they remain outside of Indonesia for more than five years.

In other cases, victims faced bureaucratic hurdles in accessing available services. Some trafficking victims, in spite of being legally recognized as trafficking victims, were not referred for the services to which this status entitled them. For example, in spite of the legal right to receive free medical care as trafficking victims, some trafficked persons were unable to do so.¹³⁵ One domestic worker, trafficked to Saudi Arabia, suffered extensive scarring and paralysis in her leg from being tortured by her employer. Her doctor in Indonesia was aware that she was a formally identified trafficking victim, having been repatriated with the assistance of the Indonesian Embassy. Nonetheless, she was still required to pay for medical care and no effort was made to assist her in accessing free medical services. She relied on informal assistance from neighbors and friends to pay for medical treatment and the cost of medicine. When we spoke to her several months after her return she was still struggling with her skin condition and unable to pay for the medicated cream she needed to manage the reaction; she did not have access to medical care that would cover these costs.

Another common challenge was the inability of trafficked domestic workers to claim their insurance as migrant workers after return.¹³⁶ One woman, trafficked to Bahrain as a domestic worker, was very ill when she came home to Indonesia and submitted a claim for medical insurance. Her claim was denied because the insurance company said that her illness pre-existed her migration and her health condition made it difficult to appeal, even with legal support from an NGO:

I usually asked about the progress situation of my insurance, I send them text but after three-four days there was no answer, then after I was waiting for such a long time, there was an answer that I should waiting again. After I received that my insurance was declined, I received information that [the NGO] was making an appeal in law. I did not know whether it was correct or not... I was disappointed... They already know about my condition, why then the insurance could not be claimed. They asked me to be present and came to their office, it was hard for me, regarding my health condition.

She was subsequently unable to access state-funded medical care for poor families as she did not have her identity document and she did not have the funds to renew the card or money to pay for transportation to visit the various administrative agencies. In another case, a man who had been trafficked for labor in a factory in Taiwan (Province of China) returned home with severe damage to his hands from absorbing toxic chemicals in the factory. Having never been issued an insurance card (in spite of having paid for the mandatory insurance for migrant workers), he was unable to make a claim: "I felt really cheated, being sick without receiving any treatment. Meanwhile we already paid for the insurance. Even though it was only two months [in that country], but the insurance card never got out, and I really felt the cost for paying the medication".

For some victims, the procedures involved in accessing services were uncomfortable and intimidating. One woman, trafficked for domestic work, described reticence in accessing

¹³⁵ United States Department of State (2014) 'Indonesia' in *Trafficking in Persons Report*. Washington: United States Department of State.

¹³⁶ As discussed in Section 4.2, domestic workers who migrate formally are required to purchase insurance prior to their departure which protects them in the case of failed recruitment, unpaid wages, early termination of contract, contractual deception, physical abuse, sexual harassment and assault, legal proceedings, being stranded, illness, industrial accident and death. Amnesty International (2013) *Exploited for Profit, Failed by Governments: Indonesian Migrant Domestic Workers Trafficked to Hong Kong*. London: Amnesty International, p. 40.

assistance if it meant navigating legal and administrative requirements: “If it gets complicated and there’s a law involved, I don’t want to. I don’t like complicated things like that. I don’t want to involve with the law”.

Some barriers to accessing assistance were structural – i.e. due to lack of information and capacity among government officials responsible for assisting victims. One woman, trafficked for domestic work, described how improvements were needed in terms of the police’s handling of cases, explaining that the police did not “accept” her case when she reported it in spite of it being a clear case of human trafficking: “I think the police must understand our condition because when my sister reported to the police, they didn’t accept my case. They said they only took care of torture and thief cases”. Another woman, trafficked for sexual exploitation, feared that she would have to pay the police to take her case: “I feel tired. I don’t know. If I could, I would report to the police but we always need to give them money.” Others were given contradictory information from authorities and/or assistance organizations. Still others were told they were ineligible or unable to receive assistance.

Some barriers were highly personal and individual. In the course of the interviewing victims for this project, we provided them with information about assistance options they could access and spent time explaining their right to services and how to access this help. And yet many respondents were reluctant to follow up on these referrals. Some expressed “shyness” and feeling intimidated to contact government officials for help. Others described feelings of shame about being poor or needing help, which prevented them from accessing services. Others were embarrassed and ashamed about having been exploited. One man who was trafficked for fishing wanted to open a business upon his return to Indonesia, but he felt he couldn’t tell the service provider how much money he needed to do so: “...she asked me, how much capital do you need? At least 10 million IDR [910USD], but I was too embarrassed to tell her the amount”. Another woman, trafficked for domestic work, spoke of her reluctance to ask for help to claim her unpaid salary: “I wanted to sue my employer to pay my salary. But I did not tell this to [the service provider]. I was [ashamed] and afraid at that time. I was afraid that it would be problems for me and a long process and more complicated”. Another woman, in dire need of medical care, described how her husband was too reluctant and intimidated to help her access the medical care she needed:

I said to my husband that I wanted to go to hospital. When I was in [the hospital in the city where I returned], people said “Just go to [another hospital], it is good hospital”... So it was a month ago, I said I wanted to go to [the other hospital]. [My husband] answered: “How can we get the money?” I said: “It’s is free”. But he can’t, he could not take care of anything, he cannot talk to important persons, not even to the police, so he is just quiet.

