



Protection & Prevention

for Indonesian Migrant
Workers

Supported by:



**Combating Forced Labour and Trafficking
of Indonesian Migrant Workers**

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What is “Migration”?

To “**migrate**” means “to move to another place.” This movement of people can take place within a country – this is called “**internal migration**”. It can also take place when people move out of a country and into another – called “**external migration**” or “**emigration**”.



What is “Labour Migration”?

“**Labour migration**” is the term used to describe the movement / migration of people, from one place to another, for purposes of employment or finding work. When they do so, they are generally classified as “**migrant workers**”. Labour migration includes various types of migrant workers, ranging from less skilled contract labourers to semi-skilled and highly skilled migrants.

In the context of labour migration, generally, the countries where migrants come from are called “**sending**”



countries” and the countries where people head towards are called **“destination countries”** or **“host countries.”**

Who is a “Migrant Worker”?

The International Labour Organisation (ILO) defines a **“migrant worker”** as a person who migrates, or has migrated, from one country to another, with a view to being employed by someone other than him/herself, including any person regularly admitted, as a migrant, for employment.



What is “Feminisation of Labour Migration”?

When we talk about the **“feminisation of labour migration”**, it refers to the fact that increasingly, the work available to migrant workers are of a nature that is seen as more suitable for women to undertake. This is a global trend because the percentage of women migrating

(both permanent immigrants and temporary migrants) has been increasing.

As the number of migrant women increased, the number of abuse and exploitation has also risen. Since most migrant women work at the bottom rung of the occupational hierarchy, they are extremely vulnerable. The vast majority of them work as housemaids, entertainers, nurses, and factory workers. Housemaids are especially vulnerable because they work in private homes where government authorities cannot conduct adequate inspection. The problems they encounter include sexual harassment, rape, non-payment or underpayment of wages, verbal/physical abuse, and so on.



Why are Trade Unions Concerned about Labour Migration and Indonesian Migrant Workers?

Firstly, it is far easier to prevent Indonesian migrant workers from entering into dangerous situations through the spread of correct

information. Trade unions have the capacity to spread correct information on labour migration. Secondly, people who migrate in search of employment are fundamentally “workers”. The trade union’s role is to look out for the best interests of workers – whether they are at home or abroad. Given these reasons, and its national, regional, and international networks, trade unions can contribute to the prevention and protection initiatives undertaken by more well-resourced organisations.



How can Indonesian Migrant Workers Protect, and Prevent, Themselves from Entering into Dangerous Situations?

Have the correct information: If one is intending to work abroad, having the correct information is important, so that informed choices are made, not ignorant ones. The Depnakertrans and Disnakertrans Offices are the best places to get the most correct information on how to find employment abroad. They

will have the list of jobs available, in which countries, the legal processes, the relevant fees, the relevant pre-departure training needed, and modes of safe travel to the destination country.

Correct information on the legal channels of labour migration and its advantages, and the disadvantages and risks involved in illegal channels of labour migration, is the most important and cheapest way of protecting, and preventing, Indonesian migrant workers from entering into dangerous situations.

Information from middle-men, village heads, agents, etc. are most often incorrect and misleading, and their fees vary depending on the services they offer. In most cases, there is **illegal recruitment**, with people **trafficked** against their will or knowledge, and forced into types of employment they did not intend to enter into.



What is “Illegal Recruitment”?

Illegal recruitment refers to any form of canvassing, procuring, promising, contracting or transporting of workers for employment abroad by an unlicensed agency/agent or directly by an employer that is not in conformity with national laws and regulations. Illegally recruited migrants are especially vulnerable to the risks and dangers of exploitation or victimization by clandestine organizations and/or by unscrupulous employers. Illegal recruitment is linked to various forms of **unauthorized entry, stay or employment in the destination country**.



What is “Trafficking”?

Trafficking is one form of illegal recruitment. **Trafficking** refers to the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of



power or of a position of vulnerability or of the giving or receipt of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Trafficking in human beings is a **violation of the individual**; the victims of the crime are the trafficked persons themselves.

What is “Smuggling”?

