Identification and Referral of Trafficking Victims in Indonesia. Guidelines for Frontline Responders and Multi-Disciplinary Teams at the Village Level

2018
Foreword from the Ministry of Social Affairs

First of all, let us pray in the presence of God the Most Holy and Exalted because of His grace, the book: Identification and Referral for Trafficking Victims in Indonesia. Guidelines for Frontline Officers and Multi-Disciplinary Teams at the Village Level was successfully published by NEXUS Institute and is expected to be a reference for capacity building at the front line and village level in identifying trafficking victims and ensuring their access to referral services.

Village and family are very important entities in preventing the exposure of trafficking victims from beginning to end. The publication of this book serves an important purpose as guidance for village-based multi-disciplinary teams to help identify and refer trafficking victims for access to services provided by relevant agencies and institutions.

We recognize and appreciate that NEXUS Institute has been conducting a great deal of research toward deepening an understanding of trafficking issues in Indonesia.

The book: Identification and Referral for Trafficking Victims in Indonesia. Guidelines for Frontline Officers and Multi-Disciplinary Teams at the Village Level will offer guidance and references for various stakeholders, especially on the front line at the village level, and provide referral mechanisms for trafficking victims to have access to services provided by related agencies and institutions.

With the publication of this Book: Identification and Referral for Trafficking Victims in Indonesia. Guidelines for Frontline Officers and Multi-Disciplinary Team at the Village Level, it is expected that authorities can perform optimally and fully commit to identify and refer trafficking victims and ensure their access to services from relevant agencies and institutions according to the rules and procedures applicable to established standards and ensuring the rights of victims are fulfilled so as to be free from the threat of re-trafficking.

So our hope may God Almighty always give his guidance to us all, Amen.

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Director of Social Rehabilitation for Socially Disadvantaged and Victims of Trafficking,
Ministry of Social Affairs
Jakarta, April 2018
Foreword from NEXUS Institute

Identification of victims of trafficking at the village level is a critical part of the anti-trafficking response in any country and it is often the first step in victims receiving the assistance and protection that they need after suffering trafficking exploitation. Over the course of our work in Indonesia, we have learned that many trafficking victims go unidentified and, therefore, are unable to access the assistance and protection to which they are entitled. Many victims return to their home villages and are never identified. Trafficking victims require and are entitled to clear, concrete and comprehensible information about what support can be found in their districts and communities and how to access this assistance as they recover and reintegrate after trafficking exploitation. The Guidelines for Frontline Responders and Multi-Disciplinary Teams at the Village Level will equip village based multi-disciplinary teams the critical information that they need to identify and refer trafficked persons.

These Guidelines were developed in the framework of NEXUS Institute’s project, Increasing Victim Identification and Improving Access to Criminal Justice in Human Trafficking Cases in Indonesia funded by the Australian Government through the Australia-Asia Program to Combat Trafficking in Persons (AAPTIP). We are grateful for the priority that AAPTIP has placed on increasing the identification, assistance and access to justice for Indonesian trafficking victims.

These Guidelines are the product of our collaboration with many institutions and organizations in Indonesia. We are particularly grateful for our partnership with the Government of Indonesia and in particular the Ministry of Social Affairs. We would like to recognize the important contribution of the following individuals in the development of these guidelines:

Dr. Sonny W. Manalu, MM (Direktur Rehabilitasi Sosial, Tuna Sosial dan Korban Perdagangan Orang), Drs. Dian Setiawan, MSi (Kepala Sub Direktorat Rehabilitasi Sosial Korban Perdagangan Orang dan Tindak Kekerasan); Dra. Maimoon Mooduto (Kepala Seksi Rehabilitasi Sosial Korban Tindak Kekerasan) dan Koordinator RPTC Bambu Apus Jakarta; Dra. Isnaini Dewi (Kepala Seksi Rehabilitasi Sosial Korban Perdagangan Orang); Drs. Bambang Soewignyo (Pekerja Sosial RPSW); Hasan Otoy (Pekerja Sosial); Sri Mulyani R (Pekerja Sosial); Ajeng Karuniasari T, S.Psi, Ahmad Sahidin, S.ST, M. Kesos, dan Untung Aji Pramono, S.ST (Staf Sub Direktorat Rehabilitasi Sosial Korban Perdagangan Orang dan Tindak Kekerasan); Priska Suryatin, S.ST, Aryana (Staf RPTC Bambu Apus Jakarta); and June E Simanjuntak, AMKp, S.Psi. (Staff of Sub Directorate of Social Rehabilitation for Victims of Trafficking in Persons and Victims of Violence).

We are also grateful to the various levels of governments in the districts of Sukabumi, Cianjur and Cirebon for their partnership in this pilot project. This includes: the Chief of Jambenenggang Village, Kebon Pedes Sub-district of Sukabumi District; the Chief of Sukamaju Village of Cibeber Sub-district, Cianjur District; and the Chief of Babakan Gebang Village Babakan Sub-district, Cirebon District.

Thanks are also due to the government institutions and civil society stakeholders in Cianjur, Cirebon and Sukabumi who participated in the district-level Focus Group Discussions (FGD) to discuss identification and referral processes as well access to justice and assistance opportunities. In Cirebon: DPPKB3A of Cirebon District; Dinsos (Social Bureau); Dinas Kesehatan (Health bureau); UPPA of Polres (District Police) of Sukabumi; RSUD Waled of Cirebon District; P2TP2A of Cirebon District; Secretariat of Anti Trafficking Task Force of Cirebon District; FWBMI Cirebon; WCC Balqis and SBMI Cirebon. In Sukabumi: P2TP2A of Sukabumi District; RPTC of Sukabumi District; LK3 of Sukabumi District; Manpower Bureau; DP3A of Sukabumi District; FORWA; and SBMI Sukabumi. In Cianjur: P2TP2A of
Cianjur District; Dinsos (Social Bureau); Kejaksan Negeri Kabupaten Cianjur; Manpower Bureau; DP2KB of Cianjur District; UPPA of Polres (District Polres) of Cianjur; PKK of Cianjur District; and SBMI Cianjur.

The Guidelines were reviewed, tested and revised by the 33 members of the three multidisciplinary teams in Jambenenggang Village (Sukabumi District); Sukamaju (Cianjur District); and Babakan Gebang Village (Cirebon District). Members of these three pilot MDTs represent the following institutions and organisations: Village chiefs and village administration; Motekar (Motivator Ketahanan Keluarga or Family Resilience Motivator), PKH (Program Keluarga Harapan or Family Hope Program), SBMI (Serikat Buruh Migran Indonesia or Indonesian Migrant Workers Union), SKBM (Solidaritas Keluarga Buruh Migran or Solidarity of Migrant Workers Family), PKK (Pembinaan Kesejahteraan Keluarga or Family Welfare Guidance), Posyandu (Pos Pelayanan Terpadu or Integrated Service Post), Puskesmas (Pusat Kesehatan Masyarakat or Community Health Center), Karang Taruna (Youth Organization), FWBMI (Forum Warga Buruh Migran Indonesia or Citizen Forum of Indonesian Migrant Workers), TKS (Tenaga Kesejahteraan Sosial Kecamatan or Sub-district Social Welfare Workers), Bhabinkabtibmas (Bhayangkara Pembina Keamanan dan Ketertiban Masyarakat or Trustees of Public Order and Safety), , PAUD (Pendidikan Anak Usia Dini or Early Childhood Education Program), Babinsa (Bintara Pembina Desa or NCO Village Commando, Army), RT (Rukun Tetangga or Harmonious Neighborhood), Kepala dusun (Head of hamlet), BUMDES (Badan Usaha Milik Desa or Village-owned enterprise) and MUI (Majelis Ulama Indonesia or Indonesian Clerics Council).

In addition, the guidelines were reviewed and validated by UPPA from the districts police (Polres) of Cianjur and Cirebon and the city police (Polresta) of Sukabumi.

We are also grateful to colleagues at AAPTIP for their review of these Guidelines, including: Fatimana Agustinanto (Country Program Coordinator - Indonesia); Hera Shanaj (Regional Victim Support Adviser); Gina Nott (International Legal Adviser); Froniga Greig (Gender Adviser); Sean McKenna (Investigation Adviser); Willem Pretorius (Deputy Team Leader); Sophie Pinwill (Regional Monitoring and Evaluation Advisor); Kevin Carty (Indonesia International Adviser) and Erwien Temasmico (Monitoring and Evaluation Officer - Indonesia). Thanks also to Floryda Dame (Country Program Finance and Administration Manager) and Esa Pratomo (Country Program Office Assistant) for their assistance and support in the publication of these Guidelines.

Finally, I would like to acknowledge and thank NEXUS Institute’s project team for their work in developing, testing and adapting these Guidelines – namely, Rebecca Surtees, Suarni Daeng Caya, Laura S. Johnson, Thaufiek Zulbahary and Maria Antonia Di Maio.

These Guidelines – based upon independent in-depth research, a holistic perspective on human trafficking and an inclusive and collaborative public/private process – reflect the core vision of NEXUS’ approach to achieving positive systemic change contributing to improving the lives of victims of human trafficking. We sincerely hope that this will be the first of many editions of these Guidelines and, with the benefit of growing application and experience, that each new edition will be an increasingly important tool in the identification and referral of trafficking victims and will contribute to improved protection for Indonesian trafficking victims well into the future.

Stephen Warnath  
President, CEO and Founder  
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@NEXUSInstitute
### Acronyms and abbreviations

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>BNP2TKI</td>
<td>Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia di Luar Negeri (National Agency for Placement and Protection of Indonesian Migrant Workers)</td>
</tr>
<tr>
<td>BPJS</td>
<td>Badan Penyelenggara Jaminan Sosial (Social Security Agency)</td>
</tr>
<tr>
<td>BSM</td>
<td>Bantuan Siswa Miskin (Cash Transfers for Poor Students)</td>
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<tr>
<td>CRC</td>
<td>United Nations Convention on the Rights of the Child</td>
</tr>
<tr>
<td>FWBMI</td>
<td>Forum Warga Buruh Migran Indonesia (Citizen Forum of Indonesian Migrant Workers)</td>
</tr>
<tr>
<td>GEBB</td>
<td>Group Economic Business Assistance</td>
</tr>
<tr>
<td>GTPPTPPO</td>
<td>Gugus Tugas Pencegahan dan Penanganan Tindak Pidana Perdagangan Orang (Task Force for the Prevention and Handling of Trafficking Crimes)</td>
</tr>
<tr>
<td>IDR</td>
<td>Indonesian Rupiah</td>
</tr>
<tr>
<td>IOM</td>
<td>International Organization for Migration</td>
</tr>
<tr>
<td>JKN</td>
<td>Jaminan Kesehatan Nasional (National Health Insurance Program)</td>
</tr>
<tr>
<td>JPKMM</td>
<td>Jaminan Pemeliharaan Kesehatan Masyarakat Miskin (Health Safety Net for the Poor Program)</td>
</tr>
<tr>
<td>KEMENKO PMK</td>
<td>Kementerian Koordinator Bidang Pembangunan Manusia dan Kebudayaan (Coordinating Ministry for Human Development and Culture)</td>
</tr>
<tr>
<td>KEMSOS</td>
<td>Kementerian Sosial Republik Indonesia (Ministry of Social Affairs)</td>
</tr>
<tr>
<td>KIP card</td>
<td>Kartu Indonesia Pintar (Smart Indonesia Card)</td>
</tr>
<tr>
<td>KIS card</td>
<td>Kartu Indonesia Sehat (Healthy Indonesia Card)</td>
</tr>
<tr>
<td>KJS card</td>
<td>Kartu Indonesia Sehat, dan JKN (Jakarta Health Card)</td>
</tr>
<tr>
<td>KKS card</td>
<td>Kartu Keluarga Sejahtera (Family Welfare Card)</td>
</tr>
<tr>
<td>KTP card</td>
<td>Kartu Tanda Penduduk (Residential Identity Card)</td>
</tr>
<tr>
<td>KUBE</td>
<td>Kelompok Usaha Bersama (Group Economic Business Assistance)</td>
</tr>
<tr>
<td>KUHAP</td>
<td>Kitab Undang-Undang Hukum Acara Pidana (Criminal Law Procedure Code)</td>
</tr>
<tr>
<td>LBH</td>
<td>Lembaga Bantuan Hukum Indonesia (Indonesian Legal Aid Foundation)</td>
</tr>
<tr>
<td>LK3</td>
<td>Lembaga Konsultasi Kesejahteraan Keluarga (Family Welfare Consultation)</td>
</tr>
<tr>
<td>MDT</td>
<td>multi-disciplinary team</td>
</tr>
<tr>
<td>MENKO PMK</td>
<td>Menteri Koordinator Bidang Pembangunan Manusia dan Kebudayaan (Coordinating Ministry for Human Development and Culture)</td>
</tr>
<tr>
<td>MoSA</td>
<td>Ministry of Social Affairs (Kementerian Sosial Republik Indonesia)</td>
</tr>
<tr>
<td>MoWECP</td>
<td>Kementerian Pemberdayaan Perempuan dan Perlindungan Anak (Ministry of Women’s Empowerment and Child Protection)</td>
</tr>
<tr>
<td>Motekar</td>
<td>Motivator Ketahanan Keluarga (Family Resilience Motivator)</td>
</tr>
<tr>
<td>NGO</td>
<td>non-governmental organization</td>
</tr>
<tr>
<td>P2TP2A</td>
<td>Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak (Integrated Service Center for Women and Children)</td>
</tr>
<tr>
<td>PEBB</td>
<td>Productive Economic Business Assistance</td>
</tr>
<tr>
<td>Posyandu</td>
<td>Pos Pelayanan Terpadu (Integrated Service Post)</td>
</tr>
<tr>
<td>PPT</td>
<td>Pusat Pelayanan Terpadu (Integrated Service Center)</td>
</tr>
<tr>
<td>PKH</td>
<td>Program Keluarga Harapan (Family Hope Program)</td>
</tr>
<tr>
<td>PKK</td>
<td>Pembinaan Kesejahteraan Keluarga (Family Welfare Guidance)</td>
</tr>
<tr>
<td>PSBR</td>
<td>Panti Sosial Bina Remaja (Institute for Adolescent Social Development)</td>
</tr>
<tr>
<td>Puskesmas</td>
<td>Pusat Kesehatan Masyarakat (Community Health Center)</td>
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<tr>
<td>Acronym</td>
<td>Full Form</td>
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<tr>
<td>RPSA</td>
<td>Rumah Perlindungan Sosial Anak (Social Protection Home for Children)</td>
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<tr>
<td>RPSW</td>
<td>Rumah Perlindungan Sosial Wanita (Social Protection Home for Women)</td>
</tr>
<tr>
<td>RPTC</td>
<td>Rumah Perlindungan Trauma Center (House of Protection and Trauma Center)</td>
</tr>
<tr>
<td>RT</td>
<td>Rukun Tetangga (Harmonious Neighborhood)</td>
</tr>
<tr>
<td>RTLH</td>
<td>Rutilahu or Rumah Tidak Layak Huni (Restoration of Uninhabitable Homes)</td>
</tr>
<tr>
<td>SATGAS</td>
<td>Satuan Tugas (Entry Point Task Force)</td>
</tr>
<tr>
<td>SBMI</td>
<td>Serikat Buruh Migran Indonesia (Indonesian Migrant Workers Union)</td>
</tr>
<tr>
<td>SOP</td>
<td>standard operating procedure</td>
</tr>
<tr>
<td>TKI</td>
<td>Tenaga Kerja Indonesia (Indonesian migrant worker)</td>
</tr>
<tr>
<td>TKIB</td>
<td>Tenaga Kerja Indonesia Bermasalah (Indonesian migrant worker who has faced problems)</td>
</tr>
<tr>
<td>TKSK</td>
<td>Tenaga Kesejahteraan Sosial Kecamatan (voluntary community workers)</td>
</tr>
<tr>
<td>TNP2K</td>
<td>Tim Nasional Percepatan Penanggulangan Kemiskinan (Team for Accelerating Poverty Reduction)</td>
</tr>
<tr>
<td>UPPA</td>
<td>Unit Pelayanan Perempuan dan Anak (Women and Children Services Unit)</td>
</tr>
<tr>
<td>USD</td>
<td>United States Dollar</td>
</tr>
<tr>
<td>VoT</td>
<td>victim of trafficking</td>
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1. Introduction

1.1 About the guidelines

Victim identification and referral are a vital part of the anti-trafficking response in Indonesia. It is the means by which trafficking victims are able to access their rights as victims of crime, both in terms of assistance and access to justice. Victim identification refers to the process by which a trafficked person is formally identified as a “trafficking victim” by someone with the authority to make this determination. Most commonly it is a government authority that formally identifies someone as a trafficking victim (for example, law enforcement, social services, prosecutor). However, some trafficking victims may be informally or unofficially identified (and assisted) by an NGO but not formally identified and recognized by the government.

Victim identification may involve any number of different institutions and organizations, depending upon the context (for example, at the site of a victim’s exploitation, at the border, in detention facilities, in the victim’s home community) and stage of the process (before, during or after exploitation) in which identification takes place. Guidelines and procedures are needed to ensure the appropriate identification and referral of trafficking victims and effective cooperation and coordination between relevant authorities and organizations involved in the identification and referral process.

While the importance of identification (in protecting victims as well as in prosecuting traffickers) is recognized in many countries of the world, including Indonesia, identification of trafficked persons remains weak. Large numbers of Indonesian trafficking victims (especially those trafficked for forced labor and trafficked males) are not formally identified abroad and instead are often detained or deported. They are seldom screened upon return to Indonesian or in their communities. Consequently, they were not aware of being victims of the crime of human trafficking and of the services and legal remedies they are entitled to access. Moreover, many Indonesian trafficking victims made their own way home to their families and communities and live for many years in their communities without any support or assistance. Even when victims wished to be formally identified as trafficking victims, the same research found that there was limited capacity among frontline responders¹ to preliminarily identify and refer presumed victims to appropriate services.²

And yet, if trained and equipped with adequate skills and tools, individuals and institutions at the village level are ideally positioned to contribute to to the successful preliminary identification and referral of Indonesian trafficking victims.

¹ Frontline responder refers to professionals most likely to encounter trafficked persons in the first instance. This may include law enforcement, labour inspection authorities, immigration lawyers, border officials, helpline staff, medical staff, outreach organisations (for example, in prostitution arenas or on work sites), social workers, community leaders and so on.

These guidelines will assist village-based stakeholders in the preliminary identification and referral of trafficking victims (male and female, adult and children). They will equip village-based stakeholder with the skills and knowledge they need to identify presumed victims of trafficking and refer them onward for assistance and formal victim identification. They are aimed to provide to the MDTs with:

1. Step-by-step practical guidance in the preliminary identification and referral of a presumed victim to those who may come into contact with trafficked persons in the village.

2. Concrete and accessible information about the process of identification, referral assistance and being a victim/witness, so that they can explain the procedure as well as the various risks and benefits of these different avenues.

Individuals, organizations or institutions involved in victim identification and referral must pay due attention to the rights, views and dignity of trafficking victims. This perspective – including critical issues like do no harm; informed consent; confidentiality and privacy; sensitivity, respect and non-discrimination; safety and security; participation of the victim; timeliness, individualized treatment and care; child protection; and ensuring the best interests of the child – underpin these guidelines and the work of the village-based multi-disciplinary teams (MDTs). These core principles should be applied while weighing up or undertaking any action concerning presumed or identified victims of trafficking as well as their families and any other individuals who may be affected. To help MDTs identify and assess all relevant considerations that should guide them to act in accordance with these principles, a code of conduct outlining minimum standards of behavior is also provided herein. While all measures and steps suggested in the text refer to all presumed victims, specific issues related to the needs and rights of children are highlighted.

The guidelines are based on international standards for good practice in the identification and referral of victims of trafficking, not least the ASEAN Convention against Trafficking in Persons, as well as on national standards deriving from Indonesia’s legal and policy framework on the issue – in particular, the Indonesian Government Regulation Number 9, Year 2008 Concerning Rules and Mechanisms of Services for Witnesses and/or Victims of Human Trafficking and the Standard.

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3 These are articulated in Section 7: Principles and approaches in victim identification and referral.
4 Please see Section 7: Principles and approaches in victim identification and referral.
5 Article 14 (1) states: Each party shall establish national guidelines or procedures for the proper identification of victims of trafficking in persons and, where appropriate, may collaborate with relevant non-government victim assistance organizations.
Operating Procedures for Integrated Services for Witnesses and/or Victims of Human Trafficking. In addition, the guidelines also draw on the work of intergovernmental institutions, international agencies, NGOs and individual experts which have produced anti-trafficking tools to enhance the identification and protection of trafficked persons, in Indonesia and beyond.

While the guidelines are designed to enhance identification of actual trafficking victims, by supporting the work of the village-based multi-disciplinary teams there is the potential to contribute to the prevention of human trafficking and other forms of violence and abuse at community level. This is because these teams can act as a reference point for individuals in need of support and refer them to appropriate services before such violence occurs or worsens.

1.2 Who are the guidelines for?

These guidelines have been developed in the context of a pilot project to enhance the identification of victims of trafficking for labor exploitation through the mobilization of village-based stakeholders, implemented in three districts in West Java. In each village, multi-disciplinary teams, comprised of different professional fields and expertise, have been established and trained on how to identify and refer presumed victims of trafficking, with particular attention to indicators of labor trafficking.

These guidelines are for members of village-based multi-disciplinary teams who, through their work in the community, may come into contact with presumed trafficking victims. They have benefitted from the direct work and experiences of multi-disciplinary teams working in the pilot communities and and have been updated and revised based on lessons learned during the pilot project.

These guidelines will also be useful for authorities at the national, provincial, district and sub-district level who will receive referrals from village based MDTs and conduct formal identification and assistance of trafficking victims.

Being built on a solid rights-based approach and very practical in nature, the guidelines may more broadly provide useful hints and further inspire the work of professionals involved in the identification and referral of trafficking victims in other contexts.

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7 The project: Increasing Victim Identification and Improving Access to Criminal Justice in Human Trafficking Cases in Indonesia is supported by the Australian Government through the Australia-Asia Program to Combat Trafficking in Persons (AAPTIP). The pilot project was implemented in three villages in three districts of West Java, Indonesia.

8 This includes, for example, medical staff, administrators, teachers, police, as well as other individuals who are active in the community and may encounter victims of trafficking in the village setting (e.g. NGOs, religious leaders, women’s organizations, youth groups). Please see Annex #1: Composition of the village-based of multi-disciplinary teams (MDTs) and selection criteria for MDT members.

9 The guidelines may be transferred to similar contexts to build capacity of front-line professionals at village level in other communities within (or even outside) Indonesia.
1.3 How to use the guidelines

These guidelines are divided into eight main sections and eight annexes, which are briefly summarized and detailed below.

Section 1. Introduction.
This section introduces the guidelines for frontline responders and multi-disciplinary teams, including the objectives and target audience of the guidelines.

Section 2. About human trafficking.
This section defines human trafficking, explains who can be a trafficking victim and describes the different forms of human trafficking in Indonesia and common destination countries.

Section 3. Understanding victim identification.
This section defines victim identification and discusses why victim identification is important in protecting trafficking victims as well as what happens when trafficking victims are not identified. This section also explains challenges faced by frontline responders when conducting victim identification.

Section 4. How to identify trafficking victims in Indonesia.
This section explains which authorities can identify a trafficking victim in Indonesia, the different stages of victim identification and the role of village-based multidisciplinary teams in victim identification and indicators of trafficking. Specific issues related to the identification of trafficked children are also discussed.

Section 5. Assistance and referral of victims of trafficking
This section explains how to refer victims of trafficking for assistance and details assistance available to trafficking victims, to trafficking victims who serve as victim/witnesses in criminal proceedings, to returned migrant workers, and social assistance, including for socially vulnerable persons, victims of violence and child protection. This section also discusses special issues in the assistance and referral of trafficked children.

Section 6. Informing trafficking victims about criminal justice avenues
This section explains the rights and responsibilities of victim/witnesses and the risks that they may face in the criminal justice process. It also describes how to refer trafficking victims to the criminal justice process, including special considerations in the case of children, and offers a step-by-step guide to the criminal justice process.

Section 7. Principles and approaches in victim identification and referral
This section sets forth the core principles to guide the identification and referral of presumed trafficking victims by multi-disciplinary teams and provides a code of conduct for multi-disciplinary teams.

Section 8. Conclusion
This section concludes the guidelines and offers guidance on how MDTs can operationalize this tool in moving forward with the identification of presumed trafficking victims.

Annexes. The six annexes offer additional information and resources to MDTs, as follows:

- Annex #1. Composition of the village-based of multi-disciplinary teams (MDTs) and selection criteria for MDT members
• Annex #2. Consent form for presumed trafficking victims to be supported by the MDT
• Annex #3. Agreement to comply with MDT Core Principles and Code of Conduct
• Annex #4. Indicators of trafficking (for different forms of TIP)
• Annex #5. Frequently asked questions (FAQs)
• Annex #6. List of services in West Java and Jakarta
• Annex #7. Glossary of terms for the criminal justice process
• Annex #8. Additional resources, references and materials about human trafficking
2. About human trafficking

2.1 Defining human trafficking

In Indonesia, human trafficking is a criminal offense under *Law Number 21 Year 2007 on the Eradication of the Criminal Act of Trafficking in Persons*.

**Box #3. Definition of Human Trafficking**

In Indonesia, human trafficking is defined as:

The recruitment, transportation, harboring, sending, transfer, or receipt of a person by means of threat or use of force, abduction, incarceration, fraud, deception, the abuse of power or a position of vulnerability, debt bondage or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, whether committed within the country or cross-border, for the purpose of exploitation or which causes the exploitation of a person (Article 1).

In practical terms, human trafficking is comprised of three main components, illustrated in Diagram #1 below. Each component should be present in the case of an adult victim to constitute human trafficking.

- **Component #1** is the **act** of trafficking, which means the recruitment, transportation, transfer, harboring, sending or receipt of persons (within or across national borders).
- **Component #2** is the **means** of trafficking, which includes threat of or use of force, deception, coercion, abuse of power or position of vulnerability.
- **Component #3** is the **purpose** of trafficking, which includes exploitation for prostitution, forced labor, forced service, slavery or practices similar to slavery, repression, extortion, physical abuse, sexual abuse or abuse of the reproductive organs, and for organ transplants. The purpose also includes the intention to exploit.

Consent of an adult trafficking victim is irrelevant when one of the means listed below is used. For children, illustrated in Diagram #2 below, the entire question of consent is irrelevant with or without the means component. Any **exploitation** of children that occurs through one of the **acts** listed below (recruitment, transportation and so on) is automatically human trafficking.

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10 Please see Annex #8: Additional resources, references and materials about human trafficking

11 This definition is based upon and in line with international law on human trafficking as outlined in the United Nations (2000) *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime* (subsequently referred to as the UN Trafficking Protocol). While Indonesia’s *Law on the Eradication of the Criminal Act of Trafficking in Persons* does not explicitly envisage the irrelevance of the coercive and deceptive means in the case of child trafficking, this is clearly stated by Article 3(c) of the United Nations Protocol, ratified by Indonesia in 2009 (Act No. 14).

Diagram #1. Human Trafficking of Adults is

Act
- Recruitment or Transportation or Harboring or Sending or Transfer or Receipt

Means
- Threat of Force or Use of Force or Abduction or Incarceration or Fraud or Deception or Abuse of Power/Vulnerability or Debt Bondage or Giving/Receiving Payments or To Take Benefit from the Victim

Purpose
- Prostitution or Forced Labor/Service or Slavery or Repression or Extortion or Physical Abuse or Sexual Abuse or Abuse of Reproductive Organs or Illegal transfer/Transplantation of Organs or Intent to Exploit

Consent of the Victim is Irrelevant

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13 This diagram was developed by the International Catholic Migration Commission (ICMC) and the Solidarity Center in the context of an anti-trafficking program funded by USAID and has been updated to reflect the definition in Law 21/2007. See Rosenberg, Ruth (2003) Trafficking of Women and Children in Indonesia, Jakarta: USAID, ICMC and Solidarity Center, p. 15.
Diagram #2. Human Trafficking of Children is

Recruitment or Transportation or Harboring or Sending or Transfer or Receipt

Means is irrelevant in the case of children.

Prostitution or Forced Labor / Service or Slavery or Repression or Extortion or Physical Abuse or Sexual Abuse or Abuse of Reproductive Organs or Illegal Transfer/Transplantation of Organs or Intent to Exploit

Consent of the Victim is Irrelevant

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14 This diagram was developed by the International Catholic Migration Commission (ICMC) and the Solidarity Center in the context of an anti-trafficking program funded by USAID and has been updated to reflect the definition in Law 21/2007. See Rosenberg, Ruth (2003) Trafficking of Women and Children in Indonesia, Jakarta: USAID, ICMC and Solidarity Center, p. 15.
2.2 Who can be a trafficking victim?