Some respondents wondered and worried about what to say and how they should represent themselves to authorities in asking for help. One woman, in urgent need of assistance, contacted one member of the research team in the middle of the night to ask for guidance in contacting the authorities, asking what exactly to say in explaining who she was and where she got the contact information.

Still others expressed their lack of confidence in their ability to access services and were pessimistic about the likelihood of receiving help. One man, trafficked for labor in Malaysia, said that initially he had tried to apply for some funding to start a small business, but that he eventually gave up: “There is the possibility that since we are small people, our application wouldn’t be granted. That was what we thought. So we stopped”. For others there was mistrust of the authorities whom they would need to approach to access their rights. Said one man of his

feelings about contacting the police: “I didn’t really trust the police. Most police like to take advantage of the situation. If we ask for help, they might use us. Not that I’m talking badly about the police, but this is the reality. I had a friend becoming a boss, and police always ask for their cut. I learned not to trust them”.

There were also practical barriers to accessing services. Some respondents lacked the resources to contact services providers by phone or to travel to the offices of the relevant authorities.¹³⁷ One man, trafficked for labor exploitation in Singapore and Malaysia, said simply that he could not look for help because he lacked money: “I didn’t have money. [...] Yes, we need money for transportation to go to the police”.

The impact of not being able to access services can have dire consequences for the long-term reintegration of trafficked persons. One woman, trafficked for domestic work, who was blinded as a result of her trafficking was told that she needed an eye donor in order to have an operation. She returned to her community, unable to work and unable to access the ongoing medical care that she needed. Her relatives assisted her to apply for social security and government health insurance from BPJS. While the Ministry of Health is supposed to pay for the health insurance premiums under the program, she was told that she needed to pay them. As she couldn’t afford the monthly fees, she was removed from the program: “I did not have any money even just a little to go there, so it was cancelled. I lost hope”. She is now blind and struggling to survive: “I really hope for assistance. I will be thankful if I get assistance. I am honest; I must get help from government, with my condition and my economic condition”.

Summary. In spite of the entitlements to assistance and support that trafficked persons are provided by Indonesia’s laws and regulations, some assistance remains inaccessible. Trafficked persons face barriers in accessing services, including administrative requirements that they are unable to meet (such as documents that they don’t have), bureaucratic hurdles (such as not being referred for services), problems in making insurance claims, various structural barriers, officials and service providers providing wrong or conflicting information, a variety of personal and individual barriers (such as feelings of shame or embarrassment about receiving assistance, shyness in approaching authorities or service providers, negative feelings about the likelihood of receiving help, mistrust of authorities and so on) and practical issues (such as having no resources to contact service providers). Not being able to access services can negatively impact the long-term reintegration of trafficked persons.

5.6 Lack of information about assistance

While the government has established services specifically for trafficking victims (as well as services for migrant workers and socially or economically vulnerable persons), many trafficked persons in Indonesia do not know about available services. Overall, trafficked persons interviewed for this study, including those who had received some assistance, had very little information about their rights as trafficking victims and how to access the services to which they were entitled. Said one man, trafficked onto a palm oil plantation, of his inability to access the services and support he needed: “Because I did not know how to get it, in what way I could access. I have no information, what organization that I could go to, how I could ask for assistance?” Another man, trafficked for work in a factory, noted he needed help to heal his trauma, but: “I don’t know where to go”. Similarly, a woman trafficked for domestic work said:

¹³⁷ As part of the research protocol, the research team assisted respondents in overcoming these barriers – sometimes offering the respondent their phone to contact the relevant office, contacting them on their behalf or providing phone credit, which allowed them to call directly. In emergency cases, the research team also facilitated transportation of respondents to service providers, including accompanying the individual to expedite and smooth the referral process..

“I need to heal my trauma, what is the solution for this? Where can I go to remove it?... How to get help for this?”



Woman and child at a health clinic in a village in West Java. Photo: Peter Biro.

Indeed many trafficked persons, regardless of destination or form of exploitation, described a lack of information about their rights and available services to assist in their recovery. One trafficked domestic worker received no formal assistance when she returned from the Middle East and only realized that assistance was available to her as a trafficking victim after she attended a community discussion on migrant worker rights. Even then she did not know where to go to get this help and was unassisted when we interviewed her, a few years after attending these discussions. Similarly, one man, trafficked for labor, blamed himself for not having received any assistance: “The reason was probably I was stupid and I did not know what types of assistance [were] available”.

Some trafficked persons described confusion about their eligibility for assistance, as well as the process to apply for the assistance and services that they needed, as one man, trafficked for labor, explained:

No one offered us assistance...The ones who know the needs of the people are the head of the village, the head of the RT [*rukun tetangga* or neighborhood]. They could target the wrong recipients there. You can see from the TV that the people who became the target recipients of assistance always wear wristband, BLT necklace. I wonder why people in a pinch like me always have a hard time getting into that recipient list. I don't know what the problems are. Do I have to make a statement that I'm poor to the RT and the village? I'm not sure.

Trafficked persons spoke not only of their own lack of information about assistance, but lack of information among migrant workers generally. One man, who himself was trafficked onto a palm oil plantation, explained how his friend's wife is currently in a potential trafficking situation abroad and unable to return home:

[My] friend told me that his wife wants to come home but is not allowed. We are confused about where to report this. Before, there was only the signpost there. Because there is no dissemination [about help], people fear that they would need to pay. So if dissemination is in place in the village, maybe there has already been, but it may not be enough, then maybe people will understand more.

