Counter-Trafficking and Migrant Labour Activism in Indonesia’s Periphery

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The University of Sydney and the University of Western Australia
The Indonesian Studies Working Papers series is published electronically by the department of Indonesian Studies at the University of Sydney.

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**Series Editors: Michele Ford and Keith Foulcher**
Counter-Trafficking and Migrant Labour Activism in Indonesia’s Periphery

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Worldwide, the anti-trafficking movement has generated an enormous growth in the number of NGOs, government organizations and international agencies working to prevent human trafficking, assist in the prosecution of traffickers, and aid in the rescue and return of ‘victims’. Indonesia is no exception. There, as elsewhere in Southeast Asia, international agencies and donor countries have played a significant role in shaping both NGO and government approaches to human trafficking. These efforts are a response to both the Palermo Protocol and the subsequent pressure from the United States to comply with its annual Trafficking in Persons reports. The TIP Reports identify Indonesia as a major source country for victims of trafficking. Initially ranked in Tier 3 in 2001, Indonesia was upgraded to Tier 2 in 2002, a position it maintained until 2006 when it was placed in the Tier 2 Watch List before recovering its Tier 2 ranking the following year. In common with other identified source countries in Southeast Asia, the global anti-trafficking movement has been greatly influenced by the activities of international NGOs and inter-governmental organizations, which have partnered with local NGOs and local governments to develop policy and legislative responses, as well as prevention and rehabilitation programs.

 Particularly influential in the development of Indonesia’s anti-trafficking strategy was a series of joint projects funded by USAID and implemented by the American Center for International Labor Solidarity (Solidarity Center) and the International Catholic Migration Commission (ICMC). Over a nine year period, these very different organizations worked together to implement three separate USAID-funded projects which sought to develop a national response to human trafficking in Indonesia in response to its poor performance in the TIP Reports. This paper presents a detailed account of those projects and the extent to which they have influenced migrant labour activism in the Riau Islands, a major point of transit and destination for labour migrants, including sex workers, on Indonesia’s north-western border with Singapore and Malaysia.¹ The paper argues that, while other international organizations were also influential in determining state policy and resourcing NGO activities in the first decade of the new millennium, the Solidarity Center/ICMC

¹ The paper draws on interviews with key actors in Jakarta, including representatives of ICMC, the Solidarity Center and several major migrant labour NGOs, conducted between 2001 and 2010 and during fieldwork in the Riau Islands in 2004–2008 and 2010, in which interviews were conducted with all the NGOs involved in Solidarity Center/ICMC projects. The bulk of the data was collected as part of a project entitled In the Shadow of Singapore: The Limits of Transnationalism in Insular Riau, funded by Australian Research Council Discovery Project Grant DP0557368. We would like to thank Wayne Palmer for his assistance with follow-up interviews in the Riau Islands in 2010. An earlier version of parts of this paper was presented at the 5th Euroseas Conference, University L’Orientale, Naples, 12-15 September 2007. The paper will be published as a chapter in Ford, Lyons and van Schendel (forthcoming).
projects played a pivotal role in changing the way human trafficking was imagined and handled not only in the metropolitan core but also in key locations in Indonesia’s far-flung peripheries. In the process, they transformed the way in which NGO activists have understood and responded to temporary labour migration.

**Counter-trafficking initiatives in the Riau Islands**

The islands of Bintan, Batam and Karimun are part of Kepri Province (Provinsi Kepulauan Riau) which lies in the Straits of Malacca to the north-east of Sumatra (see Figure 1). These islands are a transit zone for documented and undocumented labour flows to Malaysia and Singapore, as well as the nearest point for repatriation of workers whose contracts have ended or undocumented migrants who have been deported (Lyons and Ford 2007). They have also attracted large numbers of internal migrants in search of work since the formation of the Indonesia-Malaysia-Singapore Growth Triangle in 1990. A large commercial sex industry catering to both Indonesian and foreign men has sprung up alongside the islands’ manufacturing and tourist zones. As the industry grew, it began to attract international donor funding for HIV-AIDS prevention and by 2001 there were at least three NGOs in the islands working to improve sex workers’ reproductive health.

**Figure 1. Map of the Riau Islands**

Although HIV-AIDS and reproductive health had attracted international interest for some time, the islands’ role as a major transit zone for international labour

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2 For details about the sex industry in the Riau Islands, see Ford and Lyons (2008).
migrants was of little interest until the signing of the UN Trafficking Protocol. In a 2002 report, the Coalition Against Trafficking in Women (CATW), which played an influential lobbying role in the drafting of the Protocol, first identified the Riau Islands as a key site of trafficking for sexual exploitation in Indonesia. This same report made a series of sensationalist claims about the sexual exploitation of all Indonesian female migrant workers, the majority of whom they claimed face sexual abuse and forced prostitution at the hands of recruitment brokers, agents and employers (Dzuhayatin and Silawati 2002: 17-18).

At the time that CATW wrote its initial report, the International Organization for Migration (IOM) began a repatriation program in which all the major islands in Kepri were identified as sites for ‘victim identification’. The IOM provided funding on a case-by-case basis for trafficked victims to be repatriated and receive a reintegration disbursement to start a small business in their place of origin (Lindquist 2008). Despite this international interest, there were no dedicated local anti-trafficking NGOs in operation in the islands and the concept of ‘human trafficking’ was little understood by NGOs working in HIV-AIDS or migration issues. Indeed, most NGOs working on reproductive health and/or HIV-AIDS prevention in the islands felt the impact of USAID proscriptions against providing assistance to sex workers well before they understood the links between the US anti-prostitution and anti-trafficking agendas (Lyons and Ford 2010).

