

## From Migration to Trafficking of Women and Children in Southeast Asia<sup>1</sup>

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**Abstract.** *Migration, trafficking and smuggling are different issues but inter-related. Migration may take place through regular or irregular channels and could be freely chosen or forced upon the migrant as a means of survival. International migration is one of the responses to the changes of socio-economic conditions between countries as people attempt to improve their standard of living. Social conflicts arising from the collapse of political systems are mostly behind the movement of people, economic tensions originating from rebuilding global capitalism are also contributing forced labor mobility in world scale. Transnational mobility in Southeast Asia has been made used by syndicates involved in drug trafficking and also human trafficking especially women and children. This paper attempts to elaborate interlinks between migration, the phenomena of undocumented labor, trafficking, and politics in Southeast Asia.*

**Keywords:** International migration; human trafficking; forced labor; migrant labor; Southeast Asia.

### 1. Introduction

*No one shall be held in slavery; slavery and the slave trade in all their forms shall be prohibited. (Article 8 ICCPR).*

Migration, trafficking and smuggling are different issues but inter-related. Migration as such is an age old-phenomenon, but the illegality of it came up especially with the creation of such boundaries, national and regional laws to determine legal and illegal incidents. Migration may take place through regular or irregular channels and could be freely chosen or forced upon the migrant as a means of survival. International migration is one of the responses to the changes of socio-economic conditions between countries as

people attempt to improve their standard of living. Social conflicts arising from collapsing political systems are mostly behind the movement of people. Economic tensions originating from rebuilding global capitalism are also contributing forced labor mobility in world scale.

Southeast Asia has been the dynamic region over these three decades. Economic development in the region that has coincided with transformation of demographic structure creating labor market tensions within the countries, which in it turns, have inevitably become pull and push factors for population movement crossing national borders.

Labor migrations in Southeast Asia Countries are fraught with problems. There is an influx of migrants, traffickers, beggars and political refugees from Burma, Laos and Cambodia to Thailand. Transnational mobility in this region has also been made used by syndicates involved in drug trafficking and also human trafficking especially women and children. The high prevalence of HIV/Aids and drug dependency in this region is one result of this trend. In assessing the developmental impact of international labor migration and trafficking on a large and diverse region such as Southeast Asia, it is of crucial importance to recognize that migrant labors and trafficking victims are not a random, representative cross-section of country labors. They are selectively drawn from particular groups and areas.

The migratory flow among countries became an unavoidable phenomenon in the area of global economy. The impact of international migration has led to various aspect of the relationship between countries, such as political, cultural, legal as well as socio-economic changes, mainly in the field of employment and the labor market, especially for unskilled and low educated labors, predominantly from Indonesia. As far as cases of international migrant labors in developing countries are concerned, Indonesian migrant labors abroad bear well-known characteristics. Apart from the average level of education of the migrants which is relatively low, their quality is also far below the standard required by the labor market, (Hugo, 1992). Migrant labors from Indonesia, Thailand, Cambodia, Vietnam and Myanmar are only capable of competing in less skilled jobs, which require manual labor, including work as housemaids or other domestic-based jobs. Based on the level of education, Indonesian migrant labors abroad have, on average, attained a maximum level of education of junior secondary school while some do not even have any educational background at all.

The reality is that the large flow of illegal migrant labors abroad, especially within Southeast Asian countries has always had a negative impact

on international political relations and potentially challenges regional stability. This issue should be carefully addressed in view of international economic activities, which are closely related with the more urgent political priorities (Sukamdi, 1998).

## **2. Looking at Political dimension of International migration in Southeast Asia**

Currently, Indonesia has the fourth largest population in the world after China, India and USA. She has more than two hundred million people. It is equally important to understand the population dimensions of Indonesia comparing with other Southeast Asian and Pacific countries, like Malaysia (18 million people), Singapore (3 million people), Australia (17 million people). In this context, the position of Indonesia in Southeast Asian Nations (ASEAN) is very crucial and strategic, particularly in creating political stability and regional security. Indonesia is also the country that has sent the largest number of international migrant labors into the ASEAN region. In 1994 – 1999, 38% Indonesian labors was employed in Malaysia, 10 % in Singapore and 1% in Brunei.