Not only does lack of information lead many trafficked persons to believe that they have to pay or go into further debt in order to escape their exploitative situations, but these individuals may also believe they need to pay for services in Indonesia.

Efforts have been made to raise awareness of assistance for trafficking victims. In 2014, the Ministry of Social Affairs worked to provide information about human trafficking and assistance available to trafficked persons/exploited migrant workers by disseminating banners in communities and making public service announcements on two private television stations. However, lack of information about available assistance remains a barrier for many trafficked persons throughout Indonesia.

Summary. Many trafficked persons said that they did not know what assistance they were entitled to or where to go to get assistance or services. They had little knowledge of their rights and about the services available to support their recovery and reintegration. Some trafficked persons were confused about their eligibility for assistance as well as the how to apply for or access these services. Migrant workers in Indonesia also lack information about assistance and services. Lack of information about available assistance serves as a barrier for trafficked persons to receive the support they need to reintegrate after trafficking exploitation.

5.7 Lack of assistance for trafficked men

Trafficking from and within Indonesia affects men, women and children for various forms of exploitation. Respondents in this study included not only women but also men trafficked for fishing, work on palm oil plantations, as cleaners, for construction and factory work. Men, like their female counterparts, described a raft of issues after and as a consequence of trafficking, including severe physical injuries, psychological trauma, economic crises, problematic family relations and so on.

One man was trafficked on two occasions – within Indonesia and to Malaysia – and lost his father while he was away. When he returned home from his second trafficking experience his wife was very sick and she passed away shortly after his return. He described his deeply troubled emotional state at that time:

I cried as I knew my wife's condition, lying down, thin and dried, with only bones, I cried. It was just dark. I can only feel the darkness, regret and extraordinary pain, regret and revenge, revenge to the middleman, to the sponsor, great revenge if I met them that time. Maybe I would cut them off with a chopping knife...maybe I would cut them off if I met them at that time because I was so emotional. My father died and my wife was living in that condition. Who had caused all of this? I was promised a job, and then abandoned. I was not a criminal but in that condition, I was emotional. I searched for them and I

asked here and there. I wanted to cut them. There was a time that I got so emotional. I have already prepared machete if I met them. But after what happened, I realized even if I meet them today, I will not do anything, just nothing. Revenge is useless. But at that time, it was because the condition that I had nothing, my wife was sick and my father died [...] [I felt] disappointment, I was raging, I was regretting, I was pessimistic. Well, because, excuse me...the one who always gave the spirit usually were the one by your side, when [my wife died]... everything was down.

Another man, trafficked to Singapore, spoke of his stress and anxiety about the debt he had incurred due to trafficking: “To be honest, at that time I felt traumatized and had a grudge with the perpetrator. I just asked someone to help me”. Another man, trafficked for fishing (and now staying in temporary housing at an assistance organization), also spoke of the burden of his debt, as well as the impact his trafficking experience had on his family relationships:

I just want one thing, I want to be able to pay my debt... I went abroad to be able to pay my debt and to have capital to [have a small business] but I got nothing...it is hard. I am jobless for a month already. I did not give any income to my wife. I told [a service provider staff] last night, crying, my wife was evicted by her relative because she stayed there for a month just eating and sleeping, while here, I never give her any money... Well, until I rent a house, my wife is applying for a job, so that we can rent a house...she is patient for now, maybe for one month, but in the future, I feel uneasy to her family.

Within Indonesia, anti-trafficking services are more available to trafficked women. In analyzing the cases of 3,701 Indonesian trafficking victims assisted by IOM between January 2005 and January 2010, one study found that a higher proportion of males received no assistance compared with females. Moreover, females were more likely than males to receive more than two weeks recovery.¹³⁸

Indeed the overall anti-trafficking framework in Indonesia¹³⁹ is underpinned by the assumption that trafficking victims are most commonly women and children. For example, the Integrated Service Centers were originally designed “for the empowerment of women and children” and the 456 Indonesian National Police service units (operated in police stations around Indonesia) are also for women and children.¹⁴⁰ And under the framework of the P2TP2A, the police units involved are specifically for women and children. There is also inconsistency between different policies and regulations in terms of services available to male trafficking victims. For example, West Java’s *Regulation On Prevention and Handling of Victims of Trafficking in West Java (Number 3, Year 2008)* includes trafficked men. However, the *Governor Decree of West Java Province (Number 63, Year 2014)*, which recently established *Minimum Standards for Integrated Services for Victims of Trafficking and Violence against Women and Children*, is focused specifically on women and children.

¹³⁸ Lyneham, Samantha (2014) ‘Recovery, return and reintegration of Indonesian victims of human trafficking’, *Trends & issues in crime and criminal justice*, No. 483.

¹³⁹ This is not unique to Indonesia but indeed has been an assumption in the design of much policy and programming in the anti-trafficking field. The consequence has been the under-identification and missed identification of trafficked males.

¹⁴⁰ United States Department of State (2014) ‘Indonesia’ in *Trafficking in Persons Report*. Washington: United States Department of State. Women and Children Services Units (*Unit Pelayanan Perempuan dan Anak* or UPPA) are established within every district police office to handle criminal cases that involve women and children (both as perpetrators and victims) and provide some support and protection to women and children through accepting trafficking cases, conducting investigations and making referrals for assistance.



Villagers working in the fields of West Java. Photo: Peter Biro.