However, the situation began to change as international NGOs began to see the potential benefits of working with existing NGOs to pursue counter-trafficking activities. For example, after Indonesia signed the UN Trafficking Protocol in December 2000, the Foundation for Friends of Health and Humanity (Yayasan Mitra Kesehatan dan Kemanusiaan, YMKK) was approached to become involved in counter-trafficking activities (Lindquist and Piper 2007: 142-143). The strategy of using existing NGOs to pursue anti-trafficking activities became even more apparent with the first Solidarity Center/ICMC led project, which began in October 2001. ‘Creating an Enabling Environment to Overcome Trafficking of Women and Children in Indonesia’ – known as the Counter Trafficking Project (CTP) for short – was funded by USAID as part of its global anti-trafficking program (Rosenberg 2006: 6). The stated aims of this two-year project were to help the government to improve policies and legislation; to support the counter-trafficking programs of NGOs, trade unions and universities; to improve information flows and networking amongst stakeholders; and to strengthen worker networks to counter trafficking of marginalized workers (Rosenberg 2003b: 261-263).

The CTP sought to achieve these aims through a ‘multi-faceted approach’, involving technical and financial assistance and training to government agencies,
NGOs and trade unions. Its goal was to strengthen these groups and support their ‘efforts to establish a proactive framework of counter-trafficking initiatives’ (Rosenberg 2003b: 261). Much of the project’s resources were devoted to capacity building and the development of the National Plan of Action for the Elimination of Trafficking of Women and Children and a purpose-specific national law to deal with trafficking. The project team also ran training sessions for members of recipient organizations and officials from different levels of government. A vital element of this work was a study tour by project officers and central government officials to twelve targeted provinces. This tour formed the basis for an influential 300-page report, entitled Trafficking of Women and Children in Indonesia (Rosenberg 2003b), which not only provided the blueprint for Indonesia’s response to human trafficking, but also influenced the approach taken by the US Office to Monitor and Combat Trafficking in Persons – and through it, the response of other international organizations, including the IOM.

The CTP report, which describes as labour trafficking as ‘the predominant form of trafficking’ in Indonesia, identifies the Riau Islands as a destination for domestic trafficking and a transit zone for trafficking abroad. Like the CATW report, the report describes Batam and Tanjung Balai Karimun as key destinations for women and girls trafficked from other parts of Indonesia into the commercial sex industry. It also notes Batam’s role as a hub for international trafficking for commercial sex (Agustinanto 2003: 178-79). When asked about Batam’s prominence in the project, Ruth Rosenberg, the CTP Project Manager in the Jakarta office of the ICMC, responded that ‘Batam chose itself’ (Interview July 2003), which suggests that the island’s position as a trafficking ‘hotspot’ was already well established prior to the project. By contrast, the report made no mention of the neighbouring island of Bintan, which was also a major transit point for labour migration and a destination for sex workers in the early 2000s.

The absence of any mention to Bintan in the report can be explained by the fact that there were no NGOs working on trafficking, HIV-AIDS prevention or international labour migration in the city in 2001. The CTP report was based on secondary sources, many produced by local NGOs (Interview with Ruth Rosenberg, July 2003). Consequently, the presence or absence of NGOs had a significant impact on the data collected and the conclusions reached. Bintan was not mentioned not because no human trafficking took place there but because there were no NGOs to report it. Existing NGOs were also the main recipients of CTP funding for anti-trafficking initiatives. In the Riau Islands, three NGOs and a new NGO coalition – all based on Batam – received funding through the CTP’s grant scheme (Rosenberg 2003b: 276-77). YMKK undertook to provide shelter, counselling and medical assistance for victims of sex trafficking. The Commission for Migrants (Komisi Migran dan Perantau, Karya Migran) received support to provide shelter, counselling and repatriation for returned migrant workers. The third NGO, the Service Centre for Female Overseas Migrants in Batam (Pusat Pelayanan Tenaga Kerja Wanita di Batam, PP Nakerwan), was funded to run an awareness-raising campaign to ‘improve conditions for migrant workers in the holding centers and to stop trafficking-like practices’. The NGO forum that received funding for awareness-raising with local government officials was set up by the head of the Setara Kita Foundation (Yayasan Setara Kita), a former YMKK staff member. Called Forum 182, it was tasked with

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1 Project staff were subsequently also involved in the initial drafting of the 2007 anti-trafficking law, during which time an ICMC Project Officer assisted a team from seven different ministries, representatives from the provinces and several experts.
convincing local government to commit resources to counter-trafficking and to raise public awareness (Rosenberg 2003b: 276-277).

The Riau Islands were also among the group of 13 target provinces selected for inclusion in the second of the Solidarity Center/ICMC projects, which ran for 26 months from September 2004. This project, entitled ‘Strengthening the Initiatives of Government and Others Against Human Trafficking’ (SIGHT) received US$2 million in financial support from USAID. The bulk of the project focused on the development of vulnerability reduction strategies and service provision for victims in the regions. At the national level, project staff provided technical assistance on the Anti-Trafficking Bill, first to the Ministry of Women’s Empowerment and then to members of parliament. They also provided advice on the Law No.39/2004 on the Protection of Migrant Workers and their Families and trained provincial labour inspectors on the use of the Act in the detection of trafficking cases. Standard Operating Procedures for return, recovery and reintegration developed in conjunction with the Ministry of Women’s Empowerment as part of the project were then piloted in Kalimantan, Sumatra, Sulawesi and Bali. Project staff also worked with officials from the Ministry of Women’s Empowerment and the Coordinating Ministry of Social Welfare to assist local and provincial governments to form the taskforces mandated in the National Plan of Action.

