



ANTI-TRAFFICKING TECHNICAL ASSISTANCE

INDONESIA ANALYSIS OF UNITED STATES GOVERNMENT FUNDED ANTI-TRAFFICKING ACTIVITIES

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List of Abbreviations

| | |
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| ACILS | American Center for International Labor Solidarity (also: Solidarity Centre) |
| CDW | Child domestic worker |
| DEPNAKER | Departemen Tenaga Kerja (Ministry of Manpower) |
| Dinsos | Dinas Sosial (Local Government Social Service Office) |
| EGAT | Economic Growth, Agriculture and Trade |
| HIV/AIDS | Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome |
| GOI | Government of Indonesia |
| HRW | Human Rights Watch |
| ICITAP | International Criminal Investigative Training Assistance Program |
| ICMC | International Catholic Migration Commission |
| ILO | International Labour Organisation |
| ILO-IPEC | International Labour Organisation – International Programme on the Elimination of Child Labour |
| IOM | International Organization for Migration |
| IQC | Indefinite Quantities Contract |
| KOMNAS HAM | National Commission for Human Rights |
| KPP | Kementerian Pemberdayaan Perempuan (Ministry of Women’s Empowerment) |
| Menkokesra | Menteri Koordinator Kesejahteraan Rakyat (Coordinating Ministry for People’s Welfare) |
| MOU | Memorandum of Understanding |
| NGO | Non-Governmental Organization |
| NPA | National Plan of Action for the Elimination of Trafficking in Women and Children |
| NU | Nahdlatul Ulama |
| Puskesmas | Local Health Clinic |
| RPK | Ruang Pelayanan Khusus (Special Services Room) |
| SC | Save the Children |
| TAF | The Asia Foundation |
| USAID | United States Agency for International Development |
| US\$ | United States Dollar |
| USG | United States Government |
| WID | Women in Development |

Executive Summary

Since 2001, when the United States government (USG) began funding anti-trafficking activities in Indonesia, important accomplishments have been made, including a significant increase in awareness and understanding of human trafficking among the Indonesian government, police, and civil society. In 2002, the Government of Indonesia (GOI) led a multidisciplinary effort to develop a National Plan of Action for the Elimination of Trafficking in Women and Children (NPA), involving a wide-range of government departments, non-governmental organizations (NGOs), and community groups. Although the international donor community still contributes the bulk of funding for anti-trafficking efforts, since the establishment of the NPA, the GOI has substantially increased funding for anti-trafficking activities, including prevention campaigns and victim services.

Although the development of specific anti-trafficking legislation has been slow, the Indonesian government has passed a Migrant Worker Protection bill and a Law on Child Protection, criminalizing the trafficking of children. International organizations have provided training for law enforcement, especially for the police, resulting in an increase in the number of trafficking investigations and convictions.

There have also been significant efforts made toward prevention and victim assistance, such as awareness-raising activities in at-risk communities. Diverse methodologies have been employed to raise awareness of trafficking and a variety of tools developed. Many of these tools, including documentary films, comic books, and tool kits, have been widely disseminated and used throughout the country. A model for victim assistance has also been recently established by International Organization for Migration (IOM); this model has raised the standard of care for rescued victims of trafficking. Over the past year, over 600 victims have been assisted through this new model.

Although there has been significant progress to date, there remain difficult challenges ahead. In particular, the migrant worker system, especially as it applies to domestic workers, puts them at a great disadvantage, increasing their vulnerability to trafficking activity. Migrant workers face abuses both at home and abroad. There is also resistance in destination countries to change the regulations that put migrants at risk for exploitation, a general lack of law enforcement against traffickers, and a lack of assistance for victims of trafficking.

The use of debt bondage is a pervasive element in the trafficking of migrant workers and the commercial sexual exploitation of women and girls. In addition, Indonesian society continues to accept debt bondage as a fact of life for the impoverished, legitimizing one of the main tools used by traffickers to keep people in situations of forced labor.

Another problem is that of child domestic workers (CDW) in Indonesia. There are an estimated 700,000 children working as domestics within Indonesia. Many of these children work in conditions akin to slavery and most of them are denied the basic rights of a child as defined by the U.N. Convention on the Rights of the Child. There is resistance to regulating this sector and a general belief that the work is structured to benefit the child, despite significant proof to the contrary.

Awareness-raising and victim assistance services within Indonesia face challenges due to the scope of the trafficking problem, the vast size of the country, and the rural demographic of the at-risk population. Although many innovative approaches have been applied, there has not yet been a systematic assessment of the impact of these programs. Awareness-raising activities have also had a somewhat limited reach geographically, leaving out key provinces with significant trafficking problem such as West and East Nusa Tenggara, Papua, Maluku, and many parts of Sulawesi.

There are many constraints to effective law enforcement against human trafficking. These restrictions include a lack of coordination and information sharing among different police units; corruption throughout the legal system; the ownership or protection of trafficking related businesses by members of powerful interest groups (e.g. entertainment venues catering to the police and military and migrant worker placement companies by influential businessmen and politicians); case specific problems such as a frequent lack of evidence in trafficking cases; and a reluctance from the victims to file criminal charges against the traffickers.

The widespread acceptance and use of debt bondage of migrant workers, including domestic workers, child domestic workers, and prostitutes, as a means of trafficking and exploiting Indonesians needs to be seriously addressed within the government, civil society, and the society at large. During the assessment, all stakeholders agreed about the importance of eliminating child prostitution and admit that the Indonesian society at large looks down on it, but they have a long way to go on other forms of exploitation, especially of minors. Viable employment opportunities, such as domestic servitude (adults) and other migrant work, is still not recognized as such. Protective measures are needed for migrant workers seeking new employment; these jobs should also be included under the national labor laws.