In the regional context of Southeast Asia and region, Indonesia, with its large population, size and the political dynamics of its migration, is very significant for the national response to international migration. The impact of ASEAN on the foreign policy in Indonesia also contributes to the indecisive political attitude of Indonesia towards the inhuman treatment suffered by Indonesian migrant labors abroad. The weakness of Indonesia towards the capital punishment imposed upon a female Indonesian labor in Saudi Arabia in the last two years, or Malaysian government that applied exhortation law for expelled illegal migrant labors last year, showed the lack of a clear protective mechanism in policies concerned with the sending of Indonesian labors abroad. The uncertainty or the unclear attitude of Indonesia in issues concerned with its migrant labors reflects a lack of political confidence in the country's foreign policy during the New Order.

## **3. Undocumented Migrant Labors**

Perhaps, the world's second-largest long-term undocumented migration flow, after Mexico and the United States, is between Indonesia and

Malaysia. It is a movement whose related history goes back to pre-colonial times, and one that had reached very substantial level in the last two decades.

Amnesty International in Peninsular Malaysia in 1993 saw some half a million Indonesian undocumented migrants come forward. Of these, 180,000 worked in construction, 170,000 in plantations, 40,000 in manufacturing, 40,000 in services, 60,000 in hotels, and 50,000 as household domestic. In 1996, some 300,000 more labors were legalized. Some 1.4 million Indonesians residing in Malaysia voted in their homeland's 1997 elections, prompting the Malaysian Immigration Department in 1997 to put the number of Indonesian labors residing in Malaysia at 1.9 million -- a figure far in excess of most other estimates (see e.g. Hugo 1995). On June 30, 2003, Malaysian Bureau of Emigration reported that number of illegal Indonesian labors who had registered with Malaysian Government reached almost half million people (83.240%). In recent years, the number of labors moving legally to Malaysia has increased. Most of the flow is of unskilled labors, and males predominate. They are concentrated in the plantation, timber, manufacturing, and construction sectors, in which Malaysians seen them as low skilled, poorly paid and low-status jobs.

In case of Singapore, 140,000 Indonesian women, who are in Singaporean households, contribute some US\$2.2 billion in crucial foreign exchange to this country, according to last year's estimates (Jakarta Post, 27 August 2003). However, there is still a problem arising from the low quality of the Indonesian labor force, which has led the government to put up new regulations about labor quality standards.

Apart of illegal cases, there is also the inhumane, exploitative and irresponsible tendencies of the people or institutions involved in this migration process, which is lured to trafficking.

#### **4. Trafficking in Southeast Asia**

Trafficking has reduced migrant workers to mere commodities to be bought, sold, transported, and resold. This phenomenon is growing and changing in form and complexity -- the only constant is being the slave-like condition that is placed on human beings with little or no choices over their lives and fate. Women and children are trafficked for prostitution, begging, work at construction sites, in factories and small shops, and as domestic workers.

Another alarming finding is that children are being trafficked at younger and younger ages. As quoted by Straits Times (Singapore), March 8, 2003, from 1,6 million of the estimation 7,4 million Filipinos working overseas are victims of trafficking, and about 65% are women who are often forced into prostitution. And about 54% of Filipino children victimized by trafficking between the ages of 15 and 17 years old. Khmer language newspaper, Kampuchea Thmey, January 9, 2003, reported that Police had rescued 14 Vietnamese and Cambodian girls aged 13 – 15 years old from a flat in Phnom Penh from where then they would be transported to Malaysia to fulfil high demand on prostitution of young girls. The authorities officially recognize that there are at least 500 Cambodian children living and working in the streets of Bangkok. Every month Thai Police has also deported 800 to 1,000 Cambodians, 50% of them are children. Of this group approximately 100 children in the monthly total are unaccompanied. NGO estimated that 1,000 migrant children are believed to be vicious circle of re-trafficking between the town of Poi Pet, Cambodia and Bangkok, Thailand.

Studies indicate that people familiar to the children, including parents and other relatives, teachers and neighbours are frequently involved in trafficking. Unsuspecting women and young girls meet 'agents' who entice them with stories of high paying jobs and exotic lifestyles. Exploitation begins once the women and girls are outside the borders of the country. This ranges from the confiscation of documents, debt-bondage due to exorbitant fees, sexual and other physical abuse by employers, and new brides being used as sex slaves.