As a consequence of IOM activity and the CTP and SIGHT projects, by 2006 the Riau Islands had reached what one activist described as ‘the peak of the anti-trafficking fever’ (Interview, 2009). Several dedicated anti-trafficking NGOs were operating both in Batam and in the new provincial capital, Tanjung Pinang, located on the island of Bintan. As one NGO activist observed:

Suddenly there were so many NGOs dealing with trafficking. It was like a magnet. Everyone’s attention shifted. Everyone wanted to work on it. The ones that used to deal with other issues all shifted focus and a whole bunch of new ones emerged (Interview, November 2006).

During the life of the SIGHT project the primary focus in the Riau Islands was on providing and strengthening shelter services, as well as sensitizing local governments to the issue of trafficking and supporting their anti-trafficking measures. On the island of Batam, where all the CTP projects had taken place, YMKK was funded to provide technical assistance for the provision of shelter services and other forms of assistance to the Batam Women’s Empowerment Bureau. As part of this project staff distributed leaflets raising awareness of the shelter to police stations, port facilities, and in the red-light and entertainment districts. They also developed a manual and Standard Operating Procedures for the shelter and trained shelter staff on its use, as well as assisting the bureau in its negotiations with other government agencies.

Two projects were also funded in Karimun and Bintan, which had not been a focus for the CTP. In Tanjung Balai Karimun, a twelve-month project to raise public and local government awareness of trafficking and to provide assistance to trafficked women was run by the Women’s Health and Education Foundation (Yayasan Kaseh Puan), which, like YMKK, had previously worked in HIV-AIDS prevention. During this time Kaseh Puan also received funding from the IOM for repatriation and

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8 According to the ICMC/ACILS report, parliament introduced its own draft because progress in the Ministry for Women’s Empowerment on the bill was slow, but there were no significant differences between the drafts.
reintegration (Interview with Rina Lestari, December 2006). In Tanjung Pinang, a private shelter run by a newly-established NGO called the Kemala Bintan Foundation (Yayasan Kemala Bintan) was funded for a period of one year. Kemala Bintan was also tasked with raising awareness of trafficking and assisting the local Women’s Empowerment Bureau to establish a counter-trafficking program (Solidarity Center/ICMC 2006: 63-68).

The Riau Islands received even closer attention in the third and final project undertaken by the Solidarity Center and ICMC, which attracted a further US$1.2 million from USAID between March 2007 and September 2009. Entitled ‘Anti-Trafficking in Persons in Indonesia’ (ATP), this project aimed to provide technical assistance at the national level and to ‘accelerate the development of integrated counter-trafficking efforts’ in eight strategic locations as a model for replication in other districts (Solidarity Center/ICMC 2009: 3). Batam, Tanjung Pinang and Tanjung Balai Karimun were three of the eight locations identified.

As part of ATP, project staff supported the development of implementing regulations for Law No. 21/2007 on the Eradication of the Crime of Trafficking in Persons and a series of Standard Minimal Services for victims of trafficking, as well as continuing work on the revision of the Standard Operating Procedures formulated as part of SIGHT. Project staff also provided technical support for the development of a new National Plan of Action for the period 2009–2014. In addition to suggesting stronger prosecutory measures for traffickers, one of the review committee’s key recommendations was that the labour migration system be reformed and that widespread education be conducted on debt bondage (Solidarity Center/ICMC 2009: 17-19). On receipt of the evaluation, ICMC and the Solidarity Center took active carriage of the early drafting of the new National Plan of Action, which directly addressed the majority of recommendations contained in the report. In addition, attempts were made by project staff to sensitize the staff of the National Board for the Placement and Protection of Overseas Workers (Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia, BNP2TKI) to the issue of debt bondage, which the project partners defined as a form of trafficking (Solidarity Center/ICMC 2009: 58).

At part of the ATP, local NGOs were commissioned to serve as technical advisors to local government with the aim of increasing local knowledge and understanding of national anti-trafficking laws and regulations; establishing local counter-trafficking taskforces; and developing local plans of action on trafficking (Solidarity Center/ICMC 2009: 22-23). In the Riau Islands, an NGO was funded in each municipality to provide technical support to the local government in the formation of taskforces and the drafting of local action plans. In Batam, 17 months’ funding was allocated to Setara Kita, the lead NGO in the anti-trafficking forum set up under the CTP. Kaseh Puan was funded for the same period to facilitate the project in Tanjung Balai Karimun. Kemala Bintan, the project’s previous partner in Tanjung Pinang, had collapsed with the end of SIGHT funding. Project staff turned instead to the Sirih Besar Foundation (Yayasan Sirih Besar), which had a record of working with local government to improve conditions for irregular migrant workers deported to Tanjung Pinang, and also with the IOM on the rescue and repatriation of victims of trafficking (Solidarity Center/ICMC 2009). As part of an additional component of the project, shelter staff in the three municipalities received intensive training from Rifka

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9 Kaseh Puan had participated in the initial CTP survey but did not receive funding under the CTP small grants scheme.
Annisa, the NGO behind a long-established women’s crisis centre in Yogyakarta. In Batam and Tanjung Pinang, this initiative involved staff running government shelters, but in Tanjung Balai Karimun it focused on Kaseh Puan.

Setting the anti-trafficking agenda

A key feature of the Solidarity Center/ICMC’s interlinked projects has been their framing of trafficking. As ICMC coordinator Ruth Rosenberg notes in the CTP’s final report, by the early 2000s important shifts had already occurred in the international approach to human trafficking, namely from recruitment to exploitation; from coercion to ‘with or without consent’; from prostitution to informal and unregulated labour; from violence against women to violation of human rights; and from trafficking in women to illegal migration (Rosenberg 2003a: 12-13). It is significant that, at a time when many international NGOs remained heavily focused on trafficking for sexual exploitation, the project’s first report places equal, if not greater, emphasis on trafficking for forced labour. This emphasis is particularly significant because – unlike the Solidarity Center, which came to the project convinced that labour trafficking rather than trafficking for sexual exploitation was the major concern in the Indonesian context (Interview with Rudy Porter, June 2008) – the ICMC did not initially have a great deal of focus on migrant labour (Interview with Ruth Rosenberg, July 2003).