The GOI has been playing a more positive role in providing services to victims of trafficking in urban areas. They should extend services such as vocational training and victim reintegration to rural and difficult to reach areas. With more victim service support from the GOI and community-based organizations, donor funding could go elsewhere, such as into building up the capacity of these services.

Indonesia's law enforcement needs to be more aggressive in their search for those who traffic women and children into prostitution. In addition, traffickers should be more stringently punished for trafficking and seen as dangerous to the victim. Practices of having traffickers return victims to their homes puts victims at risk of being re-trafficked.

SECTION I

Assessment Methodology

At the request of the United States Agency for International Development (USAID) Indonesia, an anti-trafficking assessment was conducted from February 6–February 22, 2006, through the Anti-trafficking Task Order (ATTO). This task order is managed by Chemonics International Inc., and is funded by the EGAT/WID office.

The purpose of the assessment was to:

- Conduct an analysis of existing United States Government (USG)–funded anti-trafficking activities to pinpoint gaps, duplication, and complementary program areas
- Identify priorities for future programming
- Develop a strategic approach for the USG Mission in Indonesia to effectively combat trafficking in persons

The assessment team consisted of Ruth Rosenberg, an international consultant and Nori Andriyani, a local consultant. Prior to arrival, pertinent documents to determine the assessment’s methodology were reviewed; a list of critical organizations, government officials, and others was produced; and pertinent data to collect in the field was determined. Upon arrival, the team’s chief consultant met with the USG Counter Trafficking Committee for an initial briefing. During this discussion, the Committee suggested two locations for the in-country field assessment; Surabaya and West Kalimantan are areas where the USG has a large number and diversity of counter trafficking programs.

During the fieldwork conducted in Indonesia, the assessment team met with all of the international organizations (IO) implementing counter trafficking programs with USG funding. Meetings were also held with key Indonesian government ministries. Focus group discussions were held in Jakarta, Surabaya, and Pontianak with non-governmental (NGO) and governmental organizations. In addition, meetings with government and NGOs were held in Singkawang. Meetings were held with the police in Surabaya and Pontianak. The team also conducted site visits to brothel areas, shelters, and crisis/recovery centers.

Prior to departure, the team conducted a debriefing with the USG Counter Trafficking Committee and other USG officials to review the main findings of the assessment. This report presents the findings of the assessment and addresses the scope of trafficking, the trends, the strengths and challenges for programming. A list of those interviewed, sources consulted, and a chart of counter trafficking activities funded by the USG is also included.

SECTION II

Scope of the Trafficking Situation

Background¹

Indonesia is primarily a sending country for human trafficking, but to a lesser extent it is also a destination country. A significant amount of in country trafficking occurs within Indonesia.

Within Indonesia, citizens are trafficked into the following sectors:

- Migrant Work
- Domestic Work
- Commercial Sexual Exploitation
- Servile Marriage
- Other Forms of Child Labor

Migrant Work

Indonesian migrant workers are exploited throughout the process of migration, from recruitment and pre-departure processing, while working and upon their return. The entire process is designed to the disadvantage of the migrant workers. According to Human Rights Watch (HRW), "The lack of information and protections in labor migration processes places many economic migrants at risk of trafficking into situations of forced labor" (HRW 2004: 80).

The recruitment process continues to be exploitative, keeping migrant workers, particularly women destined for domestic work, in overcrowded holding centers in unsanitary conditions, providing inadequate food, subjecting them to sexual harassment, and keeping the women forcibly confined so that they will not run away before the recruiting company has had a chance to recoup their investment (Rosenberg 2003: 47-48; HRW 2004: 57).

Migrant workers are held responsible for all of the fees and costs of their recruitment, processing, training and transportation. As a result, the vast majority of migrant workers incur debts in order to work abroad. Often these debts require months of repayment from the worker's salary with the workers themselves ignorant of the true amount of the debt they will incur and the length of time required repaying it. Employers are expected to pay the workers' salary to the recruiting agency until such time as the agency deems that the debt has been paid. Migrant workers may be forced to continue working against their will until such debts are paid. Those migrant workers who, for whatever reason, wish to leave their jobs and return home, are not allowed to do so until all of their debts are paid.

Conditions of work, especially for those in domestic servitude, are often extremely exploitative, with long working hours, no time off, unsanitary living conditions, poor

¹ For a more detailed description of human trafficking in Indonesia, please see Rosenberg, R., ed. (2003). Trafficking of Women and Children in Indonesia. The International Catholic Migration Commission and The Solidarity Center: Jakarta, Indonesia. Available from <http://www.icmc.net/docs/en/programs/cotraff#9>

quality and limited food, and physical, psychological and sexual abuse. Even after debts have been paid, it is not uncommon for migrant workers to be cheated out of their salary, paid significantly less than promised or sometimes not at all. Workers may be locked in the place of employment and have their passports or identity documents held prohibiting their escape. In many cases, the laws and regulations of the destination country are such that they discourage migrant workers from filing complaints or seeking redress.

Indonesian female migrant workers are employed primarily as domestic workers and in the entertainment industry, two sectors that are particularly vulnerable to exploitation and trafficking (Rosenberg 2003:17; ILO 2005: 50-51). According to official statistics in 2002, 76 percent of Indonesian migrant workers were women, 94 percent of whom were employed as domestic workers (HRW 2004: 13). In an investigation into the treatment of Indonesian domestic workers in Malaysia, HRW interviewed 51 domestic workers. HRW categorized nine of the 51 women they interviewed (18%) as victims of trafficking for forced labor as a result of the exploitation and working conditions they experienced. Specifically, they worked 18–20 hours a day, were locked in the workplace from the outside, were not allowed to make phone calls, and received no wages (HRW 2004: 51). While this is a significant portion of those interviewed, it should be noted that a much larger portion of the interviewees suffered exploitation tantamount to trafficking, as noted below:

- Over half of those interviewed did not receive their full salary, while one quarter received no salary at all (the remainder were still working at the time of the interviews and hoping to receive their salaries at the end of their contracts), resulting in deception about their wages in most cases interviewed (HRW 2004: 42).
- Only 3 of the 51 women interviewed did not experience restrictions to their freedom of movement during pre-placement processing. Many also experienced restrictions on their freedom of movement from employers and were forbidden to have contact with family, friends, or neighbors (HRW 2004: 39, 41).
- Nearly half of those interviewed suffered some form of psychological, physical or sexual abuse; if one includes restrictions on freedom of movement or the right to practice one's religion as abuses, then almost all of those interviewed experienced abuses (HRW 2004: 46).