That being said, some services can be accessed by male trafficking victims. The RTPC (House Protection for Trauma Center) in Jakarta provides services to men and women. There is also one RTPC in Bandung and one recently established in the district of Sukabumi. However, the cost of assistance provided to male trafficking victims is not typically covered by the Integrated Service Centers (*Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak* or P2TP2A). Indeed of the 29 men interviewed for this study, twelve reported not having received any formal assistance whatsoever – whether as a trafficking victims, exploited migrants or vulnerable persons. Of the men who reported having received some assistance, none received long-term or comprehensive assistance. Men typically received short-term, one-off support like conditional cash transfers, a rice subsidy, or a small grant to start a small business.

Men trafficked for fishing were more likely to have received some assistance upon their return to Indonesia, although this consisted primarily of legal assistance in pursuing a case against the recruitment agency. Nearly all of the legal cases were ongoing at the time of interviews and some of the men expressed frustration in the lack of resolution over some time. One man, trafficked for fishing, described how the legal assistance he received was not enough:

Well when I arrived home I was very sad, very, very sad seeing the children were thin. I thought I didn't bring any money. Very, very sad, seeing my children were thin. I felt like, I was completely down, I got through the first day. On the second day I thought: "Why it was like this?" On the third day I gathered information to solve my case so I could get my money, so I could support my family, so I could have a capital for my business. I tried here and there. I spent money for transport. There was assistance but it was a mere help. It wasn't full assistance. I know there was someone who helped, there must be. Pardon

me not that I was lacking assistance, but there is a limit to assistance, it didn't cover everything.



Fishermen at work in the port in Jakarta. Photo: Peter Biro.

The vast majority of men interviewed expressed their (often acute) need for assistance and support. One man, trafficked for work in a factory, spoke of his need for counseling services but being unable to access this support:

I got shocked and scared sometimes, but I discipline myself. I schedule when I must rest and work. Sometimes when I woke up from my sleep I got shocked so I sat down then sleep again. I don't know how to erase that feeling. Maybe I could go to psychiatry when I have money. But now I tried to relax. I really want to visit psychiatrist and get treatment. I don't want to be like this until I get older.

One trafficked fisher said: "I want the government to help us. They don't seem to care about us [...] I don't know how to look for some assistance. I don't understand how to do it".

Some assistance to men is available through NGOs working in communities to assist return migrant workers who have faced problems. Some trafficked men have been assisted by international organizations and NGOs, largely based in Jakarta. In addition, some organizations working to assist fishers generally have also assisted fishers who ended up trafficked. However, as noted above, these organizations have limited resources for assistance, which means that services are primarily one-off support or fairly short-term assistance.

Lack of assistance for male trafficking victims had a negative impact on their physical and mental well-being and undermined their ability to recover after trafficking and ultimately to reintegrate into their families and communities. A number of men were considering migrating again in the hopes of being able to earn money, support their family and pay their debt.

Summary. The framework for combating trafficking and protecting and assisting victims in Indonesia is built around an assumption that trafficked persons are most frequently women and children. Inconsistencies exist between different policies and regulations in terms of the provision of reintegration assistance to trafficked men. Most trafficked men who have been assisted have received support from NGOs and international organizations, rather than from the government. Many trafficked men received no formal assistance at all. Of the trafficked men who have received assistance, it is primarily one-off support or fairly short-term assistance that does not address their long-term reintegration.



A man working in a factory in West Java. Photo: Peter Biro.

5.8 Lack of case management and tailored reintegration support

Each trafficked person has a unique experience while exploited and also returns to a highly specific situation within his or her family and community. This means that reintegration assistance needs to be tailored to each individual's situation and set of needs. This requires case management by professional social workers and support staff including working with trafficked persons in assessing needs, developing an individual reintegration plan, monitoring and assessing progress toward reintegration and refining/revising reintegration plans and goals over time. Case management plays an important role in anticipating and addressing issues and

problems faced by trafficked persons over the course of reintegration.¹⁴¹ Efforts are being made to improve case management in the country. For example, in 2014, the Ministry of Social Affairs worked to improve the competence of social workers by providing training and capacity building to social workers at the RPTC (House Protection for Trauma Center), including trainings focused on repatriation and the social reintegration of clients (including trafficking victims), such as how to complete assessments, techniques of psychological recovery and motivation.

However, trafficked persons reported that case workers seldom conducted individual needs assessments or worked with them to develop a tailored reintegration plan. Organizations and institutions tended to offer one-off or short-term assistance, with little tailoring of assistance to victims' individual needs, situations, interests or capacities. There was seldom discussion of what services and support would best meet the individual needs of victims and how his support could be accessed. One service provider explained that much of the assistance failed precisely because it was not tailored to the real needs of trafficking victims, mismatches that could be prevented through carefully conducted needs assessments. As she put it: "The [organizations and institutions] support training for work, for example, in a salon, but the fact is that not all victims have an interest in this [work]... this not what she wants or needs in her life".

Moreover, individual case management was generally weak to non-existent among services providers. Often service providers did not monitor beneficiaries once they left a shelter program and returned home. One young woman, trafficked for prostitution, was rescued and assisted in a government shelter. After staying for one month, she was accompanied by a social worker to her home but she had not been contacted since nor received any further assistance: "After returning from [the shelter], I was jobless and just stayed at home without any activity because I didn't want to go to Jakarta again to work in the same situation. [...] No, since I returned from [the shelter], no one came to visit me".