In the CTP report’s introduction, Ruth Rosenberg leaves readers in no doubt of the importance of labour migration as a form of trafficking in the Indonesian context:

Although trafficking for sexual exploitation certainly exists in Indonesia, far more women are trafficked for other forms of labor. Of the nearly a half million Indonesians who migrate official for work each year, 70% are women (Hugo, 2001: 109); many more are thought to migrate through irregular channels. A large majority of the women migrate for work as domestic helpers; others for work in restaurants, factories or plantations. From research as well as NGO accounts of migrant workers, we know that many of these women find themselves facing conditions of exploitation, debt bondage, confiscation of identification, and restrictions on their movement that constitute trafficking (Rosenberg 2003a: 12-13).

Labour migration is accorded an equally prominent position in the remainder of the report, in which the first two of five chapters on forms of trafficking deal with female overseas migrants. The central importance accorded to labour migration by ICMC and the Solidarity Center is particularly apparent in the ‘Trafficking Framework’ presented on page 15 of the CTP report (see Figure 2). This framework uses the key dimensions of the definition of trafficking contained in the UN Protocol – process, means and purpose – to develop a schema to determine whether trafficking has taken place. If one condition from each column is met, then the phenomenon meets the definition of trafficking.

This framework represented a major shift in Indonesian understandings of human trafficking through the creation of space for discussion of foreign domestic work as trafficking. Although the CTP produced other results, this discursive shift was by far the most significant outcome of this project because it set the parameters for government policy and increasingly for civil society activism. Prior to the CTP, Indonesian government discourses around trafficking remained firmly centred on the
sexual exploitation of women (Wahyuningrum 2007). Post-Palermo, Indonesia’s official position clearly reflected the CTP’s emphasis on labour migration.

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<td>The Abuse of Power</td>
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Figure 2. ICMC and the Solidarity Center Trafficking Framework

This emphasis on labour trafficking is nowhere clearer than in the five-year 2002 National Plan of Action, which states that:

Trafficking in women and children within the meaning of this National Plan of Action encompasses all forms of actions undertaken by perpetrators of trafficking that have one or more of the elements of recruiting, transporting between regions and countries, transferring, sending, receiving and temporary placement or placement at their destination of women and children. It includes using threats, verbal and physical abuse, abduction, fraud, deception, misuse of vulnerability (e.g. if someone has no alternative, is isolated, addicted to drugs, trapped in debt), giving or receiving payments or profits in cases involving women and children who are used for prostitution and sexual exploitation (including pedophilia), legal or illegal migrant workers, child adoptions, fishing platform work, mail order brides, domestic helpers, begging, pornography, drug dealing, selling of body organs as well as other forms of exploitation (KPP 2002 cited in Misra 2003: 220).

According to Wahyuningrum (2007: 12), a former employee of the Solidarity Center who had worked on the CTP, the focus on women and children in the first National Plan of Action was the product of international precedents and pressures (specifically the Palermo Protocol and the US Trafficking Victims Protection Act); the widely held view that women and children are more vulnerable to exploitation than men; and a
strong push from women’s groups to ‘keep the focus on women’. By the time the draft anti-trafficking law had entered the parliament, there was evidence a strong recognition of trafficking for purposes other than sexual exploitation.10

The national policy framework developed during this period further confirms that labour trafficking had come to be regarded as a central focus of Indonesia’s response to human trafficking. Documents produced by the Coordinating Ministry for People’s Welfare – the body tasked with coordinating the counter-trafficking programs of different ministries – were heavily influenced by the first Solidarity Center/ICMC report. For example, *The Elimination of Trafficking in Persons in Indonesia, 2004-2005* cites the report heavily and explicitly reflects its emphasis on international labour migration:

> Trafficking in persons can victimize anyone: adults and children, men or women who normally live in vulnerable conditions, for example: men, women and children from poor families who came from rural or urban slums; those who are educated and have limited knowledge; those who are caught up in serious economic, political, and social problems; family members dealing with financial crisis, such as their husbands/parents lose their income, their husbands/parents are gravely ill, or dead; dropout children; victims of physical, psychological, sexual violence; job seekers (including migrant workers); women and street children; abductees; divorced women as a result of having married at an early age; those who are pressured by their parents or neighborhood to work; even sex workers think that working overseas promises higher income (Republic of Indonesia 2005: 4).

As in the CTP report, specific reference is also made in this document to the potential for trafficking within the formal labour export system:

> Labor recruitment companies, with their network of agents/brokers in many areas, are traffickers when they facilitate the falsification of ID card and passports and illegally confine potential migrant workers at the safe house, and put them in a different job than the one promised or introduce them by force to sex industry (Republic of Indonesia 2005: 6).