A trafficking victim is anyone who is a victim of the crime of human trafficking, as outlined in the *Law Number 21, Year 2007 on the Eradication of the Criminal Act of Trafficking in Persons*.

A trafficking victim can be a woman, man, boy or girl. Anyone can be a victim of human trafficking regardless of their age, sex, gender, sexual orientation, nationality, ethnic or social origin or any other circumstances.

*Diagram #3: Who is a trafficking victim?*

A person should be considered a trafficking victim regardless of whether their trafficker or exploiter is identified, apprehended, prosecuted or convicted and regardless of any family or other personal relationship between the trafficking victim and the alleged trafficker.\(^{15}\)

*Box #4. Risk factors for trafficking*

Individuals at particular risk for trafficking may include:

- irregular migrants
- internally displaced persons
- ethnic minorities who experience discrimination
- separated and unaccompanied children
- adults and children living and/or working on the street
- individuals belonging to communities otherwise heavily affected by poverty, unemployment, domestic violence, social exclusion
- individuals, particularly children, who experience lack of family environment and appropriate care and attention
- individuals who lack access to education opportunities and resources
- individuals without birth registration

But vulnerability may also be highly personal and context specific.


That being said, vulnerability may also be highly personal and context specific. This means that it is difficult to identify generic risk (and resilience) factors for human trafficking as these are highly individual, situational and contextual. These factors interact in a complex way and expose individuals to a variety of (sometimes multiple) forms of exploitation. While generalizations are difficult to make, some of the risk factors identified amongst trafficked persons already represent gross violations of their fundamental rights.

2.3 Different forms of human trafficking in Indonesia

Indonesian men, women and children are trafficked for various forms of exploitation, including sexual exploitation and various forms of labor. Indonesian victims of labor trafficking are exploited in a wide range of labor sectors including agriculture and plantation work, construction, domestic work and cleaning services, in the fishing industry, in the mining industry, for factory work, either within or outside of Indonesia.

Many trafficking victims are initially faced with deceitful proposals by formally established labor recruitment agencies and promised a regular job in various labor sectors. Once they have lured or forced victims into exploitation, traffickers use several means to control them, including debt bondage, withholding of documents and threat of violence.17

**Case study #1. Trafficking into the fishing industry**

“Surya”, a 35-year-old man from West Java, went to a fisher recruitment agency in Jakarta to find work. He was offered a job as a fisher, with a salary of $260USD a month, plus bonuses. The agent pushed him to sign the contract quickly because he said that many other men were waiting for jobs. Surya signed the contract, which was in English, a language he could not understand. Several days later he departed on a fishing vessel. For eight months Surya worked 20 hours a day as a fisher, unloading and processing fish, without protective clothing or equipment and in dangerous and harsh conditions. He was physically and sexually abused by the captain and never paid. Surya escaped with other fishers when their vessel docked in New Zealand and asked for help from authorities. They were not identified as trafficking victims but returned to Indonesia. Upon return, he went to the recruitment agency to demand his salary. The recruitment agency refused to pay his salary and blacklisted Surya for talking to the authorities. They also refused to return his documents, which he had left with them when he migrated.

**Case study #2. Trafficking for domestic work**

“Diah” was 30 years old when she was informally recruited through a neighbor to work as a domestic worker in Malaysia. She borrowed money from her relatives to pay the cost of her paperwork and transportation. In Malaysia, Diah was forced to work 15 hours a day with no days off and was not allowed to leave her employer’s home unless accompanied by her employer. Her employer often screamed at her and sometimes hit her. She was given only one meal per day and denied access to medical care. While she received some salary each month and was able to send some money back home, it was far less than was promised. Her employer kept Diah’s passport and other documents and Diah was afraid to ask for them.

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Case study #3. Trafficking for factory work

“Candra”, a young man aged 19, was living with his parents when a sponsor phoned his mother and told her about an opportunity for work in a factory in Malaysia. Candra met with the sponsor and paid the sponsor a fee to arrange his paperwork and transportation. Once at the factory in Malaysia, he worked long shifts, with only a short break for lunch. Most nights he only slept four hours. The work was very dangerous and he witnessed several accidents. He never received any salary. When he ran away from the factory he was arrested by the Malaysian police and put in prison before being deported.

Case study #4. Trafficking for sexual exploitation

“Bethari” was 14 years old when a local broker approached her parents, offering her employment as a tea-seller in Jakarta. In exchange for a sum of money that would later be deducted from Bethari’s salary, her parents agreed for her to accept this work. Once in Jakarta, Bethari’s broker forced her to work at a lokalisasi (brothel) and told her she had to work to pay off her parents’ debt. She was given a room in the brothel and forced to serve clients every day from 6pm until 3am. She did not receive any money and had to pay for her food and clothing from her tips.

Case study #5. Trafficking for plantation work

“Adi”, a 40-year-old man from a village in West Java, migrated to East Kalimantan, where a friend had told him that there was work on a palm oil plantation. On the plantation, he signed a one-year contract and the recruiter confiscated his national identity card and other documents. He was told that he would be paid his salary at the completion of his contract and that his meals and any food that he purchased were considered a debt against his salary. Adi was given housing in a building with the other workers. Ten men had to share one small room. The men worked twelve-hour shifts and, if they were working too slowly, one of the foremen would hit them with a long stick. Adi never received any payment for his work as his “employers” told him that he had to repay his debt first.

Case study #6. Trafficking for construction work

“Fahkrul”, a married man with two children, had worked as a construction worker in Indonesia. When he heard about an opportunity with the recruitment agency to work construction in the Middle East and receive a good salary, he decided to apply. He provided the agency with his identity documents and was told to come to Jakarta for his passport to be issued. Three days after receiving his passport he departed for the Middle East. At the construction site, he lived in a shed with the other foreign construction workers, many of whom were also Indonesian. They slept on mats on the floor and worked long shifts. After several months, Fahkrul had not received his salary and he went to the agency to complain. He received only part of what he was owed and was sent home to Indonesia.
2.4 Destination countries for Indonesian trafficking victims

Indonesian trafficking victims are exploited in many different destination countries around the world, for various forms of exploitation. Indonesians are trafficked for forced labor primarily in Asia and the Middle East, although some Indonesians have been trafficked to Europe and North America. Men trafficked on fishing vessels may sail anywhere in the world, occasionally coming to shore in countries in Southeast Asia, Africa and South America.

*Map #1. Common destination countries and forms of labor exploitation for Indonesian trafficking victims*  

Within Indonesia, men, women and children are exploited for forced labor (fishing and fish processing, construction, in agriculture and on plantations, in mining and manufacturing, in domestic work) and are trafficked for sexual exploitation. Some victims are initially trafficked within Indonesia and later abroad. Sometimes victims are subjected to multiple forms of trafficking, either within the same time period or at different points in time.

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3. Understanding victim identification

3.1 What is victim identification?

Victim identification refers to the process by which a trafficked person is formally identified as a “trafficking victim” by someone with the authority to make this determination. Most commonly it is a government authority that provides formal trafficking status to victims – for example, law enforcement, social services or prosecutors.

Identification of trafficked persons is an obligation of states under national and international law. The obligation to identify victims of trafficking is implied in all legal instruments that provide for victim protection and support. In Indonesia, the obligation is implied in the Indonesian Government Regulation Number 9, Year 2008 on Procedures and Mechanism of Recovery Services for Witnesses and/or Victims of Trafficking.

Victim identification is generally not a one-off event but rather a process of interactions, which cumulatively lead relevant authorities to formally identify an individual as a trafficking victim. Before formal identification of a trafficking victim takes place, there are often various steps whereby an individual is preliminary assessed to be a “presumed victim of trafficking”, based on various signals and risk factors which arise in observation, interactions and conversations with the individual. This process is outlined in more detail in Section 5: Assistance and referral of victims of trafficking.

When there are indicators that an individual is a trafficking victim, he or she should be considered a “presumed trafficking victim” and, if he or she agrees, referred for assistance and protection as outlined in the anti-trafficking law and related regulations. This is detailed in the 2010 Standard Operating Procedures (SOP) for Integrated Services for Witnesses and/or Victims of Human Trafficking, which set forth that “if the identification result confirms that the witness and/or victim falls into the category of witness and/or victim of the crime of human trafficking, the officer shall start an assessment of further service requirements by identifying the physical and psychological conditions as well as other conditions as may be relevant”.

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20 Some international legal instruments specifically oblige states to identify victims. For example, the Council of Europe (CoE) Convention on Action Against Trafficking in Human Beings, in Article 10, obliges signatory states to identify victims (including trafficked children) and, where appropriate, issue residence permits (according to Article 14 of the same Convention). Further, states are obliged to have legislation or other measures in place to identify victims and, if there are reasonable grounds to believe that a person has been a trafficking victim, he or she must not be removed from the territory until the identification process has been completed by a competent authority. Please see Council of Europe (2008) Convention on Action Against Trafficking in Human Beings. CETS No. 197.
21 Under the Standard Operating Procedures (SOP) for Integrated Services for Witnesses and/or Victims of Human Trafficking, if the assessment of the witness and/or victim’s needs reveals that the individual is not, in fact, a trafficking victim, the officer is still obligated to refer the individual for services. If that person is assessed to be a victim of another crime or violation (e.g. rape, physical or sexual assault, kidnapping), they should be referred to the relevant institutions working to protect victim of other crimes. See MoWECP (2010) Regulation Number 22, Year 2010 Standard Operating Procedures for Integrated Services for Witnesses and/or Victims of Human Trafficking.
22 MoWECP Regulation Number 22, Year 2010 Standard Operating Procedures for Integrated Services for Witnesses and/or Victims of Human Trafficking, Chapter III ‘Procedure for Reporting/Identification Services’, paragraph 3.2(3).
3.2 Why is victim identification important?

Victim identification is central to any effective anti-trafficking response. It is the first step in the:

1. **Protection of trafficking victims**, to ensure their access to assistance that can support their recovery and long-term reintegration;

2. **Prosecution of traffickers**, to secure access to justice for trafficking victims and end the impunity of traffickers.

**Diagram #4. Identification leads to protection and prosecution**

![Diagram showing identification, protection, and prosecution]

**Protection of trafficking victims.** Formal identification\(^{23}\) as a trafficking victim should lead to the prompt provision of high quality, comprehensive emergency and long-term services, including, but not limited to: medical care, shelter/accommodation, food and basic needs, counseling and psychological assistance, legal assistance, economic assistance or job placement, education, vocational training and family mediation.\(^{24}\)

**Prosecution of traffickers.** Identifying trafficking victims can lead them to provide statements to law enforcement and serve as victim/witnesses in criminal justice procedures against their traffickers. As such, victim identification is a key means of identifying crimes and the criminal networks behind them. Failing to identify victims means that traffickers and their criminal networks can continue with impunity. Victims who receive appropriate assistance and support once identified are more likely to recover from their trafficking experience and are more able to serve as valuable victim/witnesses.

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\(^{23}\) Some trafficking victims may be informally or unofficially identified (and assisted) by an NGO but not formally identified and recognized by the government.

\(^{24}\) In some destination countries, including those where Indonesians are exploited, formal identification as a trafficking victim entitles the individual to a reflection period and the option of temporary or sometimes permanent residency in the country. In addition, according to the ASEAN Convention on Trafficking in Persons (ACTIP), Article 14.2, “In a case where the trafficking takes place in more than one country, each Party shall respect and recognize the identification of victims of trafficking in persons made by the competent authorities of the receiving Party”. This means that a victim who is identified in a destination country in ASEAN does not need to go through an additional process of identification to be able to access protection and assistance.
Case Study #7. When identification leads to protection

“Ahmad”, a young man trafficked for labor exploitation into the construction industry in Malaysia, managed to escape his exploitative situation and to return home. Upon return, he found himself in very hard living conditions (he was poor, unemployed and indebted), as well as in a fragile psychological state. He decided to seek help from a local NGO working with vulnerable groups in his village. After initial interactions and more detailed interviews with Ahmad, the staff from the local NGO had strong suspicions that he had been trafficked. They referred Ahmad to the local police unit, which in turn contacted the district authority. As a result, Ahmad was formally identified as victim of trafficking. He received monetary support, housing and assistance to pursue further education. The help he received led to a considerable improvement in his living conditions, as well as of his psychological health and emotional state.

Case Study #8. When identification leads to prosecution

“Maria”, a 32-year-old woman trafficked to the Gulf for labor exploitation, was released by her traffickers who no longer needed her. She had been home for three years and had not asked for nor received any offer of assistance until she was involved in community discussions about trafficking organized by a local NGO as part of awareness raising activities. Through those discussions she realized that she had been trafficked and was entitled to assistance. The local NGO referred her to the district authority for formal identification. During her first interview, Maria declared that she was willing to cooperate with authorities in prosecuting her trafficker. She explained that the help that had been provided to her upon identification made her confident that law enforcement and judicial authorities would protect her during criminal justice procedure. Based on Maria’s statement and report, her exploiters were identified, arrested and finally convicted for trafficking in human beings.

3.3 What happens when trafficking victims are not identified?

Trafficking in human beings is a violation of the human rights of the individual who is trafficked. When trafficking victims are not formally identified and, by implication, referred for assistance and protection, this is a denial of their rights, as noted in Guideline 2 in the United Nations Recommended Principles and Guidelines on Human Rights and Human Trafficking.\(^\text{25}\)

Non-identification can and often does lead to victims’ continued trafficking exploitation or re-trafficking. It may also lead to other forms of abuse and violations including being misidentified as an irregular migrant (leading to detention and deportation) or criminalized for their forced involvement in criminal activities like illegal fishing or prostitution or for traveling with forged documents.

Box #5. Risks of non-identification

- Continued trafficking exploitation
- Re-trafficking
- Misidentified as irregular migrant
- Criminalized for forced involvement in criminal activities
- Children’s rights not protected
- Negative impacts on child’s physical growth and development
- Negative impacts on child’s psychological state and development

Not identifying child trafficking victims prevents states from effectively referring them to child protection agencies and upholding the specific rights to which they are entitled as children, as enshrined in national and international human rights instruments – primarily the United Nations Convention on the Rights of the Child (CRC).\(^{26}\) In the case of children, continued exploitation resulting from late or non-identification is likely to have a severe impact on their growth and psychological development.

**Case Study #9. What happens when victims are unidentified?\(^{27}\)**

“Maya” was trafficked in another country for domestic work. She returned home on her own five years ago and was never identified as a trafficking victim. She spoke about how she never received the assistance or support that she urgently needed: “I need to heal my trauma. What is the solution for this? Where can I go to remove it? I want to heal my trauma, to get recovered. There should be a program to heal the trauma. How to get help for this?”

“Hari” was trafficked on a palm oil plantation in Malaysia. The police raided the plantation but they did not consider the workers to be trafficked, despite strong indicators that the men had been exploited. Hari explained how he was mis-identified as an irregular migrant worker instead of a trafficking victim and the implications this had on his immediate life and recovery: “…we were taken to a police office […] for one week nobody could sleep and everyone was sick… […] After a week, we were processed and taken to prison… in that prison, one cell was for, more or less, 18 persons”. Lack of identification meant further violations of his human rights.

“Rika” was trafficked abroad for domestic work. She was returned to Indonesia when her “employers” decided that they no longer needed her. She moved back to her home community with no money, her situation worse than it had been before she migrated. She did not know that her exploitation entitled her to support; she thought she had just been “unlucky”. After several months, she participated in an awareness raising event in her community, where she recognized that she was a trafficking victim: “[Before] I thought that trafficking was only women trafficked as prostitutes. Now I understand that [my situation as a domestic worker] was also a trafficking situation”. Because she was never formally identified, Rika never received any services.

“Andri” was trafficked on a fishing boat for several years. When his boat docked in a foreign port, the captain abandoned the vessel. Andri (along with the other trafficked Indonesian fishermen) did not have documents to enter the country and therefore was forced to live on the boat in decrepit conditions. After several months, the authorities raided the port in the middle of the night. Andri and the other Indonesian fishermen were taken to a detention center for irregular migrants and eventually deported. The authorities abroad did not identify him as a trafficking victim. Once home, the authorities also did not identify him as a trafficking victim. Andri faced discrimination in his home community because of the rumors regarding his time in “jail” in a foreign country. He became depressed.

Failure to properly identify victims of trafficking is problematic because it precludes the possibility to assist victims and enable them to recover and reintegrate into society. It also makes it less likely for trafficking crimes to be investigated and for traffickers to be prosecuted and convicted.


The risks and severe implications of non-identification make it incumbent on states to ensure that formal identification of trafficking victims can and does take place.\(^{28}\)

### 3.4. Why is victim identification challenging?

Victim identification is a complicated process; there are many challenges that make victim identification difficult. Understanding different barriers to victim identification allows authorities to adjust their work in ways that will improve and augment victim identification.

Barriers to victim identification may be linked to practical issues (such as language, lack of freedom of movement), personal issues (such as mistrust in authorities or fear of traffickers’ reprisals), as well as limited institutional capacity to identify victims, particularly concerning some groups who are even less visible than others (for example, boys and men exploited in forms of trafficking other than sexual exploitation). Each of these barriers may serve to hinder and indeed prevent victim identification.

Most reasons why trafficking victims go unidentified apply to both adults and children. However, there are also obstacles specific to the appropriate identification of child victims, particularly in relation to their increased vulnerability and dependence on adults, as well as on the challenges in identifying them as children (under age 18) and – in some cases – as separated from their parents (or other primary caregivers). Specific issues related to the identification of child victims of trafficking are discussed in more detail in Section 4.5: *Special issues in the identification of trafficked children.*

#### Table #1. Barriers to victim identification

<table>
<thead>
<tr>
<th>Practical barriers</th>
<th>Personal barriers</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Lack of a common language with frontline responders and authorities</td>
<td>- Victims are not confident that identification will lead to a solution</td>
</tr>
<tr>
<td>- Victims do not know where to ask for help</td>
<td>- Victims mistrust authorities because of past negative experiences</td>
</tr>
<tr>
<td>- Victims may not be visible to the authorities when trafficked</td>
<td>- Victims do not recognize themselves as trafficking victims</td>
</tr>
<tr>
<td>- Victims may not be visible to authorities once they return to and integrate into their communities</td>
<td>- Victims fear that being identified means being returned to their country and being unable to work/earn money</td>
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<tr>
<td></td>
<td>- Fear of traffickers (including reprimands) if they are identified and assisted</td>
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<tr>
<td></td>
<td>- The trafficker is someone in their family or community</td>
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<tr>
<td></td>
<td>- Victims are dependent on or under the control of the trafficker including a personal relationship</td>
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<tr>
<td></td>
<td>- Fear of discrimination or stigma from family or community for being a “failed migrant” or “trafficking victim”</td>
</tr>
<tr>
<td></td>
<td>- Fear of detention as an irregular migrant or prosecution for crimes they were forced to commit when trafficked</td>
</tr>
</tbody>
</table>

- Victims blame themselves for being “tricked” and exploited
- Victims do not wish to be assisted, for various reasons

| Institutional barriers | - Frontline responders lack of skills and capacity to identify trafficking victims
- Lack of recognition of men and boys as trafficking victims
- Frontline responders have limited skills and experience to identify labor trafficking
- Lack of training and resources for village-based frontline responders
- Village-based frontline responders are not included in the institutional framework for victim identification
- No or limited guidance on age assessment and on assessment of parental relationships |

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4. How to identify trafficking victims in Indonesia

4.1 Who can identify a trafficking victim?

It is the primary responsibility of state authorities to conduct formal identification – most commonly, law enforcement (police, prosecutors, judicial officers, labor inspectors, immigration and customs officers) or state social services. The Indonesian Anti-Trafficking Law does not specify who is responsible for formal victim identification.

However, the Standard Operating Procedures for Integrated Services for Witnesses and/or Victims of Human Trafficking\(^3\) establishes that victim identification should be done by the Integrated Service Center (Pusat Pelayanan Terpadu or PPT) where the presumed victim is referred to (or that directly identified her/him through outreach work).

The Integrated Service Center (PPT) is a functional unit that carries out integrated services for witnesses and/or victims of violence. Integrated services are a series of activities carried out jointly by the relevant institutions and civil society to provide medical rehabilitation, social rehabilitation, repatriation, social reintegration and legal aid.

Diagram #5. Integrated services for witnesses and/or victims of violence

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\(^3\) This is stated in the 2010 Standard Operating Procedures (SOP) for Integrated Services for Witnesses and/or Victims of Human Trafficking, which has its basis in law in the Regulation Number 9, Year 2008 on Procedures and Mechanism of Recovery Services for Witnesses and/or Victims of Trafficking. Article 46 of Law 21/2007 states: "(1) In order to protect witnesses and/or victims, an integrated service center may be established in each district/municipality for witnesses or victims of a criminal act of trafficking in persons; (2) Further provisions on the procedures and mechanisms of the integrated service center as referred to in paragraph (1) shall be regulated by a Government Regulation".
Officers of the PPT are civil servants from different government institutions – for example, health workers, psychologists, psychiatrists, social workers, legal aid workers. PPTs can be formed at the national, provincial and district/city level.\(^{31}\)

There are two kinds of PPTs:

1. hospital-based (located in a government or police hospital, private or public health center)\(^{32}\) or
2. community-based (located outside of the hospital).

That being said, the Ministry of Women’s Empowerment and Child Protection (MoWECP) Regulation on Guidelines for the Establishment and Development of Integrated Service Centers (PPT) notes that PPT is a generic term that can be used by various institutions which provide services for victims of violence including the Integrated Service Center for Women and Children (P2TP2A), Safe House, Social Protection Home for Children (RPSA), House of Protection and Trauma Center (RPTC), Social Protection Home for Women (RPSW) and so on.\(^{33}\)

As such, when there is no PPT in the immediate vicinity, identification may be undertaken by representatives of these state authorities as well as state social workers, including RPTC, RPSW and Family Welfare Consultation staff (LK3), police officers, members of Gugas Tugas (Pencegahan dan Penanggulan Tindak Pidana Perdagangan Orang or District Level Anti-Trafficking Task Force) and medical staff.

Any number of individuals or institutions/organizations may play a role in the initial stages of victim screening and assessment toward more formal identification.\(^{34}\) This might include:

- professionals at formal institutions and organizations that victims encounter after their return (e.g. village administration, medical clinic staff, civil society organizations, school teachers, etc.);
- persons within the victim’s family and social environment (e.g. family members, friends, neighbors, community leaders, religious leaders, etc.).

A wide range of stakeholders should be involved in identifying presumed trafficking victims to ensure that victims are identified when they wish to be so and also so that they receive assistance and/or referrals without gaps and delays.

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\(^{31}\) MoWECP (2010) Regulation Number 22, Year 2010 Standard Operating Procedures for Integrated Services for Witnesses and/or Victims of Human Trafficking.

\(^{32}\) In West Java province there are six hospital-based PPTs, including one at a public hospital (PPT RSUD Hasan Sadikin Bandung) and five at police hospitals (PPT RS Bhayangkara TK II Sartika Ash in Bandung; PPT RS Bhayangkara TK IV in Bogor; PPT RS Bhayangkara TK IV Brimob Kelapa Dua Cimanggis in Depok; PPT RS Bhayangkara TK IV in Indramayu; and PPT RS Bhayangkara TK III Secapa POLRI in Sukabumi).


\(^{34}\) Please see also IOM (2016) Guidelines for Frontline Officers in Assisting Witness and/or Victims of Trafficking in Sukabumi District. Jakarta: International Organization for Migration.
Multi-disciplinary teams (MDTs) at the village level, which are comprised of different village-based institutions and organizations that may encounter trafficking victims, have a critical role to play in this initial screening and assessment stage, to identify presumed victims of trafficking and refer them to relevant authorities, if they wish and consent to this process.

Initial assistance and protection measures should be offered immediately and not withheld until a formal status determination as a victim of trafficking (VoT). When there is sufficient indication that someone may be a trafficking victim, assistance should be immediately offered and provided, with the consent of the victim.35

### 4.2 Different stages of victim identification. Assessing an individual as a presumed trafficking victim

Victim identification is often a process that takes place over some time and based on interactions with various agencies and institutions. The stages and interactions that may take place before formal victim identification occurs may include:36

- **Stage #1. Initial screening/assessment**
- **Stage #2. Initial/preliminary interview**
- **Stage #3. Formal identification process**

**Diagram #6. The process of victim identification**

Village-based MDTs have an important role in the stages of victim identification:

1) be involved in the first stage of preliminary identification (that is, initial screening/assessment);
2) know and be able to explain appropriately to the presumed victim the following two stages and their possible outcomes (that is, initial/preliminary interview and formal identification process);
3) accompany and/or support the victim as needed and where appropriate.

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Stage #1. Initial screening/assessment

An initial screening or assessment may suggest that a person might be a victim of trafficking – that is, informally identifying an individual as a “presumed trafficking victim”. A presumed trafficking victim is someone who shows indication of being a trafficking victim, guided by general indicators and/or previous allegations. These indicators or signals may be based on conversations and interactions with the individual as well as observation of the person (his/her behavior, appearance or circumstances) and can lead to detection of signs of trafficking to be further explored in a formal interview. The initial screening/assessment may also be triggered by victims who self-identify and present themselves for identification.

Once the MDT becomes aware of a possible case of human trafficking or is approached by a presumed victim or their family, it is necessary to develop a plan for how to approach the individual and undertake an initial assessment.

Steps in conducting an initial screening or assessment:

☐ Identify which MDT members (maximum 1 or 2 persons) are most suitable to interact with this victim (for example, based on sex, age, existing relationship)
☐ Contact the individual (by phone or in person) to explain about the MDT and its work and request to meet them to discuss their migration experience, being careful not to “out” the individual
☐ If the individual agrees to meet, arrange a suitable time and place (for example, in their home, a public location, a café)
☐ Explain the work of the MDT, its membership and its role in identifying and referring presumed victims
☐ Ask about his/her willingness to share their experience of trafficking with MDT members
☐ Explain how the information collected will be shared within the MDT and the MDT Core Principles including privacy and confidentiality and discuss any concerns that he/she may have about disclosure of his/her experience
☐ If the individual consents, collect information about their migration experience to assess if he/she may have been trafficked

Please see Section 4.4: Indicators of trafficking for these general indicators.
Diagram #7. Steps in conducting an initial screening or assessment

**MDT learns about possible case**

**Victim or family contacts MDT**

- Identify which MDT members (max 1-2 persons) are most suitable to interact with the victim (e.g., based on sex, age, existing relationship)

- Contact the individual to explain the MDT and request to meet them to discuss further

- Individual does not agree to meet
  - Respect victim's decision and invite him/her to contact MDT if they wish to discuss at a later stage

- Individual agrees to meet
  - Arrange a suitable time and place to meet the individual (e.g. in their home, a public location, a restaurant or a cafe)

- Explain how the information collected will be shared within the MDT and the MDT Core Principles including privacy and confidentiality. Discuss any concerns that the individual may have about disclosure of his/her experience

- Ask about the individual's willingness to share their experience of trafficking with MDT members

- Individual does not consent to share experience with MDT members
  - Respect individual's decision and invite him/her to contact MDT if they wish to discuss at a later stage

- Individual consents to share their experience with MDT members
  - Collect information about the individual's experience to assess if he/she may have been trafficked

- Collect information about the individual's experience to assess if he/she may have been trafficked

- Explan the work of the MDT, its membership and its role in identifying and referring presumed victims
At the end of an initial discussion with the presumed victim, there are four possible outcomes and required next steps based on the MDT member’s assessment of whether this individual is a “presumed trafficking victim”, as outlined in Diagram #8, below and explained further.

Diagram #8. Possible outcomes based on the MDT team assessment of trafficking

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Possible outcomes based on the MDT team assessment of trafficking include:

**Scenario #1. The person is an adult and the MDT member assesses that s/he was trafficked.** In this case, the MDT member should present and fully explain the option of formal identification as a trafficking victim including the possible associated pathways s/he may wish to pursue – e.g. assistance/reintegration and/or to bring a case against the trafficker(s). This should include the following steps:

- ☑ Explain to the presumed victim what human trafficking is and what the reasons/experiences are that suggest they may have been trafficked.
- ☑ Inform the presumed VoT about the rights and assistance available to him/her as a victim of trafficking.
- ☑ Ask if the presumed VoT would wish to be referred to be formally identified as a VoT and inform him/her of the process for this formal status determination as well as the rights and responsibilities involved with this process.
- ☑ Offer assistance available in the village or the option of referral for assistance and provide clear and comprehensible information about the options/opportunities.
- ☑ Provide assistance or refer the presumed victim for assistance, with his/her informed consent.

If s/he has agreed to be referred for formal identification, it will be necessary for the MDT member to contact a representative of the PPT or P2TP2A, the nearest police office or a state social worker (sakti pekerja sosial). It may be advisable and desirable for the MDT member to accompany the individual to initial/preliminary interview.

