

## Combating Forced Labour and Trafficking of Indonesian Migrant Workers



### Objective:

The Migrant Workers Project addresses the needs, rights and concerns of Indonesian migrant workers throughout the migration cycle. The project focuses in particular on domestic workers, who are among the most vulnerable to forced labour and trafficking.

### Key Partners:

- Ministry of Manpower and Transmigration
- Coordinating Ministry for Economic Affairs
- National Agency for the Protection and Placement of Indonesian Migrant Workers (BNP2TKI)
- Ministry of Foreign Affairs
- Ministry for Women's Empowerment and Child Protection
- Ministry of Home Affairs
- Ministry of Health
- Relevant local government offices
- National Human Rights and Women's Rights Committees
- Migrant workers' unions and other migrant workers' and domestic workers' organisations in Indonesia, Malaysia, Singapore and Hong Kong
- Trade union confederations, NGOs and CBOs concerned with domestic workers, migrant workers, forced labour and trafficking

### Duration:

3 years (2008 – 2011)

### Geographical Coverage:

Sub-Regional, i.e.:

- South-East Asia Sending Country – Indonesia.
- South-East Asia Receiving Countries – Malaysia, Hong Kong, and Singapore
- Synergies with Gulf countries.

### Country Programme Reference:

Improved Labour Migration Management, and Improved Protection for Indonesian Migrant Workers, especially Migrant Domestic Workers.

### Donor:



Government of Norway

### Budget:

USD 2,300,000

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## Migration and Domestic Work

Every year about 700,000 documented Indonesian migrant workers leave home to seek employment abroad. Their primary destinations are the Middle East and Asia, with the two most common destinations being Malaysia and Saudi Arabia. The latest data from BNP2TKI in August 2009 stated that there are approximately 4.3 million workers are presently working overseas, who contributed around US\$ 6 billion and 8.2 billion in remittances to the Indonesian national economy in respectively 2007 and 2008.<sup>1</sup> The number of undocumented migrants is estimated to be 2–4 times higher. Approximately 75% of all documented Indonesian migrant workers are women, with the vast majority working as domestic workers.

In spite of the central role migrant domestic workers play in sustaining the national economy of Indonesia, their plight, and their need for adequate legal protection in Indonesia and abroad, has not yet been sufficiently addressed by the Indonesian government. As a result, domestic workers are exposed to institutionalized trafficking and forced labour practices throughout the entire migration cycle.

## Forced Labour and Trafficking

Domestic work in itself is not forced labour, but domestic workers disproportionately experience severe forms of labour exploitation, including forced labour and trafficking. The perpetrators of these practices are mostly brokers, recruitment agents, employers and complicit officials. The forced labour and trafficking practices to which domestic workers are most commonly exposed are: entering into debt bondage because of excessive or illegal recruitment fees; travelling with forged travel documents; having their contract substituted for an inferior one; being deceived about the work conditions; having travel documents and salary withheld; confinement; being prevented from communicating; working excessive hours without any days off; being subjected to physical or sexual abuse; and experiencing the destruction of their ID, illegal harassment and extortion, detention and abuse by law enforcement agencies, employers and private agents.

According to the *ILO Declaration on Fundamental Principles and Rights at Work* (1998), which all ILO members—including Indonesia—are obliged to uphold, all workers have equal rights to protection and recognition, regardless of their status and sector. Migrant workers, including migrant domestic workers, are thus entitled to these protections, too. The *ILO Multi-Lateral Framework on Labour Migration* provides guidance for member states and constituents to ensure that migrant workers' protection needs are fully addressed, while strengthening and streamlining regional and national labour migration management policies and implementation mechanisms.

One of the priority objectives of ILO's Decent Work Country Programme for Indonesia is to Stop Exploitation at Work, which specifically includes combating forced labour and the trafficking of migrant workers. Both of these issues have been recognized by ILO constituents in Indonesia as a priority for which they have requested ILO assistance.