Domestic Work

Domestic work within Indonesia is also a sector vulnerable to exploitation and trafficking. Domestic work is considered informal labor in Indonesia and therefore not included in the country's labor laws. Since the Ministry of Labor does not monitor the informal sector, there is no effective means for domestic workers to report abuses (HRW 2005a: 3, 54). Domestic workers in Indonesia face many of the same conditions as their countrymen abroad including long working hours; no time off; illegal confinement; non-payment of wages, or payment at less than was agreed; physical and psychological abuse; sexual assault; poor living conditions; and limited or poor quality food (Rosenberg 2003:18).

A large portion of the domestic worker positions is filled by underage girls (estimates range from 25 percent–50 percent of all in-country domestic workers are under 18, and in many cases under the legal minimum working age of 15) (Rosenberg 2003: 18). The ILO estimates that there are nearly 700,000 child domestic workers in Indonesia (as

cited in HRW 2005: 8). Government officials continue to expound a romanticized notion of child domestic work, with the employer acting as a surrogate family, providing an education, and good home and food for a child from a poor family who would otherwise not be able to afford it (HRW 2005a: 52-53). The reality is far different than this widely held perception. In truth CDWs in Indonesia are particularly vulnerable to ill treatment, exploitation and trafficking. HRW interviewed 44 CDWs in Indonesia. Of those interviewed, only one employer sent her CDW to school. However, even the girl sent to school complained of other forms of ill-treatment from this same employer. Many of the conditions of recruitment and work HRW found in their interviews with CDW and labor agencies would meet the international definition of trafficking contained in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, as well as the Worst Forms of Child Labor as described in the International Labour Organization (ILO) Convention 182. For example:

- Employers of child domestic workers deceived them about their salary, conditions of work, time off, and school attendance. Labor agents confirm that they often lie to prospective workers about the conditions of their employment (HRW 2005a: 17-18).
- Child domestic workers interviewed by HRW typically worked 14–18 hours per day, seven days a week, with only a one-week holiday each year (HRW 2005a: 21).
- Child domestic workers were paid less than promised, had deductions from their salary they had not previously agreed to, and had their wages withheld in an attempt to keep them from running away. As well, when calculated against the actual number of hours worked, their hourly wages were one tenth to one twentieth of prevailing minimum wages (HRW 2005a: 24-27).
- Child domestic workers were subjected to social isolation, their movements restricted by their employers, and contact with their families severely limited (HRW 2005a: 31-33).
- Many of the child domestic workers interviewed had restricted access to medical care (HRW 2005a: 34-36).
- More than half of the child domestic workers interviewed by HRW suffered some form of physical, psychological, or sexual abuse from their employer (HRW 2005a: 36).

Commercial Sexual Exploitation

Female Indonesian migrant workers are sometimes tricked or forced into the sex industry through the normal migrant workers processes, whereby they believe that they are being recruited to work as domestics, care givers, in restaurants, or as dancers, and are instead forced into prostitution.

There is also significant trafficking into the local commercial sex industry. Earlier reports indicated some 30 percent of those in prostitution were girls under the age of 18, although it is not clear if this number has changed (Rosenberg 2003: 19). Some stakeholders in Surabaya believe that there are far fewer underage girls in the sex industry today. However, an ILO report from 2004 indicated that child prostitution was increasing in the country and researchers identified many underage children in prostitution in the research areas including Surabaya (ILO 2004a: 5, 69). There have

been no more recent studies to confirm some stakeholders' perception that child prostitution is now declining. Debt bondage continues to be a tool used to control women and girls in the sex industry and, as with migrant work, is accepted by the general society as a legitimate reason for forcing women into prostitution.

Servile Marriage

There continues to be a practice of arranged marriage between Indonesian women (and girls) of Chinese ethnicity in West Kalimantan and men in Taiwan. In some cases, the marriages are successful. However, many cases exist of women being tricked by these marriages and forced into prostitution on arrival in Taiwan. Others are deceived about the true nature of the husband and his family or are treated as household servants who not only cook, clean, and garden, but also provide sexual services for the men in the family (Rosenberg 2003: 20; interviews in Singkawang, 2006).

Other Forms of Child Labor

There are other forms of child labor, which under certain circumstances can constitute human trafficking, most notably children in the fishing industry and those selling narcotics (Rosenberg 2003: 20). These have been recognized as some of the worst forms of child labor in Indonesia and, as such, are being addressed as priority issues through joint programs of the ILO and the Indonesian government and civil society.

Strengths

Prevention

In the past five years, there has been a significant increase in the understanding and awareness of trafficking among government and non-governmental actors in Indonesia. Nearly all stakeholders with whom the consultants met spoke knowledgeably about human trafficking and acknowledged it as a significant and important problem for Indonesia.

Government actors have become much more involved in anti-trafficking efforts. A National Plan of Action for the Elimination of Trafficking in Women and Children (NPA) was finalized in 2002. The national government developed a task force, which brings together members of relevant government ministries as well as NGOs and other community groups approximately every four months to discuss implementation and monitoring of the NPA. Government actors are also involved in many cases leading to the development of provincial anti-trafficking task forces. Twenty-five of the 33 provinces have provincial anti-trafficking task forces in place, although not all are equally active. In both regions visited for this assessment, there was some form of anti-trafficking network in place for coordination of programs as well as for referrals for victim assistance. In Surabaya, the provincial government has developed a child protection commission, which includes government, non-government, and international stakeholders. This commission is used to coordinate victim assistance, raise awareness in the community and to coordinate stakeholder responses. This is indicative of a general trend toward improved coordination between the government (including the police) and civil society in the fight against human trafficking.