The emphasis placed on labour trafficking during the CTP is reiterated and strengthened in *When They were Sold: Trafficking of Women and Girls in 15 Provinces of Indonesia* (Sugiarti, Davis, and Dasgupta 2006), the companion volume to *Trafficking of Women and Children in Indonesia* produced as part of the second Solidarity Center/ICMC project, SIGHT. In the initial background section of this massive 432-page report, a discussion on trafficking discourse in Indonesia immediately orients readers to the question of labour migration, stating that trafficking discourse in Indonesia was ‘primarily fuelled by the plight of Indonesian women abused abroad – in domestic work and prostitution’ (Sugiarti, Davis, and Dasgupta 2006: 14). In the next section, entitled ‘The Current Definition of Trafficking in Indonesia’, the Solidarity Center/ICMC Trafficking Framework (Figure 2) is reproduced, importantly with the addition of debt bondage to the column on

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10 While the CTP focused only on women and children, the project report states that the report’s focus on women and children ‘should not be read as a comment on the prevalence or seriousness of trafficking of men in Indonesia’ (Rosenberg 2003a: 15).
ways and means. The overview of trafficking that follows includes a section that identifies ten major purposes of human trafficking in Indonesia, the first of which is domestic work abroad. The other forms of trafficking mentioned (in the order in which they appear in the report) are prostitution/entertainment work abroad; marriage to foreigners; workers in construction sites, plantations and others; domestic work in Indonesia; domestic prostitution; baby selling; organized begging rings; contract marriages; and ‘other forms of trafficking’.

The inclusion of ‘workers in construction sites, plantations and others’ represents a significant departure from the 2003 report, as these categories deal primarily with male workers. The focus on labour migration, including the migration of men, continues in the report’s final chapter on emerging issues related to trafficking, the first of which is debt bondage and the second the placement of migrant workers in Malaysia, followed by sections on law enforcement and the counter-trafficking efforts of government, NGOs and civil society (Sugiarti, Davis, and Dasgupta 2006: 319-394). The emphasis in the report on addressing debt bondage as a way of preventing labour trafficking was somewhat at odds with the focus of much of the SIGHT project on victim assistance. However, it clearly represented a further attempt to shift the focus in Indonesian understandings towards the recognition of the potential for the trafficking of labour migrants within the official labour migration system.

**Influence on local NGOs**

Indonesian NGOs both assisted in the formulation of the Solidarity Center/ICMC approach and were influenced by it. In the CTP report, practices associated with labour trafficking were elaborated in a schema generated by a Coalition of Indonesian NGOs led by Solidaritas Perempuan, a women’s NGO with a long history of migrant labour activism and ties to the Global Alliance Against Trafficking in Women (GAATW), the international NGO alliance set up in opposition to CATW that had lobbied for the inclusion of forms of human trafficking not related to sexual exploitation in the Palermo Protocol (see Ditmore 2005; Doezema 2005). The Solidaritas Perempuan schema provides a more specific overview of the elements of trafficking in each stage of the labour migration process in ways that firmly focus attention on the state’s formal labour export program (see Figure 3). The schema identifies the roles performed by state authorities and registered labour brokers and agents in facilitating ‘trafficking’ at all stages of the formal labour export program – an emphasis that stands in stark contrast to the traditional focus of governments and labour trafficking activists on irregular labour migration.

The link between labour migration and trafficking is also made explicit in a training manual produced by the Solidarity Center/ICMC for NGO workers and other laypersons involved in assisting victims of trafficking. According to the text accompanying a reproduction of the Solidarity Center/ICMC Trafficking Framework, ‘If one condition from each of the three categories is met, the result is trafficking. The consent of the victim is irrelevant if one of the identified means of trafficking is employed’ (ACILS and ICMC 2004: 6). This reference to ‘consent’ in this definition reflects the use of that term in the Palermo Protocol, which stipulates that consent is irrelevant once the use of deception, force or other prohibited means is established. In

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11 This was one of two changes – organ harvesting also now appears in the ‘Goal’ column.
12 This last category includes offshore fishing platforms and other forms of overseas migrant labour.
emphasising the irrelevance of consent, the training manual reinforces the idea that
documented migrant workers who have actively pursued overseas employment are
victims of trafficking if they have been deceived about the nature of their work. The
manual also provides a series of iconic examples of abuse which migrant workers
face, namely the issue of falsified documents by recruiters; the prevalence of debt
bondage; employer retention of passports and other documents; and poor working
conditions, explaining how each potentially puts migrant workers at risk of becoming
victims of trafficking (ACILS and ICMC 2004: 7).

<table>
<thead>
<tr>
<th>Stage</th>
<th>Identified Elements of Human Trafficking</th>
<th>Perpetrator</th>
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<tbody>
<tr>
<td>Recruitment</td>
<td>False information about jobs</td>
<td>Broker</td>
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<td></td>
<td>Falsification of official documents (ID card, passport, family permission)</td>
<td>Recruiting agency</td>
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<td></td>
<td>Illegal fees / debt bondage</td>
<td>Village chief</td>
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<td>Immigration officer</td>
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<tr>
<td>Pre-departure</td>
<td>Restrictions on freedom of movement</td>
<td>Recruiting agency</td>
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<td></td>
<td>Sexual harassment and assault</td>
<td>Center management</td>
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<tr>
<td></td>
<td>Debt bondage</td>
<td>Local authorities</td>
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<tr>
<td>In destination country</td>
<td>Work conditions or type of employment violates contract and/or verbal agreement with the worker, including placement in brothels</td>
<td>Employer</td>
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<td></td>
<td>Assignment to new employer in the recipient country carried out without worker’s consent, and in some cases, through coercion and physical abuse, including for prostitution</td>
<td>Placement agency</td>
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<td></td>
<td>Physical, psychological and sexual abuse</td>
<td>Embassy officer</td>
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<td></td>
<td>Illegal confinement</td>
<td>Immigration officer</td>
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<td></td>
<td>Withholding of identification and immigration documents</td>
<td>Police</td>
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<td></td>
<td>Debt bondage</td>
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<td></td>
<td>Reduced or withheld wages</td>
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<tr>
<td>Upon return</td>
<td>Deception, extortion, and sexual harassment upon arrival at airports or other transportation transit areas</td>
<td>Government officer</td>
</tr>
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<td></td>
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<td>Police</td>
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<td>Airport authorities</td>
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<td></td>
<td>Broker</td>
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<td></td>
<td>Mafia/thugs</td>
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</tbody>
</table>

