



Article published in the 'ANDA DAN HUKUM DALAM
KESEHARIAN' publication series
Date of Publication: **January 26, 2008**

Human Trafficking

This document is a translated version of the Indonesian article:

PERDAGANGAN MANUSIA

The 2004 Indian Ocean tsunami, together with 30 years of armed conflict has made Aceh and its communities particularly vulnerable to a number of adverse influences. This vulnerability has further been exacerbated by its economic, social and education conditions. Faced with these hardships, its citizens have been forced to make every effort just to meet their basic needs. Such desperation often leads to decisions being made which can have devastating effects. But these are often not given sufficient attention - for them, life must go on.

The low level of economic, education and psychological well-being of Aceh has contributed to the lack of awareness of the possibility of human trafficking and the resulting limited attention relevant parties have paid to the issue. It is not surprising that many people have already fallen victims to trafficking, with the numbers potentially on the increase. To prevent more people, especially Acehnese, from falling victims to trafficking, awareness on what human trafficking actually means should be given attention.

Definition

The United Nations (UN) defines "trafficking in persons" as 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 receiving of payments to achieve the consent of a person having control over another person, for the purpose of exploitation' (2000 UN Protocol to Prevent, Suppress and Punish



Trafficking in Persons, especially Women and Children; Supplement to the UN Convention Against Transnational Organised Crime).

Based on the above definition, the following table can be a useful tool to analyse individual cases to determine if they fall into the category of trafficking or not. A human trafficking case should have at least one of the elements within the three criteria of process, means and goal.

Process	+	Means	+	Goal
Recruitment Transportation Transfer Harbouring Receipt	AND	Threat Coercion Abduction Fraud Deceit Deception Abuse of Power	AND	Prostitution Pornography Sexual Violence/Exploitation Forced Labour/employment with unfair wages Slavery/Similar practices

If an individual case has one element from each of the three criteria, it falls into the **trafficking** category.

Causes of Human Trafficking

There is no single cause of human trafficking in Indonesia in general and Aceh in particular. Trafficking is caused by a whole range of conditions and issues. However, there are some key factors, including:

1. Lack of awareness when seeking jobs of the dangers of trafficking and the ways in which victims are deceived and lured into these positions.
2. Poverty which forces people to seek any job while ignoring the risks.
3. Cultural factors have made women and children vulnerable to trafficking through forced marriage by parent(s) and through early marriage. Many women who are forced into marriage then have to live outside of their home region or migrate overseas away from people they can turn to for help.
4. Lack of a legal birth certificate make children vulnerable to be passed off as adults.



5. Weak enforcement of laws and corrupt relevant law enforcers in dealing with trafficking cases.

The following outlines what should be done when one feels that they have fallen victim to trafficking. The Head of the Women and Children Services (*Unit Pelayanan Perempuan dan Anak/PPA*) of the Directorate of Criminal Investigation (*Ditreskrim*) of the Regional Police (*Polda*) of NAD province, Head Inspector (*Inspektur satu/Iptu*) Elviana, advises victims to immediately report their case to the police at Sector level (*Polsek*) or Resort level (*Polres*). To handle cases on trafficking, Iptu Elviana says that the police at all levels have been trained to deal with cases involving women and children although there is no women police at the respective police office. It is also noted by Iptu Elviana that while cases on trafficking are not predominantly experienced by women and children, they can easily fall prey to traffickers.

Iptu Elviana further relates that a Women and Children Service Unit (*Pelayanan Perempuan dan Anak/PPA*) has been established by way of the Regulation of the National Indonesian Police Chief (*Peraturan Kapolri*) No. 10 year 2007 on 6 July 2007. Article 6 paragraph (3) of the Regulation stipulates that PPA will handle human trafficking cases as well other criminal cases such as people smuggling, violence, sexual abuse, rape, illegal adoption, prostitution, pornography/pornaction, money laundering and protection of women and children as witness/victims or perpetrator of cases.

In the case of Aceh, a number of trafficking cases have been reported in Bener Meriah district. The case has been duly dealt with by the existing task force within the Women's Empowerment Bureau (*Biro Pemberdayaan Perempuan*) at the provincial level. However, people should also always report cases on trafficking to the local police.

During 2007, three cases have been dealt with by PPA, all of which originated from Bener Meriah. In all of the three cases, victims have been lured with promises of decent jobs and high wages in Malaysia. But when they arrived, they were employed



in indecent jobs – including prostitution. The cases were revealed after one of the victims was arrested by the Malaysian police for entering the country without legal documents. One of the suspects is currently being detained at the Bener Meriah *Polres* while one of the victims who is underage is still in Malaysia but with her whereabouts unknown. A search has been conducted to locate her. The two other trafficking cases from Bener Meriah have been turned over the District Attorney office.

Yayasan Pusaka Indonesia – a foundation concerned with the protection of children post-tsunami – has launched data on cases of trafficking in Aceh. The foundation mentions that International Organization for Migration (IOM) has identified 13 cases of Acehnese falling victims to trafficking, while the Jakarta Women's Coalition (*Koalisi Perempuan Jakarta*) has identified 9 cases of trafficking whereas the International Catholic Migration Commission (ICMC) working together with a local NGO in Batam – an island off the coast of Sumatra has found 8 cases. Iptu Elviana says that there might well be more cases of trafficking but victims or the public are reluctant or afraid to report the cases.

With the emerging cases of trafficking people – especially women and children should be more aware when they are offered better jobs and better living conditions, usually in Malaysia or other regions outside Aceh.

Indication of fraud can in fact be identified early as traffickers need to falsify information on the victim's legal documents - for instance their passport and visa. Job seekers should be aware of this and pay careful attention if it happens. Village level administration should be made accountable and aware of this fraud as falsification of legal documents start at this level.

The PPA in Aceh is currently dealing with trafficking cases not only concerning adult men and women, but also underage girls and boys, says Iptu Elviana. Ahmad, a boy of 8 years. lost his family in the tsunami and someone brought him to Medan, where he ended up as child labour. After 2.5 years of forced labour, Ahmad managed to escape and met an Acehnese citizen who took him back to his home village in Banda

Aceh. The case is a harsh reminder that underage orphaned children should be on-guard if they are promised decent jobs outside of Aceh on the pretext of helping them.

Iptu Elviana notes further that the police are not working by themselves in dealing with trafficking cases. For advocacy work and psychosocial support of victims, the police are supported by other institutions, such as the Women's Empowerment Bureau, District Attorney office, and NGOs working exclusively on women and children such as MisPI (*Mitra Sejati Perempuan Indonesia* or the Real Partner of Indonesian Women), who focus on the protection of women and children, and Plan International, an organisation that has been actively working in Aceh since January 2005. Plan International works in the recovery of tsunami-affected people, particularly on the protection of children's rights, education and in the livelihood sector. In addition, trafficking victims who need special treatment for trauma healing and other healing purposes will be referred to the Integrated Service Centre (*Pusat Pelayanan Terpadu /PPAT*) within the Bhayangkara Hospital in Banda Aceh.

Iptu Elviana concludes that awareness rising and advocacy programs concerning trafficking, as well as psychosocial support to victims of trafficking should increase people's awareness of the issues involved, and make them far more careful in making decisions that make them vulnerable to trafficking.