The development of anti-trafficking legislation began in 2002 as a government initiative through the efforts of a multidisciplinary team led by the Ministry for Women's Empowerment (KPP). It has now been taken over by Parliament and is expected to be voted on and passed this July. It is hoped that this will make it easier for the government to prosecute traffickers, to increase the sanctions against traffickers, and to collect more comprehensive data on legal actions against traffickers. In the meantime, the Law on Child Protection, which specifically criminalizes trafficking and exploitation of children, was passed in 2002.

There is also a migrant worker protection law in place, but implementation of the law has been slow. According to the ILO, the law is too vague to be effective. The Indonesian government has also developed bilateral agreements with some of the major destination countries (Japan, Jordan, Kuwait, Malaysia, South Korea, and Singapore) to improve conditions and protection for Indonesian migrant workers. For example, an agreement with Singapore now requires all labor agents to use a standard contract for Indonesian domestic workers. Unfortunately, the research team did not receive a copy of all of the bilateral agreements, so were not able to assess to what extent they provide sufficient protections to Indonesian migrant workers.²

Another important change is the general widespread support for taking children out of prostitution. It is only in recent years that the issue of the commercial sexual exploitation of children has become a topic of public discussion. During the assessment it was clear from all stakeholders that there is a general agreement that children should not be in prostitution. Even those with vested interests in local prostitution, brothel managers, and local governments in the brothel areas, spoke out against child prostitution.³

In 2001 there was almost no funding from the Indonesian government dedicated to counter trafficking efforts. Since then, there has been a steady increase in such funding, both for prevention campaigns and for victim services. KPP was given a budget of over US\$320,000⁴ in 2005 for counter trafficking activities, and utilized additional funds to implement a national television campaign warning families about agents who offer jobs to young women and girls in villages and then force them into prostitution in cities. The Coordinating Ministry for People's Welfare (MenKoKesra) is planning to fund local NGOs to conduct pilot programs for victim assistance in five provinces (Aceh, West Kalimantan, East Kalimantan, Central Sulawesi, and Ambon). Regional governments were also given money for victim assistance, although it is not clear how much they received and whether or not they were required to use these funds for trafficking. However, some regional governments have used these allocations for this purpose.

There have also been numerous and varied approaches to raising awareness about trafficking in high-risk communities, implemented by many of the USG's implementing

² HRW in their report on domestic workers in Malaysia and Indonesia found that the bilateral agreement was weak in protecting migrants' rights and excluded domestic workers completely. The researcher for this report received a copy of the bilateral agreement for Malaysia and agrees with the conclusions drawn by HRW. In their report HRW also provides guidance to Indonesia and Malaysia on the types of protections which should be included in such bilateral agreements to better protect the rights of migrant workers, including domestic workers (HRW 2004).

³ Speaking out against child prostitution does not necessarily lead to elimination of child prostitution (see *Challenges*, below). However, it does represent a positive step which will hopefully result in the reduction or elimination of child prostitution.

⁴ Conflicting information was received. The lower estimate provided by KPP to the USG is given above. According to one KPP staff interviewed for this report, however, KPP received US\$ 400,000 in 2005.

partners. They include poster campaigns, leaflets, programs in schools, theater presentations, radio talk shows, and more. In addition to locally developed and implemented approaches, there have also been some tools and resources that have been and continue to be used nationwide to raise awareness among the general public and at-risk groups. These widely disseminated resources include a documentary film on trafficking in Indonesia, a comic book for children on safe migration, and an animated film on the commercial sexual exploitation of children. More recently a tool kit, which includes a film and handbook for organizations interested in raising awareness about trafficking in their community, was developed and disseminated. The tool kit does not require that the facilitators be knowledgeable about trafficking, and is designed to walk the viewers through a detailed discussion of trafficking, ensuring that a consistent message and accurate information is disseminated. The film uses the nationally recognized spokesperson for trafficking to increase interest in the film and attention to its lessons. Because evaluations of most of the USG funded counter trafficking programs have not been conducted, it is not possible to know the actual impact of the various awareness-raising campaigns.

Law Enforcement

There has been a significant amount of awareness-raising among the police. Every police officer with whom the team met spoke knowledgeably about trafficking and had participated in training on trafficking issues. They described not only training for their department, but also for other police units and a wide-range of officers, from high ranking policy makers to those on the ground.⁵ USG officials reported an increase in the number of human trafficking investigations and convictions in Indonesia. While the absolute numbers are still low, there was an 80 percent increase in the number of convictions, from 25 in 2003 to 45 in 2004. There is also a belief that the length of criminal sanctions has increased, especially for cases involving child victims, where the child protection law has been used, allowing for higher sanctions than criminal code violations.

The police have also supported the development of special services units (RPK) in 226 district police offices around the country. These units are staffed by female police officers and are intended to provide more sensitive assistance to female victims of violence. Many of the officers staffing these units have received training on trafficking.

Police launched new operations in early 2006 targeted at freeing children from brothels in four limited locations. These operations resulted in the freeing some 37 children and over 100 adults, and the arrest of 38 suspects.

Following passage of the migrant worker protection act, police and Manpower Ministry officials raided abusive and unlicensed migrant worker holding centers in Jakarta and elsewhere. These raids, carried out between late 2004 and early 2006 freed 3,443 women and children and arrested 36 suspects, 4 of whom have been convicted.

⁵ The two main organizations providing training to police, IOM and ICITAP, both plan to work with police academies (for new recruits and for officers) to integrate human trafficking into regular police training curricula.