Women are often lured by, or forced into, migration, trafficking, and prostitution, by poverty, and unknowingly are led into the trauma of forced servitude, the sex industry, labor exploitation and violence. Some traffickers are involved in multifaceted criminal organizations, with trafficking of people only one of their illicit activities. Traffickers recruit and then provide the necessary travel documents, tickets, or other vehicles to transfer a woman or child to the receiving syndicate, such as construction employers, pimp, brothel, or other exploitative recipient.

Today, trafficking of women and children has become a global business, generating huge profits for traffickers and organized crime syndicates, creating serious problems for the governments of countries involved and exposing migrants to exploitation and violation of their fundamental human rights.

## 5. Trafficking as Transnational issue in Southeast Asia

Through economic development and economic disparity, tourism, and modern communication technology, the issue is becoming increasingly transnational in scope. Countries in Southeast Asia play a role as sending, transit as well as destination countries for trafficking, illegal migration, sale of babies and smuggling cases (Table 1).

**Table 1**  
**IDENTIFIED ASIAN TRAFFICKING ROUTES**

<b>Sending</b>	<b>Transit</b>	<b>Destination</b>
Indonesia	Malaysia, Singapore	Malaysia, Hong Kong, Saudi Arabia, Singapore, Taiwan, Australia, Brunei, Korea, United Arab Emirate, Qatar, Oman, Kuwait, Bahrain, Austria
Philippines	Malaysia, Singapore	Malaysia, Hong Kong, Saudi Arabia, Singapore, Taiwan, Australia, Japan, USA, Europe countries, New Zealand, Northern Marianas
Thailand	Malaysia, Indonesia, Singapore	Malaysia, Hong Kong, Saudi Arabia, Singapore, Taiwan, Germany, Netherlands, Switzerland, South Africa
Cambodia	Thailand, Malaysia, Vietnam, Singapore	Thailand, Vietnam, Malaysia, Hong Kong, Saudi Arabia, Singapore, Taiwan, Australia, Europe countries, Japan, South Africa
Vietnam	Cambodia, Thailand, Malaysia	Thailand, Cambodia, Malaysia, Taiwan, China, Macau
Myanmar	Malaysia, Thailand, Singapore	Thailand, Malaysia, Taiwan, China, Bangladesh, Pakistan
Laos	Thailand	Thailand, Vietnam, Malaysia, China

Source: Children in Peril, 2002.

In Southeast Asia region, Malaysia apparently plays as the main destination country of trafficking incidents of Indonesia, Philippines, Cambodia, Vietnam and Thailand. The impact of international migration and trafficking within Southeast Asia countries has led to various aspect of the relationship between countries, such as political, cultural, legal as well as socio-economic changes, mainly in the field of employment and the labor market, especially for unskilled and low educated labors, predominantly from Indonesia, Cambodia, and Vietnam.

However, domestic trafficking found as a major concern for Indonesia, Cambodia, Thailand, Vietnam, and Philippines. As Indonesia is an archipelago of 30 provinces covering 13,000 islands and hundreds of ethnic/cultural groups, as an example, many young single women and girl children from Java Island are recruited for employment in the Export Processing Zones of Riau.

Apart of the question in measuring poverty, the World Bank Report 2001 said that poverty in Southeast Asia had decline markedly, especially in all original members of ASEAN (Table 2).

**Table 2**  
POVERTY IN SOUTHEAST ASIA USING THE INTERNATIONAL POVERTY  
LINE OF US\$1/DAY

	1995 (% in poverty)	latest
<i>Original members of ASEAN</i>		
Brunei	<1.0	-
Indonesia	11.4	7.7
Malaysia	<1.0	-
Philippines	25.5	-
Singapore	<1.0	-
Thailand	<1.0	<2.0
<i>Former command economies</i>		
Cambodia	n.a.	-
Laos	26.3 (1997)	26.3 (1997)
Myanmar	n.a.	-
Vietnam	42.2	-

Source: World development indicator in Rigg, Jonathan. The geography of Exclusion, 2003.