An additional issue is that, while there is a tradition of social work in Indonesia,¹⁴² there is nonetheless a lack of professional social workers at the community level to undertake case management work. Professional social workers typically work at the provincial level (with between one to ten social workers assigned to the province) and at the district level (with between one to three social workers assigned to each district). Professional social workers are not typically found at the sub-district or village level but rather work through community volunteers (TKSK or *Tenaga Kesejahteraan Sosial Kecamatan*). Another issue is that there are a limited number of social workers who are working on trafficking issues and even fewer who are familiar with and trained in the complex issue of reintegration of trafficking victims.

¹⁴¹ Case management is a collaborative process that assesses, plans, implements, coordinates, monitors and evaluates options and services to meet an individual's reintegration needs through communication and available resources. See CMSA (2010) *Standards of Practice for Case Management*. Little Rock: CMSA (which provides voluntary practice guidelines for the case management industry in the United States).

¹⁴² In Indonesia, a social worker is someone who is licensed under the Social Worker Certification Institute (LSPS/*Lembaga Sertifikasi Pekerja Sosial*) or who has a university certificate in social work or social welfare. There is only one school of social work under the MoSA, although there are 37 universities that offer also social work education in the framework of the social sciences.



Social workers distribute condoms in a brothel area. Photo: Peter Biro.

Some support is available at the sub-district level through the work of voluntary community workers (TKSK or *Tenaga Kesejahteraan Sosial Kecamatan*), who are assigned to help the social worker in the sub-district to implement social welfare programs.¹⁴³ However, TKSK are not professionally educated, trained and licensed social workers and receive only basic social welfare training. This means, in practice, that TKSK generally have limited knowledge and skills in the field of social work and most have not received any orientation in working with victims of trafficking or violence. There are also “social guides” or “social assistants” (*pendamping*), who may support people assisted through social welfare programs at a village level. But *pendamping* are also not trained social workers; rather they come from other professional fields like education, law and administration. They generally do not have training or experience in working with vulnerable groups and often lack the capacity to work sensitively and appropriately with trafficking victims. In some cases, *pendamping* may be former trafficking victims who have been employed by the local government or NGOs to support trafficking victims in setting up a business or some other aspect of reintegration. This does mean that they are personally knowledgeable about the issue of trafficking and also the challenges of reintegration. However, they lack the professional skills to work with victims. And they may also face issues in taking on such work when they are themselves still processing and coming to terms with their own exploitation and may still be in the process of reintegration.

¹⁴³ Everyone can apply to become a TKSK but some TKSK are also appointed directly by the social bureau in the sub-district when they have made a contribution to the social welfare program in the sub-district. A TKSK cannot be a case manager because they are not bound by a code of ethics, including guarantees of confidentiality.

Lack of case management, in some cases, led to negative reintegration outcomes. In a number of instances, women trafficked for sexual exploitation returned to prostitution, even after being assisted in a shelter program. One woman stayed for several months at a shelter where she received different services and training, including a professional tailoring course and a sewing machine to start a tailoring business. However, she found it difficult to extricate herself from her trafficker (who was also her aunt) without guidance or support from a social worker. When she left the shelter, her aunt collected her and took her back to the café, confiscating the sewing machine she received through the program and sending her back into prostitution after a brief visit to her family:

I was picked up by my aunt. [...] She ordered me to first remove the bad luck (*buang sial*).¹⁴⁴ [...] I was so stupid. I was silent. I got only 100,000IDR [9USD] for that [sewing] machine. That [sewing] machine would be very expensive if it was sold. Then I went home [to my village]. After 2 weeks there, I came back again to Jakarta... to work again at my aunt's cafe.

She was not contacted by the social workers who had assisted her in the shelter; no follow-up was conducted at any stage after her exit from the programme. She eventually left her trafficking situation after some time but only with the assistance of an NGO working with women in prostitution.



Women in prostitution by the railroad tracks. Photo: Peter Biro.

Other trafficked persons who returned home also described how social workers and service providers did not follow up with them after return or follow their progress. One woman

¹⁴⁴ '*Buang sial*' means to remove or get rid of bad luck. The ritual for '*buang sial*' can involve different things including cutting hair, taking a bath and so on.

described living in what she described as “limbo”, while she waited to hear from the social worker about possible assistance, which did not come: “I suggest [for service providers] not to make false promises or create fake hope. We are in difficulty, [they] say that they will help but we have to wait. But it was never realized. If they want to give assistance, they can give it immediately, no matter how much that is. Just don’t give us false promises and say: ‘later and later’”. Similarly, one man, trafficked for fishing, when asked what advice he would give to service providers to better support trafficking victims answered as such: “Monitoring. That is also very important because people, even me, tend to go with the flow. So if there is intense monitoring, the monitored person will be very careful, not because he’s afraid but it’s more to motivate the person”.



A group of women stand outside their houses in a village in West Java. Photo: Peter Biro.

Summary. Case management plays an important role in anticipating and addressing issues and problems that trafficked persons may face during reintegration. However, in Indonesia, individual case management is generally weak to non-existent. Needs assessments are seldom done; service providers seldom design individual reintegration plans with victims. Assistance was typically a standard package of one-off or short-term services. Lack of professional social workers at the community level contributes to the lack of case management and tailored reintegration support in the country. Lack of case management and follow-up from service providers can lead to negative consequences and even failed reintegration for trafficked persons.

5.9 Uneven provision of assistance due to decentralization and geographic distribution

Indonesia is a vast archipelago with a decentralized government system.¹⁴⁵ Each of Indonesia's 34 provinces (*provinsi*) is overseen by a governor (*gubernur*), who serves as the central government's representative and a legislative body (*Dewan Perwakilan Rakyat Daerah*), which is comprised of elected representative members.