Victim Assistance

Five years ago, assistance for victims of trafficking was handled in an ad hoc manner, very much dependent on with whom the victim happened to come in contact. Since that time, there has been the development of a more systematic approach to victim assistance. With assistance from the American Center for Labor Solidarity (ACILS) and the International Catholic Migration Commission (ICMC), the government developed standard operating procedures for government officials who come in contact with victims of trafficking. The International Organization for Migration (IOM) has developed a model that combines the services available through government and non-governmental organizations to provide a more systematic and holistic approach to victim assistance.⁶

While some of the government officials interviewed believe that the Indonesian government needs to take a greater role in funding and supporting victim assistance, the government has been active in providing some services. The GOI is providing funding and support for the return of victims of trafficking from abroad. NGO service providers also report that they refer to local government social welfare units (Dinsos) to provide vocational training to victims, access to financial support, and return travel if needed. They have also facilitated the reintegration of children into schools. The government has provided medical care to victims through the government health insurance program. The GOI is planning to fund local NGOs (through a competitive grants process) to develop pilot projects for reintegration services in five provinces.

The extent of government involvement and support for services for victims of trafficking at the local level is inconsistent and dependent on the priorities assigned at the local level and the commitment of the individual staff involved. Clarification on which government units are responsible for providing which services would help in preventing agencies from “passing the buck.”

The following are approaches used in Indonesia to identify victims of trafficking:

- Development of a network of local leaders, NGOs, provincial government, and pimps (brothel managers) to discourage pimps from employing children and to report underage girls identified in brothels.
- Raising awareness of communities in areas with high incidents of trafficking to encourage them to report cases. Currently the communities being approached in brothel areas include local leaders, brothel managers, and owners. Additionally, local vendors, shopkeepers and neighbors in the brothel areas may be a potential untapped group of informants for a similar awareness-raising effort.
- Development of a hotline for kids in Surabaya (Kids Line) to provide a mechanism for children to report abuses. Integrated with the police emergency line, the hotline has led to the identification of girls being forced into prostitution.

⁶ Six hundred twenty-five victims have been assisted in the first year since development of this model. Eighty percent were trafficked to other countries, 20 percent within Indonesia. Most were trafficked for the purpose of domestic work (49%) and prostitution (24%).

Challenges

Prevention

To date, there has been little success in modifying the migrant worker system to reduce exploitative practices and provide better protection to these workers. While there may always be some unscrupulous agencies and abusive employers, the system is currently designed in such a way as to make migrant workers more vulnerable instead of protecting them from such abuses. Rather than monitoring and regulating the work of employment agencies, the GOI relies on employment agencies to provide basic protections for migrant workers, even when it goes against the agencies' own self-interests. Few legal avenues are open to migrant workers, especially domestic workers, either in Indonesia or in countries of destination. Domestic work is often excluded from national labor laws and bilateral migrant worker agreements (HRW 2004: 4, 57, 64, 65).

There has been a general lack of attention to the issue of human trafficking in key destination countries, particularly in Malaysia and the Middle East. In these countries, which are the recipient of large inflows of migrant labor from Indonesia, there is a lack of victim services, law enforcement actions against traffickers, or changes in policies to improve protections for migrant workers. Trafficking victims may be detained, fined, and/or deported rather than provided with assistance.

Currently, the GOI tends to take responsibility for victims of trafficking by providing them with temporary shelter at their embassies and consulates until their paperwork is completed for their repatriation. While this is better than victims being held in detention facilities, the embassies lack the necessary infrastructure accepted by international standards needed to deal with victims of trafficking, such as specially trained personnel to provide essential counseling or psychosocial care.

Public acceptance of debt bondage, both in the migrant worker system and for prostitution, is pervasive and contributes to the continuation of trafficking both within Indonesia and across its borders. While some stakeholders demonstrated an understanding of how the debts are used as a means of trafficking, many expressed a belief that it was acceptable to force someone to continue working against their will if there was a debt involved between the employer and the employee. For example, in a case where a woman who has been prostituted wants to leave the brothel and go home, but is unable to because of the debt owed to the employer, a police officer admitted that the only thing she could do is negotiate between the woman and employer.

There continues to be a lack of acceptance of domestic work as formal work, resulting in little support for regulating the sector, adding to the vulnerability of young women and girls employed as domestic workers within Indonesia. There is also continued acceptance of children under the legal working age being employed as domestic workers. The ILO has worked with KPP to develop guidelines for the employment of CDW (between the ages of 15–18). These guidelines were recently published, but are not legally binding.

While most stakeholders and those in authority speak out against child prostitution, there continues to be acceptance of child prostitution in some segments of society, especially in the communities from which the children originate. An ILO report from 2004 indicates that the acceptance of child prostitution in these communities and the material benefits that it has brought to some families has reduced the social stigma attached to prostitution. While this is positive in that it allows children to return to their families and communities, it has also reduced societal pressure, which might help to prevent such trafficking (ILO 2004a: 46-48).

Two ILO rapid assessments from 2004 indicate a significant presence of children in prostitution in Indonesia, and specifically in their research areas, which included Jakarta, West Java, Central Java, Yogyakarta, and East Java. Specifically, using observation methods in prostitution areas the two studies identified 3,408 prostituted children in Semarang, Yogyakarta, and Surabaya and 2,820 prostituted children in Jakarta and West Java (ILO 2004a:16; ILO 2004b: 114). These numbers reflect only those children prostituted in the geographic area of the research and are believed to underestimate the actual number of children in prostitution even in this limited area.

There has been a significant effort to raise the awareness of at-risk communities to trafficking, with a wide variety of awareness-raising tools being developed. However, the impact of these campaigns has not yet been assessed. Additionally, the geographic scope of prevention programs has been limited compared to the geographic needs of the country. Victims often come from remote areas difficult to reach; sending areas for victims of trafficking in Indonesia seem to be continually expanding. Therefore, there is a need to develop prevention campaigns with the ability to reach out to the most rural villages nationwide in a cost effective manner.