Actually, the incidents of Poverty and of trafficking actually do not reflect the real number of both situation. The measurement of poverty in Southeast Asia remains questionable, thus trafficking is one of the cases that is difficult to identify due to confusion of the definition and the nature of case which led to social stigma to victims and their family. Moreover trafficking agents and syndicates are becoming more organized and international in scope.

## 6. Migration and Trafficking versus Political Dimension in Southeast Asia

Migration and trafficking should be carefully addressed in view of international economic activities, which are closely related with the

more urgent political priorities. Another issue also calls for due attention is an improved understanding of the conditions in the destination countries as migration and/or trafficking is a potential "national security threat". On the other hand labor migration can be a serious threat to the country of origin (see World Bank 1995). The most up-to-date example is currently being experienced by Malaysia in 2002, which has led negative impact to Indonesian and Philippines migrant labors in Malaysia-Indonesia and Malaysia-Philippines relationship. They are forced to return to their country of origin and worsening the unemployment and labor burden problem in both countries, where Indonesia and Philippines, for instance, have already an acute shortage of domestic foreign exchange earnings.

Likewise Cambodia versus Thailand as Cambodia Daily (September 30, 2003) reported that nearly 621 beggars from Cambodia had been asked to go home from Thailand by planes or buses. *Nuth Sa An*, The Secretary-General of Cambodian Ministry of Interior, refused to call them beggars, "*Their bodies looked strong and healthy. They should be called workers instead*". From Air Force base, Thai Government repatriated Cambodians to Dankau District, where they would be temporarily detained to complete all documents. Thai Government also deported Laotians, and Burmese before APEC Meeting in November 2003.

## 7. Responses Toward Trafficking

US State Department released the progress report 2002 on world trafficking situation that placed Indonesia, Cambodia, Philippines and Thailand in Tier 2 which shows the grade of the active government responses to trafficking that occurs in the country, even though, the law enforcement is relatively low. In 2001, US State Department placed Indonesia and Cambodia in Tier 3 which means that trafficking occurs and the government has not put effort to deal with it. Opposite of it, in 2002, Malaysia, Brunei Darussalam and Singapore, as main destination countries were placed into Tier 3.

Actually, many governments have attempted to strengthen legal protection against trafficking and prostitution through reform of existing laws and policies, and the enactment of new ones have made significant progress. Many countries in Southeast Asia have law and policies related to anti-trafficking of person in place, namely, Thailand, Philippines and Cambodia, and Indonesia. However, Cambodian Minister of Women Affairs, Mu Sochua, has accused her own government of not doing enough: *I think the combating of the trafficking of human being is never easy. But at the same time, the*



government as a whole must show that there are signs of decrease in trafficking of human beings, which is not the case at the moment" (BBC News, May 7, 2003).

At regional level, through the Hanoi Plan of Action in 1998, ASEAN members committed themselves to "actively pursue efforts to implement policies and initiatives both at national and regional level to fight growing trends in and trafficking of women and children". Subsequent initiatives to address this issue have emerged from the ASEAN Ministerial Meeting on Transnational Organised Crime and the ASEAN Sub-Committee on Women (ASW).

In April 1999, Southeast Asian countries adopted The Bangkok Declaration on Irregular Migration, which provides a framework for future regional cooperation in combating irregular migration and trafficking and includes several proposed initiatives for increased coordination amongst countries.

The Governments of Australia and Indonesia, leading to several joint activities, have convened in two high-level Bali Ministerial Meetings on Trafficking and Migrant Smuggling. To date these have mainly focused on reducing migrant smuggling. However, there are now indications of an increased focus on trafficking.

The *Asian Regional Initiative Against Trafficking of Women and Children (ARIAT)* was launched in March 2000 during a meeting organized by the Philippine government in cooperation with the United States government. This meeting, which was held in Manila, brought governments, intergovernmental and non-governmental organizations together in order to discuss the problem of trafficking in persons. A regional Action Plan was discussed but there has yet been little follow-up.