**Scenario #2. The person is an adult and the MDT member assesses that s/he was trafficked but s/he does not agree to be referred for formal identification.** In this case, the MDT member must respect her/his decision to not be formally identified. However, it is also necessary to invite the individual to reflect on this decision and contact you in the event that they change their mind or would like to have more information about this avenue. Provide the individual with full and complete information about identification and assistance options and avenues so that they may reflect further on this choice. In addition, if the person has assistance needs, s/he should be referred for assistance even if not wishing to be formally identified. There is a wide range of assistance options available in Indonesia, not only for formally identified trafficked persons, but also for returned migrant workers, socially and economically vulnerable persons, victims of violence and for children through the child protection system. These resources and referrals should also be shared and supported.

**Scenario #3. The person is an adult and the MDT member assesses that s/he was not trafficked but nevertheless is in need of support and assistance.** In this case, the individual should be provided with information about the various assistance and support that s/he may benefit from. There is a wide range of assistance options available in Indonesia to returned migrant workers, for citizens generally, for socially and economically vulnerable persons, victims of violence and to

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children through the child protection system. These resources and referrals should also be shared and supported.  

**Scenario #4. The presumed victim is a child (under 18 years of age).** In the case of a child, it will be necessary to contact the relevant authority for child protection for their assessment and intervention. This would most commonly require contacting the Social Protection Home for Children (RPSA), Integrated Service Center for Women and Children (P2TP2A), the district police Women and Children Services Unit (UPPA) or a state social worker (sakti pekerja sosial).

In addition, a set of measures in the case of a presumed child victim should be undertaken, and specific approaches applied. In particular, children should be referred to the initial interview about their trafficking experience only in the presence of a parent (or other primary caregiver). In the event that this is not possible – e.g. due to a parent/primary caregiver not being present, or in case the child’s parent or caregiver is suspected to be involved in the trafficking – a guardian should be appointed and accompany the child throughout the process. Children temporarily or permanently deprived of parental care should be appointed a guardian by a state social worker (sakti pekerja social) from the Ministry of Social Affairs). Child victims should be assisted by a professional social worker who is certified in child protection issues and this social worker is then responsible for assisting the child victim through the legal process, under the recently enacted *Law Number 11, Year 2012 on the Juvenile Criminal Justice System.*

**Stage #2. Initial/preliminary interview**

An initial interview is conducted by appropriate authorities with the aim to ascertain whether there are reasonable grounds to believe that the person has been trafficked. When appropriate authorities find that there are sufficient indicators that the person may be a victim of trafficking, this should lead to the individual being given access to initial assistance and protection as a victim of trafficking.

**Stage #3. Formal identification process**

Formal identification is conducted by competent authorities tasked by law or procedure with victim identification. Competent authorities may include law enforcement, social services and, in some countries, NGOs. Formal identification may be based on verification of the information obtained as a result of the initial interview and other evidence. This should result in the person being entitled to more comprehensive assistance and protection services. It may also coincide with the investigation and prosecution of alleged traffickers.

If the presumed victim wishes to be formally identified, MDTs should refer the individual to relevant authorities to initiate this process, according to the existing legal and regulatory.

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42 These are described below in Section 5.5: Special issues in the assistance and referral of trafficked children.


44 The *Law on the Juvenile Criminal Justice System* (Number 11, Year 2012) came into effect in 2014.

45 In Indonesia, NGOs are not legally entitled to conduct formal identification of victims. This is a role reserved exclusively for state authorities.
framework. The process of formal victim identification and referral involves a number of stages as detailed in Diagram #9, below.

*Diagram #9. Process of formal identification of a trafficking victim*

**Step #1. Arrival of the witness victim and/or witness victim to authorities.**
This can occur through outreach, self-reporting (when a potential presumed victim approaches the PPT of his/her own initiative) or referral (interviews and observations done by a different service provider).

**Step #2. Interviews and observations.**
Interviews are carried out by a PPT officer when the victim/witness’ conditions allow based on a set of questions. Victims should be informed about the nature and potential consequences of the interview, their rights and entitlements.

**Step #3. Assessment of the victim’s needs.**
If the formal identification process results in the victim/witness being confirmed as such, the PPT officer shall assess the person’s needs in light of referral to available services. In case the formal identification process rejects the possibility that the person is a victim/witness of trafficking, the PPT officer shall nevertheless carry out a needs assessment and refer him/her to relevant service provider(s).

**Step #4.Recommendations for further services.**
These have to be formulated by the PPT officer based on the needs assessment (above) and in agreement with the victim/witness, who should be informed about his/her rights and the steps to follow.

**Step #5. Coordination and referral to further services and related parties.**
Following the recommendations for further services determined in agreement with the victim/witness, the PPT officer shall accompany the person to, and transfer responsibility over the service provider.

**Step #6. Administration of the identification process.**
The PPT officer shall enter each case into a computerized database system through filling in a “Case History Book” (along with supporting documents related to the victim - photographs, ID card, employment contract, report from interview etc.), a copy of which shall be given to the victim.

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During formal identification, the relevant authority will conduct the interview according to standardized identification forms prepared by Ministry of Women’s Empowerment and Child Protection. The relevant authority will complete the identification forms based on the information shared during this interview.

Identification forms are essentially the screening and intake forms that document the details of the victim’s experience that supports his/her formal identification as a trafficking victim. The purpose of the identification form is to guide the identifying staff in terms of questions to be asked during the identification process.

Information collected in the identification forms can also support referrals as the receiving institution may require clear information about the victim’s trafficking experience to be able to provide trafficking-specific services.

In the case of children, a parent, other primary caregiver or nominated guardian should be promptly involved upon the child’s arrival, in order to support the child throughout the process. In case of doubt concerning the age of a suspected victim of trafficking (in particular whether s/he is a child or a young adult), the person claiming or suspected to be under eighteen years should be treated as a child, pending further assessments and verification.

During each of the steps above, the principles and approaches underpinning the guidelines should be kept in mind and applied, in order to ensure the well-being and full respect of the fundamental rights to which trafficked persons are entitled. In particular, the assistance and protection needs of the presumed victim should be assessed and considered at each stage of the identification process. When someone shows indications of being a trafficking victim, they should be considered a “presumed trafficking victim” and treated accordingly, particularly in the provision of or referral for assistance and protection as outlined in the law and various policy documents.

### 4.3 The role of village-based multi-disciplinary teams in victim identification

A multi-disciplinary team (MDT) is a group established by the village administration to conduct preliminary identification and referral of presumed victims in the village. MDTs are comprised of different specialist institutions working in the village (e.g. medical staff, administrators, teachers, police) as well as other individuals who are active in the community and may encounter victims of trafficking in the village setting (e.g. NGOs, religious leaders, women’s organizations, youth groups).

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47 Each institution working on human trafficking has also prepared a specific identification form based on their tasks and function. However, these are adapted from the forms prepared by MoWECP and IOM. Please see: MoWECP & IOM (2011) Training Guide for assisting witnesses and/or victims of trafficking. Jakarta, Indonesia: MoWEC & IOM


50 Please see Section 7: Principles and approaches in victim identification and referral.


52 See Annex #1. Composition of the village-based of multi-disciplinary teams (MDTs) and selection criteria for MDT members.
Village-based MDTs (and the institutions/organizations they represent) are uniquely positioned to contribute to the identification of trafficking victims. More specifically they are critical frontline responders well positioned to conduct initial screening and assessment of victims who are living in their village/community.

The work of the MDTs is guided by various laws and regulations that call for the involvement of the community and village leadership in the prevention and handling of trafficking cases. For example, the Law Number 21, Year 2007 on the Eradication of the Criminal Act of Trafficking in Persons states: “The community shall participate in assisting in the prevention [of trafficking in persons] and the handling [of the treatment] of its victims” and this involvement “is manifested through the provision of information and/or lodging of reports on the occurrence of trafficking in persons to law enforcement organizations or authorized officials or participation in the treatment of victims of the criminal act of trafficking in persons”. Moreover, the law outlines the government’s obligation “to provide the widest possible access for community participation, both at the national and international levels in accordance with the prevailing legislations, laws and international customary norms” and the community’s entitlement “to receive protection of the law”. Community participation “is to be carried out in an accountable manner in accordance with the provisions of the law”.

The Ministry of Women’s Empowerment and Child Protection Handbook for Village Chiefs to Stop Trafficking, from 2010, call on community leaders to support victim identification and referral for assistance.

In addition, the Ministry of Women’s Empowerment and Child Protection Regulation Number 11, Year 2012 on Guidelines for Community-Based Prevention and Handling of Trafficking in Persons Crimes establishes the role of civil society and community as including:

- providing a support system for the recovery of victims of trafficking;
- disseminating information about the importance of prevention and handling of trafficking;
- building commitment in the community to oppose all forms of trafficking;
- establishing and/or strengthening information centers on trafficking at the village level;
- raising public awareness and establishing empowerment programs for victims (such as the entrepreneurship program for women);
- strengthening community support and assistance for victims of trafficking in the process of social reintegration to avoid social stigma;
- policy advocacy to ensure protection of victims of trafficking with human rights and gender perspective;
- establishing a referral system through networking, including with the Witness and Victim Protection Agency (LPSK).

As noted above, initial screening occurs when a presumed victim is first encountered as a result of observation, information provided from third person referrals or through self-identification (i.e. when trafficking victims identify themselves to frontline responders).

53 Law 21/2007, Article 60.
55 Law 21/2007, Article 63.
The MDT’s role is to consider whether a person might be a victim of trafficking (i.e. a “presumed trafficking victim”) and in need of initial assistance and protection.

If – from observation, conversation and contact – it is believed that a person may be a victim of trafficking, MDT members should clearly explain to her/him the formal identification procedure – including what formal identification is as well as the benefits and risks of being identified as a trafficking victim and the assistance options available (including as a VoT or other avenues for assistance).

**Table #2. Benefits and risks of formal identification as a trafficking victim**

<table>
<thead>
<tr>
<th>Benefits of being identified as a trafficking victim</th>
<th>Potential risks of being identified as a trafficking victim</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Access to assistance and services as a trafficking victim</td>
<td>• Required to stay in a shelter while assisted</td>
</tr>
<tr>
<td>• Potential opportunity to pursue a criminal justice case against one’s trafficker</td>
<td>• Encouraged or pressured to be involved in a legal case</td>
</tr>
<tr>
<td>• To prevent further exploitation or abuse of the victim</td>
<td>• The trafficking status of the victim is known by the family and/or community</td>
</tr>
<tr>
<td>• Recognition that s/he was a victim of crime and not responsible for his/her trafficking</td>
<td>• Expectations from the family that the victim will get assistance</td>
</tr>
<tr>
<td>• Potential opportunity to claim compensation or restitution</td>
<td>• Threat or reprisal from trafficker; anxiety and fear of the traffickers</td>
</tr>
<tr>
<td></td>
<td>• Jealousy from neighbors when the victim receives assistance</td>
</tr>
<tr>
<td></td>
<td>• Cost of travel to and from the authorities as part of formal identification process</td>
</tr>
</tbody>
</table>

In terms of the role of the MDT, this varies in relation to the different stages of identification explained above. In particular, they should:

- Be directly involved in the first stage (initial screening/assessment) and play a proactive role in identifying presumed victims at the community level;
- Be knowledgeable of the second stage (initial/preliminary interview) and be able to explain it and to appropriately accompany victims who wish to be formally identified;
- Be knowledgeable of and able to explain about the formal identification process to presumed victims (third stage).

Presumed victims of trafficking may be in danger or in need of urgent assistance. Ensuring their immediate safety and general well-being is the key priority at the point of first contact with multi-disciplinary team members. Presumed trafficking victims must be referred for assistance and protection, to support their immediate stabilization/recovery and prevent further harm or risk. This referral for assistance should only occur with the presumed victim’s full and informed consent. It is also important to respect the presumed victim’s privacy and ensure confidentiality in the handling of his/her case.58

In relation to the identification of child victims of trafficking, specialized child service providers should be promptly involved in the process.59 At times, children may not appear to be children and/or may lie about (or have been instructed to lie about) their age. When the age of the presumed victim is uncertain and it is unclear whether s/he is a child or a young

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59 See Section 5.5: Special issues in the assistance and referral of trafficked children.
adulthood, the person should be considered and treated as a child, in accordance with the United Nations Convention on the Rights of the Child (CRC). Similarly, where a child may be a victim of trafficking, he/she should be presumed to be a victim until another determination can be made.

The role of village-based MDTs is to perform the initial screening/assessment of presumed trafficking victims, toward formal identification. More specifically, the role of the MDT is:

- To perform the initial screening/assessment of a presumed trafficking victim (that is, conduct the first step in the identification process of a presumed victim).
- To inform the presumed victim about their potential status as a trafficking victim (including why this may be the case) and offer them the option of referral for formal identification and assistance.
- To inform the presumed victim of the process for formal status determination as well as the rights and responsibilities involved with this process.
- To refer presumed victims of trafficking to authorities for formal identification, with the informed consent of presumed victims.
- To assess the needs of the presumed trafficking victim and inform them about their rights and the assistance available to him/her as a VoT.
- To identify relevant assistance opportunities for presumed trafficking victims and assist them in accessing the needed services (locally and at a district, provincial or national level), with his/her informed consent.
- To trigger relevant child protection measures for presumed child victims of trafficking.
- To inform presumed trafficking victims about the criminal justice process, including opportunities to initiate legal proceedings.
- To support presumed trafficking victims when reporting their case to the authorities.
- To support enhanced coordination between frontline responders at the village and district/sub-district level.
- To undertake all activities respecting the code of conduct, implement the principles of handling victims of trafficking and in adherence with the current legal framework.

### 4.4 Indicators of trafficking

Indicators are signs or signals that a person may be a victim of trafficking. Indicators of human trafficking help different stakeholders – like those represented on the multi-disciplinary teams – to identify potential signals of human trafficking.

Indicators may be general in nature (for example, revealing signs of exploitation or of control by traffickers) and relate to various aspects of the trafficking situation (for example, the means used by traffickers to ensure the victim’s compliance). They may also relate to a particular form of exploitation (for example, sexual or labor exploitation). Some indicators apply to both adults and children, whereas others are specific to children (for example, the child being involved in a type of work unsuitable for his/her age). It is important for indicators to be tailored to the specific context in which identification of trafficked persons is to take place.

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61 See Section 5.5: Special issues in the assistance and referral of trafficked children.
62 See Section 7: Principles and approaches in victim identification and referral.
63 The MDT may also play a role in increasing public awareness in the village about the dangers of human trafficking.
Indicators offer critical guidance in the initial screening/assessment process but they must be applied with some care and caution. The presence of indicators does not mean that human trafficking has been firmly established but rather should lead to further inquiry and investigation of the individual’s situation and experience. Equally, the absence of indicators does not mean that the individual is not a trafficking victim.\textsuperscript{64} Indicators reflect commonly understood patterns of trafficking and there will always be exceptions, which means that adjustments will be needed to specific circumstances and trafficking experiences and additional indicators may also be needed. In addition, indicators should be considered cumulatively when making a determination,\textsuperscript{65} meaning that the presence of many indicators is a stronger indication of the possibility of human trafficking.

It is also important that lists of indicators are accompanied with guidance (for example, training, guidelines, handbooks) on how to understand and apply indicators (including on weighing each indicator). Indicators will also need to be regularly assessed and revised to accurately reflect new information and trends concerning the various forms of exploitation being suffered by victims (e.g. trafficking for sexual exploitation, labor exploitation, trafficking in many fields of work) as well as the many profiles of trafficking (men, women, children). Finally, profiling presumed victims should not lead to unsubstantiated generalizations and discriminatory attitudes and practices towards certain groups of the population.

A list of initial indicators tailored to the current context in which the MDTs will work has been developed as part of these guidelines and is outlined in Annex #4: Indicators of trafficking (for different forms of TIP). Because the MDTs conduct the initial screening/assessment and referral, these indicators relate primarily to visual and other signs that could emerge during preliminary observations whose presence (and severity) should point to the likelihood for the person to be a victim of trafficking.

Moreover, as it is most likely for the MDTs to reach out to victims when exploitation has already ceased, indicators are conceived accordingly and do not include, for example, signs of current control or surveillance by traffickers, very poor job conditions and so on. Finally, the forms of exploitation covered are sexual and labor exploitation, based on the profiles of victims of trafficking identified in the area where MDTs will work.

\textbf{4.5 Special issues in the identification of trafficked children}

The impact of trafficking and related exploitation on child victims is potentially even more severe, in consideration of a child’s stage of physical and psychological development and evolving capacities. Therefore, rapid identification and referral of the child to appropriate protection and assistance is of paramount importance in ensuring her/his well-being and recovery. And yet several obstacles hinder the identification of child victims of trafficking in practice. While many obstacles are common to both adults and children, some barriers are specific (or stronger) in the case of child victims:

- Children are generally more vulnerable to the use of force, deception or manipulation by traffickers, although this varies according to their age and maturity as well as on their personal, family and social background,

• Children may be less aware of their rights and of the abuses that infringe upon these during the trafficking process.
• Children generally have more limited information about where to turn to in order to seek help.
• Being aware of the stricter regulations that in many countries apply to the abuse, violence and exploitation perpetrated against children, traffickers may keep child victims under stricter control and in more hidden locations.

All of these circumstances add difficulties and barriers in the initial identification of children as presumed victims of trafficking and have to be taken into consideration when coming into contact with a presumed child victim.

One specific challenge that may arise during the identification of child victims of trafficking relates to the identification of children as such (that is, as aged below eighteen).66 Particularly in the context of separated or unaccompanied children, the age of a presumed trafficked child may be questioned. Indeed, some children may have had lost their identity documents or had them confiscated during the trafficking process. Some may have never had their birth registered and, therefore, may never have had valid documents to prove their identity and chronological age. Children may also be made to believe by their traffickers that they should state that they are adults (or are obliged to do so). In line with a rights-based approach to trafficking, child victims are entitled to special protection measures, both as trafficking victims and as children. Being identified as a child is the entry door for accessing a wide range of fundamental rights and protection measures to which trafficked children are entitled because of their age. Moreover, misidentification of children as such in the context of trafficking prevents the determining of the severity of the penalty incurred by the traffickers.

In case well-founded doubts about the person’s age arise, an age assessment should be carried out in adherence with child rights and good practice standards. In cases of doubt, the person claiming or suspected to be under eighteen years should be treated as a child.67 If an age assessment procedure is thought to be necessary, this must be undertaken with the primary aim of fulfilling the best interests of the presumed child.

If triggered, the age assessment procedure is outside the remit of the village-based MDTs and it is, therefore, not dealt with in details in these guidelines.68

Identifying children as being separated from their parents (or other primary caregivers) is of fundamental importance, particularly in the context of trafficking. Children deprived of family care are entitled to special protection and assistance.69 Therefore, as part of the process aimed to identify trafficked children, it is important to assess whether a child who is suspected to be trafficked is also deprived of parental care.

If based on observation, allegations and/or the child’s behavior during initial contacts, there is suspicion that a child may be trafficked, the MDTs should immediately involve the child’s parents (or other primary caregiver).70 If s/he is not present, or in case s/he is suspected to be involved in the trafficking of the child, an independent and qualified guardian should be

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appointed. The child should be referred to the relevant authorities for initial/preliminary interview with the informed consent of his/her parent/primary caregiver or guardian.

In the case of children deprived of parental care, the identification process should be embedded in a broader, more comprehensive process aimed to determine their best interests. The child should be referred to appropriate child protection services, including immediate care and protection, access to health care and education, social and legal assistance.
5. Assistance and referral of victims of trafficking

Once the person is formally identified by relevant authorities as a trafficking victim, he or she will receive either a referral letter (surat rujukan) or a recommendation letter (surat rekomendasi) to receive assistance.

A referral letter (surat rujukan). A referral letter is issued by the first institution that identifies the trafficking victim (e.g. the police, the district level bureau of social affairs, P2TP2A, PPT). Once a victim is identified he or she should be offered assistance. If the needed assistance is not available through the identifying institution, the victim should be referred to the relevant institution for assistance; the referral letter facilitates this referral process. The identifying institution will draft the referral letter, which lists the personal detail of the victim and the issue/violation suffered, the name of the referring institution and the services required by the victim for which he or she is being referred. The referral letter should then be sent directly to the service provider to which the victim is being referred, to facilitate the victim in accessing assistance. A referral letter may also be given to the victim to support him or in seeking out assistance from various institutions. He or she may take the referral letter to various service providers to support their request for assistance. In the event that first institution does not provide the trafficking victim a referral letter, staff of this institution will accompany the victim in seeking out assistance from various institutions.

A recommendation letter (surat rekomendasi). A recommendation letter is similar to a referral letter but without the same level of information. The recommendation letter states that the individual has been formally identified as a victim of trafficking and is in need of services. The recommendation letter is intended to convince the receiving institution that the individual/victim should receive the needed services from the institution given his or her status as a trafficking victim. Recommendation letters are issued by the bureau of social affairs at the district level (Dinsos) and a victim can use this letter to access services and assistance from various institutions.

If a trafficking victim has been formally identified and has not received the needed referral tools (i.e. referral letter or recommendation letter), the victim should request these from the state institution that identified him or her. If he or she is unable to receive a referral letter or recommendation letter, s/he can contact a police officer or staff of the district level Social Bureau. In some districts, a formal referral or recommendation letter is not provided but instead the victim is assisted/accompanied by the staff of P2TP2A or the police to refer them to get assistance needed from relevant service providers. Victims may also be assisted by NGOs to access services and support.

With this formal documentation, a trafficking victim can access different types of government assistance for victims of trafficking and victim/witnesses. Please see Table #3 and Table #4 below for more details about the different types of assistance available to victims of trafficking and victim/witnesses.
Under the Indonesia trafficking law and related regulations, there are various forms of assistance that are specifically designed to support victims of trafficking. This includes medical and social assistance, support for return and social integration, interim care and protection and access to compensation. Additional assistance is available to those trafficking victims who also serve as a victim/witness including special protection from the police, legal assistance and access to restitution through legal proceedings. The provision of all assistance is based on each victim’s individual needs and condition, as outlined in the Law Number 21, Year 2007 on the Eradication of the Criminal Act of Trafficking in Persons. To receive assistance, a trafficking victim can go to the PPT or P2TP2A to request assistance or referral for assistance. There are also non-governmental organizations (NGOs) and civil society organizations that may be able to provide various forms of assistance for victims of trafficking. Please see Annex #6: List of services in West Java and Jakarta. There is no time limitation in terms of accessing assistance as long as the individual has been identified as a trafficking victim by the relevant authorities.

In addition to assistance for trafficking victims, there are other forms of social assistance and protection available to returned migrant workers as well as generally to the population or to persons who are socially or economically vulnerable. Please see Table #5 and Table #6 below. Some general social assistance may be available within the village/community where the individual is living. Some other assistance may be accessed at the sub-district, district or national level. Please see Annex #6: List of services in West Java and Jakarta.

Overall, there is a range of existing government services and programs that trafficking victims may access to meet their recovery and reintegration needs. Some of this assistance is available to returned migrant workers while some is assistance intended for the socially or economically vulnerable and some assistance is available to all Indonesian citizens. In addition, child victims of trafficking should access all assistance measures envisaged as part of the existing child protection system. MDTs have an important role to play in informing victims of trafficking about the different forms of assistance that they may be eligible for and how to access this assistance.

*Diagram #10. Different types of assistance that trafficking victims may access*
5.1 Assistance for trafficking victims

The Law Number 21, Year 2007 on the Eradication of the Criminal Act of Trafficking in Persons affords different forms of assistance to trafficking victims, including:

- medical rehabilitation (Article 51);
- social rehabilitation, including psychological support, counseling (Article 51);
- return assistance (Article 51);
- social reintegration (Article 51);
- temporary shelter (Articles 46 and 52);
- protection of the individual’s identity and privacy (Article 44);
- access to restitution (Article 48).

In addition, assistance is outlined in various government regulations as follows:

- **Coordinating Minister for People’s Welfare Regulation Number 2, Year 2016 on the National Action Plan 2015 to 2019 for Combating Human Trafficking** provides for “social rehabilitation” and also mandates the Ministry of Social Affairs to provide some short-term services at the Protection Home for Women (RPSW) and Protection Home and Trauma Center (RPTC).

- **Regulation Number 9, Year 2008 on Procedures and Mechanism of Recovery Services for Witnesses and/or Victims of Trafficking** and the Regulation Number 22, Year 2010 Standard Operating Procedures for Integrated Services for Witnesses

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**Box #7. Different assistance and services available from the government**

- Assistance for trafficking victims
- Assistance for trafficking victim/witnesses
- Assistance for migrant workers
- Social assistance, including for the socially vulnerable, victims of violence and child protection

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71 According to the Law on Social Welfare (Number 11, Year 2009) Article 7 lays out the specifics of “social rehabilitation”, which is “intended to recover and develop the ability of a person who has a social dysfunction in order to carry out his/her social function naturally” and which can be provided within the family, society and/or social institution. Under this law, “social rehabilitation” includes: motivation and psychosocial diagnosis; treatment and care; vocational training and entrepreneurship coaching; mental and spiritual guidance; physical guidance; social guidance and psychosocial counseling; accessibility of services; assistance and social assistance; re-socialization guidance; further guidance; and/or referral.
and/or Victims of Human Trafficking provide for health and social rehabilitation, return, social reintegration and legal assistance from an Integrated Service Center (PPT) operating at both the national and local levels.

- **Minister of Women’s Empowerment and Child Protection (MoWECP) Regulation Number 6, Year 2015 of the on the System of Women’s Empowerment and Child Protection** provides for free of charge services including counseling, psychosocial care, advocacy, legal advice, referral for medical services and temporary shelter from a MoWECP Integrated Service Center (P2TP2A).

- **Minister of Social Affairs Number 102, Year 2007 on the Establishment and Services Operation of the Protection Home and Trauma Center (RPTC) and the Standard Operating Procedures on Biopsychosocial Rehabilitation in Protection Home and Trauma Center (RPTC)** provide for food, clothing and shelter; assistance at the local clinic (puskesmas) or hospital; psychological support and counseling services; some forms of education and life skills; home visits (including home visits after returned to the area of origin to ensure the victim receives needed services), external case conferences and follow-up through the House of Protection and Trauma Centers (RPTC).

The main forms of assistance available to VoTs are detailed in the table below. This assistance is available only to victims who have been formally identified as a trafficking victim, in accordance with the steps outlined in the **Standard Operating Procedures (SOP) for Integrated Services for Witnesses and/or Victims of Human Trafficking.**

Receiving trafficking-specific services/assistance may require that victims submit identity documents. However, many victims do not have identity personal documents after trafficking because their documents may have been lost, destroyed, or taken by their “employer”. Some victims may not have identity documents also due to lack of birth registration. To process new documents, the trafficking victim should contact the P2TP2A or the police.