## Project Objective and Strategy

The Migrant Workers' Project aims to contribute to the eradication of discrimination and exploitation of Indonesian migrant workers in Indonesia and selected main receiving countries in South-East Asia. To achieve this objective, an integrated approach is applied to comprehensively address both causes and impact of forced labour and trafficking in domestic workers. Concrete actions that have been identified are:

### Advocacy and Technical Cooperation

The project supports advocacy and technical cooperation to strengthen the policy and legal framework for the protection of domestic workers. This entails working with project partners to draft and strengthen bilateral agreements, national legislation, local ordinances, administrative regulations and practices, codes of ethics and model contracts. This is especially important as in most countries domestic workers are presently excluded from labour laws and social protection legislation. The project further technically supports and facilitates national tripartite and stakeholder debate and involvement in the ILO international standards-setting process for domestic workers 2008 - 2011.

<sup>1</sup> The Jakarta Globe, "The Misery of Our Migrant Workers", 19 August 2009



counselling, help desks, hotlines, entrepreneurship training, remittance services and insurance provision for migrant workers and their communities.

### Targeted Research and Documentation

Due to the complexity of trafficking and forced labour practices, existing knowledge gaps must be addressed and information shared. The

project is therefore

conducting targeted research, policy analyses and assessments, as well as compiling and disseminating information related to conditions of migrant domestic workers.

### Awareness Raising

Insufficient appreciation has been given to the plight of migrant workers and migrant domestic workers by the public, the media, the government or trade unions. Likewise, domestic workers and their employers themselves are largely unaware of the rights and obligations of both parties in the household. Therefore, the project supports awareness-raising activities in order to sensitize relevant stakeholders to safe migration and recognition of workers in the domestic sector.

### Capacity Building

The stakeholders that have a mandate of ensuring protection for migrant workers and domestic workers often face capacity shortfalls. The project therefore aims to strengthen the organizational capacity of governmental institutions at national and local levels, and strengthen migrant and domestic workers' organizations in terms of outreach activities as well as alliance-building with trade unions and other organizations that support the cause of domestic and migrant workers.

### Direct Assistance and Service Provision

The project collaborates with national and local partners that are providing outreach, protection, livelihood and reintegration services to migrant domestic workers in source and destination countries. This entails legal and psychological

## Opportunities to Combat Forced Labour and Trafficking in Indonesian Migrant Workers

Evolving globalization, and the rapidly growing numbers of international labour migrants lacking fundamental labour protection, have generated heightened attention to the plight of migrant workers among both national and international audiences, and have built a momentum for combating forced labour and trafficking in migrant domestic workers.

Recent policy developments in Indonesia have provided opportunities to strengthen the protection framework for migrant workers. For example, Presidential Instruction No. 6/2006 outlined a plan of action and sector reforms to improve the migration placement and protection system in Indonesia, and in line with Presidential Regulation No. 81/2006, a new national placement and protection agency was established in early 2007. Additionally, Law No. 39/2004 on the Placement and Protection of Migrant Workers is now officially listed as one of priority laws for parliamentary debate as issued by the National Legislation Board



of the People Representatives Council (Badan Legislasi Nasional Dewan Perwakilan Rakyat) in December 2009.

At ASEAN level, the ongoing development of regional binding instrument for the protection of migrant workers offers an opportunity for strengthening the legal protection and harmonization of recruitment and placement regulations and work conditions for migrant workers.