The East Asia and the Pacific Regional Consultation for the Second World Congress against Commercial Sexual Exploitation of Children, was held in Bangkok in October 2001. The meeting focused on reviewing regional progress in implementing the

## 8. Challenges in the Future

Like other part of the world, in Southeast Asia, definition gap of the term of trafficking also existed. Malaysia and Singapore for instance,

do not recognize trafficking but illegal migration, while for the rest of the countries in the region do. Attention for the issue of trafficking has found so far resonance by International Organization, Inter-government organizations, Non Government Organizations, Lobby network, Government Institutions, United Nations bodies as well as Media. The approaches, definitions, and interpretations of trafficking among these different groups and organizations have varied enormously. As a result of these differences and associations, the term "trafficking" has been used inter-changeably with illegal migration, slavery, especially prostitution, and other form of sexual exploitation of women.

In migration perspective, trafficked victims become criminalized and treated as illegal aliens. In fact victims of trafficking are not always illegally entering destination country, since they might have obtained tourist visa, temporarily work permits, or legal status as a bride. Moreover, trafficking is not only an international problem, but it also takes place within national boundaries. On the other hand recognizing trafficking and illegal migration led to purposes not to limited to prostitution. Important to the definition is the distinction drawn between forced and free recruitment, and forced and free labor. Besides the definition acknowledges trafficking across as well as within national boundaries, which cannot be simply associated only with illegal migration. It is equally crucial to the definition that trafficking concept of coercion can take in a variety of forms. Furthermore, coercion will always be different to children and women.

Lack of comprehension on trafficking and its different way of interpretation in many levels of government and in international organizations and academia, is contested and debated. The Transnational Organized Crime Convention and its Trafficking Protocol have offered internationally agreed definitions of the crime, but these are little understood outside the circles of professionals dealing with the issue. There is a crying need for fostering greater common understanding in particularly Southeast Asia context by its members, including non-legal, and common sense definitions of trafficking.

## **9. Trafficking law enforcement barriers in Southeast Asia**

The first barrier --and the popular one -- is to make the law effective and to enforce it after being passed. It is a need that larger institutions than simply the law enforcement sector - the inability to date of all parties in the anti-trafficking community-to come together and create a

comprehensive, truly multi-sector strategy that equally addresses supply and demand, while at the same time working towards reducing the harm that is inflicted on those currently in the hands of traffickers.

The second barrier relates to the economics of the trade in people: demand versus supply. The dynamics of the market must be better understood, easily achieved through such as illicit market analysis, so that effective interventions can be directed at the places in the trafficking chain where most impact can be made. Given that this is a profit-motivated crime, successful traffickers are those who maximize returns – whose income far exceeds their outlay. This entails bringing supply and demand together in the nearest and most cost-effective match. Attacking supply alone, or demand alone, simply serves to displace the trade. Both sides of this illicit market must be tackled equally.

In the case of trafficking in migrant issues, a victim is presented as an illegal migrant first and a denial of the most basic human rights to the victim. The continued deprivation of liberty to the victim at this point is almost tantamount to a state-sanctioned continuation of the human rights offence perpetrated against the victim. This is essentially a re-victimization by the criminal justice or immigration authorities of a State. In many cases of trafficking, traffickers eventually only can be suppressed by the case of falsification of document.

Human trafficking is less a recognized normative crime than, for example, murder: all societies in the world recognize in a normative sense that taking a life is wrong. Human trafficking, or slavery, has not so clear-cut meaning in this regard. In several of the cultures in Southeast Asia for instance, there is a relative normative acceptance of the concept of human servitude, in particular the servitude of children, women, and the poor, which has not been necessarily considered wrong by all.

The fact is that little is known about human trafficking. It is also the case that little in the way of comprehensive gain would be made from this information. Potentially, anti-trafficking community could change its directions and focuses as readily as do the traffickers themselves, by simply recognizing the likely future criminal opportunities for trafficking, and arriving there with interventions first. Furthermore, there is a problem of accessing information and services. Access to the law, for those who need most, is a problem made of three parts: finding out or knowing about the law, secondly about understanding it and knowing what it can do for a victim, and thirdly, invoking its power.