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72 See above Section 4.3: The role of village-based multi-disciplinary teams in victim identification.
<table>
<thead>
<tr>
<th>Form of assistance</th>
<th>Program/Where to go?</th>
<th>Who provides this assistance?</th>
<th>What assistance is provided?</th>
<th>Who is eligible?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Temporary shelter</strong></td>
<td><strong>P2TP2A</strong> Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak (Integrated Service Center for Women and Children)</td>
<td>Ministry of Women’s Empowerment and Child Protection (MoWECP) or Bureau of Women’s Empowerment (Badan Pemberdayaan Perempuan)</td>
<td>Temporary shelter (If the P2TP2A does not have shelter for men, they can refer male victims to a shelter that is managed by their working partners)</td>
<td>Men, women and children who are victims of trafficking</td>
</tr>
<tr>
<td></td>
<td><strong>RPTC</strong> Rumah Perlindungan Trauma Center (House of Protection and Trauma Center)</td>
<td>Ministry of Social Affairs, Department of Social Affairs at the district level</td>
<td>Temporary shelter</td>
<td>Men and women who are victims of trafficking</td>
</tr>
<tr>
<td></td>
<td><strong>RPSW</strong> Rumah Perlindungan Sosial Wanita (Social Protection Home for Women)</td>
<td>Ministry of Social Affairs, Department of Social Affairs at the district level</td>
<td>Temporary shelter</td>
<td>Women who have been sexually exploited</td>
</tr>
<tr>
<td></td>
<td><strong>RPSA</strong> Rumah Perlindungan Sosial Anak (Social Protection Home for Children)</td>
<td>Ministry of Social Affairs, Department of Social Affairs at the district level</td>
<td>Temporary shelter</td>
<td>Children who are victims of trafficking</td>
</tr>
<tr>
<td><strong>Medical assistance</strong></td>
<td><strong>P2TP2A</strong> Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak (Integrated Service Center for Women and Children)</td>
<td>Ministry of Women’s Empowerment and Child Protection (MoWECP) or Bureau of Women’s Empowerment (Badan Pemberdayaan Perempuan)</td>
<td>Medical care and treatment for injuries or illness due to violence (either outpatient, inpatient) and through referrals to hospitals and health centers (Puskesmas)</td>
<td>Men, women and children who are victims of trafficking</td>
</tr>
<tr>
<td></td>
<td><strong>PPT at RS Bhayangkara</strong> Pusat Pelayanan Terpadu Rumah Sakit Bhayangkara (Integrated Service Center at the Police Hospital)</td>
<td>Police</td>
<td>Hospital-based medical care and treatment (at 42 hospitals in Indonesia)</td>
<td>Men, women and children who are victims of trafficking</td>
</tr>
<tr>
<td></td>
<td><strong>PPT at RSUD</strong> Pusat Pelayanan Terpadu Rumah Sakit Umum Daerah (Integrated Service Center at the Government Public Hospital)</td>
<td>Province/District Government</td>
<td>Hospital-based medical care and treatment (at 31 hospitals in Indonesia)</td>
<td>Men, women and children who are victims of trafficking</td>
</tr>
</tbody>
</table>
| **PPT at KKP**  
*Pusat Pelayanan Terpadu Kantor Kesehatan Pelabuhan* (Integrated Service Center at the Port Health Office) | Ministry of Health | Medical care and treatment (at 17 port-based health offices in Indonesia) | Men, women and children who are victims of trafficking |
|---|---|---|---|
| **RPTC**  
*Rumah Perlindungan Trauma Center* (House of Protection and Trauma Center) | Ministry of Social Affairs, Department of Social Affairs at the district level | Referrals to the local clinic (*puskesmas*) or hospital and/or some forms of medical care, such as basic checkups | Men and women who are victims of trafficking |
| **RPSW**  
*Rumah Perlindungan Sosial Wanita* (Social Protection Home for Women) | Ministry of Social Affairs, Department of Social Affairs at the district level | Referrals to the local clinic (*puskesmas*) or hospital and/or some forms of medical care | Women who have been sexually exploited |
| **RPSA**  
*Rumah Perlindungan Sosial Anak* (Social Protection Home for Children) | Ministry of Social Affairs, Department of Social Affairs at the district level | Referrals to the local clinic (*puskesmas*) or hospital and/or some forms of medical care | Children who are victims of trafficking |

### Psychological support and counseling

| **P2TP2A**  
*Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak* (Integrated Service Center for Women and Children) | Ministry of Women’s Empowerment and Child Protection (MoWEC) or Bureau of Women’s Empowerment | Some forms of psychological support and counseling | Men, women and children who are victims of trafficking |
|---|---|---|---|
| **PPT**  
*Pusat Pelayanan Terpadu* (Integrated Service Center) | Ministry of Health | Some forms of psychological support and counseling | Men, women and children who are victims of trafficking |
| **RPTC**  
*Rumah Perlindungan Trauma Center* (House of Protection and Trauma Center) | Ministry of Social Affairs, Department of Social Affairs at the district level | Psychological support and counseling services, including: psychiatric services, referrals to relevant institutions, counseling, trauma healing, psychotherapy counseling, and spiritual counseling | Men and women who are victims of trafficking |
| **RPSW**  
*Rumah Perlindungan Sosial Wanita* (Social Protection Home for Women) | Ministry of Social Affairs, Department of Social Affairs at the district level | Referrals to the local clinic (*puskesmas*) or hospital and/or some forms of psychological support | Women who have been sexually exploited |
| **RPSA**  
*Rumah Perlindungan Sosial Anak* (Social Protection Home for Children) | Ministry of Social Affairs, Department of Social Affairs at the district level | Referrals to the local clinic (*puskesmas*) or hospital and/or some forms of psychological support | Children who are victims of trafficking |
| **Life skills support** | **RPTC**  
*Rumah Perlindungan Trauma Center* (House of Protection and Trauma Center) | Ministry of Social Affairs, Department of Social Affairs at the district level | Life skills support, including: social life skills training, opportunities to join social conversation groups, self help groups, recreational activities, support groups, educational groups and problem solving/decision-making groups | Men and women who are victims of trafficking |
| --- | --- | --- | --- | --- |
| **RPSW**  
*Rumah Perlindungan Sosial Wanita* (Social Protection Home for Women) | Ministry of Social Affairs, Department of Social Affairs at the district level | Life skills support, including: social life skills training, some vocational training, education on personal health. | Women who have been sexually exploited |
| **Small business grant or loan** | **PEBA**  
Productive Economic Business Assistance *(UEP - Usaha Ekonomi Produktif)* | Ministry of Social Affairs | Individual financial assistance for starting a business | Men and women who are victims of trafficking |
| **Training and Assistance Program** *(Pelatihan dan Pendampingan Korban Trafficking)* | Ministry of Social Affairs (through its Social Rehabilitation Directorate) | Assistance to set up a small business | Women who are victims of trafficking |
| **Legal assistance** | **P2TP2A**  
*Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak* (Integrated Service Center for Women and Children) | Ministry of Women’s Empowerment and Child Protection (MoWECP) | Legal consultation, legal assistance from a lawyer from P2TP2A or through referrals to their working partners | Men, women and children who are victims of trafficking |
| **Civil/administrative support** | Village Administration Office or Sub District Administration Office or the nearest Office of Population and Civil Registration *(Dinas Kependudukan dan Catatan Sipil)* | Ministry of Home Affairs | Processing personal identity documents | Men, women and children who are victims of trafficking |
| **Protection** | **UPPA**  
*Unit Perlindungan Perempuan dan Anak* (Women and Children Protection Unit) | Police office at district level tasked with handling criminal cases that involve women and children | Receive trafficking cases, offer protection and make referrals for assistance | Women and children who are victims of trafficking |
5.2 Assistance to Trafficking Victims as Victim/Witnesses

Some trafficking victims may decide to participate in or bring a legal case against their trafficker(s). If a trafficking victim participates in criminal justice proceedings as a victim/witness against a trafficker, the Law Number 21, Year 2007 on the Eradication of the Criminal Act of Trafficking in Persons guarantees the following additional forms of help:

- restitution (Article 48);
- protection by the police before, during and after a trial (Article 47).\(^3\)

Additionally, for victim/witnesses who receive services from the PPT, the Regulation Number 22, Year 2010 Standard Operating Procedures for Integrated Services for Witnesses and/or Victims of Human Trafficking provide that assistance and protection to victim/witnesses should also include:

- referral for protection by the police or Institute for Victim and Witness Protection (LPSK);
- a lawyer or legal advocate to accompany the victim/witness at every stage of the case;
- a translator and information in a language s/he understands.

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\(^3\) Article Article 47 states that "In the event a witness and/or victim and their families receive threats which pose a risk to their wellbeing, lives, and/or assets, the Indonesian National Police is obligated to provide protection before, during, and after the court trial". Additionally, Law 21/2007 provides safeguards to victim/witnesses during legal proceedings, including: confidentiality and privacy during criminal justice proceedings (Article 33); the right to testify in court using audio/video communication (Article 34); the right to be accompanied by legal counsel at every stage of the case (Article 35); the right to information regarding the case (Article 36); the right to give testimony without the trafficker(s) present, upon request for adults (Article 37) and in all cases for children (Article 39); legal proceedings considering the best interests of the child if the victim is a child (Article 38); and for children (under age 18) the right to be accompanied by a parent, guardian or other support person at all stages of the case (Article 39).
<table>
<thead>
<tr>
<th>Form of assistance</th>
<th>Program/Where to go?</th>
<th>Who provides this assistance?</th>
<th>What assistance is provided?</th>
<th>Who is eligible?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal assistance</td>
<td>P2TP2A <em>Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak</em> (Integrated Service Center for Women and Children)</td>
<td>Ministry of Women’s Empowerment and Child Protection (MoWECP)</td>
<td>Legal assistance and administrative support (preparing supporting documents such as referral letters and the available evidence such a passport/photocopy, receipts of payment, air ticket receipts, payroll slips, letters of employment contract, etc.) before and during criminal justice proceedings</td>
<td>Men, women and children who are victims of trafficking</td>
</tr>
<tr>
<td>Protection</td>
<td>UPPA <em>Unit Perlindungan Perempuan dan Anak</em> (Women and Children Protection Unit)</td>
<td>Police office at district level tasked with handling criminal cases that involve women and children</td>
<td>Receive trafficking cases, provide protection, conduct investigations and make referrals for assistance</td>
<td>Women and children who are victims of trafficking</td>
</tr>
<tr>
<td></td>
<td>LPSK <em>Lembaga Perlindungan Saksi dan Korban</em> (Institute for the Protection of Witnesses and Victims)</td>
<td>LPSK <em>Lembaga Perlindungan Saksi dan Korban</em> (Institute for the Protection of Witnesses and Victims)</td>
<td>Legal assistance and physical protection (including providing temporary shelter) to victim/witnesses involved in criminal justice proceedings</td>
<td>Men, women and children who are victim/witnesses in criminal justice proceedings</td>
</tr>
</tbody>
</table>
5.3 Assistance Available to Returned Migrant Workers

Trafficking victims who are returned migrant workers are eligible to access services and support under the laws and regulations that have been implemented to protect and assist migrant workers (Pekerja Migran Indonesia).

Law Number 18, Year 2017 on the Protection of Indonesian Migrant Workers, regulates the protection of migrant workers after their return to Indonesia. Article 24 stipulates that this protection includes:

- repatriating the migrant worker to his/her area of origin;
- ensuring any rights that have not been fulfilled;
- medical care for sick and ailing migrant workers;
- social rehabilitation and social reintegration;
- empowerment of migrant workers and their families.

Article 34 requires the government to provide social protection and social reintegration for Indonesian migrant workers through providing skills-building services to migrant workers and their families. Article 35 further requires the government to provide economic protection to migrant workers through providing remittances, financial education and entrepreneurship education.

In addition, the Regulation Number 22, Year 2013 regarding the Repatriation of Migrant Workers Who Encounter Problems requires authorities (i.e. governors/regents/mayors) to form task forces that are operational at entry points where migrant workers return to Indonesia. These task forces – Santuan Tugas (SATGAS) – are required to accept and register exploited migrant workers or migrant workers who have experienced problems (TKIB) and to provide assistance in the form of:

- temporary shelter (and meals)
- medical care

Box #9. Different assistance and services available from the government

- Assistance for trafficking victims
- Assistance for trafficking victim/witnesses
- **Assistance for migrant workers**
- Social assistance, including for the socially vulnerable, victims of violence and child protection
psychological counseling (at the shelter)

ensuring the migrant worker’s security during arrival, stay, transportation and return

repatriating the migrant worker to his/her area of origin

providing letters to facilitate the migrant worker’s return.

Additional regulations and guidelines (including the Standard Operating Procedures for the RPTC, discussed above) further develop and strengthen the framework for assistance to returned migrant workers (which can include trafficking victims). This includes the recently enacted Regulation on Emergency Assistance to TKIB (Number 2, Year 2015), which provides cash assistance (5,000,000 IDR to 20,000,000 IDR) from BNP2TKI to migrant workers who have encountered problems.
Table #5. Government assistance available to returned migrant workers

<table>
<thead>
<tr>
<th>Form of assistance</th>
<th>Program/Where to go?</th>
<th>Who provides this assistance?</th>
<th>What assistance is provided?</th>
<th>Who is eligible?</th>
</tr>
</thead>
</table>
| Temporary shelter                  | RPTC  
*Rumah Perlindungan Trauma Center* (House of Protection and Trauma Center)  
LPSK  
*Lembaga Perlindungan Saksi dan Korban* (Institute for the Protection of Witnesses and Victims)  
SATGAS  
*Satuan Tugas TKIB* (Entry Point Task Force) | Ministry of Social Affairs,  
Department of Social Affairs at the district level  
LPSK  
*Lembaga Perlindungan Saksi dan Korban* (Institute for the Protection of Witnesses and Victims)  
Formed by governors/regents/mayors and operational at entry points where migrant workers return to Indonesia | Temporary shelter  
Temporary shelter and meals  
Medical care while staying in the temporary shelter | Returned migrant workers  
Returned migrant workers who have been exploited or who have faced problems  
Returned migrant workers who have been exploited or who have faced problems |
| Medical assistance                 | RPTC  
*Rumah Perlindungan Trauma Center* (House of Protection and Trauma Center)  
SATGAS  
*Satuan Tugas TKIB* (Entry Point Task Force) | Ministry of Social Affairs,  
Department of Social Affairs at the district level  
Formed by governors/regents/mayors and operational at entry points where migrant workers return to Indonesia | Referrals to the local clinic (*puskesmas*) or hospital and/or some forms of medical care (such as basic checkups)  
Medical care while staying in the temporary shelter | Returned migrant workers  
Returned migrant workers who have been exploited or who have faced problems  
Returned migrant workers who have been exploited or who have faced problems |
| Psychological support and counseling | RPTC  
*Rumah Perlindungan Trauma Center* (House of Protection and Trauma Center) | Ministry of Social Affairs,  
Department of Social Affairs at the district level | Psychological support and counseling services, including: psychiatric services, referrals to relevant institutions, counseling, trauma healing, psychotherapy counseling, and spiritual counseling. The services are available to adults (females and males) | Returned migrant workers |
<table>
<thead>
<tr>
<th>SATGAS SATuan Tugas TKIB (Entry Point Task Force)</th>
<th>Formed by governors/regents/mayors and operational at entry points where migrant workers return to Indonesia</th>
<th>Psychological counseling while staying in the temporary shelter</th>
<th>Returned migrant workers who have been exploited or who have faced problems</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Life skills support</strong></td>
<td><strong>RTLC Rumah Perlindungan Trauma Center (House of Protection and Trauma Center)</strong></td>
<td>Ministry of Social Affairs, Department of Social Affairs at the district level</td>
<td>Life skills, including: social life skills training, opportunities to join social conversation groups, self help groups, recreational activities, support groups, educational groups and problem solving/decision-making groups</td>
</tr>
<tr>
<td><strong>Small business grant or loan</strong></td>
<td><strong>PEBA Productive Economic Business Assistance (UEP - Usaha Ekonomi Produktif)</strong></td>
<td>Ministry of Social Affairs, Department of Social Affairs at the district level</td>
<td>Individual financial assistance to start a business</td>
</tr>
<tr>
<td><strong>Small cash assistance</strong></td>
<td><strong>GEBA or KUBE GEBA - Group Economic Business Assistance or KUBE – Kelompok Usaha Bersama</strong></td>
<td>Ministry of Social Affairs, Department of Social Affairs at the district level</td>
<td>Group financial assistance to start a business</td>
</tr>
<tr>
<td><strong>Emergency assistance for TKIB (Indonesia migrant workers who encounter problems)</strong></td>
<td><strong>BNP2TKI Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia di Luar Negeri (National Agency for Placement and Protection of Indonesian Migrant Workers)</strong></td>
<td>Emergency financial assistance (cash) from 5 million IDR to 20 million IDR</td>
<td>Returned migrant workers who have been exploited or who have faced problems</td>
</tr>
<tr>
<td><strong>Legal assistance</strong></td>
<td><strong>BNP2TKI Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia di Luar Negeri (National Agency for Placement and Protection of Indonesian Migrant Workers)</strong></td>
<td>Crisis Center and a hotline, which migrant workers can contact about any violations of their rights</td>
<td>Returned migrant workers</td>
</tr>
<tr>
<td>Agency for Placement and Protection of Indonesian Migrant Workers</td>
<td>(National Agency for Placement and Protection of Indonesian Migrant Workers)</td>
<td>Ministry of Employment</td>
<td>(National Agency for Placement and Protection of Indonesian Migrant Workers)</td>
</tr>
<tr>
<td>Direktorat Penempatan dan Perlindungan Tenaga Kerja Luar Negeri (Directorat of the Placement and Protection of Overseas Workers)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SATGAS Satuan Tugas TKIB (Entry Point Task Force)</td>
<td>Formed by governors/regents/mayors and operational at entry points where migrant workers return to Indonesia</td>
<td>Repatriation to the province or region of origin and letters to facilitate the migrant worker’s return</td>
<td>Returned migrant workers who have been exploited or who have faced problems</td>
</tr>
<tr>
<td>Protection</td>
<td>SATGAS Satuan Tugas TKIB (Entry Point Task Force)</td>
<td>Formed by governors/regents/mayors and operational at entry points where migrant workers return to Indonesia</td>
<td>Assurance of the migrant worker’s security during arrival, stay, transportation and the return process</td>
</tr>
</tbody>
</table>
5.4 Social assistance, including for socially vulnerable persons, victims of violence and child protection

Trafficking victims and presumed trafficking victims should be able to access the assistance and support that the government provides to citizens generally as well as some programs for poor or socially vulnerable persons. Many of the services for poor or socially vulnerable persons in Indonesia are managed through the Team for Accelerating Poverty Reduction (TNP2K).

For individuals who have been victims of violence, there are additional government programs that may be accessible, including housing, medical care and psychological support and counseling.

In the case of child victims of trafficking, there are different forms of assistance that may be accessible in the framework of child protection. These include programs related to education, vocational training and social welfare support.

Box #10. Different assistance and services available from the government

- Assistance for trafficking victims
- Assistance for trafficking victim/witnesses
- Assistance for migrant workers
- Social assistance, including for the socially vulnerable, victims of violence and child protection
<table>
<thead>
<tr>
<th>Form of assistance</th>
<th>Program/Where to go</th>
<th>Who provides this assistance?</th>
<th>What assistance is provided?</th>
<th>Who is eligible?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Housing</strong></td>
<td><strong>Rutilahu</strong></td>
<td>Tim Nasional Percepatan Penanggulangan Kemiskinan (Team for Accelerating Poverty Reduction) (TNP2K)</td>
<td>Financial assistance for renovating homes that are deemed uninhabitable</td>
<td>Men and women who have uninhabitable homes</td>
</tr>
<tr>
<td></td>
<td><strong>RPTC</strong></td>
<td>Ministry of Social Affairs, Department of Social Affairs at the district level</td>
<td>Temporary shelter</td>
<td>Men and women who are victims of violence</td>
</tr>
<tr>
<td></td>
<td><strong>RPSA</strong></td>
<td>Ministry of Social Affairs, Department of Social Affairs at the district level</td>
<td>Temporary shelter</td>
<td>Children who are victims of violence</td>
</tr>
<tr>
<td></td>
<td><strong>P2TP2A</strong></td>
<td>Ministry of Women’s Empowerment and Child Protection (MoWECP)</td>
<td>Temporary shelter</td>
<td>Men, women and children who are victims of violence</td>
</tr>
<tr>
<td></td>
<td><strong>LPSK</strong></td>
<td>LPSK Lembaga Perlindungan Saksi dan Korban (Institute for the Protection of Witnesses and Victims)</td>
<td>Temporary shelter</td>
<td>Victim/witnesses who need shelter during investigation, prosecution and trial</td>
</tr>
<tr>
<td><strong>Medical assistance</strong></td>
<td><strong>P2TP2A</strong></td>
<td>Ministry of Women’s Empowerment and Child Protection (MoWECP) or Bureau of Women’s Empowerment</td>
<td>Some forms of medical care</td>
<td>Men, women and children who are victims of violence</td>
</tr>
<tr>
<td></td>
<td><strong>PPT at RS Bhayangkara</strong></td>
<td>Police</td>
<td>Hospital-based medical care and treatment (at 42 hospitals in Indonesia)</td>
<td>Men, women and children</td>
</tr>
</tbody>
</table>

**Table #6. Government social assistance, including for socially vulnerable persons, victims of violence and children**
<table>
<thead>
<tr>
<th>Service Provider</th>
<th>Description</th>
<th>Access</th>
<th>Eligibility</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PPT at RSUD</strong></td>
<td><em>Rumah Sakit Umum Daerah Pusat Pelayanan Terpadu</em> (Integrated Service Center at the Government Public Hospital)</td>
<td>Province/District Government</td>
<td>Hospital-based medical care and treatment (at 31 hospitals in Indonesia)</td>
</tr>
<tr>
<td><strong>PPT at KKP</strong></td>
<td><em>Kantor Kesehatan Pelabuhan Pusat Pelayanan Terpadu</em> (Integrated Service Center at the Port Health Office)</td>
<td>Ministry of Health</td>
<td>Medical care and treatment (at 17 port-based health offices in Indonesia)</td>
</tr>
<tr>
<td><strong>BPJS Kesehatan</strong></td>
<td><em>Badan Penyelenggara Jaminan Sosial Kesehatan</em> (Healthcare and Social Security Agency)</td>
<td>Healthcare and Social Security Agency</td>
<td>Affordable or free health insurance</td>
</tr>
<tr>
<td><strong>JKN</strong></td>
<td><em>Jaminan Kesehatan Nasional</em> (National Health Insurance Program)</td>
<td>National Social Security System</td>
<td>Affordable or free health insurance</td>
</tr>
<tr>
<td><strong>KIS card</strong></td>
<td><em>Kartu Indonesia Sehat</em> (Health Indonesia Card)</td>
<td>Tim Nasional Percepatan Penanggulangan Kemiskinan (Team for Accelerating Poverty Reduction- TNP2K)</td>
<td>Treatment at public primary care clinics (<em>puskesmas</em>) and treatment in third-class hospitals. Access to health services implemented by JKN <em>Jaminan Kesehatan Nasional</em> (National Health Insurance Program)</td>
</tr>
<tr>
<td><strong>Jakarta Health Card</strong></td>
<td><em>Kartu Jakarta Sehat</em></td>
<td>Available to residents of Jakarta only</td>
<td>Access to free medical care in all health centers in Jakarta</td>
</tr>
<tr>
<td><strong>RPTC</strong></td>
<td><em>Rumah Perlindungan Trauma Center</em> (House of Protection and Trauma Center)</td>
<td>Ministry of Social Affairs, Department of Social Affairs at the district level</td>
<td>Referrals to the local clinic (<em>puskesmas</em>) or hospital and/or some forms of medical care, such as basic checkups</td>
</tr>
<tr>
<td><strong>RPSA</strong></td>
<td><em>Rumah Perlindungan Sosial Anak</em> (Social Protection Home for Children)</td>
<td>Ministry of Social Affairs, Department of Social Affairs at the district level</td>
<td>Referrals to the local clinic (<em>puskesmas</em>) or hospital and/or some forms of medical care</td>
</tr>
</tbody>
</table>
| **Psychological support and counseling** | **RPTC**  
*Rumah Perlindungan Trauma Center (House of Protection and Trauma Center)* | Ministry of Social Affairs, Department of Social Affairs at the district level | Psychological support and counseling services, including: psychiatric services, referrals to relevant institutions, counseling, trauma healing, psychotherapy counseling, and spiritual counseling | Men and women who are victims of violence |
|---|---|---|---|---|
| **RPSA**  
*Rumah Perlindungan Sosial Anak (Social Protection Home for Children)* | Ministry of Social Affairs, Department of Social Affairs at the district level | Referrals to the local clinic (puskesmas) or hospital and/or some forms of psychological support | Children who are victims of violence |
| **Life skills support** | **RPTC**  
*Rumah Perlindungan Trauma Center (House of Protection and Trauma Center)* | Ministry of Social Affairs, Department of Social Affairs at the district level | Life skills support, including: social life skills training, opportunities to join social conversation groups, self help groups, recreational activities, support groups, educational groups and problem solving/decision-making groups | Men and women who are victims of violence |
| **Education** | **KIP Card**  
*Kartu Indonesia Pintar (Smart Indonesia Card)* | Replaced the previous program Cash Transfers for Poor Students/Poor Student Aid (BSM) | Cash assistance – in 2016, the amounts provided were 225,000 IDR per semester for elementary students, 375,000 IDR per semester for middle school students and 500,000 IDR per semester for senior high or vocational school students | School-age children from underprivileged families |
| **PSBR**  
*Panti Sosial Bina Remaja (Institute for Adolescent Social Development)* | Ministry of Social Affairs, Social Affairs Bureau at the district level | Vocational training | Children aged 15-18 who are socially vulnerable |
| **Small cash assistance** | **KKS Card**  
*Kartu Keluarga Sejahtera (Family Welfare Card)* | *Tim Nasional Percepatan Penanggulangan Kemiskinan (Team for Accelerating Poverty Reduction) (TNP2K)* | 200,000 IDR per month | Men and women who are economically vulnerable |
| **PKH**  
*Program Keluarga Harapan (Family Hope Program)* | Ministry of Social Affairs, Social Affairs Bureau at the district level | Conditional cash assistance | Men and women who are economically vulnerable |
<table>
<thead>
<tr>
<th><strong>Funding to start a small business</strong></th>
<th><strong>KUBE / GEBA</strong>&lt;br&gt;<strong>Kelompok Usaha Bersama</strong>&lt;br&gt;(Group Economic Business Assistance)</th>
<th>Ministry of Social Affairs, Social Affairs Bureau at the district level</th>
<th>20 million IDR grant for business development, provided to a group of ten individuals</th>
<th>Men and women who are victims of violence</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>UEP/Productive Economic Business</strong>&lt;br&gt;(Usaha Ekonomi Produktif)</td>
<td>Ministry of Social Affairs, Social Affairs Bureau at the district level</td>
<td>3 million IDR/person</td>
<td>Men and women</td>
<td></td>
</tr>
<tr>
<td><strong>Legal assistance</strong></td>
<td><strong>Bantuan Hukum Gratis untuk Rakyat Miskin</strong>&lt;br&gt;(Free Legal Aid for the Poor)</td>
<td>Ministry of Law and Human Rights, National Law Development Agency or BPHN (Badan Pembinaan Hukum Nasional)</td>
<td>Free legal assistance</td>
<td>Poor persons</td>
</tr>
<tr>
<td><strong>Civil and administrative support</strong></td>
<td>Village Administration Office or Sub District Administration Office or Office of Population and Civil Registration (Dinas Kependudukan dan Catatan Sipil)</td>
<td>Ministry of Home Affairs</td>
<td>Processing personal identity documents</td>
<td>Men and women</td>
</tr>
<tr>
<td><strong>Family mediation and counseling</strong></td>
<td><strong>LK3</strong>&lt;br&gt;Lembaga Konsultasi Kesejahteraan Keluarga (Family Welfare Consultation Institute)</td>
<td>Ministry of Social Affairs and the Bureau of Social Affairs at the provincial and district level</td>
<td>Help with mediating problems in the family including counseling, consultations and referral, as needed</td>
<td>Men and women</td>
</tr>
<tr>
<td><strong>Assistance for children</strong></td>
<td><strong>PKSA</strong>&lt;br&gt;Program Kesejahteraan Sosial Anak (Child Social Welfare Program)</td>
<td>Ministry of Social Affairs, Social Affairs Bureau at the district level</td>
<td>1 million IDR/child per year to cover basic needs</td>
<td>Neglected children (under age 5); abandoned children (age 6-18); street children (age 6-18); children who have legal problems (age 6-18); children with disabilities (age birth to 18); children who require special protection (age 6-18)</td>
</tr>
</tbody>
</table>
| Assistance for elderly persons | ASLUT  
Asistensi Lanjut Usia Terlantar  
(Support for Neglected Elderly) | Ministry of Social Affairs, Social Affairs Bureau at the district level | 200,000 IDR per month | Elderly men and women (over 60 years old) who are economically vulnerable, neglected or need assistance |
|--------------------------------|--------------------------------------------------------------------------------|------------------------------------------------------------------------|----------------------|----------------------------------------------------------------------------------|
| Food aid                       | Rastra  
Beras Sejahtera (Welfare Rice) | Ministry of Social Affairs, Social Affairs Bureau at the district level | Each household can receive 15kg rice/month, with subsidies of 1,600 IDR/kg | Men, women and children who are economically vulnerable |
5.5 Special issues in the assistance and referral of trafficked children

In addition to the referral procedure outlined above, specific measures and safeguards apply in the case of presumed trafficked children. MDTs must clearly and appropriately explain to the child (and to his/her parent, other caregiver or legal guardian) these measures. It is also critical that MDTs are aware of how to trigger any measures related to the special protection of children. Possible measures include:

- In case the presumed victim initially identified by the MDT is a child (or her/his age is uncertain and thus s/he is being provisionally treated as a child), the child’s parent(s)/guardian(s) or officer/staff who serves as a guardian accompanying the child should be immediately involved and will be tasked to assist children in subsequent processes.\(^{74}\)

- In case the child is temporarily (or permanently) deprived of parental care, or there are suspicions that the parents/other primary caregiver(s) might have been involved in the trafficking process, a guardian should be promptly involved according to the procedures envisaged by the law, in order to support the child throughout the process.\(^{75}\)

- If children are deprived of adequate care and accommodation, they should be referred to immediate care and protection, including security, food, and accommodation in a safe place, access to health-care, psychosocial support and legal assistance\(^{76}\). Access to these services is regulated by the Law Number 23, Year 2002 on Child Protection and its amendments.\(^{77}\)

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\(^{74}\) MoWECP (2010) Regulation Number 22, Year 2010 Standard Operating Procedures for Integrated Services for Witnesses and/or Victims of Human Trafficking, Chapter III ‘Procedure for Reporting/Identification Services’, paragraph 3.1. In addition, in Indonesia, there is the option of a Keluarga Pengganti or “family substitute” for a child victim/witness. This is commonly a family member selected by the competent institution with the consent of the child victim/witness and considered to be in the best interests of the child. In the event that no family member can be identified or is suitable, a staff of P2TP2A or a state social worker will be tasked to assist children in subsequent processes.