## Achievements to date

### Policy and Legal Frameworks

1. *Strengthening regional policy frameworks for the protection of migrant workers:* Technical support to the ASEAN Working Group on Migrant Workers, which comprises trade unions, NGOs, migrant workers' organizations and academia, to advocate, lobby, draft and organize regional and national consultations on the ASEAN Declaration a binding ASEAN Instrument for the Protection of Migrant Workers, as mandated by the ASEAN Vientiane Action Plan.
2. *Strengthening national and regional policy frameworks and administrative practices for the protection of migrant domestic workers:* Technical support to MTUC (Malaysian Trade Union Congress) for conference on domestic workers for the ILO's standards-setting process on domestic workers.
3. *Strengthening regional policy frameworks and administrative practices for the protection of migrant domestic workers:* Financial and technical support to NTUC (National Trade Union Congress) Singapore to develop a regional seminar on international best practices in protecting migrant domestic workers in sending and destination countries.
4. *Strengthening ASEAN regional policy frameworks and administrative practices for the protection of migrant workers on national human rights mechanisms:* Support for capacity strengthening of national human rights mechanisms in the ASEAN region to protect migrant workers, to enable them to collect data, monitor, advocate and review government policies. Supported the national consultations of the National Commission on Women.
5. *Strengthening the Regional Alliance for the Protection of (Migrant) Domestic Workers:* ADWA: Supported national migrant workers' and domestic workers' networks in forming a regional Asian Domestic Workers Alliance, ADWA, to advocate for equal human rights and labour protection of domestic workers in Asia.
6. *Technical assistance for the knowledge and implementation of ratified labour and human rights instruments applicable to the protection of migrant workers:* Technical support to the Indonesian Ministry of Foreign Affairs to implement its programme on enhancing the knowledge and implementation of international instruments relating to the protection of vulnerable population groups, in particular migrant workers, victims of trafficking, female workers, children and others, and application of these in national and local policy frameworks.
7. *Technical Assistance for Advocacy and Assistance in Malaysia:* Financial and technical support to the Malaysian Bar Association, Tenaganita (a Malaysian NGO) and the MTUC to assist and advocate for migrant workers and migrant domestic workers rights through national consultations and conferences, direct assistance through help desks and hotlines, and training for service providers and legal practitioners.
8. *Technical assistance for exploratory work on the development of international standards specifically for the protection of domestic workers:* Support for the initiatives of NORMES (ILO Geneva's International Standards Department), ACTRAV (ILO Geneva's Trade Unions Department), and GENDER (ILO Geneva's Gender Bureau), as well as ILO-ROAP (ILO's Regional Office for the Asia-Pacific) by providing research and technical feedback for their exploratory work on the development of international standards specifically for the protection of domestic workers.
9. *Strengthening the Indonesian recruitment & placement system:* Support to Coordinating Ministry of Economic Affairs, the Ministry of Manpower, BNP2TKI, the Ministry of Justice and Human rights, the Ministry of Home Affairs, and others to develop and draft a

policy framework that addresses deficiencies in the present legislative framework and administrative practices.

10. *Strengthening the Indonesian remittances system, banking services and facilities for savings, micro-credit and investment:* Support to Coordinating Ministry of Economic Affairs, the Ministry of Manpower, BNP2TKI, Ministry of Home Affairs, the Ministry of Finance, local governments and others to develop and draft a policy framework that addresses the deficiencies in the present policy and legislative framework and administrative practices.
11. *Strengthening employment information dissemination and registration for Indonesian migrant workers:* Support to Coordinating Ministry of Economic Affairs, the Ministry of Manpower, BNP2TKI, Ministry of Home Affairs, local governments and others to establish programmes for support and information to migrant workers and their families about to information about job opportunities abroad and safe migration procedures.
12. *Strengthening local legislation for the protection of migrant workers – Central Lombok, East Lampung, Cirebon (Indonesia):* Support to the migrant workers' trade union,

SBMI (Serikat Buruh Migran Indonesia), to advocate, lobby, hold consultations and draft local legislation on the protection of and services for migrant workers in selected pilot project areas. In this particular project phase, the Project is expanding its support on this type of activity to two more selected areas in Jember and Banyumas (East and Central Java Provinces)

### Advocacy and Awareness-Raising Activities

13. *Media-based awareness raising - goodwill ambassadors:* Support for public awareness-raising and advocacy campaigns by well-known singers Franki Sahilatua and Nina Carlina and actor Rieke Dyah Pitaloka who are goodwill ambassadors for migrant workers. These artists are high profile advocates for migrant workers' rights in Indonesia and abroad and have participated in documentaries, information films, TV shows and radio shows from 2006 onwards, as well as promotion tours to Malaysia, Hong Kong and Singapore and visits to Indonesian areas of origin for migrant workers, as well as shows in Indonesia's capital, Jakarta.
14. *Media-based awareness raising in Indonesia:* Inter-active media programmes with national radio and television broadcast networks on domestic workers and migrant workers rights and work situations in Indonesia and abroad. In 2007 the project organized the participation of stakeholders in 18 interactive national radio programmes, which are taped and shared with provincial and local radio stations in sending areas. The Project has been worked closely with the Jakarta Globe on a series of articles of migrant domestic workers (three days special coverage on Indonesian migrant workers). In addition to that, the Project has also cooperated with several national TV programs such as Metro TV, Q Channel and SWARA on migrant domestic workers issues. In December 2009, the project has started the cooperation with the Jakarta Post to develop series of feature story articles of a number of Indonesian migrant workers in order to document and compile human stories and testimonies of Indonesian migrant workers who become victims of abuse and violence as a lesson learnt to promote safer migration and the fight to stop abuse and violence against migrant workers.