Law Enforcement

While there has been an increase in law enforcement actions against traffickers in Indonesia in recent years, the actual numbers of investigations and prosecutions remain low given the scope of the problem in the country. Indeed, there is a lack of consolidated and reliable data on law enforcement actions so that the real number of investigations and convictions is not known. There have been some criminal sanctions against recruiting agencies and recruiting agents, and raids against 34 abusive agencies since late 2004, but few criminal sanctions against powerful labor agency owners. In general, when labor agencies are closed for violations they tend to reopen under a new name.

Similarly, there has been a lack of criminal sanctions against those who traffic women into domestic prostitution. Legal actions tend to be against the victims themselves, who are sometimes forced into government rehabilitation centers. In general, police describe a preference for resolving cases through mediation rather than taking them to court. If this can result in freeing victims from trafficking, it is not an inherently bad strategy, especially given the state of the legal system in Indonesia and the many difficulties in prosecuting trafficking cases. However, as part of this practice, police sometimes rely on pimps to return trafficked girls to their villages, rather than providing them with a layer of protection by referring them to NGOs or other government offices providing such services.

It is now generally accepted that children should not be allowed to engage in prostitution. However, instead of taking legal actions against those who prostitute children, steps to

remove children from brothel areas have relied on moral persuasion and community pressure. Some claim that this has been very successful. In early 2006, the police anti-trafficking unit carried out or instigated a limited number of police raids to free child prostitutes and arrest pimps. There is certainly consistent condemnation of the idea of children in brothels. However, there are also some indications that underage girls are in brothels through legal loopholes and corruption. For example, if a girl is married or has ever been married, many of those in law enforcement believe that under Indonesian law she is no longer a child, regardless of her age, and is therefore legally allowed to engage in prostitution. It is also not uncommon for girls to obtain a falsified identity card indicating they are over 18. Police efforts to check the real age of girls in prostitution does not go deep enough to uncover the falsification of official documents.

The problem of the falsification of identity cards in Indonesia has not yet been addressed. Falsification of identity cards not only contributes to the prostitution of underage girls, but also allows underage girls to migrate for work, becoming vulnerable to traffickers and exploitation along the way. Not a single person interviewed knew of criminal actions being brought against government officials who falsify information in identify cards and passports.

There remain many constraints to effective law enforcement against human trafficking, which include:

- Victims generally do not want to pursue criminal actions against their traffickers.
- A lack of internal cooperation within the Indonesian police, as well as cross border cooperation with destination countries, limits the effectiveness of police investigations. Internally, police report difficulty in working on cases that cross provincial boundaries due to the lack of cooperation from other police units combined with a lack of funding to travel to other areas to carry out investigations. In addition, internal police procedures for follow-up on trafficking cases do not seem to be consistent. There appears to be confusion as to which department should handle a case or which level of police is responsible (e.g. district, provincial, or national).
- Some organizations have provided training to the RPK; others provide training to other police units. However, those units provided with the most training on trafficking may not be the same units that police the brothel areas. Also, while RPK provide an important resource for victim assistance, they do not have the necessary authority or budgets to handle the investigation of cases.
- Police and military members' involvement in ownership, management, and/or protection of entertainment locations also hinders law enforcement actions against such places. Other forms of corruption of the police, prosecutors or judiciary can also hinder effective law enforcement action.⁷
- Stakeholders also report that prosecutors or judges stymie cases investigated by the police. There has been far less counter trafficking training provided for prosecutors and judges in Indonesia than for the police. Both the IOM and the International Criminal Investigative Training Assistance Program (ICITAP) indicated that they have plans for addressing this gap.

⁷ The National Commission for Human Rights (KOMNAS HAM) has a new MOU with the police to encourage reporting of cases of police corruption. It is hoped that a national reporting system will lead to action against corrupt police at the local level.

Victim Assistance

While there is currently a model for victim assistance in Indonesia that provides more comprehensive and systematic assistance to victims of trafficking, the model does not extend deep enough into rural areas or to all parts of the country. The geographic scope of need in Indonesia is massive, making it difficult and expensive to provide services for victims of trafficking throughout the country. There are certain provinces in which little work on counter trafficking has been done, for example in West and East Nusa Tenggara, Papua, Maluku, and much of Sulawesi (with the exception of North Sulawesi). Because of the large population living in rural areas and the remoteness of many rural villages, there is also a lack of services in rural areas, even in those provinces that already have a wealth of ongoing trafficking activities.

Reintegration services, while improved, are not sufficiently developed to fully meet the needs of victims, especially those returning to rural areas. The current system for victim assistance provides for an average of a one to two week stay in recovery centers before sending victims home. There are currently only three such recovery centers in three metropolitan areas (Jakarta, Pontianak, and Surabaya). These do not provide enough geographic coverage to make services convenient to all victims and their families. In addition, 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. During their brief stay in recovery centers, victims are provided with training on trafficking and HIV/AIDS, but not on safe migration or their rights. Such information could help prevent the re-trafficking and exploitation of former victims.

Work on building a network of services at the community level has started and needs to continue. Reintegration services are currently being provided primarily by NGOs. While many Indonesian NGOs have good experience and skills, they often have a limited geographic scope. Sending staff out into rural villages can be expensive and may only allow for intermittent support services to victims. If victim services could be integrated with local level government systems or with community-based or religious organizations, it could greatly expand the geographic scope of services without significant cost. Having support services conveniently available at the local level might also help reduce the likelihood of victims taking grave risks to leave their villages again in search of a better life.

There has been some attempt to provide victims with alternatives to returning home. For children whose parents were involved in their trafficking, this has been achieved by providing education for the children in boarding schools. Providing alternatives for adult women has not yet been fully explored. Given the difficulties women face reintegrating into rural communities, it is important to offer them alternatives with better economic prospects.