\(^{75}\) MoWECP (2010) Regulation Number 22, Year 2010 Standard Operating Procedures for Integrated Services for Witnesses and/or Victims of Human Trafficking, Chapter III ‘Procedure for Reporting/Identification Services’, paragraph 3.1. Further, the Law on Changes to Law 23/2002 (Number 23, Year 2002), which amends The Law on Child Protection (Number 23, Year 2002) states in Article 26(2): “In a case where the parent does not exist, or is not known to exist, or for some reason do not can carry out their obligations and responsibilities, obligations and responsibilities as referred to in paragraph (1) may be transferred to a family member, which is carried out in accordance with the provisions of the legislation”. And Article 33(1) states: “In a case where a family member can not perform the duties and responsibilities as referred to in Article 26, a person or legal entity which meets requirements can be designated as Trustee of the child concerned”. According to Article 33, to be a Trustee of the child, a designated caregiver “must share a common religion with the child” and act in the best interests of the child.


\(^{77}\) The Law Number 23, Year 2002 on Child Protection was amended by the Law on Changes to Law 23/2002 (Number 23, Year 2002). Article 59 states that government, local government, and other state agencies are obliged and responsible to provide special protection to children, including a) children in conflict with the law; b) children who are exploited economically and/or are victims of sexual abuse; c) child victims of abduction and victims of trafficking; and d) child victims of physical and/or psychological violence. Article 59 further states that this special protection shall be conducted through the efforts of: a) immediate handling, including treatment and/or physical rehabilitation, psychological rehabilitation and social rehabilitation, as well as the prevention of disease and other health disorders; b) psychosocial assistance at the time of treatment until recovery; c) provision of social assistance for children from poor families; and d) providing protection and assistance during any court proceedings.
• All assistance and protection measures decided for presumed child victims shall be based on a thorough **assessment of the child’s best interests**, which should be a primary consideration in all decisions affecting her/him.\(^78\)

• In terms of services provided to children as witnesses and/or victims of trafficking, children have the right to express their views freely, have the right to be respected in full in obtaining survival, development, special protection and participation, and to obtain temporary care, identification and a long-term solution in accordance with the best interests of the child.\(^79\)

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\(^{78}\) See Section 7: Principles and approaches in victim identification and referral.

\(^{79}\) This is outlined in MoWECP (2010) *Standard Operating Procedures for Integrated Services for Witnesses and/or Victims of Human Trafficking* (Number 22, Year 2010), p. 22, Principle 3.
6. Informing trafficking victims about criminal justice avenues

Some trafficking victims may wish to pursue criminal justice proceedings against their traffickers. Trafficking victims should be fully informed about what this process entails, including their rights and responsibilities and the various challenges and risks that they may face as victim/witnesses.

A trafficking victim’s right to protection (including various forms of assistance) is established in international human rights law as well as Indonesia’s anti-trafficking law and various related regulations and standards. Therefore, access to protection and assistance should not be contingent upon the willingness or capacity of a trafficking victim to cooperate with legal proceedings and/or to provide evidence. Victims of trafficking need to be clearly informed that they do not need to be involved in criminal proceedings against their traffickers in order to access the full range of protection measures they are entitled to.

6.1 Who is a victim/witness?

The witness and/or victim as witness is a person who has suffered psychological, mental, physical, sexual, economic, and/or social trauma caused by the criminal act of human trafficking.

The crime of trafficking in persons is any action or series of actions that meet the elements of the crime of trafficking in persons specified in the legislation.

A victim/witness is a trafficking victim who has information or evidence concerning the crime of human trafficking and provides information regarding his or her knowledge to a law enforcement agency.

6.2 What are the rights and responsibilities of victim/witnesses?

When a trafficking victim consents to serve as a victim/witness in criminal justice proceedings against a trafficker, they are entitled to specific rights and protections as outlined in various laws and regulations such as the Law Number 21, Year 2007 on the Eradication of the Criminal Act of Trafficking in Persons, the Law Number 9, Year 2008 on

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80 Article 51(1) of Law 21/2007 states: “A victim is entitled to receive medical and social rehabilitation, return assistance, and social reintegration from the government if such victim suffers physical and psychological hardship as a result of the criminal act of trafficking in persons”. See also Republic of Indonesia (2008) Regulation Number 9, Year 2008 on Procedures and Mechanism of Recovery Services for Witnesses and/or Victims of Trafficking.

81 The Law Number 21, Year 2007 on the Eradication of the Criminal Act of Trafficking in Persons a report to be made to the police to claim assistance in Article 51(2). That is, “the entitlements as referred to in paragraph (1) is to be claimed by the victim or his/her family, colleagues, the police, escorting volunteer, or social worker following the reporting of the case by the victim or any other person to the Indonesian National Police”. However, this report of the case does not require cooperation in legal proceedings on the part of the victim. This is consistent with the United Nations Recommended Principles and Guidelines on Human Rights and Human Trafficking which state, in Principle 8, that “States shall ensure that trafficked persons are protected from further exploitation and harm and have access to adequate physical and psychological care. Such protection and care shall not be made conditional upon the capacity or willingness of the trafficked person to cooperate in legal proceedings”. OHCHR (2002) Recommended Principles and Guidelines on Human Rights and Human Trafficking. E/2002/68/Add. 1.

82 Republic of Indonesia (2008) Regulation Number 9, Year 2008 on Procedures and Mechanism of Recovery Services for Witnesses and/or Victims of Trafficking.
Witness and Victim Protection (Number 13, Year 2006) and the Regulation on Procedures and Mechanism of Recovery Services for Witnesses and/or Victims of Trafficking.

**Table #7: Rights of victim/witness in trafficking proceedings**

<table>
<thead>
<tr>
<th>Rights of victim/witness</th>
<th>Law or regulation</th>
<th>Article/chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Confidentiality and privacy</td>
<td>Indonesia’s Anti-trafficking Law (Law 21/2007)</td>
<td>Article 33(1): During the process of investigation, prosecution, and examination in court, the informant has the right to the confidentiality of his/her identity and address or other information that may reveal such person’s identity or address. Article 44(1): Witnesses and/or victims of the criminal act of trafficking in persons are entitled to have the confidentiality of their identity maintained</td>
</tr>
<tr>
<td>Legal counsel /representation and legal assistance</td>
<td>Indonesia’s Anti-trafficking Law (Law 21/2007)</td>
<td>Article 35: In the course of investigation, prosecution, and examination in court, witnesses and/or victims are entitled to be accompanied by a legal counsel and/or other escort as necessary.</td>
</tr>
<tr>
<td></td>
<td>Indonesia’s Law on Witness and Victim Protection (Law 13/2006)</td>
<td>Article 5(I): The witness and/or victim has the right to receive legal counsel.</td>
</tr>
<tr>
<td></td>
<td>Standard Operating Procedures for Integrated Services for Witnesses and/or Victims of Human Trafficking (Regulation 22/2010)</td>
<td>Chapter 1: If the victim requires legal assistance, it is carried out after the process of medical rehabilitation, social rehabilitation, or can be provided if the victim does not require such rehabilitation. Legal assistance should be provided for the protection of witnesses and/or victims during the BAP (Berita A cara Pemeriksaan or Minutes of the Police Examination), inquiry and investigation by the police, process of prosecution and process of examination in court. Legal assistance also includes assisting victims to obtain restitution, including for material and non-material loss suffered by the victim. Chapter 6: The objective of legal assistance is to fulfill the legal rights of a witness and/or victim of human trafficking to obtain truth and justice in their case. Legal assistance is given within the frame of the fulfillment of a witness and/or victim’s rights, and it is integrated with other services.</td>
</tr>
<tr>
<td></td>
<td>MoWECP Regulation on Minimum Standards of Integrated Services for Witnesses and/or Victims of Trafficking (Regulation 1/2009)</td>
<td>Victims of trafficking should receive free legal council.</td>
</tr>
<tr>
<td>Presence of a parent, other caregiver or guardian</td>
<td>Indonesia’s Anti-trafficking Law (Law 21/2007)</td>
<td>Article 39(2): Children have the right to be accompanied by a parent, guardian or other support person at all stages of the proceedings.</td>
</tr>
<tr>
<td>Full information about the case</td>
<td>Indonesia’s Anti-trafficking Law (Law 21/2007)</td>
<td>Article 36(1): In the course of investigation, prosecution, and examination in court, the victim is entitled to receive information regarding the progress of the case involving him/herself.</td>
</tr>
<tr>
<td></td>
<td>Indonesia’s Law on Witness and Victim Protection (Law 13/2006)</td>
<td>Article 5: The witness and/or victim has the right to be given information on the progress of the case, on the release of the perpetrator and on the decision of the court.</td>
</tr>
<tr>
<td>Translation and interpretation</td>
<td>Indonesia’s Law on Witness and Victim Protection (Law 13/2006)</td>
<td>Article 5(d): The witness and/or victim has the right to access a translator</td>
</tr>
<tr>
<td></td>
<td>Criminal Procedural Code (KUHAP) (Law 8/1981)</td>
<td>Article 177(1): The witness has the right to an interpreter if he/she cannot understand Bahasa Indonesian.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Article 178(1): The witness has the right to an interpreter if he/she is deaf, mute or cannot write.</td>
</tr>
<tr>
<td>Give testimony without pressure and/or without the presence of defendant</td>
<td>Indonesia’s Anti-trafficking Law (Law 21/2007)</td>
<td>Article 37(1): A witness and/or victim may request from the chairman of the presiding judges to be allowed to give testimony before the court without the presence of the defendant.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Article 39(3): A child witness and/or victim shall be examined without the presence of the defendant.</td>
</tr>
<tr>
<td></td>
<td>Criminal Procedural Code (KUHAP) (Law 8/1981)</td>
<td>Article 117(1): The witness has the right to provide testimony without pressure from anyone and pressure in any form.</td>
</tr>
<tr>
<td>The right to be summoned</td>
<td>Criminal Procedural Code (KUHAP) (Law 8/1981)</td>
<td>Article 112(1): The witness has the right to be summoned by the investigator through an appropriate letter, which explains the reasons for the summons.</td>
</tr>
<tr>
<td>Rights when providing evidence / being interviewed by law enforcement</td>
<td>Chief of Police Order (Order 3/2008)</td>
<td>Special Order: A special interview room should be provided to victims of trafficking.</td>
</tr>
<tr>
<td></td>
<td>Criminal Procedural Code (KUHAP) (Law 8/1981)</td>
<td>Article 113: The witness has the right to be questioned at his/her residence if she/he can provide proper reasons for not able to meet the investigator.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Article 118: The witness has the right to refuse to sign the minutes of police examination that contain his/her statement(s) if providing strong reasons.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Article 166: The witness has the right not to be entrapped by questioning.</td>
</tr>
<tr>
<td>Right to a trial to be held in a closed session</td>
<td>Indonesia’s Anti-trafficking Law (Law 21/2007)</td>
<td>Article 39(1): Examination of a child witness and/or victim in a trial related to trafficking must be conducted in a closed session</td>
</tr>
<tr>
<td>Protection from prosecution for immigration crimes</td>
<td>Indonesia’s Law on Immigration (Law 6/2011) Section Four: Handling of Human Trafficking and Human Smuggling Victims</td>
<td>Article 86: This provision of Immigration Administrative Action shall not be applied to human trafficking and human smuggling victims. Article 87: (1) Human trafficking and human smuggling victims that are in the Indonesian Territory shall not be put into Immigration Detention House or other specified place; (2) Human trafficking and human smuggling victims as contemplated in paragraph (1) shall be given special treatment different from detainees in general. Article 88: The Minister or a designated Immigration Officer shall attempt to immediately return human trafficking and human smuggling victims with foreign citizenship to their origin country and provide them with a travel document if they have no travel document. Article 89: (1) The Minister or a designated Immigration Officer shall undertake efforts to prevent the occurrence of the criminal acts of human trafficking and human smuggling.</td>
</tr>
<tr>
<td>Protection in the case of threats of risk to well-being</td>
<td>Indonesia’s Anti-trafficking Law (Law 21/2007)</td>
<td>Article 47: In the event a witness and/or victim and their families receive threats which pose a risk to their wellbeing, lives, and/or assets, the Indonesian National Police is obligated to provide protection before, during, and after the court trial.</td>
</tr>
<tr>
<td>Indonesia’s Law on Witness and Victim Protection (Law 13/2006)</td>
<td>Article 5(a): The witness and/or victim is entitled to obtain protection of personal safety, family, and property, and to be free from threats arising from testimonies to be given, that are or have been given.</td>
<td></td>
</tr>
<tr>
<td>Standard Operating Procedures for Integrated Services for Witnesses and/or Victims of Human Trafficking (Regulation 22/2010)</td>
<td>Chapter 6: If the witness and/or victim is identified to have been subjected to a human trafficking crime and in need of protection, the police officer shall submit a request for protection for the witness and/or victim of human trafficking to the Institution for Witness and Victim Protection (LPSK) and/or immediately refer the witness and/or victim to a shelter/safe house.</td>
<td></td>
</tr>
<tr>
<td>Restitution[^83]</td>
<td>Indonesia’s Anti-trafficking Law (Law 21/2007)</td>
<td>Article 48: (1) Every victim of a criminal act of trafficking in persons or his/her beneficiary is entitled to receive restitution. (2) Restitution as[^83] In Indonesia, there are two ways for victims of trafficking to make a claim for restitution: through criminal proceedings (discussed in this section) or through civil proceedings. In criminal proceedings, the police and prosecutor will include the claim for restitution in the case file and the judge will rule on the claim in his/her verdict. If the victim fails to get restitution through criminal proceedings, he/she could try to claim restitution through a separate civil court proceeding. Some lawyers prefer victims of trafficking to wait for the final binding verdict in the criminal court before making a claim for restitution through the civil court.</td>
</tr>
</tbody>
</table>
referred to in paragraph (1) constitutes compensation for: a. loss of assets or income; b. suffering; c. cost of medical and/or psychological treatment; and /or d. other losses suffered by the victim arising from the criminal act of trafficking in persons.

| Assistance and services (for all VoTs, not only for victim/witnesses) | Indonesia’s Anti-trafficking Law (Law 21/2007) | Article 51(1): A victim is entitled to receive medical and social rehabilitation, return assistance, and social reintegration from the government if such victim suffers physical and psychological hardship as a result of the criminal act of trafficking in persons. Article 54(1): If a victim located in a foreign country requires legal protection as a consequence of the criminal act of trafficking in persons, the Indonesian government through its representative mission in the said country has the obligation to protect the person and interests of the victim, and must make efforts to return the victim to Indonesia, the expense arising from which will be borne by the state. |

In addition to the rights of victim/witnesses, there are also some specific responsibilities for victim/witnesses about which they should be informed before making the decision to pursue criminal justice recourse. These are outlined in the table below.

**Table #8: Responsibilities of victim/witness in trafficking proceedings**

<table>
<thead>
<tr>
<th>Responsibilities of victim/witness</th>
<th>Law or regulation</th>
<th>Article/chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>To give truthful testimony under oath</td>
<td>Criminal Procedural Code (KUHAP) (Law 8/1981)</td>
<td>Article 160(3): The witness and/or victim is obliged to give testimony under oath based on their belief/religion and is obliged to give truth testimony and information.</td>
</tr>
<tr>
<td>To stay in court after providing testimony</td>
<td>Criminal Procedural Code (KUHAP) (Law 8/1981)</td>
<td>Article 167(2): The witness and/or victim is obliged to stay in court after providing testimony.</td>
</tr>
</tbody>
</table>

### 6.3 What risks do victim/witnesses face in the criminal justice process?

The **criminal justice process involves** challenges and issues that should be carefully explained to trafficking victims before they decide to pursue criminal justice recourse. Trafficking victims should be fully informed about the full criminal justice process, including possible problems that they may face when serving as victim/witnesses.84

84 This may include conducting a risk assessment. The risk assessment process can be used by anyone to assess any risk, but is primarily used by law enforcement to review and assess the impact of decision making. A risk assessment is based upon the available facts and circumstances of any given case that are known at the time at which the risk assessment process is conducted and is divided into four stages: Stage 1 – Identify and assess the existing risk; Stage 2 – Identify the appropriate response; Stage 3 – Assess any new or increased areas of risk arising from the proposed response; Stage 4 – Decision making and risk management. AAPTIP (2017) *Generic Risk Assessment*. Internal AAPTIP Document.
Even if exploitation has ended, victims of trafficking are often still traumatized as a consequence of their exploitation and may be difficult for them to make decisions of whether to be involved in judicial procedures related to their case. It is, therefore, of the utmost importance to allow the victim the time s/he needs to take a fully informed decision after having carefully considered the risks and benefits. MDTs should support the victim in making such decisions, if the victim is expressly willing to accept support and advice at that stage.

**Some potential challenges in the criminal justice process:**

- **No standards for verdicts.** Judges are not bound to follow decisions of other judges or courts in similar cases, so it may be difficult to predict the outcome of a particular case.

- **Long process.** The legal process in Indonesia is lengthy. An initial court case can take anywhere from a few months to several years and, in the event of any appeal, the resolution of the case can take even more time.

- **Lack of resources.** There is a lack of funding and resources for police to conduct TIP investigations in rural areas.

- **High cost and lost income for victim/witnesses.** Victims may have to pay lawyer’s fees and for transportation, accommodation and related costs if the trial is far from their homes. In addition, they will be unable to work and earn income in this time.

- **Failure to protect victim/witnesses.** Police and other law enforcement officers may lack an understanding of their role in protecting trafficking victims and their responsibility to take action when abuses take place. They may also not be aware of how to use special laws to protect victims, such as local anti-trafficking laws or laws regarding the protection of children.

- **Breach of confidentiality.** Police and law enforcement may breach confidentiality and privacy of victim/witnesses – for example when they conduct investigations and interviews in the victim’s village.

- **Corruption in the criminal justice system.** This may include reducing charges (e.g. from human trafficking to lesser with lower sanctions), manipulating the investigation report, tampering with evidence, police charging fees to investigate criminal allegations, judges and other court officials being bribed or threatened and so on.

- **Coercion and pressure to be a victim/witness.** Some victims may be pressured or coerced to become a victim/witness or to not withdraw from the criminal justice process.

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6.4 How to refer and inform victims about the criminal justice process

In some cases, trafficking victims may wish to pursue criminal justice recourse. In such cases, MDT members should be able to explain to a presumed victim the steps and implications of deciding to bring a case against their traffickers. This section outlines the various steps involved in the criminal justice process for trafficking victim/witnesses who may wish to bring a case against their trafficker.\footnote{This section is based on Solidarity Center and ICMC (2004) \textit{Assisting Victims of Human Trafficking in the Indonesian Legal Process: A Manual for Service Providers}. Jakarta: American Center for International Labor Solidarity (Solidarity Center) and International Catholic Migration Commission (ICMC), but has been updated to include more recent regulations. Information also comes from IOM (2005) \textit{Guidelines for the Investigation and Prosecution of Human Trafficking Cases and the Treatment of Victims During Law Enforcement Proceedings}. Jakarta: International Organization for Migration and IOM (2009) \textit{Guidelines for Law Enforcement and the Protection of Victims of Trafficking in Handling Trafficking in Persons Cases}. Jakarta: International Organization for Migration.} The main steps in this process are outlined in Diagram #11 below including at what stages the victim/witness may need to be involved.
Diagram #11. Steps in the criminal justice process for trafficking victims/witnesses

1. the victim files a report or complaint with police
2. the police investigator conducts an examination (known as a preliminary investigation)
3. the police investigator conducts an investigation
4. the victim/witness provides statement(s)
5. the prosecutor reviews the case file
6. the prosecutor files an indictment
7. the court schedules the trial
8. the victim/witness provides testimony at the trial
9. the trial results in a verdict
10. if found guilty, the defendant is sentenced
Step #1. Victim makes a report or files a complaint with the police
To start the criminal justice process, a victim or witness of trafficking should go to the nearest police station and report the crime to the Women and Children Protection Unit (UPPA), if/where one exists. A report can be made verbally or in writing. Police at the sub-district level (Polsek) do not conduct TIP investigations. Upon receiving the report, they will refer the case to the district level police office (Polres).

A victim of trafficking may also file a complaint (Berita Acara Pemeriksaan) with the police. A complaint can be filed verbally or in writing. When filing a complaint, the victim should present the police with evidence to support his/her complaint, such as any relevant documents and, if possible, witnesses.

The police should explain the victim’s rights and contact an NGO or social worker to assist the trafficking victim. If the police don’t contact an NGO or social worker to support the trafficking victim, he or she may contact a social worker or go to the P2TP2A for legal assistance.

In the case of a child, it is important that he/she is accompanied by a support person at all stages of the case. All legal assistance to the child victim and/or witness shall guarantee the compliance with and enforcement of some fundamental child rights principles – right to survival, development, protection, participation and best interests. If the victim is a child, the report to the police can be made directly by his/her parent, guardian or other caregiver.

If the police determine that the trafficked person has a case, they should submit a request for protection from the Institution for Witness and Victim Protection (LPSK) or the police can contact the P2TP2A to provide needed services to the victim. Similarly, if the PPT receives a report on a victim and/or witness of trafficking, after reviewing the available evidence, the officer in charge should submit a request for protection for the victim and/or witness to LPSK. The trafficking victim may be referred to a shelter or safe house for protection.

Step #2. Police conduct an examination and investigation
According to the law, any police officer who receives a report or complaint must follow up by conducting a proper examination. The examination will determine whether or not an investigation will occur.

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87 Penal Code, Article 1, Number 24.
88 Penal Code, Article 1, Number 25.
89 Law 21/2007, Article 39(2).
92 Penal Code, Article 106.
To conduct the examination, according to Article 5 of the Criminal Procedural Code (KUHAP), the police investigator may: (1) receive the report or complaint, (2) search for information or clue, and evidences, (3) stop suspicious individuals and ask for and check his/her identity card, (4) conduct other actions based on responsible law.

The police should conduct an examination of the case and the trafficked person will be requested to submit any relevant evidence (such as a copy of his/her passport or employment contract). MDT members should remind trafficking victims that they have the right to a lawyer (or someone to represent them) at all stages of the case and to have access to a translator, if relevant.  

In terms of searching for information, clues and evidence, the police investigator may examine the suspect. The police investigator may also interview any witness who is believed to have seen, heard, understood or had direct involvement in a crime. Evidence from witnesses must be based on fact (what the witness saw, heard, or experienced) rather than on opinions or assumptions. The police investigator will prepare a witness examination report based on the interview. A police investigator may examine or ask for assistance from someone who has special expertise about a particular subject that is needed to clarify a criminal case. For example, the police investigator may request that a doctor or other expert examine a victim who is injured, harmed, or dead and produce a Visum Repertum (that is, examination or autopsy).

The examination will determine if the police investigator will conduct an investigation. A trafficking victim and/or the persons assisting him/her may need to monitor the investigation of the case. The police are not obligated to remain in contact with the victim to update him/her about the case. Therefore, the victim should check in periodically with the police investigator to find out the status of the case and whether there are any problems with the case. If a victim finds that the police are not pursuing the case, he/she can submit a complaint to the officer or institution that is higher in rank or level.

Box #13. Examples of evidence that may be used to prove a crime of trafficking include:

- Detailed statements made by the victim regarding his/her experiences – including dates, locations, addresses, names
- Detailed statements made by witnesses to the crime
- Travel documents (visas, etc.)
- Identification documents (Passport, Migrant Worker Identity Card/KTKLN, etc. – including documents which have been falsified)
- Proof of transportation to destination (ticket, boarding pass)
- Names and addresses for employers, agents, recruiting agencies, etc.
- Work contracts
- Photographs (of working conditions, physical abuse, etc.)
- Physical evidence
- Bank account statements, business records, financial records, credit or loan records, transaction records, etc.
- Electronic information or communication related to the crime
- Records of phone calls or text messages

93 Explanation of evidence is stipulated under Criminal Procedural Code, Article 184. Explanations about evidence on cases of human trafficking is further stipulated under Law and Law 21/2007, Article 29.
95 Before the examination, the police investigator must inform the suspect about his/her right to legal assistance or to be accompanied by a lawyer. Penal Code, Article 56.
To conduct an investigation, the police may visit the crime scene; search and/or seize property relevant to the case; summon relevant parties (e.g. the alleged suspect, the alleged victim and available witnesses); and gather evidence.

If the police stop the investigation, the victim may lodge a complaint to the State Court, which includes his/her reason for disagreeing with the decision to stop the investigation. The court has seven days to decide whether or not stopping the investigation was legally acceptable. If the court finds that the decision to stop was not legally acceptable, then the investigation should be resumed. The court can also order compensation or rehabilitation for individuals whose cases are stopped at the investigation stage.

If the police find that the evidence indicates that the suspect has committed a crime, they may release a Command Letter to arrest the suspect. A Command Letter is an official police document, which gives the police the authority to arrest a suspect. If the police does not find sufficient evidence to progress with the case, it does not mean that the person was not trafficked.

If a suspect is arrested based on preliminary evidence, he/she can only be held for 24 hours. After this period, the suspect must be formally charged and the case handed over to the prosecutor or the suspect must be released.

At the conclusion of the investigation, the police will complete and submit a case file, which is sent to the prosecutor’s office.

Step #3. The prosecutor reviews the case file
After the prosecutor receives the case file from the police and reviews it, there are three possible actions he/she can take:

1. Write and file an indictment with charges against the defendant in State Court. If the prosecutor takes this action, this now constitutes a criminal case. All parties involved in the trafficking abuses should be included in the indictment. The indictment lets the suspect/defendant know which crime(s) he/she is being charged with, allowing his/her lawyer to prepare a defense against the prosecution. The indictment is also the basis for the judges to examine and try the case in court.

2. Terminate the case. The prosecutor may decide to terminate the case due to lack of evidence or because the acts committed are not considered crimes under the law. In this case, he/she must indicate this in a decision letter.

3. Send the case file back to the police investigator for further evidence collection. The prosecutor may decide that the case needs further investigation. The case file then returns to the police. The police

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Box #14. About the case file

The case file should contain:

- The original complaint and receipt of complaint document
- An abstract of the facts of the case
- The police reports (including the results of examinations of the suspect, victim, and witnesses)
- An explanation of the investigation process by the police
- All letters issued for the related investigation process
- A list of witnesses
- A list of suspects
- A list of evidence
- A statement about the validity of the case

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96 Criminal Procedural Code, Article 77 and Article 82.
The investigator should later re-submit the case file to the prosecutor with a note indicating that the investigation process is complete as far as possible.

**Diagram #12. Possible actions the prosecutor can take after reviewing the case file**

In some cases, the prosecutor may meet directly with the victim(s) and/or witness(es) in coordination with the police investigator.

If the prosecution of the case is stopped, the victim may lodge a complaint to the State Court, which includes his/her reason for disagreeing with the prosecutor's decision to stop the prosecution. The court has seven days to decide whether or not the prosecutor's decision to stop the prosecution was acceptable.\(^\text{97}\) If the court finds that the decision to stop was not legally acceptable, then the prosecution should be resumed. The court can also order compensation or rehabilitation for individuals whose cases are stopped at the prosecution stage.

**Step #4. The prosecutor files an indictment and the court schedules the trial**

Once a prosecutor writes and files an indictment in court, the State Court will ensure that the case is within the court's jurisdiction and, if so, appoint a panel of judges (usually comprised of three judges) to adjudicate the case at trial. The Chief Judge will then schedule the case for the trial.

After the trial is scheduled, the defendant and the victim/witness will be summoned to court at the scheduled time and date for the trial. The time and date will be listed in a Summons Letter, which should be received no later than three days before the trial begins. If the defendant cannot be brought to the court, the court may try him/her *in absentia* (meaning that the defendant is put on trial without being present). The defendant may also request to change the date of the trial if he/she has a valid reason. A witness who is absent from court will be re-summoned.

The defendant and his/her legal representative may request to interview the victim/witness before the trial. A victim/witness should contact or be accompanied by his/her lawyer or

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\(^{97}\) Criminal Procedural Code, Article 77 and Article 82.
legal representative when meeting with the defendant and his/her legal representative. A victim/witness is protected by the law and has the right to provide statements or testimony without pressure from anyone (this applies to the defendant and his/her legal representative). A victim/witness can also refuse such an interview.

**Step #5. The trial process**

During the trial, after the court hears the opinions of the prosecutor and the defendant or his/her lawyer, witnesses will be called to testify. In most cases, the first witness to testify will be the victim. A defendant has the right to bring forward witnesses who may potentially testify in favor of the defendant. The prosecutor may also bring forward witnesses to contradict the defendant’s position or to testify with evidence supporting the criminal charges.

Any witnesses summoned by the police are **required by law to testify**. If they do not, they can technically by law be brought forcibly to court or charged with a crime.

Prior to testifying, the individual (victim/witness, witness or defendant) shall swear an oath or vow according to his/her religious beliefs that he or she will provide truthful testimony. All of the witnesses and the defendant may be questioned by both the prosecutor and the defendant’s attorney. The Chief Judge will act as an intermediary and may object to any questions asked. For example, intimidating questions are not permitted. The Chief Judge and the other members of the panel of judges may also ask questions regarding the individual’s testimony.