Map #3. The 34 provinces of Indonesia¹⁴⁶



Each province is further subdivided into: district or regency (*kabupaten*), headed by *bupati* (or a city (*kota*), headed by a *walikota*),¹⁴⁷ sub-district (*kecamatan*), headed by *camat*; village (*desa*), headed by a village head (*kepala desa* or *lurah*) and sub-village (*kampung* or *dusun*), headed by a sub-village head (*kepala kampung* or *kepala dusun*).

There are also administrative units at the village/sub village level – namely, a neighborhood (*rukun tetangga* - RT) and “harmonious citizens” (*rukun warga* - RW). The regencies/districts (*kabupaten*) and municipalities (*kota*) are the key administrative units responsible for providing most governmental services and can establish laws and regulations.¹⁴⁸ The administrative structure of the government is summarized in the diagram below.

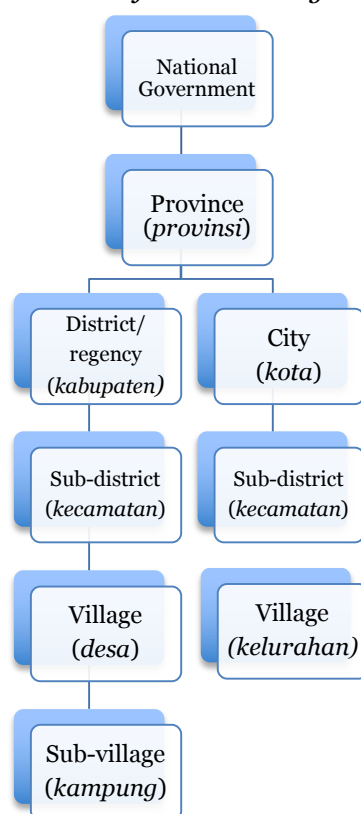
¹⁴⁵ Decentralization, also sometimes referred to as “regional autonomy”, is the process of moving power from the central government to provinces and sub-provinces.

¹⁴⁶ Map credit: *Wikipedia Commons*, 25 October 2012.

¹⁴⁷ District (*kabupaten*) and city (*kota*) are equivalent administrative levels, with the same structure of local government and legislative body but different types of coverage. That is, *kota* (city) covers urban area and district (*kabupaten*) generally covers rural areas.

¹⁴⁸ Green, K. (2005) *Decentralization and good governance: The case of Indonesia*. Munich: Munich Personal RePEc Archive.

Diagram #7. Administrative structure of Indonesia's government: geographical



Decentralization (or regional autonomy) can promote good governance including improved delivery of public services, which, in turn, can have ensure the provision of services that support the reintegration of trafficked persons. Being able to access services locally, for example, may increase access to assistance and support given the vastness of the country. It can also help individuals to feel more comfortable in approaching government officials for services. One woman, who was trafficked for domestic work, received assistance from both the national government (via the RPTC) and her provincial government. While she didn't face any barriers in receiving assistance, she described some linguistic and cultural issues in assistance from national versus local services providers and her preference for accessing services from and within her local area. Other victims spoke also about the importance of being able to access services locally.

Nonetheless, there may also be negative impacts of government decentralization – for example, when inadequate financial resources or inefficient government administration at the local level impact services available to trafficked persons in their communities.¹⁴⁹ Further, some social institutions in Indonesia, “empowered by decentralization”, have ignored laws and court rulings, which means that some local institutions may not fulfill obligations to assist trafficked persons as outlined in national policies and programs.¹⁵⁰ Decentralization and the geographic distribution of services result in wide variation in terms of what services are available to

¹⁴⁹ This is a concern in Indonesia, where “local public service responsibilities are inadequately matched to local revenues and public accountability and strong legal institutions are not yet in place”. Green, K. (2005) *Decentralization and good governance: The case of Indonesia*. Munich: Munich Personal RePEc Archive, p. 5.

¹⁵⁰ International Crisis Group (2012) ‘Indonesia: Defying the State’ in *Update Briefing, Asia Briefing, No. 138*. Brussels: International Crisis Group.

trafficking victims in different provinces and districts, which poses challenges in receiving reintegration assistance.

National level policies and programs that are aimed at supporting the reintegration of trafficked persons are implemented at the provincial and district levels, without direct reporting to the national level and without an earmarked budget for this work. Indonesia's central government largely funds provincial governments through block grants, which means that provinces have significant discretion in the allocation of funding for assistance to trafficking victims. This means, in practice, that reintegration support is at the discretion of the provincial government, resulting in wide variations in how provincial governments fund victim services and the level of care available through government centers across the country.¹⁵¹ The provision of reintegration services for trafficked persons is uneven across Indonesia, as well as between districts within a province.

Some provincial and district governments have prioritized combatting trafficking and assistance to victims, meaning that trafficked persons may have access to reintegration support in certain areas (or at least some forms of reintegration assistance). For example, in the province of West Java, the regulation *On Prevention and Handling of Victims of Trafficking in West Java (Number 3, Year 2008)* establishes that the local governments must provide some forms of assistance (temporary shelter, legal aid, medical care, psychological support, economic empowerment and education) to victims who originate from West Java Province.¹⁵² Accordingly, some district level governments within West Java have implemented local regulations and programs that support reintegration. The district of Sukabumi has a special regulation on human trafficking, which establishes a task force involving specific stakeholders in the handling of victims and provides a budget allocation for services for trafficking victims. Currently in West Java province, 18 districts/regencies or cities (of 24) have regulations on the prevention and handling trafficking in persons as well as a task force.