Figure 3. Trafficking and Exploitative Practices within the Indonesian Labour Export System

The understanding of trafficking promoted by the Solidarity Center/ICMC Framework has had an uneven effect on NGO activities at the national and local levels. In Jakarta, labour migration gradually came to be understood as a form of trafficking, as experienced NGO activists began both to engage intellectually with the concept of trafficking and to adjust to the new realities of funding in their field. In
some cases, this involved a process of contestation and accommodation, as a number of prominent activists were concerned by the potential impact of the anti-trafficking framework on migrant labour activism. At best, they feared that it robbed migrant workers of agency. At worst they believed its deployment was shifting migrant labour abuses into the private realm of organized crime, thus absolving the state of responsibility (Confidential Interviews, 2003). In peripheral locations like the Riau Islands, Solidarity Center/ICMC projects, in tandem with funding from organizations like the IOM, created a new generation of anti-trafficking activists. As discussed above, the NGOs in Batam and Tanjung Balai Karimun that became involved in the Solidarity Center/ICMC projects were all either already operating in related fields such as HIV or migration, or were set up by activists from those NGOs. With the advent of the CTP, these organizations were rapidly transformed into anti-trafficking NGOs. In Tanjung Pinang, activists not only first learned of trafficking from the ICMC, but engaged in NGO work for the first time through a counter-trafficking project. For this group of NGO workers, their understanding of activism was shaped almost entirely through their engagement with the SIGHT and ATP projects.

The Solidarity Center/ICMC projects very rapidly led to a fundamental re-orientation of the way that these local activists acted – and thought – about sex work and labour migration. Since 2001 there have been remarkable changes in the ways in which sex work is framed by established NGOs in the Riau Islands. As late as 2004, Kaseh Puan’s work focused exclusively on assisting brothel-based sex workers to improve their sexual health. The NGO’s director, Rina, had first learnt about trafficking from the ICMC team when it came to the Riau Islands as part of the CTP survey. But it was only when Kaseh Puan assisted a Jakarta-based NGO to show a CTP-funded film in 2003 that the director felt that she truly understood the role of crime syndicates in trafficking women and girls into the local sex industry. Sofi, the Director of the Tanjung Pinang-based NGO, Sirih Besar, is a former journalist with an interest women’s and migrant worker issues. She, too, first learned of trafficking from the ICMC when she was invited to attend a seminar in 2003. In both cases, these activists were already aware of the difficulties sex workers and female overseas migrant workers faced, but these encounters gave them a new vocabulary. As Sofi observed:

At that time I didn’t understand the term trafficking. I only knew that a lot of women were being sold in Kepri, because it involved migrant workers. I used to ‘borrow’ domestic workers and they always arrived in a mess.13 That’s how it started. But it was only when the ICMC people told me that it was trafficking that I started organizing. I established the NGO in December 2004 and by May 2005 we were registered (Interview November 2006).

At the time the ICMC was calling for proposals for SIGHT, Sita, the director of Kemala Bintan, had never heard of the term trafficking. Like Sofi, her only experience with trafficking involved a ‘borrowed’ domestic worker (in this case, by her landlady) who had run away and the police hunted her down and returned her to the company:

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13 It is common practice in the Riau Islands for agents to send intending migrant domestic workers for ‘training’ in local homes.
I didn’t know what trafficking was and I had no experience running an NGO. It was only after I was awarded the project that it was explained to me that trafficking involved the moving of people from one place to another for financial purposes involving exploitation or deceit.

Devi, another journalist, co-founded an NGO that did research for the provincial government on trafficking. She first heard of the term when attending an information session at Forum 182, the NGO network established with CTP funding (Interview, November 2006).

It is striking that although Tanjung Pinang was also home to a large internationally-focused sex industry all these anti-trafficking NGOs focused primarily on migrant labour. As Sofi observed, ICMC taught her that:

Trafficking is not just about the sale of women. Trafficking also occurs when there is movement of people with false documents for the purposes of exploitation. Migrant workers are exploited, for example, if they can’t pray and they are forced to wash the dog and they don’t get their wages – that’s exploitation. If that’s made worse by the fact that they were tricked or enticed to become a domestic worker, then we have a process and an objective and that makes it trafficking (Interview, December 2006).

Devi’s understanding of the links between the state labour migration program and trafficking were also clearly informed by the approach taken by Solidaritas Perempuan and others as recorded in the CTP and ATP reports, including their emphasis on possible state engagement in labour trafficking:

In Tanjung Pinang, trafficking is synonymous with migrant workers. Migrant workers aren’t trafficked if they are fully aware of what they’re getting into; have full control over their circumstances; know exactly where they’re going, what they’ll be doing and how much they’ll get paid; and can work without any kind of pressure. But no-one’s really in that kind of situation. They’re trapped in an illusion that all their economic woes will be solved if they can get work and so they pay an illegal passport agent and go overseas. That’s why smuggling is also really a form of trafficking. If workers really know what they’re doing, they’ll go through legal channels. But even then, there’s a chance that they’ll be trafficked, because the agents promise more than they’ll deliver. That’s the great irony of it –the government is also a trafficker (Interview, November 2006).