15. *Media-based awareness raising in Singapore:* Worked closely with the Straits Times on a series of articles on migrant domestic workers and provided technical support for a visit to sending communities in Indonesia of Straits Times journalists to generate articles and a print- and web-based photo montage.
16. *Media-based awareness raising in Malaysia:* Worked with the Al-Jazeera TV news network on visits to sending communities in Indonesia and with the Malaysiakini online news service.
17. *Celebrating International Migrants Day in Indonesia:* Supported and jointly organized, with SBMI, national awareness-raising and advocacy events in Jakarta on 18 December 2007 and 2008 which was nationally covered by Indonesian media.
18. *Community-based awareness raising and outreach in Indonesia:* Support for activities by SBMI and NGO networks Kopbumi and CIMW, as well as other local stakeholder organizations in some 75 sending districts in 13 provinces, including Aceh, North and South Sumatra, Lampung, Riau, West, Central and East Java, and West Nusa Tenggara to raise awareness and advocate for improvement of migrant workers' protection and access to services.
19. *Community-based awareness raising and outreach in Hong Kong:* Support to migrant domestic workers' trade unions IMWU and FDGHU to undertake extensive advocacy and public awareness-raising activities through a variety of activities, such as Sunday meetings for members, cultural events, public meetings and dialogues with the Hong Kong government, the Indonesian consulate in Hong Kong and Hong Kong employment agencies.
20. *Community-based awareness raising and outreach in Malaysia:* Support for public advocacy and awareness raising by Malaysian trade union groupings MTUC and UNI-MLC and the NGO Tenaganita, as well as outreach to migrant workers and migrant domestic workers regarding their working rights and provision of assistance.
21. *Community-based awareness raising and outreach in Singapore:* Support for public advocacy and awareness raising by Singaporean trade union groupings

NTUC and UNI and the NGOs HOME, TWC2, religious organizations and domestic workers associations, as well as outreach to migrant workers and migrant domestic workers regarding their working rights and provision of assistance.

### Outreach, Protection, Livelihood Activities and Reintegration Services for Migrant Domestic Workers and Their Families

22. *Supporting outreach and assistance to migrant workers:* Support for activities by SBMI and NGO networks Kopbumi and CIMW, as well as other local stakeholder organizations in some 75 sending districts in 13 provinces, including Aceh, North and South Sumatra, Lampung, Riau, West, Central and East Java, and West Nusa Tenggara to support livelihoods development in sending communities in Indonesia through financial education, entrepreneurship development, production skills trainings, cooperative trainings and provision of micro-finance.

### Capacity Building for Key Stakeholders

23. *Building capacity of officials from ASEAN and selected African countries on the protection of migrant workers:* In cooperation with the Jakarta Training Centre of the Indonesian Ministry of Foreign Affairs, provided technical assistance, facilitators, training and resource materials for trainings for senior and mid-level officials from ASEAN and African countries on the protection of migrant workers, organized and hosted by the Indonesian Ministry of Foreign Affairs, as part of the Ministry's programme to sensitize officials and enhance cooperation on migration.
24. *Building capacity of officials of the Indonesian Ministry of Foreign Affairs on migrant worker affairs:* Developing training curricula and materials for Master Trainers who will provide training for Ambassadors on migrant worker protection; for specialized service personnel at the new Citizen Service Centres which also provided services for Indonesian migrant workers; and training on the marketing and promotion of 'Decent Work' opportunities for migrant workers.