That being said, some provinces have not established anti-trafficking taskforces and provide only minimal funding for the protection of trafficking victims. And some district level governments have not regulated or prioritized human trafficking. In this way, decentralization can challenge access to reintegration support. One service provider in a district in West Java noted that it was difficult for victims to get access to some services from the local government due to the lack of an anti-trafficking regulation and no local anti-trafficking task force. As a result, for trafficking victims in that district to receive some types of assistance, service providers must refer to them to provincial level services in West Java (which is some distance away) or, in some instances, to Jakarta (which is several hours drive).

Decentralization has resulted in large discrepancies in terms of which services (if any) are available to trafficking victims in different provinces and districts in Indonesia. These discrepancies are exacerbated by the fact that Indonesia is a vast, island-based nation and, therefore, the geographic distribution of services impacts trafficked persons' access to assistance throughout the country.

¹⁵¹ United States Department of State (2014) 'Indonesia' in *Trafficking in Persons Report*. Washington: United States Department of State. *See also* United States Department of State (2015) 'Indonesia' in *Trafficking in Persons Report*. Washington: United States Department of State, noting that: "the quality of care for victims varied widely across the country".

¹⁵² West Java Province (2008) *On Prevention and Handling of Victims of Trafficking in West Java*, Number 3, Year 2008, Articles 8-9.

Reintegration most commonly takes place within the trafficked person's family and community, which highlights the importance of access to services and support at a community level and across the country. However, in reality, there are limited services for trafficked persons available in villages and sub-villages. Further, while some assistance is available at the district (or even sub-district) level, there is seldom access to comprehensive reintegration support in every district. And some forms of assistance – like psychological assistance – are only available in major cities and the capital, Jakarta.



A man working in the fields in rural West Java. Photo: Peter Biro.

One service provider noted the importance of psychological counseling and the lack of available services even at the district level, necessitating referrals to the capital:

Many victims suffer mental illness. Now they have to go to Jakarta, to the [specialized] hospital for treatment... Here, we have a polyclinic for mental illness, but it has limited facilities and services and it is not focused on trafficking victims. They do not have a budget. So we want a mental hospital at the regency [district] level, so they do not have to go to Jakarta. Most of them have mild mental disorders but we must prevent them from prolonged or suffering.

The distances involved in reaching services are often quite great and costs in reaching them (in terms of both time and money) are prohibitive. One man, trafficked for labor to Malaysia, had to travel a great distance from his home community to seek the assistance he needed and, therefore, he eventually gave up: “I used to talk about [getting assistance] to people. But since it was far and I needed some funds to get there, then that was a dead end... I don't have a car, so it depends also if people want to go there... So I stopped and discontinued it...it is far.” Many

villages are located literally hours from the closest administrative center, over difficult roads and with limited transportation options.

Reaching these services is impeded not only by distance but also by the time involved in traveling, as well as the costs (i.e. the cost of travel and loss of income when not working). One woman who described her urgent need for counseling lives in a village that is, at best, four hours from the district capital and several more hours to Jakarta where such services are available. Another woman who returned home severely injured from work abroad lives eight hours from the nearest town where she could receive only basic medical care. Better services were available in the district capital but travel was both prohibitively expensive and practically complicated. One man described the difficulties he faced in pursuing a legal case against the recruitment company because of the cost and complications, involved including traveling to and from different cities to give statements:

...We would report to the police for an act of trafficking, because they didn't want to pay for our salary. Finally, we made a report to Jakarta, from Jakarta it was bestowed to [another city in another province]. I went back and forth, leaving my family. I didn't work but to take care of my case, to track down my salary. The case ran to [that city], I tried to run to [that city].

Eventually he was unable to continue traveling to receive legal assistance or pursue the case: "The obstacle is the distance. The distance from here to [that city] is quite far". He still has not received the payment he is owed. Another man trafficked for fishing described the economic impact of having to travel from his village to Jakarta to pursue his case:

I cannot focus on my work because it is a long way and I have to be ready at any time to go to Jakarta and I do not have enough income. I just worked for five days and I have to come back because there was a call from Jakarta. I am standing by for a year, I cannot go far...I paid myself for transportation and food...the income should be for the whole family but I spent it by myself. If I left, who would feed them? If I went for a week, what happened to my children, who will give them allowance?

Summary. Decentralization may negatively impact the provision of assistance – e.g. when there are inadequate financial resources at the local level and/or an ineffective or inefficient local government administration. And in provinces or districts where there are no local anti-trafficking regulations or an active anti-trafficking task force, trafficked persons face additional challenges in finding assistance. Decentralization in Indonesia has resulted in wide variation in terms of the services and quality of care that are available to trafficked persons in different provinces and districts. These variations are deepened by the geographic distribution of services, with less-populated areas less likely to have services available and trafficked persons having to travel great distances and at great cost to access the assistance they need.

6. Conclusion and Recommendations

Significant investment has been made by the Indonesian government, NGOs and IOs toward supporting and assisting trafficked persons upon their return to Indonesia. And this support has had a positive impact in the reintegration of many trafficked persons. Nonetheless, many trafficking victims did not receive the assistance and support that they needed to recover from their trafficking experiences and to reintegrate into their families and communities.