The testimony of a victim/witness in court during the trial is given in the presence of the defendant and/or his/her lawyer unless the Chief Judge determines that there is an issue that should be heard without the defendant present. When the witness finishes testifying, the victim/witness should stay in the courtroom unless directed to leave.

The prosecutor will use the **evidence** collected during the police investigation as evidence for the case at trial. Other types of evidence that can be considered in a trial include:

- Testimonial evidence (testimony provided by witnesses before the court);
- Expert testimony (testimony by expert witnesses to clarify a criminal event for the purpose of the trial);
- Relevant evidence (evidence which the Judge recognizes through the court process).

**Step #6. The court issues a verdict**

At the end of the trial, the panel of judges will meet in a closed session to determine the verdict. The verdict, which is the final decision of the court, will be based on the charges in the indictment and the facts that were proven during the trial.

The verdict can order one of the following three actions:

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98 Law 13/2006 and Criminal Procedural Code, Article 117(1).
99 Criminal Procedural Code, Article 168.
100 Criminal Procedural Code, Article 112.
101 Criminal Procedural Code, Article 193.
102 Criminal Procedural Code, Article 191, 192 and 193.
1. **Execution when the defendant is found guilty.** Finding the defendant guilty and giving punishment according to Article 10 of the Penal Code.

2. **Release when the defendant is found not guilty.** Finding the defendant not guilty and ordering the defendant released.

3. **Excusing the defendant.** This releases the defendant from penal charges because the court finds that, although the charges against the defendant were proven in court, the acts of the defendant are not criminalized in the law. This may be because the defendant committed the crime unintentionally or other justifications recognized under existing laws.

The verdict should be unanimous. However, if there is a split decision among the panel of judges, the majority verdict will prevail.

Once the verdict is announced, the defendant has the following rights:

- **To immediately accept or reject the verdict.** If the defendant accepts the verdict, he/she has the right to ask to delay the execution of the verdict in order to submit a request for a President’s pardon.

- **To reject the verdict and request an appeal.** The defendant has seven days within which to decide whether to appeal (if he/she is found guilty).

**Step #7. The court sentences the defendant**

If the judges decide that the defendant is guilty, then they will impose a sentence against him/her. The punishment in a criminal case is usually a prison term, however there may also be a punitive fine or sanctions imposed.

The prosecutor will request a particular sentence for the defendant. The panel of judges will then decide the amount of prison time or fine by referring to the allowed maximum punishment in the Penal Code.

The length of the prison term is up to the discretion of the judges. Judges usually take the following considerations into account when deciding the sentence:

- the level of involvement of the defendant in the crime (whether he/she was the main actor or an accomplice);
- the severity or effect of the crime on the victim and others;
- the behavior of the defendant during the trial (whether he/she was cooperative and/or showed remorse);
- the defendant’s criminal record (whether he/she is a repeat offender).

**Box #16. Appeal**

Both the defendant and the prosecutor have the right to reject a court decision and request a re-examination of the case through an appeal to the High Court.

An appeal must be requested within seven days of the verdict or within seven days of advising the defendant of the verdict in cases where they were absent from court. If the seven-day period passes without any request for an appeal, then the parties are considered to have accepted the verdict.
6.5 Special issues in the case of children

Like adults, children who have been trafficked have a right to justice, which means that they are entitled to have the people who abused them prosecuted and punished and to receive compensation for the harm suffered.

If a child decides to pursue criminal justice proceedings against his/her traffickers, the child shall enjoy the same entitlements envisaged by the law for all victim/witnesses of the crime of trafficking in human beings as well as the specific rights and safeguards guaranteed by the law to child victim/witnesses. Indonesian law requires that the best interests of the child be given due regard in the case of children who serve as victim/witnesses in criminal justice proceedings against traffickers.\(^{103}\) In particular, the child has the right to be accompanied by a parent, other caregiver or guardian throughout all stages of the proceedings and to additional protection measures during the trial (such as to be examined in the absence of the defendant and in closed sessions).

Like adults, children should be fully informed about security issues and criminal procedures relating to their trafficking cases. In particular, they should be provided with information in a manner appropriate to their age and maturity about the remedies to which they are entitled.

While in principle securing a remedy for the abuse suffered should be in the child’s best interests, in practice subjecting the child to court proceedings can cause harm that in some cases can overcome the good outcomes.\(^{104}\) In adherence with a rights-based approach in dealing with trafficked children, the involvement of a child in legal proceedings should be assessed as part of a broader procedure to determine the child’s best interests. The child and his/her parents, other caregiver or legal guardian should be duly informed and consulted in that regard.

\(^{103}\) MoWECP (2010) Regulation Number 22, Year 2010 Standard Operating Procedures for Integrated Services for Witnesses and/or Victims of Human Trafficking, Article 5.

7. Principles and approaches in victim identification and referral

Trafficking in human beings is first and foremost a serious infringement of the human rights of the adult and child victims affected. According to international as well as domestic law in Indonesia, victims of trafficking are entitled to special assistance and protection. This implies that all actions and procedures undertaken prior to, during and following the identification of a (presumed) victim of trafficking shall protect and promote the human rights and well-being of trafficked persons.

Human rights apply to children equally as to adults. Moreover, children are recognized as having special needs and rights in consideration of their evolving capacities. Therefore, any action concerning child (presumed) victims of trafficking shall be in full adherence with child rights standards, as enshrined in several international human rights instruments – primarily the United Nations Convention on the Rights of the Child.105

In order to ensure that the work of the MDTs meets the highest human rights and quality standards, a set of core principles should underpin and must be strictly adhered to at all times during the performance of their work. These principles are articulated in this section. They are followed by a Code of Conduct, which contains minimum standards in relation to the behavior toward (presumed) victims that is expected from the members of the MDTs.

Most critically, these guidelines and the work of the MDTs must embrace and operationalize a human rights-based approach. Safeguarding the human rights of trafficked persons should be at the center of all efforts to prevent and combat trafficking and to identify, protect, assist and provide redress to victims.106 This stems from the obligation that states have committed to, through adhering to international legal instruments, whose provisions are translated into national legislations such as the Law on the Eradication of the Criminal Act of Trafficking in Persons (Number 21, Year 2007). A human rights-based approach requires early identification of and assistance to trafficking victims. It also calls for informing victims about their human rights. Some trafficking victims may not even realize that their human rights may have been violated.107

7.1 Core principles to guide identification and referral by multi-disciplinary teams (MDTs)

A set of overarching core principles of the international human rights system shall be integrated into and at the center of all stages of the anti-trafficking work,108 including victim identification by village-based multi-disciplinary teams. These principles are outlined in Box #17 and further articulated below, with their specific relevance to the identification process underlined.109

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**Principle #1. Do not harm**

Any action aimed to identify trafficked persons should not cause harm to the individuals concerned nor to any member of their family, community or to any other individual involved, including MDT members.\(^{110}\) The minimum requirement is that victim identification and referral must not put the trafficked person in a worse situation, in the short term or longer term, than s/he would have been if s/he had not been identified. For example, a trafficking victim may be stressed and even re-traumatized during the process of preliminary or formal identification in which case this process may cause him/her harm and may not be in his/her best interests.

Harm may also be caused by “outing” someone as a trafficking victim within their family or community which may lead to discrimination, stigma and even safety concerns. This is a particularly pressing issue in cases where recruiters may reside in the victim’s home community and threaten the victim to prevent them from reporting their case. Raising victims’ expectations unrealistically about what identification and referral will offer to trafficking victims is another type of potential harm.

The potential harm of any intended action should be assessed and, if there is reason to believe that establishing contact with the presumed victim or referring him/her to a given procedure, may cause the individual to be worse off than before, it should not be undertaken at that point in time.\(^{111}\) The potential for harm should be continually assessed and reassessed while interacting with the trafficking victim and measures taken to prevent harm or address any harm that may arise.

**Principle #2. Informed consent**

Presumed victims of trafficking shall be fully informed about the possibility to be formally identified as a trafficking victim, about the assistance and protection options available and about the possibility to pursue legal avenues against their traffickers. They should also be informed about the benefits, limitations and risks inherent to each of these processes and options.

Victims should be enabled to make an informed and independent decision about whether or not to participate in any steps of the identification, referral and criminal justice procedures. Victims should have access to interpretation in case they need that support to be able to gain informed consent.

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\(^{110}\) This is also a professional principle in other assistance fields, like social work, medicine and international development.

One aspect of informed consent for the work of the MDTs is to fully explain the role and responsibilities of the MDT to conduct preliminary identification and referral; what the MDT can (and cannot) do to assist the victim in the identification and referral process and what information will (and will not) be shared with other members of the MDT.

A victim’s consent is not informed if they have not received full and complete information, if they do not fully understand this information or if the information has been presented in a way to influence their decision. Some victims may agree to be identified as a victim and serve as a victim/witness because they have been offered some benefit, like economic assistance, restitution or compensation. To the extent that these benefits are not realistic, the victim’s consent may not be fully informed.

Decisions to accept or decline formal identification should be respected. Consent should never be forced or coerced. Some victims may initially decline identification and assistance but change their mind at a later stage. This option should be available to trafficked persons, which involves providing them with the necessary information and contact details should they change their mind about identification and assistance at a later stage.\textsuperscript{112} Time is often needed for trafficked persons to process their options and opportunities and come to a decision as to whether available reintegration interventions meet their needs. Part of gaining informed consent is affording trafficked persons the space and time they need to make decisions in their best interests.\textsuperscript{113}

Gaining informed consent is not a one-off activity but an ongoing effort to be repeated over time. At each stage of the process of identification and referral, it is important to ensure that victims are informed and consent to the process. To ensure that consent is informed, it is advisable to give victims time to consider their decision and even discuss with persons they trust about whether to accept (some or all of the) opportunities offered by formal identification and referral.\textsuperscript{114}

In the case of (presumed) child victims, children should be provided with accessible information in a child appropriate way. This means in a language that they fully understand and in a manner that is appropriate to their age, experience and maturity. Unless this is not in the child’s best interests, his/her parents, other caregiver or guardian should be informed and consulted on all matters and consent to any action concerning the child.\textsuperscript{115}

**Principle #3. Confidentiality and privacy**

Confidentiality requires that professionally acquired information be kept private and not shared unless the victim provides informed consent or a professional or legal obligation exists to share such information without the victim’s informed consent. Privacy refers to the

\textsuperscript{112} See for example, NEXUS Institute (2017) *Directory of Services for Indonesian Trafficking Victims and Victim/Witnesses: West Java and Jakarta*. Washington, D.C.: NEXUS Institute, which is a resource for VoTs to access assistance and support in Indonesia.


\textsuperscript{115} Adapted from Surtees, R. (2013) *Ethical principles in the re/integration of trafficked persons. Experiences from the Balkans*. Washington, D.C.: NEXUS Institute and Brussels: King Baudouin Foundation. It may not be appropriate to obtain consent from a parent or guardian in the following circumstances: (1) where participation in the activity involves minimal risk (i.e. risks no greater than those in everyday life) and will not infringe on the rights or impact on the welfare of participants: (2) where parental or guardian consent is impossible to get or would not protect the child; (3) where the young person concerned is resistant to a parent or guardian’s consent being sought on the grounds of their right to privacy and confidentiality and where the emotional and social maturity of the young person has been evaluated and the risks of participation are considered to be low. If this is not the case, a child advocate, such as a social worker or psychologist, who is trusted by the child, should be involved in order to assure the child’s best interests. Plan (2009) *How to: Include Ethical Standards in all Monitoring Evaluation and Research Initiatives*. Woking, Plan Ltd. Unpublished document.
right to be free of unwanted and unsanctioned intrusion and is considered a basic human right in most countries.

The utmost care should be taken not to disclose information about the (presumed) trafficked person, unless the individual provides informed consent or a professional or legal obligation exists to share such information or – in the case of children – it is assessed to be in the child’s best interests. Information that could endanger the victim or family members should not be disclosed, regardless of whether or not the individual has consented to it. Information about the (presumed) victim shall be used solely for the purposes for which it was given.

For example, it is not acceptable for an MDT member to share any data and information about the victim and his/her case with others, including other MDT members, without the victim’s informed consent. To do so breaches the victim’s confidentiality and privacy. It is also necessary that any communication or contact that the MDT member has with a presumed trafficking victim is done so that it does not risk the individual’s right to privacy or confidentiality. Professional interactions in non-private settings can breach the privacy of respondents, especially in smaller communities or when discussions can be overheard. When staff are known to be anti-trafficking service providers, there can also be threats to beneficiary’s privacy. Privacy is threatened when case files are shared with others without the victim’s informed consent. Data collected about (presumed) victims of trafficking in the course of the preliminary identification and referral process should be strictly protected in adherence with national and international legal standards.

The parameters of confidentiality need to be discussed and agreed within the MDT as part of its operational working. This includes decisions about what information needs to be shared within the team to allow for its proper functioning and what information should be kept confidential. There may also need to be different decisions made about which members of the MDT have access to information. Some stakeholders – for example, law enforcement – may be bound by their own rules and chain of command such that they cannot receive information about a trafficking case without reporting that case as a possible crime. Those professionals who cannot assure a victim’s confidentiality may require different rules for their work and role on the MDT.

It is advisable for MDT members to sign confidentiality or compliance agreements that outline the parameters of confidentiality and explicitly detail what types of information can be shared amongst MDT member as well as with others. Moreover, information that may be shared should only be shared with those bound by the same duty of confidentiality and with the informed consent of the victim. If there is an overarching issue that would compel disclosure of information (for example, a legal requirement to report a crime), this must be done in accordance with the law as well as any professional codes of ethics and with the victim’s informed consent.

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118 There is currently no single legislation specifically formulated solely on data protection in Indonesia, as the provisions are scattered throughout several laws and regulations. However, the primary provisions of data protection are regulated under the following general laws: (i) Law No. 11 of 2008 on Electronic Information and Transaction ("EIT Law"); and (ii) Government Regulation No. 82 of 2012 on the Implementation of Electronic System and Transaction ("GR 82/2012"). GR 82/2012 defines “Personal Data” as certain personal information that are kept and maintained, and its accuracy and confidentiality is protected. However, GR 82/2012 does not provide further explanation on what information qualifies as “Personal Data".
Principle #4. Sensitivity, respect and non-discrimination
Sensitivity refers to the delicate appreciation of the feelings of trafficking victims. Respect refers to the due regard for their feelings, wishes or rights. Treating presumed trafficking victims with sensitivity and respect requires recognition that trafficking (as well as pre and post-trafficking experiences) have been painful, even traumatic and approaching the identification process in ways that recognise and respect these experiences and reactions. This involves sensitivity and respect in one’s manner of speech, words, body language, professional approach and overall behaviours and attitude.

Discrimination means treating people unfavorably or holding negative or prejudicial attitudes based on discernible differences or stereotypes.¹¹⁹ Non-discrimination is a basic human rights principle enshrined in national and international law. It is a violation to discriminate on the grounds of race, color, sex, language, religion, political or other opinions, national, ethnic or social origin, property, disability, birth or other status.¹²⁰

Discrimination may occur when MDT members only assist some victims – for example, persons who are originally from their village or are of a specific ethnicity, sex, age or nationality. Identification efforts and the subsequent offer of and referral to protection should not overlook certain categories of individuals. Another type of discrimination would be if the MDT member did not identify and refer a victim because the MDT member felt that the person was “at fault” in their trafficking – e.g. the person migrated illegally, returned home pregnant or with a child, was in prison while abroad. Children may be discriminated against in that their views and perspectives are not taken into account because of their age.

In relation to children, all key principles and fundamental rights apply to all children within a state’s jurisdiction, without any discrimination. Child (presumed) victims of trafficking shall be regarded and treated as any other children,¹²¹ with additional special protection as they are victims of the crime of trafficking.

Practising non-discrimination and approaching victims with sensitivity and respect are important in ensuring that the work of the MDTs ‘does no harm’.

Principle #5. Safety and security
This refers to the physical and psychological well-being of trafficked persons after trafficking has ended and they are home in their communities. A victim’s safety and security must, at all times, be of paramount importance and due attention is needed to assess any possible risks or issues. Each trafficked person will have different concerns and assessments of his/her safety/security situation. MDT members shall take these concerns seriously, while also making their independent assessment of what constitute risks to the presumed victim.¹²²

Traffickers and recruiters pose serious risks not only to the victims but also to their families and other community members.¹²³ An example of a potential security issue would be if the work of the MDT was widely known and visible in a community where traffickers were known to live and the recruiters/traffickers felt that the work of the MDT might lead to their arrest. This would be a risk for both the victim and MDT members.

Risk assessments should be done at the outset of any identification process and be continuously reviewed. Risks may concern physical integrity, but also the emotional and psychological implications. For instance, supporting the victim in accessing services independently may cause tensions within families. Discussing sensitive issues may hurt the presumed victim.

Children may be particularly ill-equipped to assess safety or security concerns associated with their involvement in identification, assistance and the criminal justice process. Thus, while children’s views should be listened to and taken seriously, a broader risk assessment is needed. In the case of children, a risk assessment should be ideally embedded in a broader procedure aimed to determine the best interests of the individual child concerned (see Principle #10: Child’s best interests).

Principle #6. Participation of the victim
Participation is fundamental in ensuring that the work of the MDT is undertaken according to victims’ self-expressed needs, interests and opinions. The presumed victim should be actively involved in all decisions and steps about their identification and referral. Victims should always be encouraged to voice their views, concerns and complaints at any stage of the identification process. MDTs are respecting the principle of participation when they work with the victim to make decisions about identification, referral and assistance for the victim.

Participation also applies to children and young people. The United Nations Convention on the Rights of the Child (CRC) enshrines in law the right of children to have their opinions taken into account on matters that affect them in accordance with their maturity. The child’s right to participation implies that their views and wishes should be sought and taken into account whenever decisions affecting them are being made, and given due weight in accordance with the child’s age and maturity. Measures and safeguards should be put in place to ensure safe and meaningful participation of any (presumed) child victim.

Principle #7. Timeliness
All actions regarding (presumed) victims shall be undertaken in a timely fashion. While all decisions should be given thorough consideration, delay shall be presumed to be prejudicial to the victim. Because formal identification of victims can take some time, the initial identification of presumed victims is crucial. Failure to identify victims at an early stage can result in inadequate protection of victims and the violation of their rights, which, in turn, may obstruct effective prosecution of the crime.

MDT members must also ensure that they are timely in their frontline work to identify presumed trafficking victims. MDTs should not delay in acting on the suspicion of an

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127 Article 12 of the UN Convention on the Rights of the Child provides that: “States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child”. In addition, the CRC makes provisions for children to receive, or have access to, information to help them participate meaningfully as well as access to education so that they are aware of their rights and can become responsible citizens (Articles 17 and 29). Children also have the right to freedom of expression, including to express their opinions in what they consider to be the most suitable form – i.e. orally, in writing or in print, in the form of art, or through any other media of the child’s choice (Article 13). In addition, they have the right to form organizations to represent their own interests (Article 15). United Nations (1989) Convention on the Rights of the Child. UN Treaty Series vol. 1577.
individual being a presumed trafficking victim or in responding to information about a presumed trafficking victim.

Principle #8. Individualized treatment and care
While recognizing that victims of trafficking share common experiences and circumstances, assistance and protection provided should acknowledge the individuality of each victim, including culture, gender and age, as well as differences in experiences before, during and after trafficking. Services offered should be tailored to the needs of the individual victim. In the case of children, access to specific protection measures envisaged as part of the anti-trafficking framework and/or child protection systems should be granted. A decision about care options should be embedded in a broader best interests determination procedure (see Principle #10: Child’s best interests). Trafficking victims should be equipped with the skills, ability and confidence to draw upon their own resources in the course of the recovery process and leading to an autonomous life.  

Principle #9. Child protection
Child protection is the term used to describe the responsibilities and activities undertaken to prevent or to stop children being abused or ill-treated. Everyone under 18 years of age is a child. Every child, including trafficked children, has the right to be protected from any form of neglect, abuse, violence and exploitation. All children are to be protected as required by their status as minors without discrimination of any kind due to race, sex, language, religion, ethnic or social origin, birth or other status, including immigration status. The involvement of child victims in criminal activities shall not undermine their status as both a child and a victim or their related rights to special protection.

Presumed child victims of trafficking should be referred for identification, assistance and protection options envisaged as part of the anti-trafficking framework and to the additional protection measures embedded in the existing child protection system. Any vulnerable child that the MDT comes into contact with should be referred to the child protection system even if not a victim of trafficking.

Principle #10. Best interests of the child
The best interests of the child, as enshrined in Article 3 of the United Nations Convention on the Rights of the Child, envisages that “in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”. This principle must be placed foremost in providing assistance and protection to child victims of trafficking. The child’s best interests shall have a higher importance than all other considerations. The assessment or determination of the best interests of a (presumed) child victim shall take into account (among other factors): the child’s views; his/her identity (including sex, cultural identity and personality); the preservation of the child’s family environment; care, protection and safety of the child; his/her specific situation of vulnerability (including being a victim of trafficking, but also

In terms of services provided to children as victim/witnesses, children have the right to express their views freely, have the right to be respected in full in obtaining survival, development, special protection and participation, and obtain temporary care, identification and a long-term solution in accordance with the best interests of children.\textsuperscript{137}

### 7.2 Code of conduct for multi-disciplinary teams

A code of conduct is a set of rules outlining the minimum standards of behavior that MDTs should adhere to. It is designed to help MDTs members identify and assess relevant considerations that should guide them to act in accordance to the principles and approaches outlined above and in compliance with the broader legal framework.\textsuperscript{138} The MDTs role in case handling in villages is governed by and in line with national law and policy including the national anti-trafficking legislation as well as the local village regulations.\textsuperscript{139}

#### Dos and Don’ts for MDTs in victim identification and referral

**Dos**

- It is important for all MDT Staff to:
  - Remember that (presumed) victims of trafficking have the right to the utmost respect (this includes respect for their physical, intellectual, social and emotional welfare).
  - Be sensitive, respectful and non-discriminatory in your interactions with the presumed VoT.
  - Respect the cultural, religious and ethnic background of all trafficking victims or other people you come in contact with, however different it may be from your own.
  - Identify the MDT member(s) who are most appropriate to interact with the presumed victim, including considering sex, age, specific requests from the VoT and so on.
  - Create the most comfortable environment to speak with the presumed victim including allowing family or other trusted persons to be present when meeting, if the VoT wished.
  - Limit the number of MDT members involved in any interaction with the presumed victim.
  - Be open to the presumed victim; listen carefully and with an open mind and do not dominate the conversation.

\textsuperscript{137} MoWECP (2010) *Standard Operating Procedures for Integrated Services for Witnesses and/or Victims of Human Trafficking* (Number 22, Year 2010), p. 22, Principle 3. The 2010 SOP has its basis in law in the *Regulation on Procedures and Mechanism of Recovery Services for Witnesses and/or Victims of Trafficking* (Number 9, Year 2008).
\textsuperscript{139} Law 21/2007 states that the community shall participate in preventing trafficking and assisting victims of trafficking through the provision of information and/or lodging of reports on the occurrence of trafficking in persons to law enforcement organizations or authorized officials and participation in the treatment of victims of the criminal act of trafficking in persons (Article 60). See also MoWECP (2010) *Handbook for Village Chiefs to Stop Trafficking*. Indonesia: Ministry of Women’s Empowerment and Child Protection.
Develop a good rapport with the victim by anticipating his/her needs and providing a good exchange of information

- Model good conduct for other MDT members and others in the community to follow
- Challenge any inappropriate behavior in relation to identification and referral of presumed victims
- Be prepared to accept constructive criticism of one’s work on the MDT
- Report any suspicions or allegations of abuse
- Be aware of situations that may present risks and manage these
- Recognize the need to exercise special care and caution in discussing sensitive issues with (presumed) victims
- Create an atmosphere of trust and comfort in all interactions with the presumed VoT
- Chose a location to establish contact where the presumed victim feels safe and comfortable and is one to which they consent to meet with the MDT
- Give presumed victims time to make decisions about whether they wish to be assisted by the MDT
- Always remember what the presumed victim has experienced and how this may lead to negative reactions and behaviours in one’s interactions
- Guard the presumed victim’s confidentiality and privacy, including not sharing his/her picture with anyone outside of the MDT and, within the MDT, only with his/her consent

When working with (presumed) child victims, in particular, MDTs should:

- Plan and organize the work and the work environment so as to minimize risk and discomfort to the child
- As far as possible, be visible to others in working with children
- Consider whether it may be appropriate to meet the child in the presence of trusted others (for example, family, friend) or if the child prefers to speak alone
- Ensure that a culture of openness and comfort exists to enable any issues or concerns to be raised and discussed
- Ensure that a sense of accountability exists between MDT members so that poor practice or potentially abusive behavior does not go unchallenged
- Talk to children about their contact with MDT members or other professionals and encourage them to raise any concerns and questions that they may have
- Empower children by discussing with them their rights, what is acceptable and unacceptable, and what they can do if there is a problem
- Maintain high personal and professional standards in all actions as a MDT member
- Respect the rights of children and treat them fairly, honestly and with dignity and respect

Don’ts

MDT Staff should never:

- Act in ways intended to shame, humiliate, belittle or degrade victims, or otherwise perpetrate any form of emotional abuse
- Accuse or blame the presumed victim – for example, for accepting work abroad, their trafficking experience, for not having escaped, their experiences and needs after trafficking
- Be confrontational if facing negative reactions from the presumed victims – for example, hostility, anger, fear, distrust, unwillingness to cooperate or lies. Remember the many reasons for him/her to behave in this way.
- Make judgments about what the victims may have done or share their views about the individual’s experience. MDT members may need to challenge his/her own
stereotypes or pre-conceptions, to avoid any kind of stigmatization and to be unprejudiced

- Put emphasis on convincing the person of his/her victim status, if s/he does not realize that s/he is being exploited nor wishes to change his/her current condition yet
- Make the presumed victim feel under interrogation, but instead ensure that s/he understands that s/he is given the time needed to get used to the interaction
- Jump to conclusions about others without checking the facts
- Show favoritism to any individual, discriminate against or show unfair differential treatments
- Take a chance in some actions when common sense, policy or practice suggests a more prudent approach.
- Take decisions unilaterally. Actions and decisions should be coordinated with the MDT.

When working with (presumed) child victims, in particular, MDTs should never:

- Hit or otherwise physically abuse children
- Engage in sexual activity or have a sexual relationship with anyone under the age of 18 years regardless of the age of majority or consent locally. The mistaken belief in the age of a child is not a defense
- Develop relationships with children that could in any way be deemed exploitative or abusive
- Act in ways that may be abusive or may place a child at risk of abuse
- Use language, make suggestions or offer advice that is inappropriate, offensive or abusive or an abuse of power.
- Behave physically in a manner that is inappropriate or sexually provocative
- Do things for children of a personal nature that they can do themselves
- Condone, or participate in, behavior of children which is illegal, unsafe or abusive
- Spend excessive time alone with children away from others
- Take children to your home, especially where they will be alone with you
- Take unilateral decisions about working with a child. All actions and decisions should be coordinated with the MDT.
8. Conclusion

Identification is a complex process that requires functional and comprehensive legal, policy and practical measures and the coordination among different institutions and organizations. Nevertheless, in spite of the importance of the identification of trafficked persons in anti-trafficking responses – in Indonesia and worldwide - many victims go unidentified due to a number of barriers relating, among others, to lack of effective mechanisms to preliminarily identify presumed victims.

MDTs have a unique role to play in ensuring that trafficking victims – particularly those who have returned back to their communities and have not been screened for trafficking at any stage of their travel – access the services that they need and are entitled to, and that they are formally identified and given the opportunity to pursue legal avenues if they wish so.

These guidelines are a practical tool that – combined with training, mentoring and supervision – will enable MDTs to preliminary identify presumed trafficking victims, provide them with information relevant to their situation, rights and entitlements, and support them to access services and relevant authorities.

The guidelines (and indicators of trafficking provided therein) are based on current trafficking trends in the areas where MDTs operate. The guidelines are intended as a living document and should be periodically reviewed and updated, based on evolving trafficking patterns as well as in light of new legal and policy provisions adopted at local or national level and the institutional framework affecting identification and protection of VoTs. As part of a revision process, it will also be important to discuss, consider and accommodate victims’ experiences of identification, referral and assistance including what worked well and what changes and improvements are needed. It is also important to identify and take into account any negative or unintended consequences in properly implementing any steps above, if applicable and appropriate.

The ultimate aim of this document is to uphold the human rights of adult and child victims of trafficking. Thus, they should guide the MDTs’ work in adherence to the highest rights-based quality standards. In particular, possible negative or unintended impact on the presumed victims, their families and the broader community, should always be carefully assessed and timely addressed. Ensuring that the fundamental rights of presumed and actual victims of trafficking are realized to the widest extent possible, and that their needs – particularly the specific needs of child victims – are appropriately and sensitively met, shall be a continuous effort for MDTs and for whoever else may use the guidelines.