There is no clear mechanism in place for providing victims of trafficking with referrals for services. IOs and NGOs have made an effort to reach out to persons who could come into contact with victims of trafficking to inform them about victim services and to integrate services they provide with those provided by the government; however, this does not always happen in practice. Sometimes, government offices, including the police and overseas embassies and consulates, handle referrals themselves, although they are unqualified to do so. This results in inadequate provision of services offered in addition to possibly endangering the safety of the victims being returned. For example, the Indonesian government has provided assistance to victims to return home to their villages, but then provided insufficient follow-up services so that the victims quickly left the village again shortly after returning. Additionally, Indonesian Embassies abroad sometimes return victims to the Indonesian border, arranging for recruiting agencies to pick them up on the other side. Although the recruiting agency is ostensibly supposed to provide them transport home, they often coerce them into returning abroad, leaving victims with little choice since they are without any resources or funding to fend for themselves. Police also report removing children from brothels, but then requiring the pimp to return them to their village.

Many USG partners are referring victims to one another for services, especially when services are complementary geographically. For example, in Entikong and Singkawang ACILS funds local organizations to provide emergency shelter assistance. These organizations further refer to IOM in Pontianak when the victim is not from the immediate area and wants assistance returning home or is in need of immediate medical or other assistance. In some areas it seemed that the USG is funding dual victim assistance networks. For example, in Surabaya, both The Asia foundation (TAF) and IOM have developed separate referral systems and services networks. Implementing partners could be encouraged to integrate the systems in order to make more effective use of USG funding. In other parts of the country the USG is funding shelter services that are being under utilized. USG partners have indicated that some of the shelters they have funded often are empty. As there are limited services available and a need for an expansion of services geographically, funding spent on duplicative or under utilized victim assistance efforts should be eliminated in order to expand services to other areas.

While the GOI has taken a more active role in providing victims with necessary services, that assistance does not always meet international standards. Government officials tend to assume that they know what is best without regard for the victim's right to choose or to decline services. Government procedures have been known to expose victims to unwanted media attention or to reveal their identities to local government officials without their permission. Government officials, lacking their own funds or being unaware of services available from others, sometimes expose victims to further danger by asking traffickers to return victims to their home.⁸

The government's budgeting process has also been identified as a constraint to providing services. The local budgets are not approved until July and must be spent by December, resulting in a surplus of funding for the second half of the year and leaving the first half of the year without funding at all.

⁸ In the case of trafficking for domestic prostitution, police officers interviewed stated that they try to negotiate with pimps to return victims to the place of origin. In the case of migrant workers, a human rights report documents that it is very common for Embassies of sending countries such as Indonesia to refer exploited migrants to their employment agents who may have been involved in abusing them or who have financial interests in protecting abusive employers (HRW 2005 b).

The government also needs to respond to land and sea deportations from Malaysia, especially as deportees are very vulnerable to agents waiting at the border crossing and can easily be trafficked or exploited. Agents are allowed to loiter in the no-man's land, waiting for vulnerable deportees. Immigration officials say there is nothing they can do about it and that the agents have a legal right to be there. This results in the re-trafficking of vulnerable migrants upon deportation, with no resources to return home on their own. These same agents have also harassed IOM staff assisting returning victims at the border.

ANNEX A

Overview of USG Funded Programs

Prevention

The American Center for International Labor Solidarity (ACILS) & The International Catholic Migration Commission (ICMC)

Location: West Java, Central Java, East Java, West Kalimantan, West Nusa Negara, East Kalimantan, Jakarta, Banten, North Sulawesi, North Sumatra, Riau, Aceh.

Activities:

- Advocacy and capacity building for policy changes – development of the National Action Plans, the Anti-Trafficking Bill, etc.
- Capacity building for the Ministry of Women's Empowerment (KPP), the Coordinating Ministry of Social Welfare (MenkoKesra), the national and provincial Anti-trafficking Task Forces
- Coordination with the DEPNAKER on safe migration and reduction of trafficking of women and children
- Grants and capacity building for local NGOs to conduct prevention campaigns, advocacy and research
- Development and dissemination of a trafficking prevention tool kit; training of facilitators from government and NGOs on use of tool kit
- Capacity-building to Rifka Annisa Women's Crisis Centre to provide anti-trafficking training and technical assistance for other NGOs
- Development and capacity building for a National Spokesperson for the Campaign to Eliminate the Trafficking of Women and Children (Dewi Hughes)
- Safe Migration Comic Books & Public Service Announcements in Food Packages
Development of an anti-trafficking website

The Asia Foundation (TAF)

Location: Jakarta, West Kalimantan, West Java

Activities:

- Advocacy and assistance for development of anti-trafficking legislation
- Promoting public awareness of trafficking
- Development of a training module on Developing a Strategy and Action Plan to Prevent Trafficking in Sanggau District West Kalimantan
- Development of a community-based trafficking in persons protection system

International Labour Organization (ILO)

Location: Jakarta, Malaysia, Hongkong, Singapore

Activities:

- Advocacy for legal reform regarding domestic workers
- Training Indonesian consulate staff on migrant domestic workers issues
- Building cooperation with Malaysian and Singaporean trade unions to improve bargaining position of domestic helpers
- Capacity building and empowerment of domestic workers

International Organization for Migration (IOM)

Location: East Java, West Kalimantan

Activities:

- Awareness-raising on the dangers of trafficking of women and children
- Dissemination of trafficking prevention animated film

Save the Children US (SC)

Location: East Java

Activities:

- Community-based programs to keep children in school
- Use of positive deviance model for trafficking prevention in communities
- Establishment of provincial and district action plans to combat trafficking

Protection

ACILS & ICMC

Location: Riau, East Kalimantan, West Kalimantan, and North Sulawesi, Jakarta, North Sumatra.