Being smuggled is not the same as being trafficked. **Smuggling** may not involve any coercion whatsoever. The smuggled person, desiring to reach a destination country where legal channels of migration have been blocked off, may enter into an entirely consensual contract in order to achieve clandestine and illegal migration. In principle, the smuggling of persons constitutes an illegal border crossing and is therefore a **violation of the rights of the State**.



What are the Dangers and Risks Faced by Migrant Workers in the Recruitment Process?

- Overcharging of fees;
- Debt bondage;
- Falsification of documents;
- Deception with regard to the nature and conditions of employment, including contract substitution and the mail-order bride trade;
- Exploitation and abuse while waiting for the job to materialize or to be sent abroad;
- Lack of preparation for employment abroad, including lack of pre-departure training;
- Forced/coerced recruitment, including being kidnapped or sold to illegal recruiters or traffickers;
- Hazardous journey to the country of destination



Why Do Potential and Intending Migrant Workers Continue to Seek and Use Illegal Recruitment and Migration Channels

- Limited access to accurate and reliable information;
- Lack of time to search for legal channels;
- Very restrictive, complicated, time-consuming or very costly procedures involved in legal migration.
- Restrictive migration policies, resulting in potential and intending migrant workers seeking illegal recruitment channels, making them more vulnerable to entrapment by traffickers;
- Lack of financial resources to pay the legal recruitment fees;
- The nature of the work sometimes forces intending migrants to rely on fraudulent and dubious recruiters and agents;
- Illegal, unscrupulous recruiters may

also actively seek out women as being more gullible than men.

It can result in trafficking, smuggling, and/or forced labour.



What Should a Migrant Worker Have Before Leaving Indonesia?

To safeguard oneself, potential and intending migrant workers should have the following:

- A legally obtained Indonesia Passport, issued by the Department of Immigration;
- A legally obtained Personal identity Card;
- An employment contract that states your conditions of work – working hours, salary/wages, leave, and other benefits;
- A name, address, and contact numbers of the employer and/or agent, how you will be transported from the airport to where you will be staying when you arrive;

- An address book that has the list of names of the organisations (Indonesia Consulate, local NGOs, and local trade unions) that can offer help and assistance in case of problems you may encounter in the destination country;
- A basic understanding of the employment laws, immigration laws, contract laws, and criminal, laws of the destination country; and
- Adequate training related to the job that you will undertake.

Migrant workers need to know that host/ destination countries have the obligation to ensure that migrant workers are not discriminated against, or intimidated, by immigration officers.



What Makes Migrant Workers Vulnerable in Destination Countries?

- There is a persistence of gender stereotypes and occupational segregation in the international labour market;
- There is a lack of labour and social protection for migrant workers;
- There are discriminatory immigration policies in place;
- Legal illiteracy and fear of the authorities leaves migrant workers vulnerable;
- Where there is a dependent employment relationship, vulnerability is evident;
- Sometimes, migrant workers find themselves in individualized and isolated work environments, e.g. migrant domestic workers or plantation workers;
- Lack of organisation of migrant workers, and a lack of representation in labour and employment forums; and

- Xenophobia and stigmatisation.

Intending and potential migrant workers should be aware of these matters so they can fully prepare themselves and prevent it from happening to them once they are working in the destination country.



Employment-Related Violations that Migrant Workers May Experience

As a result of these vulnerabilities, the discrimination, exploitation, and abuse of migrant workers manifests itself through employment-related violations, such as:

- Violation of employment contract;
- Poor working and living conditions;
- Limited freedom of movement;
- Harassment and violence;
- Health and safety risks;
- Lack of social protection;
- Forced labour; and
- Debt bondage.

It is, therefore, important, that intending and potential migrant workers be aware of the labour and criminal laws of the destination country, as well as the addresses of local organisations and trade unions that provide assistance to migrant workers, in case of employment-related violations of human, and labour, rights.



Indonesian Migrant Workers should Safe-Guard Themselves By:

- Gathering all relevant information about the work and destination country before making the decision to leave Indonesia;
- Use legal recruitment agencies, and migration channels; and
- Seek further information if still unsure.



**For further information, you
can contact:**



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