Along with IOM training, the CTP was also fundamental in reshaping the strategies (and to some extent the views) of more experienced NGO activists involved in HIV-AIDS prevention in Batam, although those activists are sometimes reluctant to recognize the extent to which in their understandings and practices have been transformed. When asked about human trafficking in 2004, Irwan, then with the Mothercare Development Foundation (Yayasan Pembinaan Asuhan Bunda, YPAB) and now the director of Setara Kita, acknowledged there were some cases of trafficking in the islands, but strongly emphasized that, with the exception of underage girls, most sex workers had previous experience and had entered the
At that time, he made no connection at all between trafficking and Batam’s role as an international transit site for labour migrants. Irwan now readily uses the term trafficking to describe victims of exploitation in both the sex industry and among returning labour migrants. In 2010, he remained dismissive of claims by some NGOs that all sex workers are victims of trafficking, arguing that, ultimately, NGOs should be talking about lack of legal recognition of the sex industry and the need for basic standards to keep sex workers safe from exploitation. With regard to migrant workers, however, he said that at the beginning it did not appear to him that they had been trafficked, but once he started to record their stories he realized that they had not only been exploited, but had been subject to a ‘means’ (cara) and ‘process’ (proses) – in this case recruitment and training – which meant that they were victims of trafficking.

Irwan explained that he had adopted the trafficking framework in part because it has currency in the islands, and NGOs using it have more success getting donors and the local government on board. This reality has had implications for both his discursive and practice. At the discursive level, Irwan explained that he uses trafficking to talk about people he sees as victims even though he knows they do not meet all three key elements of the UN Protocol, namely process, means and purpose. For him, the discursive act of labelling a migrant worker as a ‘victim of trafficking’ has the effect of highlighting the exploitation faced by workers in host countries. In terms of practice, he knows that government officials can be convinced to buy a plane ticket for a victim of trafficking, often not asking for any detail about the victim’s circumstances, but would never fund the individual repatriation of a failed migrant worker.

Irwan and Sofi experienced similar dilemmas in their dealings with the IOM, which was much less committed to a focus on labour migration than the Solidarity Center or ICMC. Working with the IOM was crucial for all the NGOs involved in the Solidarity Center/ICMC projects, because it was the primary agency responsible for the provision of repatriation funds. However, despite the inclusion of victims of labour trafficking in IOM definitions, NGOs found it difficult to get approval for repatriation for trafficked migrant workers, which the IOM described as having ‘thin’ (tipis) cases of trafficking. This was partly because of the IOM’s historical emphasis on trafficking for sexual exploitation, and partly because it insisted on the rigid application of a victim identification checklist. Both Irwan and Sofi found that the checklist did not accommodate the ‘grey areas’ associated with labour trafficking, particularly in relation to issues of consent. This prompted them to lobby for modification of the IOM checklist, but also to, as Sofi put it, to ‘emphasize some facts and omit others to make migrant worker cases look “thicker” (lebih tebal)’.

Eventually, however, Irwan and Sofi began to question the implications of using the ‘process, means, purpose’ definition of trafficking. The realities on the ground demonstrated not only that many labour migrants experienced exploitation, but that most of these workers did not fit the check-box approach promoted by international counter-trafficking programs. As a consequence, over time, for these activists, the term ‘trafficking’ came to represent the inability of people to extricate themselves from exploitative circumstances regardless of whether or not they initially

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14 When interviewed in 2010, Irwan claimed that his interest in human trafficking pre-dated the Palermo Protocol, having begun when he was working on HIV-AIDS prevention with YMKK. This statement stands in contrast to the 2004 interview, conducted when Irwan was working for YPAB, when trafficking was only mentioned once in the course of a two hour interview, and then only when prompted.
sought to enter them. They began to argue that as long as the outcome was exploitation, a migrant worker could be considered a victim of trafficking and increasingly felt that the bureaucratic hurdles put in place by the IOM simply acted to constrain their capacity to assist those who need their help.

It is important to note that this framing of labour trafficking/labour migration was not the only view expressed by the NGOs involved in the Solidarity/ICMC projects. For Sita the director of Kemala Bintan, the problem with identifying labour migrants as victims of trafficking was that it absolved the government of responsibility in addressing the endemic problems associated with the national labour export program:

> Really, it’s just about the processes of obtaining passports and work visas. Matters for the Departments of Manpower and Immigration. If they sorted themselves out, there wouldn’t be the same level of exploitation. Labelling them victims of trafficking diverts attention from the labour migration system (Interview, November 2006).

While Sita’s position was actually in line with many of the messages in the SIGHT project report, she ran into trouble with both ICMC and the IOM when she announced that she thought that repatriation was a problematic strategy because it did not take into account the circumstances that prompted migrants to seek work abroad. Sita’s unwillingness to view labour exploitation as labour trafficking could not be resolved so she chose instead to dissolve the NGO rather than apply for further funding (Interview, November 2006).

These tussles between local NGOs and international donors over the definitions employed to identify and assist victims of trafficking were not simply about access to funding, although that was not an inconsequential issue for small NGOs located in Indonesia’s periphery, which have few other sources of revenue and assistance. For the last several years, the inability of both the national government and international donors to address labour exploitation in host countries, coupled with the absence of funding for programs focused on migrant labour rights, has meant that anti-trafficking initiatives have provided the only means available to assist returning migrant workers.

More importantly, however, NGO activists’ experiences in the field have convinced them that labour migration is an inherently exploitative phenomenon that requires sustained attention. At first, they had wholeheartedly embraced the concept of trafficking, which offered them a way to understand and deal with the human tragedies they encountered all too regularly in their work. But as time passed, they came to believe that the concept of trafficking was too narrow to effectively deal with the issues faced by migrant workers because it identifies ‘victims’ in an essentially arbitrary fashion. The realities facing migrant workers on the ground did not match the donor agencies’ definitions and programs. While the component elements of the trafficking definition – process, means, purpose – made sense on paper, they did not accommodate the full range of positive and negative experiences encountered by labour migrants.