Finally, it is hoped that the good practice standards embedded in this document will also inspire more victim-centered, rights-based policymaking and practices among anti-trafficking policymakers and practitioners, contributing to enhanced assistance and protection for all the women, men and children who are trafficked and exploited in Indonesia and in every part of the world.
9. Resources and references


COMMIT (n.d.) *Identifying Victims of Trafficking and Associated Forms of Exploitation: Common Indicators for First responders*. Coordinated Mekong Ministerial Initiative against Trafficking.


MoWECP (2010) Standard Operating Procedures for Integrated Services for Witnesses and/or Victims of Human Trafficking (Number 22, Year 2010).


Republic of Indonesia (2008) Regulation Concerning Rules and Mechanisms of Services for Witnesses and/or Victims of Human Trafficking (Number 9, Year 2008).


Save the Children Italia (forthcoming) ONLUS, AGIRE Methodology. Italy: Save the Children Italia.


UNODC (n.d.) *Human Trafficking Indicators.* Vienna: United Nations Office on Drugs and Crime

10. Annexes

Annex #1. Composition of the village-based of multi-disciplinary teams (MDTs) and selection criteria for MDT members
Annex #2. Consent form for presumed trafficking victims to be supported by the MDT
Annex #3. Agreement to comply with MDT Core Principles and Code of Conduct
Annex #4. Indicators of trafficking (for different forms of TIP)
Annex #5. Frequently asked questions (FAQs)
Annex #6. List of services in West Java and Jakarta
Annex #7. Glossary of terms for the criminal justice process
Annex #8. Additional resources, references and materials about human trafficking
Annex #1. Composition of the village-based of multi-disciplinary teams (MDTs) and selection criteria for MDT members

A multi-disciplinary team (MDT) is a group established by the village administration to conduct preliminary identification and referral of presumed trafficking victims. MDTs are comprised of different specialist institutions working in the village as well as other individuals who are active in the community and may encounter victims of trafficking in the village setting.

Selection process
The selection of MDT members is conducted by a MDT selection committee, led by the village administration in consultation with key stakeholders engaged on the issue of migrant workers, human trafficking and social protection. Selection of MDT members is based on the qualifications and criteria outlined below.

Period of service:
- 2 year appointment

Terms of service:
- Commitment to attend monthly meetings and ad hoc meetings, as needed, for the period of the appointment
- Commitment to conduct preliminary identification of presumed trafficking victims, as cases arise
- Adherence to the Core Principles for the MDTs (section 7.1), MDT Code of Conduct (section 7.2) and Compliance agreement (Annex #3)

Number of members on MDT:
- Approximately 10 members
- Preferably 50% women and 50% men

Qualifications and selection criteria for MDT members:
- Commitment to attend monthly meetings and case coordination meetings for the period of the appointment
- Spirit of voluntarism to develop the village, particularly to combat trafficking at the village
- Some level of experience in working with VoTs or migrant workers
- Willingness to learn about human trafficking, victim identification, referral, assistance and the criminal justice process
- Skills and sensitivity in interacting with trafficking victims or other vulnerable persons
- Able to work well in a team and to support and encourage other MDT members
- Members to represent different disciplines and fields of work
- Types of disciplines and institutions that may be represented on the team:
  - Individuals working on social assistance (e.g. social worker, TKSK)
  - Medical clinic staff (e.g. nurse, doctor, counselor)
  - School staff (e.g. teacher, principal, school counselor)
  - Village chief or local village official
  - Local administrator/official who may have contact with victims
  - Religious leader
  - Former migrant workers
  - NGOs staff working on migration or TIP issues
- "Motekar" (Motivator Ketahanan Keluarga/Motivators for Family’s resilience)
- Youth organization staff (e.g. Karang Taruna)
- Representative of women’s organizations (e.g. PKK)
- Representative of P2TP2A who are assigned by P2TP2A to work in the village
- Representative of the police

**Procedure for changes to the MDT.**

In the event that a MDT member is unable to continue with his/her position (for example, due to time constraints, ill health, etc), the MDT selection committee will meet to identify a suitable replacement, in line with the criteria and qualifications outlined above. The new member will be required to agree to the terms of service outlined above.

A MDT member may be removed from the MDT if he or she does not adhere to the MDT Code of Conduct and the Core Principles

**Roles and responsibilities within the MDT**

Within the MDT, there are positions with specific roles and responsibilities, as outlined below

**Head of the MDT**
- Responsible for arranging regular meetings and *ad hoc* meetings upon request
- Representative of the village administration including Village Chief

**MDT Case Coordinator**
- Responsible for recording and updating the cases handled by the MDT
- MDT member with experience in working with migrant workers or trafficking victims

**MDT members**
- Responsible for case handling as agreed and discussed within the MDT
- Responsible for coordinating with and reporting to the MDT Case Coordinator

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140 The inclusion of a police representative must be in line with relevant legislation and regulations and approved by the supervising institution. It may not be suitable for the community police officer to be a member of the MDT as he/she falls within the sub-district police structure and reports to the sub-district police office, not the village administration. The community police officer must maintain his/her neutrality in the event that a victim reports his/her case to law enforcement and should not be in a position to influence decisions taken by a victim in his/her case. If a police officer is not included as a member of the MDT, the police should support the work of the MDT by offering protection to presumed victims and their families, as needed, and liaising with the CID officer in the sub-district and district level police office.
Annex #2. Consent form for presumed trafficking victims to be supported by the MDT

I, ____________ (name of individual), have met with____________________ (name of MDT member) of the village based multi-disciplinary team (MDT) about my past experience of migration. He or she has explained to me that I may be a victim of human trafficking and may be entitled to receive some assistance and/or be formally identified as a victim and/or report my case to law enforcement. He or she has explained that my decision to proceed with these avenues is entirely voluntary; I understand that I can decline any of these options.

I consent:

☐ to be referred to the appropriate authority to interviewed to assess if I am a victim of trafficking

☐ that _____ (name of MDT member) will accompany me to be interviewed to assess if I am a victim of trafficking

☐ that _____ (name of MDT member) will assist me in identifying and accessing any needed services available, regardless of whether I consent to be formally identified as a VoT

☐ that _____ (name of MDT member) will anonymously discuss my assistance needs with the MDT members to identify possible assistance options for me

☐ that _____ (please detail other steps or actions that were discussed and agreed)

Name:
Place (District/City):
Signature:
Date:
Annex #3. Agreement to comply with MDT Core Principles and Code of Conduct

I have received and read the Ethical Principles and Code of Conduct developed for the work of the Multi-Disciplinary Teams in the identification of presumed trafficking victims.

I understand the critical importance of complying with the MDT Ethical Principles and Code of Conduct and agree to do so in all of my work with the multidisciplinary team of _______________ Village, _______________ Sub-district, _______________ District.

I understand that a MDT member may be removed from the MDT if he or she does not adhere to the MDT Code of Conduct and the Core Principles.

If I am uncertain about the proper protocol or procedure in any situation I will raise this issue with the MDT for guidance before acting.

If I determine that anyone working on behalf of the MDT, including myself, has intentionally or unintentionally violated protocol or procedure I will notify the MDT immediately so that an effort can be made to minimize or repair any resulting harm.

Full legal name (printed): __________________________________________
Signature: _______________________________________________________
Date and place: __________________________________________________
Annex #4. Indicators of trafficking (for different forms of TIP)

The list of indicators was developed based on a number of tools and resources. Indicators were then discussed and validated during the training and mentoring of the MDTs, in order to specifically tailor them to the village context.

This is not intended as a list of questions for MDTs to go through (as these relate to the following steps in the identification process – initial/preliminary interview and formal identification process), but rather as issues that if reported during interactions with the person would provide serious signs of potential trafficking.

Indicators should be expanded, revised and modified based on changes in trafficking trends, recruitment patterns and victims’ profiles observed at the local level. It is recommended to review and update the indicators at least once a year (and at any point in time when new trends emerge).

1. Indicators of possible future exploitation
These indicators are possible signs that someone may be at risk of trafficking, having been recruited in ways that signal the potential intention to exploit them.

☐ The person has been recruited by a sponsor to work in a country for which there is a moratorium for migrant workers.

☐ The person has been recruited and promised to work abroad and has paid a sum of money larger than the official fee.

☐ The person is being forced to stay in the pre-departure training center, without the option to leave the facility.

☐ The sponsor gave money to the family of the potential migrant worker to influence them to allow him/her to migrate.

2. Visual indicators of past exploitation
These indicators are visual sign that someone may have faced problems while working abroad which should lead the MDTs to undertake more careful observation and make initial contact with the person concerned to determine if they may be a presumed victim of trafficking.

☐ The person shows signs of distress, depression or psychological abuse

☐ The person shows signs of physical abuse or poor physical condition

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☐ The person has shared information about serious problems faced when s/he migrated

☐ The person appears to be withdrawn and isolated or in conflict from his/her family

☐ The person appears to be withdrawn and isolated from the community

☐ The person has no identity documents and/or had returned without any money

☐ The person expresses negative emotions and self criticism (e.g. anger for having made a bad migration decision, lack of confidence in their own judgment, guilt for having failed at migration, etc.)

☐ The person is suspicious of and lacks trust in those around him/her

☐ The person (or their family members) faces threats from a broker or trafficker (in person, by phone or text message, by email, on Facebook, etc.)

☐ The person is in debt to those who recruited him/her (i.e. sponsors, brokers, recruitment agency, etc.)

3. Indicators of past exploitation shared by the person
These indicators are signs and issues that MDTs need to ask about when approaching the presumed victim, as a means of assessing whether they may be a presumed trafficking victim. It is not a list of questions to be asked but rather topics and experiences that MDT should note in their interactions with the individual.

☐ The person worked in very dangerous conditions and/or an unsafe working environment

☐ The person’s working days or hours were excessive

☐ The person received no payment or was paid much less than s/he expected

☐ The person lived in groups in the same place where s/he worked and could leave those premises infrequently, if at all

☐ The person lived in poor conditions (unhygienic, sub-standard, etc.)

☐ The person did not have access to adequate food, water, basic needs

☐ The person (or her/his family) owes money to others who helped her/him to get the job

☐ The person was deceived about the nature of the job offered to her/him

☐ The person was not allowed to leave the place where s/he worked or lived

☐ The person was not able to communicate with family while away

☐ The person has been expelled or subjected to forced return from another country
☐ The person suffered violence when they were away – e.g. from job placement agency, employer, etc.

4. Additional indicators for children
These are additional indicators when MDTs are considering whether a child may be

☐ The child looks intimidated and/or behaves in a way that does not correspond with behavior typical of children of her/his age

☐ The child missed education for a long time

☐ The child has been involved in type(s) of work illegal or unsuitable for her/his age

☐ The child has travelled (abroad or to a different region of Indonesia) with unrelated adults

☐ The child showed signs of physical and/or sexual abuse, physical restraint, confinement or torture.
Annex #5. Frequently asked questions (FAQs)

About trafficking

Q. How do I know if I am a trafficking victim?
A. If you are being exploited or abused, you may be a trafficking victim. Some signs of trafficking include

- You have not been paid for your work.
- You have only been paid part of what you were promised.
- You must turn your earnings over to your employer.
- Your employer or someone connected to them keeps your documents from you.
- You are being forced to work or being threatened to make you work.
- Your employer is hurting you or threatening to hurt you or your family.
- You are in debt to your employer or to someone else who is forcing you to work.
- You were “sold”; someone paid money and says that they now own you.
- You are being forced to do things that are not a part of your working contract or agreement.
- You have a contract that penalizes you for quitting or leaving your work.
- You are not given sufficient food.
- You are not given time to rest and sleep.
- You are required to work when you are hurt or sick.
- You are not permitted to see a doctor.
- You are not allowed to leave your place of work or your movement is monitored or supervised.
- You feel trapped.

Q. Can men be trafficking victims?
A. Yes. Men can be trafficking victims. So can women and children, both girls and boys. Indonesia’s Anti-Trafficking Law recognizes all trafficking victims and requires that assistance be provided to all trafficking victims.

Q. What are the different forms of exploitation that trafficking victims suffer?
A: The law against human trafficking in Indonesia recognizes many forms of exploitation:

- Forced labor or service (e.g. as a domestic worker, in a factory, agriculture/plantation, construction, for fishing, etc)
- Slavery or similar practices
- Physical abuse
- Sexual abuse
- Illegal transfer or transplantation of body organs
- Abuse of reproductive organs
- Forced prostitution
- Sexual exploitation

Q. If I chose to migrate formally, can I still be a trafficking victim?
A. Yes. Some trafficked persons choose to migrate formally but find themselves tricked or forced into a bad situation later in the process – for example:

- not being allowed to leave their place of work;
- not being provided with adequate food;
- suffering physical and/or sexual abuse (by employers or by agents);
• being forced to work excessive hours with no breaks;
• not receiving the salaries that they were promised;
• being forced to work to pay back the cost of migration.

Some migrant workers who migrate formally end up as victims of human trafficking. But not all migrant workers who have a bad experience are trafficking victims.

Q. If I agreed to the work that I am doing (or did in the past), can I still be a trafficking victim?
A. Yes. Even if you agreed to the work that you are doing (or that you did in the past), you can still be a trafficking victim. Even if you signed a contract, you can still be a trafficking victim. For example, you might be a trafficking victim if:

• You agreed to the work but you feel threatened or like you might be in danger if you quit working.
• You agreed to the work but your agent or employer has told you that you will be arrested or deported if you quit working.
• You agreed to the work but the agent or employer has threatened your family member in order to make you keep working.
• You agreed to the work, but you feel that your employer is forcing you to keep working, to work more hours than you agreed to or to do different work than you agreed to.
• You signed a contract but the work that you are doing is different than you were promised or you are not being paid according to the contract that you signed.
• You agreed to the work because you were in debt to the agent or the employer.
• You do not have access to your travel documents.
• You ended up working in a different industry or a different location.
• You are being forced to live under different conditions than those agreed upon.

If you are under age 18, it never matters if you agreed to the work. It does not matter if your parents agreed to the work for you.

Q. If I voluntarily enter a country illegally/unlawfully, can I still be a trafficking victim?
A. Yes. Some trafficked persons might start their journey by agreeing to be smuggled into a country illegally, but find themselves tricked or forced into a bad situation later in the process – for example, forced to work to pay back the cost of movement.

Q. How is human trafficking different from human smuggling?
A. Human smuggling ends when the migrant arrives at his/her intended destination. Human trafficking is the ongoing exploitation of the victim at the intended destination. Human smuggling can become human trafficking if smuggled migrants find they are tricked or forced into an exploitative situation once they arrive at their destination, even if they agreed to be smuggled into a country.

Q. Can I be trafficked more than once?
A. Yes. Many trafficking victims are trafficked more than one time. Sometimes trafficking victims are recruited again by the same agents, agency, acquaintances or relatives or exploited by the same employers.

Q. I think I am a trafficking victim, but no one knows what happened to me. Can I get help?
A. Yes. Even if you have not told anyone about your bad experiences, you can still get help. Even if your bad experiences happened a long time ago you can get help.
About getting help

Q. Where can I go for help?
A. If you are a trafficking victim and you need help, you can:
   - Go to the Integrated Service Center (Pusat Pelayanan Terpadu or PPT).
   - Go to the Integrated Service Center for Women and Children (Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak or P2TP2A).
   - Get assistance from the government.
   - Get assistance from non-government organizations (NGOs).
   - Call a helpline.
   - Tell someone in your village who can help you.
   - Go to the police.
   - Get assistance from an Embassy if you (or your family member) are in another country.

Q. How can I deal with the terrible experiences I have had?
A. Many people return from trafficking feeling anxious, stressed or depressed. There are professionals who can help. Please see the different organizations and institutions (government and NGO) in Jakarta and West Java who can help you in Annex #6.

Q. How can I be identified as a victim of trafficking?
A. To be formally identified as a victim of trafficking you can go to:
   - a police officer;
   - a state social worker, at the district, provincial or national level;
   - the Integrated Service Center (Pusat Pelayanan Terpadu or PPT)
   - the Integrated Service Center for Women and Children (Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak or P2TP2A);
   - the National Agency for the Placement and Protection of Indonesian Migrant Workers (BNP2TKI) Crisis Center;
   - the Embassy (if you are in a foreign country).

Q. Will I get in trouble if I talk to the police?
A. In principle, you should not get into trouble if you report your trafficking case to the police. The anti-trafficking law protects trafficking victims and the police are required to help you. For example, if you are a trafficking victim, you cannot be charged for crimes that you were forced to commit while trafficked. Further, as a victim/witness you have the right to confidentiality of identity under Article 24 the anti-trafficking law (Law 21/2007) which stipulates punishment for anyone who discloses the identity of a witness or victim.

If for some reason you are detained or charged for crimes that occurred as a result of you being trafficked (e.g. traveling with forged documents, illegal border crossings, engaging in prostitution, involvement in illegal fishing or other forms of illegal labor, etc.), you should request to speak to a lawyer. The police should arrange for you to receive free legal assistance.

Please also be aware that some police officers might ask you to provide them with some evidence to prove that you are a victim of trafficking such as travel documents, your passport, work contract (if any), etc. In addition, they might also ask you detailed questions regarding the traffickers who recruited, transported, harboured and/or exploited you.
About legal rights

Q. I do not want to talk to the police. Can I get help?
A. If you do not want to go to the police for help, you can go directly to the Integrated Service Center for Women and Children (Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak or P2TP2A) or an Integrated Service Center (Pusat Pelayanan Terpadu or PPT) or Social Bureau or find someone in your village who can help you. You can receive assistance even if you do not talk to the police about your case.

Q. I do not want to go to court or testify against the people who trafficked me. Can I get help?
A. Under Indonesian law, trafficking victims have the right to services and support even if they don’t want to go to court or testify against their traffickers. However, the anti-trafficking law (Law 21/2007) states that in order to make a claim for services, you must first report your case to the police (Article 51).

Q. I do want to go to court and testify against the people who trafficked me. Can I get help?
A. If you want to take legal action against the people who trafficked you, you will become what is called a victim/witness. To receive help, you need to take your case to the police or to the Integrated Service Center (Pusat Pelayanan Terpadu or PPT) and make a statement. Make sure you get the Surat Tanda Penerimaan Laporan or STPL (Report Receipt Slip). You can decide to stop being a victim/witness at any time. However, if you decide to do so, the case can be stopped at the investigation or prosecution stage due to lack of evidence. Judges might also give a low sanction to the trafficker due to lack of convincing testimony from you as a victim witness/witness.

Q. How do I bring criminal proceedings against my trafficker?
A. You first need report your case to the police or the Integrated Service Center (Pusat Pelayanan Terpadu or PPT) or the Integrated Service Center for Women and Children (Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak or P2TP2A). The police will take your statement and the police can help you with finding a lawyer. If the victim cannot afford to hire his or her own lawyer, the police will arrange for a pro bono (free) state lawyer to assist the victim. However, please note the police cannot ensure the quality of representation.

Q. What rights do I have if I testify against my trafficker in a criminal proceeding?
A. Indonesian law gives you specific rights if you testify as a victim/witness. However, please be aware that in reality you might not receive all the rights due to various factors such as lack of knowledge of law enforcement officers or lack of services available. These rights include:

- assistance and support before, during and for an appropriate time after the conclusion of criminal proceedings;
- the right to be protected from your trafficker and anyone else who may threaten you;
- the right to information in a language you understand;
- the right to not be treated as a criminal;
- the right to privacy and confidentiality;
- the right to compensation or restitution.

Q. What is restitution?
A. Restitution is money that the court may award to victim/witness for loss of assets or income; suffering of the victim; the cost of the victim’s medical and/or psychological treatment; or for other losses that the victim may have suffered due to human trafficking. The money is claimed from the trafficker. Restitution can only be awarded in the event that
the trafficker is convicted of the crime of human trafficking and if the trafficker has the financial ability to pay it. So, it is important to note that restitution is not paid in all circumstances if these two conditions mentioned are not met.

Q. Will I receive any restitution?
You may receive restitution if your case is proven and if the trafficker has the financial ability to pay it. You have to make sure that the investigator working on your case includes the restitution claim in the BAP (Berita Acara Pemeriksaan or Minutes of the Police Examination). Also you have to make sure that the prosecutor includes the restitution claim in the prosecution file. This will increase the chances that you will get restitution. It does not, however, guarantee that restitution will be granted to you, as this depends on a variety of factors. For example, receiving restitution may be problematic if the trafficker does not have any money, or if the defendant spends extra time during proceedings with the aim of avoiding paying the restitution, or if the defendant appeals to a higher court and then is not convicted of the crime of human trafficking. Upon the court verdict at the State Court level, restitution should be awarded. However, this does not always occur.

Q. What is it like to be a victim/witness?
A. As a victim/witness, you will work closely with the police and the state prosecutor to bring a case against your trafficker. You may have to answer many questions and give your statement many times. You will likely also need to appear in court to testify. Being a victim/witness means that you may need to travel to another city for the case, which may include paying for transportation and travel costs, and missing work while you are away.

Q. How many times would I need to go to the police to give statements?
There is no regulation or standard in terms of how many times a victim should go to police office to give statements. A victim might go only once or may be required to go many times, depending on the needs of the police officer and the information required to build a case. You will likely have to pay for your own transportation and associated costs.

Q. How many times would I need to go to court to testify? And what if I cannot make it because of work, family, health or financial reasons?
Based on the criminal procedure, a victim should appear only one time for a hearing. But whenever the judge requires additional information the victim/witness can be called again to testify. According to the anti-trafficking law (Law 21/2007), if the witness cannot come to court in person, the witness can testify remotely (Article 34), such as, in theory, through an electronic system, if the court has the available technology in place. However, this is not commonplace in Indonesia. Alternatively, the hearing date/time can be postponed, to allow for you to make the necessary arrangements to attend. The prosecutor responsible for your case should be able to arrange for this postponement. Please also make sure to contact a victim support agency/NGO in advance, as they might be able to help you with the arrangements.

Q. Will I need to see the defendant in court?
According to the anti-trafficking law (Law 21/2007), the victim/witness can make a request to the judge to testify without the presence of the defendant inside the court room (Article 37). The judge could ask the defendant to leave the court room while you give testimony or you could testify in a separate room. However, this is at the discretion of the judge rather than a right, which means that the judge may require the victim to remain in the court room. Most commonly the accused will be present when the witness testifies. Please make sure to discuss this concern in advance with the prosecutor and lawyer if you would prefer to testify without facing the defendant, so that they can try to make arrangements with the judge for an alternative option.
Q. What happens if I give a statement and then decide that I do not wish to testify? Will I be forced to testify? Will I get into trouble with the authorities?
As a victim/witness, if you decide not to give testimony in the court after you give a statement, you will not be forced to testify and you will not get into trouble with the authorities. However, the judges will only hear from the prosecutor your statement provided at the investigation stage which was given under oath. This is not as convincing for the judges to make their decision as it would be if you provide testimony directly. As a result, the judges might rule in favor of the defendant or impose a lower sanction for the trafficker. If you decide not to testify in court, the law on victim/witness protection (Law 13/2006) provides an alternative, in which you can provide testimony in writing in front of a public notary, judge or head of sub-district or provide testimony from distance through teleconference facilities, or provide testimony from a separate room in the court (Article 9).
If you are a minor, the anti-trafficking law (Law 21/2007) provides that with the approval of the judge, you could provide a recorded statement in lieu of testifying in court.

Q. Who will support me as a victim/witness? Who will accompany me to court?
You can ask for assistance or support from the Integrated Service Center (Pusat Pelayanan Terpadu or PPT) in your district. If there is no PPT in your district you can ask for assistance or support from the Integrated Service Center for Women and Children (Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak or P2TP2A). They are obliged to protect you as a victim/witness throughout the legal process including accompanying you to court. In practice, some of the legal aid organizations or NGOs could also support you and provide you with necessary services. But please be aware that not all organizations have these supports or sufficient resources to do so. If you are a minor, the anti-trafficking law (Law 21/2007) requires that you be accompanied to court by your parents, a family member, friend, lawyer or social worker (Article 39).

Q. What is a prosecutor? And will I have a lawyer to help me?
The Criminal Procedural Code (KUHAP) stipulates that a public prosecutor is a public attorney who is granted authority by the law to conduct a prosecution and to execute the ruling of a judge (Article 6). In practice, the prosecutor is “on your side” as you are the victim/witness against the trafficker. The prosecutor works to prove that the accused committed the crime and, if requested, to claim restitution from the trafficker.

Since you, as a victim/witness, are already represented by the prosecutor in the court, you do not need a lawyer. However, if you need a lawyer to discuss anything related to your case during the investigation, prosecution or trial stages, you can contact the P2TP2A or an NGO or the legal aid institute (LBH) in your district. They should refer you to a lawyer who can provide services for free. However, please note that they may have limited resources to be able to provide this support.

You should also to be aware that the anti-trafficking law (Law 21/2007) stipulates that over the course of the investigation, prosecution and examination in court, the victim/witness is entitled to be accompanied by a legal counsel and/or other escort as necessary (Article 35).

Q. Many years have gone by since I was trafficked. Can I still bring a case against my trafficker?
A. Because trafficking is such a serious crime and the sanction is a minimum of three years imprisonment according to the Criminal Procedural Code (KUHAP) (Article 78), you may be able to bring a legal case against your trafficker if less than twelve years have passed since you were trafficked.

Q. How long will the whole legal process last, from my first meeting with the police to the judge’s verdict?
It is unclear how long the process may take in the case of a human trafficking prosecution. It may take anywhere from six months to, more commonly, several years until a case is complete.

**Q. Can the judge punish me for having travelled or illegally abroad?**

Technically, by law, the judge does have the right to charge a victim for having travelled or worked without legal documents. However, this should not be the case in a situation of human trafficking. International law, including the ASEAN Convention on Trafficking in Persons, prohibits the penalizing of trafficking victims for crimes that they committed while trafficked, including irregular migration. Moreover, the anti-trafficking law (Law 21/2007) stipulates that a victim who commits a crime under coercion by a trafficker shall not be liable to criminal charges (Article 18).

**Q. Will I get witness protection? For how long and what would that look like?**

Decisions on witness protection are case specific and will be determined by the Institution for Witness and Victim Protection (Lembaga Perlindungan Saksi dan Korban or LPSK). Please make sure to discuss the need for witness protection with the prosecutor handling your case, as well as with the lawyer/NGO assisting you in advance to be able to receive realistic advice on the likelihood of protection.