## **10. ASEAN Cooperation Principals**

The impact of ASEAN on the foreign policy in Indonesia also contributes to the indecisive political attitude of Indonesia towards the inhuman treatment suffered by Indonesian migrant labors abroad. Therefore, ASEAN leaders should recognize their common problems and seek solutions rather than being hesitant at every step for fear of being accused of "interference". Comparing with Philippines Government responses toward mass deportation of undocumented labors in Malaysia in August 2002, Indonesia showed her failure for being reluctant to offend fellow ASEAN members. In the regional context of Southeast Asia and region, Indonesia, with its large population, size and the political dynamics of its migration, is very significant for the national response to international migration.

The factual challenge in countering trafficking in Southeast Asia is the existence of Regional policy to address this issue, as trafficking is one of transnational issue that need more than one country to take serious action against it. At the same time, there is a need to address the impact of the economic crisis on illegal migration to neighboring countries. In short time, the increase in illegal migrants from Indonesia, Thailand, Cambodia and Philippines to countries likely Malaysia, Singapore and Brunei, will have a very serious political impact on the relationship amongst these countries.

## **11. Recommendations**

### **11.1 Regional Convention to prevent trafficking and protect migrant workers abroad**

In the case of labor migration, it is definitely giving the large financial remittances, not only to the family members of the migrants, but also to the sending country's economic condition, as well as the destination countries problem on lack of labors. Therefore, Southeast Asia country members should reform the system of movement by simplifying and speeding up the process of official movement; Indonesia in particular, there is a need to decentralize the process to regions. The process of gaining appropriate documentation and permission to leave is time-consuming and requires many potential migrants to move away from home to a major urban center. Therefore, ASEAN countries urgently need a commitment to formulate and implement the minimum standard for safe migration policies and pressure for

the conclusion of a bilateral agreement among ASEAN member countries on minimum standards, and preparation for an ASEAN regional convention regarding migrant workers protection to prevent the incidents of trafficking of women and children. By addressing this issue carefully, ASEAN would lead to less cases of abuse, unexplained deaths among migrant workers abroad, sale of babies, and for sure, trafficking of persons.

### **11.2 Shifting policy paradigm**

There is also a need for paradigm shift in policing trafficking. There are many characteristics of human trafficking as a criminal activity, that mitigate against the application of current policing models, as well as against the largely punitive, criminal justice approaches presently taken. Much law in the Mekong countries, for example requires that for crimes against persons, as opposed to crimes against states, there must be a recognizable human victim - and that victim must be the complainant. In the absence of a criminal complaint, the police in this region are not empowered to act. It is the nature of trafficking that often causes victims reluctant to complain, or not compellable, or perhaps not even competent as witnesses and therefore are considered not competent as complainants. Almost all of the jurisdictions in this region require an identifiable legal person as the victim to be the complainant for crimes against their persons.

### **11.3 Change the nature of cooperation among ASEAN countries**

The mentality of zero sums should be removed from the nature of regional cooperation or competition among Southeast Asia countries, and change it to win-win solution, even though, this will be a very difficult effort to be done due to uneven condition of resources in Southeast Asian Countries. For Southeast Asia, a regional convention is urgent to create equilibrium in the relationship between the sending, transit, and destination countries of migration flows.

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mass deportation of undocumented labors in Malaysia in August 2002, Indonesia showed her failure for being reluctant to offend fellow ASEAN member.

#### **11.4 Reforming Migration and Anti-Trafficking Policy**

If governments in Southeast Asia seriously wish to prevent trafficking they need to review their current international migration trends and amend existing policies that have a big role in increasing demand for traffickers and smugglers. The Philippines is so far the only ASEAN member country with a comprehensive migrant labor protection policy. The political commitment of the Philippines government is reflected in the successfully concluded bilateral agreements with Middle Eastern countries.