Activities:

- Support and capacity building for NGOs providing victim services
- Assistance to the Ministry of Women's Empowerment and the Coordinating Ministry of People's Welfare in the development of Standard Operating Procedures (SOPs) on the return, recovery and reintegration of trafficked people, including development of an SOP Training Manual and holding joint trainings in trafficking transit areas.

TAF

Location: East Java

Activities:

- Support for legal assistance and shelter for victims of trafficking

ILO

Location: East Java

Activities:

- Reduction of children in the worst forms of child labor
- Return of children in prostitution

IOM

Location: Nationwide (with service emphasis in Jakarta, East Java, West Kalimantan)

Activities:

- Provision of return, recovery and reintegration services for victims of trafficking
- Training for Trainers on Medical and Psychosocial Management of Victims of Trafficking

- Training on Return and Reintegration of Trafficked Victim for IOM's partners
- Opening of recovery centers for victims of trafficking
- Development of partnerships to assist victims of trafficking

Prosecution

TAF

Location: East Java, West Kalimantan

Activities:

- Sensitizing the law enforcement community to human trafficking
- Training for judges, prosecutors and lawyers on handling trafficking in persons Cases

International Criminal Investigative Training Assistance Program (ICITAP) & Overseas Prosecutorial Development, Assistance, and Training (OPDAT)

Location: Jakarta

Activities:

- Training of police investigators
- Advisory assistance to the National Police and Department of Justice

ANNEX B

List of Contacts

JAKARTA

Indonesian Government

Parjoko, Coordinating Ministry of Social Welfare
Supalarto, Ministry of Women Empowerment
Ferry Adamhar, Ministry of Foreign Affairs

United States Government

Mark Clark, US Embassy, Political Section
Maria Ining Nurani, USAID, Democratic Decentralized Governance Office
Gerald Heuett, US Embassy, ICITAP
Robert Barlow, US Embassy, ICITAP
John Montanio, US Embassy, ICITAP
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Donna Welton, US Embassy, Public Affairs Section
Paul Simonett, USAID, Democratic Decentralized Governance Office
Sean Callahan, USAID, Regional Legal Advisor
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International Organizations

Kristin Dadey, International Organization for Migration
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Hana Satrio, The Asia Foundation
Sandra Hamid, The Asia Foundation
Patrick Quinn, International Labour Organization
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Ekan Sulistyarningsih, Save the Children U.S.
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Abhijit Dasgupta, ICMC
Anis Hamim, ICMC
Kerry Lasmi, ICMC

Indonesian Organizations

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Jerry Miasputin, PPT, Jakarta Hospital
Anna Sulikah, Yayasan Bandung Wangi
Salma Safitri, Solidaritas Perempuan
Nur Aziza, Yayasan Anak dan Perempuan
Anis Hidayah, Migrant Care
Wahyu Susilo, Migrant Care
Felixon, Kopbumi
Eko Bambang S., Yayasan Jurnal Perempuan

Maria Ulfah Anshor, PP Fatayat NU
Ikililah, PP Fatayat NU
Ratu Dina Hatifah, PP Fatayat NU

SURABAYA

Indonesian Government

Agus Legowo, Commission for Child Protection, East Java Planning Agency (Bapeprov)
Joko, Agency for People's Development (Bapemas)
Murwia, Sepcial Women's Unit (RPK), Polwiltabes (City Police) Surabaya
Agung Suniasih, RPK, City Police

International Organizations

Vidya Darmawi, Family Health International
Ummu Mukarnawati, International Organization for Migration
Wiwit Sri Arianti, Save the Children

Indonesian Organizations

Denny, Yayasan Abdi Asih
Abidah, Yayasan Genta
Kuswanto, Yayasan Genta
Veronica, Indonesian Women's Coalition (KPI) East Java
Dr.Gandih, PPT East Java
Yanti Indarsyah, PPT East Java
Joris Lato, Yayasan Hotline Surabaya
Yayuk, Yayasan Hotline Surabaya
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Agness Warsiah, PKK (Family Welfare Program), Wonokromo
Sulistyawati, PKK Moroseneng
Adhi Widyatama, Yayasan Cakrawala Timur
Lutfi Garjito, Pusham UNAIR (Legal Study Center, Airlangga University)
Kartono, COP (Community Policing)
Umi Chumaida, Savy Amira
Dhanang, Institute for the Study of Community and Legal Aid (LSKBH)
Listyati Setyo Palupi, LSKBH
Fithri, LSKBH
Rafael, LSKBH
Endah, LSKBH
Nafis, LSKBH

PONTIANAK

Indonesian Government

Herlina, Ministry of Justice & Human Rights and PIPPA (Information Center on Protection of Women and Children)
Trias, Immigration Office Pontianak
Achman, Department of Education
Nuraini, Social Welfare Department
Dr.Honggo, Department of Health

Tris Yuwiati, Department of Health
Sulaiman Sapuan, Department of Labor
Agung Widhi Hastoeti, Agency for Youth, Sport and Women's Empowerment (Bapora
PP)
Dumairia Silalahi, head of RPK Poltabes (City Police) Pontianak

International Organizations

Theresa, International Organization for Migration
Rizal, International Organization for Migration
Eko, International Organization for Migration

Indonesian Organizations

Adriyanto, LBH – APIK
Yudith, Vitranilla, LBH - APIK
Fauziah, Shelter Aisyiah
Lilik Muayadah, Shelter Aisyiah
Lusila Arwila, Pancur Kasih
Stepanus Ilojin, Pancur Kasih
Purwanto, Komnas HAM
Hairiah, Forum Peduli Perempuan dan Anak
Yayuk Sri Rahayu, Forum Stakeholder Perempuan Media

SINGKAWANG

Indonesian Government

Yanti, Department of Women's Empowerment

Indonesian Organizations

Rosita Nengsih, LBH – PEKA, Singkawang, West Kalimantan
Maya, Social Worker, Singkawang, West Kalimantan

ANNEX C

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