**Conclusion**

NGO activists report that with the end of the ATP project and of IOM funding, there is no longer sufficient funding for counter-trafficking activities in the Riau
Islands. The provincial government provides some incidental support for trafficking programs run by NGOs, the local office of the Ministries of Welfare and Women’s Empowerment Bureau continues to provide shelter for victims of trafficking, and the police pay on results for information that leads to arrests in a trafficking case. But in the absence of another injection of foreign funding, NGO activities on human trafficking have been drastically curtailed. As a consequence, most of the newcomers and some of the established players have disappeared. Kemala Bintan failed to survive beyond the SIGHT project. Local activists report that YMKK became inactive after the SIGHT project was completed, although its head, Lola Wagner, remains in high demand with international groups and works with UNIFEM Singapore. The church shelters continued to do their low-profile work, joined by a Singaporean-funded shelter for domestic workers operating under the name of Pondok Madonna.

Of those that remain, Setara Kita continues to work on trafficking, as well as on its primary long-term program for children, while in Tanjung Pinang Sirih Besar continues to leverage its close relationship with local government to attract funding for its work in the deportation holding centre and for broader economic programs for women. In Tanjung Balai Karimun, Kaseh Puan has returned to HIV-AIDS work, having been resuscitated from a state of near-collapse by ATP funding. These organizations have been joined by a new NGO called the Anti-Trafficking Movement (Gerakan Anti-Trafficking, GAT), which monitors labour-sending companies in Batam and identifies trafficking cases in the flows of irregular migrants returning through unofficial routes to Batam. Along with Sirih Besar and Setara Kita, GAT and another NGO called the Association of the Friends of Indonesia’s Children (Perhimpunan Rekan Anak Indonesia, PRAI) sit on the provincial anti-trafficking taskforce.

It is clear that the discursive and resourcing shifts of the early 2000s dramatically changed the activist landscape around issues concerning working-class women and their mobility, displacing other kinds of activist agendas and shaping the activities of the remaining local NGOs. International organizations and donor agencies actively sought to use existing NGOs working with sex workers and/or active in the field of HIV-AIDS and reproductive and sexual health to pursue their anti-trafficking agendas because they provided a seemingly ‘ready-made’ means of disseminating the international anti-trafficking agenda. Both experienced activists as well as relative newcomers to the NGO scene responded favourably to the opportunity to become actively involved in the Solidarity Center/ICMC projects. With little prior understanding or knowledge about human trafficking, their understanding of it was shaped almost entirely by the definitions contained in Solidarity Centre/ICMC and IOM training manuals and checklists.

NGOs in the Riau Islands concerned with migrant labour initially embraced the Trafficking Framework promoted by the Solidarity Center and ICMC, not least because it provided a much needed explanation for the issues faced by prospective and returnee migrant workers. However, local activists discovered that the broad scope of the Solidarity Center/ICMC Trafficking Framework was not matched by an equally broad definition of who could be considered an eligible recipient of IOM repatriation support. When they found that donor agencies were reluctant to assist migrant workers who did not easily fit the framework’s definition of victims, many became frustrated by the seemingly arbitrary boundaries used to distinguish between

15 According to a senior police officer, in 2010 the fee stood at Rp.500,000 (Interview April 2010).
documented labour migrants, victims of trafficking and smuggled migrants. This led some to question the relevance of the Trafficking Framework.

The experience in the Riau Islands reflects the mixed legacy of the Solidarity Centre/ICMC projects in Indonesia. At the national level they were pivotal in shaping the National Plan of Action and the Anti-trafficking Law, and in raising the profile of human trafficking amongst policy-makers, regulators and policing authorities. At the local level, they facilitated the creation of local government counter-trafficking programs, built capacity within local police and immigration agencies, and facilitated joint anti-trafficking efforts between local authorities and local NGOs. These efforts played a significant role in developing Indonesia’s anti-trafficking infrastructure and capacity and contributed to the US decision to lift Indonesia out of the Tier 2 Watch list in 2007.

However, the Solidarity Centre/ICMC projects have had their most enduring effect at the discursive level. One of the most notable features of the Indonesian anti-trafficking landscape is the relatively minor position accorded to the issue of trafficking for sexual exploitation. The fact that labour trafficking has come to occupy a central place in counter-trafficking efforts is due in no small part to its positioning within the Solidarity Center/ICMC reports and training manuals, and particularly the weight it has been accorded in the project’s Trafficking Framework. As this chapter demonstrates, in the Riau Islands at least, the framing of labour trafficking within the interlinked Solidarity Center/ICMC projects had a significant impact on the way in which NGO activists came to understand both trafficking and labour migration.

The practical consequences of this framing are manifold. Prior to the implementation of the CTP, there were few organizations in the Riau Islands working on migration issues and those that were in operation were run by Christian charities. Following the CTP, a range of new anti-trafficking NGOs began to take on board issues facing labour migrants. Much of this work focused on direct assistance in the form of reception, short-term housing and repatriation – crucial tasks that local authorities have been unable or reluctant to address. The discursive shifts in the way that Indonesia’s labour export program has been understood have also shaped a local critique of government’s response to labour exploitation.

However, ultimately, the decade-long program has not achieved significant improvement for migrant workers themselves in the conditions of their overseas deployment. The inherent problems with the formal labour export system continue to encourage grey migration and migrant smuggling and migrant workers continue to face labour exploitation regardless of their immigration status in host countries. Given the strong focus of the Solidarity Center/ICMC initiatives on migrant labour, this stark reality begs the question of whether the anti-trafficking framework can ever adequately address the problems faced by low-skilled overseas migrant workers.

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