A woman sits outside her house in a trafficking-affected village in West Java. Photo: Peter Biro.

There are some specific gaps and challenges in terms of supporting the reintegration of trafficked persons in Indonesia that, in practice, mean trafficked person are often unassisted and underserved. These include:

- many trafficked persons were unidentified;
- reintegration is not clearly defined or understood;
- most assistance is one-off;
- assistance is short-term;
- barriers in accessing available services;
- lack of information about assistance;
- lack of reintegration assistance for trafficked men;
- lack of case management and tailored reintegration support; and
- uneven provision of assistance due to decentralization and the geographic distribution of services.

Without access to long-term services and comprehensive reintegration support, many Indonesian trafficking victims struggle as they seek to move on with their lives after trafficking. Attention is needed as to how organizations and institutions working on anti-trafficking assistance in the country can make further changes and improvements that will ensure the successful and sustainable reintegration of trafficked persons in Indonesia. Addressing the gaps and issues noted above will constitute a critical starting point in an improved reintegration response in Indonesia and, by implication, have significant and positive impacts in the lives of trafficked persons.

To that end, the following recommendations are proposed as ways to begin addressing these gaps and issues and, in so doing, enhance the provision of reintegration support to trafficked persons in the country – including men, women and children and victims of all forms of trafficking exploitation.

Enhance the identification of trafficked persons. There is an urgent need to enhance the identification of trafficked persons and ensure their access to assistance. This might include: developing standardized, nationwide guidelines for the proactive identification of victims; training frontline authorities including in communities in the preliminary identification of trafficking victims; equipping the Ministry of Social Affairs and their provincial and district staff with the skills and resources to identify trafficking victims upon return and within their communities; increased awareness of human trafficking and trafficking victims rights and services to allow victims to self-identify and access support; and training embassy and consulate staff to enhance the identification of trafficking victims abroad.

Develop a policy and programmatic response on reintegration. There is a need for a systematic response to support the reintegration of trafficking victims. This should include developing standardized, nationwide guidelines for providing reintegration support to trafficking victims, including men, women and children and victims of all forms of trafficking. This also requires allocation of an adequate budget to provide reintegration services at all levels of government, not least within communities. Policies and programs should be monitored and evaluated over time and revised as needed.

Provide comprehensive reintegration assistance to trafficking victims. Supporting successful reintegration of trafficking victims may necessitate the provision of some or all of a set of services including housing, medical care, education, life skills, counseling, economic empowerment, legal assistance and family mediation. Policies and programs should ensure that trafficked persons have access to a full range of reintegration assistance to support their reintegration and that this support is available in the long-term. Trafficked persons should be assisted to access existing services and programs which can support their reintegration.

Ensure the availability of long-term reintegration assistance. Reintegration is a long-term, multi-year process and a range of services is often needed to support or enhance victims' successful reintegration. Services may also be needed over some time, even after a victim has been assessed to be successfully reintegrated. Reintegration assistance should be available to trafficking victims over time and as the need arises.

Eliminate barriers to assistance. Trafficked persons often face barriers in accessing services including administrative barriers, bureaucratic obstacles, structural barriers and a variety of personal and individual barriers. Barriers to accessing assistance should be identified and measures taken to overcome these hurdles. More personal barriers (like victims' feelings of shame and embarrassment) may be further addressed in the context of case management.

Enhance referrals for reintegration services. Referral and cooperation among anti-trafficking service providers should be enhanced at all levels – national, provincial and district levels – as well as between anti-trafficking organizations/institutions and the general social assistance framework, where many reintegration services are available. This will ensure not only the provision of comprehensive care but also a more efficient use of existing governmental and NGO resources.

Provide trafficking victims with information about reintegration assistance.

Trafficked persons require clear and comprehensible information about their rights as trafficking victims and how to access the services to which they are entitled, whether as trafficking victims, exploited migrants or persons in need. Information should be available in a format that is accessible and comprehensible to trafficked persons, taking into account different levels of education and language proficiency. Information should be widely disseminated directly to victims in home communities.

Include trafficked males in all reintegration programs and policies. Greater awareness is needed that men and boys are also trafficking victims and that they require assistance and support to move on from their exploitation. Trafficked men and boys should have access to comprehensive, individually tailored reintegration assistance to meet their needs after trafficking. All reintegration and assistance program and policies should include recognition of and assistance to both male and female trafficking victims.

Tailor reintegration assistance to each individual. Each trafficked person has a unique experience of exploitation and returns to a highly specific situation within his or her family and community. Reintegration assistance should meet the needs and interests of each individual trafficked person, adjusting to these different aspects of the reintegration process. Trafficked persons should be actively involved in identifying any needed services and participate in the design, implementation and revision of reintegration plans.

Enhance case management. Case management by trained professionals plays an important role in supporting trafficked persons during the reintegration process, including addressing any issues and problems faced and ensuring access to services when needed. Service providers in Indonesia, both NGO and governmental, should enhance and expand their case management efforts, including capacity building of social workers, community volunteers (TKSK) and social guides in the reintegration process, sensitization in working with victims and skills in case management. Adequate resources should be dedicated to case management, including long-term follow-up.

Promote the provision of reintegration services across Indonesia. There is a need, at all levels of government, to implement policies and programs aimed at supporting the reintegration of trafficked persons, including the allocation of adequate budgets to provide the relevant services. There is a need to ensure access to reintegration services in all provinces and to expand the geographical distribution of services and support beyond the capital and urban centers.

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