In the context of Indonesia and Cambodia political change, reformation of the procedure in sending migrant labors abroad by the government should be carried out in a planned manner based on the principles of transparency and accountability in taking decisions and making public policies, as 90% of the problems arisen in Indonesian migrant labors come from domestic policy rather than destination country's policy. Some of the areas of activity that analysts and NGO activists call most necessary in source countries include: (1) provision of accurate, timely, and appropriate information to potential migrants about the costs they should pay, their likely wages, and conditions at the destination; (2) control of recruiters and middlemen so that commissions, travel, and recruiting costs are billed at a realistic level; (3) elimination of the many stages in the recruitment process so it is streamlined, quicker, and less open to corruption; (4) decentralization of the approval process for migrants so that they do not have to travel long distances simply to apply for permission to leave; (5) improvement of the protection of migrants overseas. This especially applies to women, who dominate the legal movement and work most frequently in domestic service outside the reach of normal labor legislation; (6) encouragement of the safe sending of remittances by migrants; and (7) enhancement of the content of pre-departure training modules with human rights issues, legal provisions and migrant rights.

### **11.5 Labor attaché in Embassies Abroad**

Government should recognize labors status and rights of migrant in all sectors, regularize, institute and enforce legal protection. Domestic work is considered as non formal sector, therefore it is not in conjunction with legal protection nor regulation, in contrast, Indonesian migrant women are predominantly employed as domestic labors, with particularly large numbers deployed in Saudi Arabia, Malaysia, Brunei, Singapore, and Hong Kong. In this connection, Government of Indonesia should also initiate to establish labor attaché in Indonesian embassy or consulate in migrants destination countries to monitor closely the living conditions, the working conditions, incentives and other forms of job guarantees, and the use of labor or Indonesian migrant labors. Government of Indonesia, in particular

Using this end, Government can facilitate organization of migrant labors in all sectors for self-representation and advocacy. In this transition era, it is expected that ethnic ties between Indonesians and people in the destination countries will play a very significant role in international migration. The creation of domestic, economic and political stability within a short time is imperative in preventing illegal international migration to neighboring countries.

### **11.6 Improving working performance of the Government**

A more pro-active government attitude in handling problem of migrant labors in the future is absolutely needed. This kind of attitude assumes a change in perception to the existing one, which looks at labors as a threat and a source of foreign exchange. This perception needs to be changed so that labors are looked upon as citizens who have rights, which deserve to be respected. In order to support policies for the sending of migrant labors abroad, there needs to be a feeling of humanity as a pillar for their legal protection.

In order to have a good law, endorsed by political commitment to ensure the law is properly enforced requires numbers of measures which may include: training of all relevant agencies which deal with trafficked migrants such as police, immigration, judiciary, social service department, women desk, child protection bureau, hospital, and also labor department; allocating

additional resources to these agencies; anti-corruption measures, and support to victims of trafficked migrant

### **11.7 Increasing services providers & mechanism to referral system in Southeast Asia**

Trafficking incidents occurred almost everyday, there is only a limited number of NGOs found in Indonesia, which are tackling trafficking issues. In it turns, victims face difficulties in getting the provision of recovery services, psychosocial counselling and also legal aids. Not to count the lack of NGO's capacity building to counter trafficking.

One of the recommendations made by Anti-Slavery International in 2003, is that victims should be given reflection period for 3 months in order to protect and to assist them in the prosecution of traffickers. The trafficking protocol also outlines under the articles 6,7, and 8 that main protection services should be made available to trafficked people, such as: temporary or permanent residency permits; appropriate housing; information and counselling, in particular about their human rights and legal rights; opportunities to legal redress and compensation; medical, physiological, and material assistance; employment, education and training opportunities; due to regard being given to a person's safety when carrying out returns, which should be voluntary.

### **Notes**

1. Presented in panel 1 (Gender, Conflict, Migration and Human Security) under the sub panel on Migration/Trafficking and Human Security at the International Conference on Gender, Development and Public Policy, Held in Bangkok, Thailand 17-18 May 2004.

2. This initiative was started since 2002, and in early January 2003, the project was really implemented for 18 months (February 2003 – July 2004). Partners in this initiative is coming from Indonesia; Rifka Annisa in Yogyakarta, LRC-KJHAM in Central Java and LBH-PIK in West Kalimantan; Cambodia; Vulnerable Children Assistance Organization (VCAO), Cambodian War Amputee Rehabilitation Society (CWARS), Cambodian Women Crisis Center (CWCC), Cambodian Women Development Association (CDWA), Disadvantaged Cambodian's Association (DCO) and Krousar Thmey; and the Philippines; End Child Prostitution, Pornography and Trafficking (ECPAT)-Philippines.



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