25. *Building capacity of officials of the Department of International Human Rights at the Ministry of Foreign Affairs on labour and human rights protection of vulnerable population groups, including migrant workers:* Trained and sensitized department personnel, held national and local consultations throughout Indonesia, and organised seminars and trainings for national and local officials, local human rights study centre staff and other national and local stakeholder representatives.
26. *Building capacity of officials of the National Migration Agency (BNP2TKI) to develop and implement the Agency's Mandate:* Developed training manuals and facilitated Trainings of Trainers on the placement and protection of migrant workers, the marketing and promotion of 'decent work' opportunities for migrant workers and bilateral agreements and negotiating skills.
27. *Sensitization seminar with Indonesian national and local stakeholders on International Best Policy and Administrative Practices for the Transfer & Promotion of Productive Utilization of Remittances:* Support to BNP2TKI for a seminar for national and local stakeholders to present the findings and recommendations of a study on Indonesian regulations on remittances and transfers and implementation of programmes which support a more flexible, faster and cheaper transfer system for remittances.
28. *Sensitization Seminar with Indonesian national and local stakeholders on the Status of Indonesian Labour Migration Policies:* Facilitated a seminar for national and local stakeholders to present the findings and recommendations of a legal analysis of labour migration.
29. *Sensitization Seminar with Indonesian stakeholders on International Best Policy and Administrative Practices for Employment Centres:* Support to BNP2TKI for a seminar to present the findings and recommendations of an assessment of the feasibility of integrating employment centres for migrant workers into existing administrative structures.
30. *Capacity building for national and local stakeholders:* Trainings of Trainers for key representatives and resource persons from migrant workers associations, trade unions and officials from BNP2TKI, BP3TKI and local Ministry of Manpower offices on human rights and migration management systems, institutional capacity building and organizing of migrant workers, pre-departure training and para-legal training. Step-down trainings will be undertaken by the participating organizations themselves.
31. *Planning Session for BNP2TKI:* Facilitation of a high-level planning session in February 2008 for BNP2TKI, to contribute towards the organizational structure and operational goals of BNP2TKI.
32. *Planning Sessions for the Coordinating Ministry of Economic Affairs and other Government Agencies:* Facilitation of planning





sessions for the Coordinating Ministry of Economic Affairs and the National Labour Migration Working Groups, consisting of all mandated ministries, as well as the financial sector, under its coordination in 2008. The session discussed international principles and best practices, and facilitated a dialogue between the different agencies, aiming to strengthen the capacity of Ministry personnel to update and strengthen the 2006 Presidential Instruction.

33. *Capacity building of migrant domestic workers in Hong Kong:* Support for capacity-building of migrant domestic workers' trade union leaders and members, as well as public awareness raising and advocacy by these trade unions.
34. *Capacity building for police officials on the gender-sensitive investigation and referral of abused migrant domestic workers:* Supporting for the development of a training curriculum, training materials, ToT and supervised step-down trainings on investigating and referring cases of abused migrant domestic workers.
35. *Capacity building for the trade union UNI-MLC in organizing and providing assistance to migrant workers:* Support to UNI-MLC, which collaborates with migrant workers' associations in Malaysia, for the development of a training programme for organizing and assisting migrant workers, and setting up help desks in branch offices. Support was given for the training curriculum, training materials, one ToT and one supervised step-down training by the UNI-MLC Master Trainers.
36. *Technical support for the MTUC, on organizing and providing assistance to migrant workers:* MTUC requested technical assistance to develop a proper training programme for organizing and assisting migrant workers, and setting up help desks in branch offices. The project supported the training of members in branch offices to organize migrant domestic workers, establish help desks and provided needed services.
37. *Capacity building for local stakeholders in Malaysia, Singapore and Hong Kong:* Capacity-building activities with local stakeholders: domestic workers' trade union leaders and members in Hong Kong, and trade union representatives,

NGOs, and migrant workers associations in Singapore and larger urban centres in Malaysia. These trainings serve as institutional capacity-building for these stakeholder organizations on advocacy, case reporting, policy negotiations, mobilizing and organizing migrant workers in local user-groups, as well as providing services and assistance to migrant workers.

### Targeted Research, Documentation and Publications

The project published the following publications for use in advocacy, awareness-raising and capacity-building activities:

- Migrant Workers' Human Rights Handbook
- Domestic Workers in South East Asia
- Legal Comparative Analysis of the Placement and Protection System for Migrant Domestic Workers in 4 Destination Countries
- Legal In-Depth Review of Indonesian Recruitment & Placement System
- Remittances - Micro-Finance Study
- Migrant Domestic Workers Treatment and Work Conditions in Hong Kong - Data Survey and Report
- Migrant Domestic Workers Stories - Documentation
- Assessment of Employment Service Centres
- Assessments of Migrant Workers Policy Frameworks, Practices and the Role of Human Rights Mechanisms in ASEAN
- Assessment of the Impact of the Global Financial Crisis 2008-2009 on Indonesian Migrant Workers
- The Lives of Indonesian Migrant Domestic Workers (Photo-Journalistic Publication)

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