**Q. What if my family or I are threatened after the court hearing?**

According to the anti-trafficking law (Law 21/2007), in the event a witness and/or victim and their families receive threats which pose a risk to their wellbeing, lives, and/or assets, the Indonesian National Police is obligated to provide protection before, during, and after the court trial. You should contact the police handling your case to seek this protection.
## Annex #6. List of services in West Java and Jakarta

### 6.1 List of services in West Java (from Government and NGOs)

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<th>Organisasi/Lembaga</th>
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<th>Wilayah Kerja</th>
<th>Jenis Layanan</th>
<th>Korban yang mendapat layanan</th>
<th>Alamat dan Kontak yang dapat dihubungi</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Provinsi Jawa Barat</strong></td>
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<tr>
<td>Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak (P2TP2A) Provinsi Jawa Barat</td>
<td>Bagian Pengaduan Kasus</td>
<td>Provinsi Jawa Barat</td>
<td>Bantuan hukum, pengaduan, rujukan kasus, reintegrasi</td>
<td>Perempuan dan anak</td>
<td>Jl. L.L.R.E Martadinata No. 2 Bandung, Tel: (022) 4230609, Fax: (022) 4230609; Hotline: 0-800-1000-400; Email: <a href="mailto:p2tp2a_jabar@yahoo.com">p2tp2a_jabar@yahoo.com</a> <a href="http://www.p2tp2ajabar.org">www.p2tp2ajabar.org</a></td>
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<tr>
<td>Dinas Sosial Provinsi Jawa Barat</td>
<td>Bagian Rehabilitasi Sosial</td>
<td>Provinsi Jawa Barat</td>
<td>Rehabilitasi sosial, pemulangan, reintegrasi</td>
<td>Perempuan dan anak</td>
<td>Jl. Raya Cibabat No. 331 Cimahi, Tel: (022) 6643149; 6643209; 6649557; 6633323, Fax: 022-6645535</td>
</tr>
<tr>
<td>Dinas Tenaga Kerja dan Transmigrasi Provinsi Jawa Barat</td>
<td>Bagian Bina Penempatan Tenaga Kerja &amp; Bagian Pemulangan</td>
<td>Provinsi Jawa Barat</td>
<td>Pemberdayaan ekonomi</td>
<td>Pekerja migran (TKI)</td>
<td>Jl. Soekarno Hatta no. 532, Bandung Tel: (022) 7564327, 7511487 <a href="http://disnakertrans.jabarprov.go.id">http://disnakertrans.jabarprov.go.id</a></td>
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<tr>
<td>Balai Pelayanan Penempatan dan Perlindungan Tenaga Kerja Indonesia (BP3TKI) Bandung</td>
<td>Bagian Pemberdayaan &amp; Pemulangan</td>
<td>Provinsi Jawa Barat</td>
<td>Pengaduan, penanganan kasus</td>
<td>Pekerja migran (TKI)</td>
<td>Jl. Soekarno Hatta No: 587 Kiara Condong, Bandung, Provinsi Jawa Barat, Tel/Fax: (022) 7336965</td>
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<tr>
<td>P2TP2A Kota Bandung</td>
<td>Bagian Pengaduan Kasus</td>
<td>Kota Bandung</td>
<td>Pengaduan, rujukan kasus</td>
<td>Perempuan dan anak</td>
<td>Jl. Ibrahim Adjie No. 84, Kota Bandung, Tel/Fax: (022) 7230875</td>
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<tr>
<td>Rumah Perlindungan dan Trauma Center (RPTC) – Caringin</td>
<td>Bagian Pengaduan</td>
<td>Provinsi Jawa Barat</td>
<td>Pemulihan, pemulangan, reintegrasi</td>
<td>Laki-laki, perempuan, anak</td>
<td>Dinas Sosial Provinsi Jawa Barat, Jl. Raya Cibabat No. 331, Cimahi Bandung, Tel: (022) 5893326, 6004819</td>
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<td>P2TP2A Bandung Barat</td>
<td>Bagian Pengaduan</td>
<td>Kab. Bandung Barat</td>
<td>Pengaduan dan pendampingan</td>
<td>Perempuan dan anak</td>
<td>Jl. Raya Ngamprah Cisarua Km. 2, Bandung Barat</td>
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<td>Dinas Sosial Kab. Bandung Barat</td>
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<td>Kab. Bandung Barat</td>
<td>Pengaduan, rehabilitasi sosial, pemulangan</td>
<td>Laki-laki, perempuan dan anak</td>
<td>Jl. Raya Batujajar Km 3.5, Kabupaten Bandung Barat, Tel: (022) 5893326, Email: <a href="mailto:dinsosnakerkabbandungbarat@yahoo.co.id">dinsosnakerkabbandungbarat@yahoo.co.id</a></td>
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<td>Dinas Sosial Kab. Bandung</td>
<td>Bagian Rehabilitasi Sosial</td>
<td>Kab. Bandung</td>
<td>Pengaduan, rehabilitasi sosial, pemulangan</td>
<td>Laki-laki, perempuan dan anak</td>
<td>Komplek Pemda Kab. Bandung, Jl. Raya Soreang Km 17, Soreang, Kabupaten Bandung, Tel: (022) 5893326, 5891136, Email: <a href="mailto:dinsoskabbandung@yahoo.co.id">dinsoskabbandung@yahoo.co.id</a></td>
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<tr>
<td>Dinas Sosial Kota Bandung</td>
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<td>Kota Bandung</td>
<td>Pengaduan, rehabilitasi sosial, pemulangan</td>
<td>Laki-laki, perempuan dan anak</td>
<td>Jl. Sindan Sirna No. 40, Bandung, Tel: (022) 2013139 Email: <a href="mailto:dinsoskotabandung@yahoo.co.id">dinsoskotabandung@yahoo.co.id</a></td>
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<td>Dinas Sosial, Pengendalian Penduduk dan KB, Pemberdayaan Perempuan dan Perlindungan Anak Kota Cimahi</td>
<td>Bagian Rehabilitasi sosial</td>
<td>Kota Cimahi</td>
<td>Pengaduan, rehabilitasi sosial, pemulangan</td>
<td>Laki-laki, perempuan dan anak</td>
<td>Jl. Rd. Demang Hardjakusumah Gedung C Lantai 3 Kota Cimahi. Tel: (022)6632338</td>
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<tr>
<td>Institut Perempuan</td>
<td>Bagian Pengaduan Kasus</td>
<td>Provinsi Jawa Barat</td>
<td>Advokasi, endidikan dan pendampingan korban</td>
<td>Perempuan</td>
<td>Jl. Dago Pojok No. 85, Coblong, Bandung, Tel/Fax: (022) 2516378, Email: <a href="mailto:institut_perempuan@yahoo.com">institut_perempuan@yahoo.com</a> <a href="http://www.institutperempuan.or.id">www.institutperempuan.or.id</a></td>
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<td>Yayasan Bahtera Bandung</td>
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<td>Provinsi Jawa Barat</td>
<td>Pengaduan, shelter, pendampingan, konseling, pelyn. kesehatan, advokasi, pendidikan, pemulangan, reintegrasi sosial</td>
<td>Anak, perempuan dan laki-laki</td>
<td>Jl. Batu Indah VII No. 12 Buah Batu, Bandung, Tel: (022) 7501711</td>
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<td>YPM Kesuma</td>
<td>Bagian kasus</td>
<td>Provinsi Jawa Barat</td>
<td>Pencegahan</td>
<td>Laki-laki dan perempuan (anak dan dewasa)</td>
<td>Jl. Cisitu Baru No.25 Kelurahan Dago, Kecamatan Coblong, Bandung, Tel: (022) 251 3105, HP: 081802267555 (Susi)</td>
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<td>P2TP2A Kab. Karawang</td>
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<td>Kabupaten Karawang</td>
<td>Pengaduan</td>
<td>Perempuan dan anak</td>
<td>Jl. Ahmad Yani, Kompleks Islamic Center, Karawang, Tel: (0267) 8451683 Fax: (0267) 8452887, Email: <a href="mailto:sanggatika@yahoo.com">sanggatika@yahoo.com</a></td>
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<td>Dinas Sosial dan Penanggulangan Bencana Kab. Karawang</td>
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<td>Kabupaten Karawang</td>
<td>Pendampingan korban, reintegrasi</td>
<td>Laki-laki, perempuan dan anak</td>
<td>Jl. Husni Hamid No. 3 Karawang, Tel: (0267) 02917 Email: <a href="mailto:dinsoskabkarawang@yahoo.co.id">dinsoskabkarawang@yahoo.co.id</a></td>
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<td>Pekerja migran (TKI), laki-laki dan perempuan</td>
<td>Jl. Surotokunto Km.6 Warung Bambu, Karawang Timur, Karawang, Tel: (0267) 436270, 432008</td>
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<td>Dinas Keluarga Berencana dan Pemberdayaan Perempuan - Kabupaten Karawang</td>
<td>Bagian Pengaduan</td>
<td>Kabupaten Karawang</td>
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<td>Perempuan dan anak</td>
<td>Jl. Ciremai No. 1 Karang Indah Karawang, Tel: (0267) 8452887</td>
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<td>Lembaga Konsultasi Kesejahteraan Keluarga Karawang (LK3) Kabupaten Karawang</td>
<td>Bagian Konsultasi</td>
<td>Kabupaten Karawang</td>
<td>Konseling; konsultasi; pelayanan informasi; perlindungan; penjangkauan; pendampingan; rujukan</td>
<td>Laki-laki, perempuan, anak</td>
<td>Jl. Husni Hamid No. 3 Karawang, Tel: (0267) 402917, Email: <a href="mailto:dinsoskabkarawang@yahoo.co.id">dinsoskabkarawang@yahoo.co.id</a></td>
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<td>Solidaritas Buruh Migran Karawang (SBMK)</td>
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<td>Kab. Karawang</td>
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<td>Pekerja migran (TKI) dan korban perdagangan orang</td>
<td>Dusun Sempur, RT 001/RW 03 Desa Pasir Kaliki, Kecamatan Rawamerta, Karawang, HP: 081293510005 (Dian)</td>
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<td>Kabupaten Karawang</td>
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<td>Pekerja migran dan korban perdagangan orang</td>
<td>Jl. Wadas, Tempuran No. 28, Desa Karyamukti, Kec. Lemahabang Kab Karawang, Tel: (0267) 8620063, HP: 0813 1603 0425 (Didin Chaerudin), Email: <a href="mailto:sbmikarawang@yahoo.com">sbmikarawang@yahoo.com</a></td>
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<td>Kabupaten Cianjur</td>
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<td>Pekerja migran (TKI) dan korban perdagangan orang</td>
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<td>Pendampingan, konseling, pemberdayaan, reintegrasi</td>
<td>Pekerja migran dan korban perdagangan orang</td>
<td>Jl. Terusan Moh. Ali RT.02/02 Desa Jati Kec. Bojongpicung Kab. Cianjur, kode pos 43284, Cianjur, HP: 08562062337, 087820067230, 087820067230(Ajat Sudrajat), Email: <a href="mailto:sbmi@activist.com">sbmi@activist.com</a></td>
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<td>Pengaduan, rehabilitasi sosial, pemulangan</td>
<td>Pekerja migran (TKI) dan korban perdagangan orang</td>
<td>Jalan Raya Bandung KM. 4,5 Kabupaten Cianjur, Tel:(0263) 262424, Fax: (0263) 262424, Layanan untuk korban: (0263) 262424 Email: <a href="mailto:dinsoskabcianjur@yahoo.co.id">dinsoskabcianjur@yahoo.co.id</a></td>
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<td>Dinas Keluarga Berencana Dan Pemberdayaan Perempuan (BKBPP) - Kabupaten Cianjur</td>
<td>Bagian Pengaduan</td>
<td>Kabupaten Cianjur</td>
<td>Informasi, sosialisasi tentang bahaya trafficking, pengaduan</td>
<td>Perempuan dan anak</td>
<td>Jalan Siliwangi No 17 Kabupaten Cianjur; Tel: (0263) 264188 Fax: (0263) 264802</td>
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<td>P2TP2A Kab. Sukabumi</td>
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<td>Kabupaten Sukabumi</td>
<td>Pengaduan</td>
<td>Perempuan dan anak</td>
<td>Jl. Pabuaran No. 9 Nyomplong Sukabumi, Tel: 085720141646 atau 088809689254 (whatsapp) email: <a href="mailto:p2tp2asukabumi@gmail.com">p2tp2asukabumi@gmail.com</a></td>
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<td>Forum Wanita Afada (FORWA)</td>
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<td>Kabupaten Sukabumi</td>
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<td>Kabupaten Sukabumi</td>
<td>Pengaduan, rehabilitasi sosial, pemulangan</td>
<td>Laki-laki, perempuan dan anak</td>
<td>Komplek Gelanggang Pemuda Cisaat, Kab. Sukabumi, Tel:(0266) 245997 Email:<a href="mailto:dinsos-kabsi@yahoo.co.id">dinsos-kabsi@yahoo.co.id</a></td>
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<tr>
<td>Dinas Pemberdayaan Perempuan dan Perlindungan Anak (DP3A) kabupaten Sukabumi</td>
<td>Bagian pengaduan</td>
<td>Kabupaten Sukabumi</td>
<td>Informasi, sosialisasi tentang bahaya trafficking, pengaduan</td>
<td>Perempuan dan anak</td>
<td>Jl. Siliwangi No. 65, Tel/Fax: (0266) 227440. Email: <a href="mailto:DP3AKABSI@gmail.com">DP3AKABSI@gmail.com</a></td>
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<td>Lembaga Konsultasi Kesejahteraan Keluarga (LK3) Kab. Sukabumi</td>
<td>Bagian Konsultasi</td>
<td>Kabupaten Sukabumi</td>
<td>Konseling, konsultasi, pelayanan informasi, perlindungan, penjangkauan, pendampingan, rujukan</td>
<td>Laki-laki, perempuan, anak</td>
<td>Komplek Gelanggang Pemuda Cisaat, Kab. Sukabumi, Tel: (0266) 245997 Email: <a href="mailto:dinsos-kabsi@yahoo.co.id">dinsos-kabsi@yahoo.co.id</a></td>
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<td>Kabupaten Kota Sukabumi</td>
<td>Pendampingan, bantuan hukum, konseling, reintegrasi</td>
<td>Buruh migran dan korban perdagangan orang</td>
<td>Kampung Muara, RT 03/06, Desa Jambenenggang, Kecamatan Kebon Pedes, Kab. Sukabumi, HP: 0813 8220 5062, 0856 2443 1183 (Jejen)</td>
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<td>Kota Sukabumi</td>
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<td>Perempuan korban perdagangan orang</td>
<td>Jl. Bhayangkara No. 226, Sukabumi, HP: 081563122654 (Drs. Ayi)</td>
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<td>Dinsosnaker dan Penanggulangan Bencana Kota Sukabumi</td>
<td>Bagian Rehabilitasi sosial</td>
<td>Kota Sukabumi</td>
<td>Pengaduan, rehabilitasi sosial, pemulangan</td>
<td>Laki-laki, perempuan dan anak</td>
<td>Jl. Ciaulpasir No. 126 Sukabumi, Tel: (0266) 245223, Email: <a href="mailto:dinsosnakerkotasukabumi@yahoo.co.id">dinsosnakerkotasukabumi@yahoo.co.id</a></td>
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<td>P2TP2A Banjar</td>
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<td>Pengaduan</td>
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<td>Jl. Gerilya Komplek Perkantoran, Pamongkoran, Banjar, Tel: (0265) 2731406, 2731404</td>
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<td>Dinas Sosial dan Tenaga Kerja Kota Banjar</td>
<td>Bagian Rehabilitasi sosial</td>
<td>Kota Banjar</td>
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<td>Jl. Gerilya Komplek Perkantoran Pamongkoran, Banjar, Tel: (0265) 2731406, 2731404 Email: <a href="mailto:dinsoskotabanjar@yahoo.co.id">dinsoskotabanjar@yahoo.co.id</a></td>
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<td>Perempuan dan anak</td>
<td>Jl. A. Yani No. 1 Bekasi, Tel: (021) 28088808, HP: 082110178988 (Yuli)</td>
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<td>Dinas Sosial Kota Bekasi</td>
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<td>Rehabilitasi sosial, pemulangan</td>
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<td>Jl. Juanda No. 100, Kota Bekasi, Tel: (021) 88349600 Email: <a href="mailto:bekasidinsoskota@yahoo.co.id">bekasidinsoskota@yahoo.co.id</a></td>
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<td>Pos Pelayanan Penempatan dan Perlindungan Tenaga Kerja Indonesia (P4TKI) – Bekasi</td>
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<td>Kota/ Kabupaten Bekasi, Kabupaten Karawang, Subang, Depok, Bogor</td>
<td>Pengaduan, pendampingan kasus Pekerja migran (TKI)</td>
<td>Jl Raya Jati Mekar No: 189C-D Jati Asih, Bekasi Selatan, Tel: (021) 84976800, Fax: (021) 84976700</td>
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<td>Jl. Ciwaringin No. 99, Bogor, Tel: (0251) 8321558, HP: 08128044347 (Yus)</td>
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<td>Dinsosnakertrans Kota Bogor</td>
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<td>Laki-laki, perempuan dan anak</td>
<td>Jl. Merdeka 142 Bogor, Tel: (0251) 8332315 Email: <a href="mailto:dinsosnakerkotabogor@yahoo.co.id">dinsosnakerkotabogor@yahoo.co.id</a></td>
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<td>Lembaga Konsultasi Kesejahteraan Keluarga (LK3) kota Bogor</td>
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<td>Laki-laki, perempuan dan anak</td>
<td>Jl. Merdeka 142 Bogor, Tel: (0251) 8332315</td>
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<td>Kab. Bogor</td>
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<td>Laki-laki, perempuan dan anak</td>
<td>Jl. Bersih No. 2, Cibinong 16194, Bogor, Tel:(021) 8757668 Email: dinsosnakertrans @bogorkab.go.id</td>
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<td>Jl. Desa Parigi Blok Bedeng No. 42 kode pos 46395. Tel/Fax: (0265) 2640972</td>
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<td>Jl. DR. Cipto Mangunkusumo, Cirebon, Tel: (0231) 203622 Email: <a href="mailto:dinsoskotacirebon@yahoo.co.id">dinsoskotacirebon@yahoo.co.id</a></td>
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<td>Jl. Sunan Draji No. 16, Sumber, Kab Cirebon, Tel: (0231) 321728 Email: <a href="mailto:dinsoskabcirebon@yahoo.co.id">dinsoskabcirebon@yahoo.co.id</a></td>
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<td>Pengaduan, pendampingan kasus</td>
<td>Pekerja migran (TKI)</td>
<td>Jl Sultan Ageng Tirtayasa No. 1, Kedaung, Kab. Cirebon Tel: (0231) 484043</td>
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<td>Dinas Pemberdayaan Perempuan dan KB Kab. Cirebon</td>
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<td>Jl. Sunan Kalijaga No. 3 Komplek Perkantoran Pemda Kab. Cirebon, Tel:(0231) 323450</td>
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<td>Dinas Sosial, Kota Cirebon</td>
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<td>WCC Mawar Balqis Cirebon</td>
<td>Bagian pendampingan korban</td>
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<td>Pekerja migran, korban perdagangan orang, perempuan</td>
<td>Jl. Serayu No 11, Desa Junjang, Kecamatan Arjawinangun, Kab. Cirebon, Tel: (0231) 358444, Email: <a href="mailto:wccmawarbalqis@yahoo.com">wccmawarbalqis@yahoo.com</a></td>
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<td>Jl.Raya Serang Babakan, KM 1.5, Tanjakan, Desa Serang Wetan, Kecamatan Babakan, Kab. Cirebon, HP: 085224119844 (Castra Aji), <a href="mailto:casbumicrb@yahoo.co.id">casbumicrb@yahoo.co.id</a></td>
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<td>Pekerja migran, korban perdagangan orang</td>
<td>Jl. Raya Palimanan Barat 157, Kecamatan Gempol, Kabupaten Cirebon, Tel. (0231) 343363 HP: 0818235572, 081312256646 (Euis)</td>
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<td>Jl. Patriot No. 14, Garut, Tel: (0262) 232727, Email: <a href="mailto:dinsosnakerkabgarut@yahoo.co.id">dinsosnakerkabgarut@yahoo.co.id</a></td>
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<td>Jl. Rumah Sakit Umum No. 2, Garut, Tel: (0265) 233675</td>
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<td>Jl. Olah Raga No. 9, Komplek BTN Lama, Indramayu, Tel: (0234) 271088</td>
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<td>RS. Bhayangkara TK IV Indramayu-Jabar</td>
<td>Pusat Pelayanan Terpadu (PPT)</td>
<td>Indramayu</td>
<td>Layanan kesehatan</td>
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<td>Jl. Raya Pantura Km. 73-75 Losarang, Indramayu-Jabar, Tel: (0234) 507877</td>
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<td>Blok Carik RT 18/04 Desa Krasak Kec. Jatibarang-Indramayu, HP: 0852 2448 1957 atau 0877 17757016 (Juwarah), Email: <a href="mailto:sbmi_indramayu@yahoo.com">sbmi_indramayu@yahoo.com</a></td>
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<td>Perumahan Taman Gatsu Indah Blok D No. 6, Kelurahan Karanganyar Kec/Kab. Indramayu, HP:081381066791, 087828675233, 089654644550, Email: <a href="mailto:jalin.cippanas@gmail.com">jalin.cippanas@gmail.com</a>; <a href="mailto:jalin.cippanas@gmail.com">jalin.cippanas@gmail.com</a></td>
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<td>Jl. Purnawarman Barat No. 519, Purwakarta, Tel: (0264) 201006</td>
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<th>Rehabilitasi sosial, pemulangan</th>
<th>Laki-laki, perempuan dan anak</th>
<th>Jl. D.I Panjaitan No. 81, Subang, Tel: (0260) 411425, Email: <a href="mailto:dinsoskabsubang@yahoo.co.id">dinsoskabsubang@yahoo.co.id</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>Dinas Pemberdayaan Masyarakat dan Keluarga Berencana Kab. Subang</td>
<td>Bagian Pengaduan</td>
<td>Kab. Subang</td>
<td>Informasi, sosialisasi tentang bahaya trafficking, pengaduan</td>
<td>Perempuan dan anak</td>
<td>Jl. Darmodihardjo No. 3, Subang, Tel: (0260) 411015</td>
</tr>
<tr>
<td>P2TP2A Sumedang</td>
<td>Bagian Pengaduan</td>
<td>Sumedang</td>
<td>Pengaduan</td>
<td>Perempuan dan anak</td>
<td>Jl. Dano No. 1, Sumedang, Tel: (0261) 201158</td>
</tr>
<tr>
<td>Dinas Sosial, Pemberdayaan Perempuan dan Perlindungan Anak kab. Sumedang</td>
<td>Bagian Rehabilitasi sosial&amp;Bagian KTK-PM</td>
<td>Kab. Sumedang</td>
<td>Pengaduan, rehabilitasi sosial, pemulangan</td>
<td>Laki-laki, perempuan dan anak</td>
<td>Jl. Mayor Abdurrahman No. 200, Tel: (0261) 201463 Email: <a href="mailto:dinsoskabsumedang@yahoo.co.id">dinsoskabsumedang@yahoo.co.id</a></td>
</tr>
<tr>
<td>Dinas Pemberdayaan Masyarakat Pemerintahan Desa, Keluarga Berencana dan Perlindungan Perempuan Kab. Sumedang</td>
<td>Bagian Pengaduan</td>
<td>Sumedang</td>
<td>Informasi, sosialisasi tentang bahaya trafficking, pengaduan</td>
<td>Perempuan dan anak</td>
<td>Jl. Dano No. 1, Sumedang, Tel: (0261) 201158</td>
</tr>
<tr>
<td>P2TP2A Kota Tasikmalaya</td>
<td>Bagian Pengaduan</td>
<td>Kota Tasikmalaya</td>
<td>Pengaduan</td>
<td>Perempuan dan anak</td>
<td>Jl. Yudanegara No. 75 A, Kota Tasikmalaya, Tel: (0265) 340212</td>
</tr>
<tr>
<td>P2TP2A Kab Tasikmalaya</td>
<td>Bagian Pengaduan</td>
<td>Kab Tasikmalaya</td>
<td>Pengaduan</td>
<td>Perempuan dan anak</td>
<td>Jl. Pemuda No. 2 B, Kab. Tasikmalaya Tel: (0265) 313036</td>
</tr>
<tr>
<td>Dinas Sosial Tenaga Kerja dan Transmigrasi Kab. Tasikmalaya</td>
<td>Bagian Rehabilitasi sosial &amp;Bagian KTK-PM</td>
<td>Kab. Tasikmalaya</td>
<td>Pengaduan, rehabilitasi sosial, pemulangan</td>
<td>Laki-laki, perempuan dan anak</td>
<td>Komplek Perkantoran Sukapura, Desa Sukaasih, Kec. Singaparna, Kabupaten Tasikmalaya, Tel: (0265) 333156, 543000, Email: <a href="mailto:dinsoskabtasikmalaya@yahoo.co.id">dinsoskabtasikmalaya@yahoo.co.id</a></td>
</tr>
<tr>
<td>Dinas Keluarga Berencana Perlindungan Perempuan Kota Tasikmalaya</td>
<td>Bagian Pengaduan</td>
<td>Kota Tasikmalaya</td>
<td>Informasi, sosialisasi tentang bahaya trafficking, pengaduan</td>
<td>Perempuan dan anak</td>
<td>Jl. Yudanegara No. 75 A, Kota Tasikmalaya, Tel: (0265) 340212</td>
</tr>
<tr>
<td>Dinas Pemberdayaan Masyarakat dan Keluarga Berencana Kabupaten Tasikmalaya</td>
<td>Bagian Pengaduan</td>
<td>Kab. Tasikmalaya</td>
<td>Informasi, sosialisasi tentang bahaya trafficking, pengaduan</td>
<td>Perempuan dan anak</td>
<td>Jl. Pemuda No. 2 B, Kab. Tasikmalaya, Tel: (0265) 313036</td>
</tr>
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</table>
## 6.2 List of services in Jakarta (from Government and NGOs)

<table>
<thead>
<tr>
<th>Organisasi/ Lembaga</th>
<th>Bagian/Unit</th>
<th>Wilayah Kerja</th>
<th>Jenis Layanan</th>
<th>Korban yang mendapat layanan</th>
<th>Alamat dan Kontak yang dapat dihubungi</th>
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<tbody>
<tr>
<td><strong>Provinsi DKI Jakarta</strong></td>
<td></td>
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<tr>
<td>Pusat Pelayanan Terpadu- Rumah Sakit POLRI</td>
<td>Bagian PPT (Pusat Pelayanan Terpadu)</td>
<td>Indonesia/ Nasional</td>
<td>Pengaduan, pendampingan korban, Layanan kesehatan</td>
<td>Laki-laki, perempuan dan anak</td>
<td>Jalan Raya Bogor Kramat Jati Jakarta Timur Tel: (021) 8093288 ext 145 Fax: (021) 8094005 Email: <a href="mailto:ppt.rssukanto@yahoo.co.id">ppt.rssukanto@yahoo.co.id</a></td>
</tr>
<tr>
<td>BNP2TKI (Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia)</td>
<td>Direktur Pengamanan dan Pemulangan TKI</td>
<td>Indonesia/ Nasional</td>
<td>Pengaduan, penanganan kasus</td>
<td>Pekerja migran (TKI), laki-laki, perempuan</td>
<td>Jalan MT Haryono Kav 52, Pancoran, Jakarta Selatan Fax (021) 7981205 Email: <a href="mailto:halotki@bnp2tki.go.id">halotki@bnp2tki.go.id</a> Call Center (bebas pulsa):0800- 1000 (dapat diakses dari seluruh Indonesia baik melalui telepon rumah maupun telepon seluler) Pengaduan telepon dari luar negeri: +6221 29244800 (tidak bebas pulsa) Pengaduan melalui SMS: Ketik ACA#TKI#NAMA PENGIRIM#Masalah yang diadukan, kirim ke 7266</td>
</tr>
<tr>
<td>Balai Pelayanan Penempatan dan Perlindungan Tenaga Kerja Indonesia (BP3TKI) Jakarta</td>
<td>Bagian Pengaduan</td>
<td>Provinsi DKI Jakarta</td>
<td>Pengaduan, penanganan kasus</td>
<td>Pekerja migran (TKI), laki-laki, perempuan</td>
<td>Jl. Pengantin Ali I No: 71, Ciracas, Jakarta Timur, Provinsi DKI Jakarta Tel: (021) 5204091 Fax: (021) 87781841</td>
</tr>
<tr>
<td>Badan Pemberdayaan Masyarakat dan Perempuan dan Keluarga Berencana Provinsi DKI Jakarta</td>
<td>Bagian Pengaduan</td>
<td>Provinsi DKI Jakarta</td>
<td>Pengaduan, konseling, pemberian informasi</td>
<td>Perempuan</td>
<td>Jl. Jend. A. Yani Kav.64 By Pass Cempaka Putih, Jakarta Pusat Tel: (021) 4246470 Ext. 120 Fax: (021) 42873758</td>
</tr>
<tr>
<td>SBMI (Serikat Buruh Migran Indonesia), Sekretariat Nasional – Jakarta</td>
<td>Bagian Pengaduan/ Divisi Advokasi</td>
<td>Indonesia/ Nasional</td>
<td>Pengaduan, bantuan hukum, pendampingan korban, reintegrasi</td>
<td>Pekerja Migran (TKI), korban perdagangan orang</td>
<td>Jl Pengadegan Utara 1 No 01 RT 08 RW 06, Pancoran, Jakarta Tel/Fax: (021) 79193879 Email: secretariat @sbmi.or.id HP: 085217185558</td>
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<tr>
<td>PBM (Peduli Buruh Migran)</td>
<td>Bagian Pengaduan Kasus</td>
<td>Indonesia/ Nasional</td>
<td>Pengaduan, bantuan hukum, pendampingan korban, shelter, akses kesehatan, reintegrasi</td>
<td>Pekerja migran (TKI), korban perdagangan orang</td>
<td>Jl. Pori Raya No 27 RT 11/12 Kel. Pisangan Timur Jakarta Timur Tel: (021) 4702795 Email: peduliburuhmigran @yahoo.co.id, HP: 081387385506 (Lily Pujiati)</td>
</tr>
<tr>
<td>Lembaga Bantuan Hukum (LBH) Jakarta</td>
<td>Penanganan Kasus Perburuhan</td>
<td>Jakarta, Bogor, Depok, Tangerang, Bekasi</td>
<td>Pengaduan, bantuan hukum, untuk korban</td>
<td>Laki-laki, Perempuan, Pekerja Migran (TKI), korban TPPO</td>
<td>Jl. Diponegoro No. 74 Menteng Jakarta Pusat. 10320 Tel: (021) 3145518 Email: lbhjakarta @bantuanhukum.or.id</td>
</tr>
<tr>
<td>Yayasan Pulih</td>
<td>Bagian Hotline/ Pengaduan Kasus</td>
<td>Indonesia/ Nasional</td>
<td>Konsultasi psikologis, rujukan, saksi ahli psikologis</td>
<td>Laki-laki, perempuan</td>
<td>Jl. Teluk Peleng 63 A, Komplek AL-Rawa Bambu Pasar Minggu, Jakarta Selatan Tel: (021) 788 42580 Fax: (021) 782 3021, Hotline: 021 95002059 Email: <a href="mailto:info@pulih.or.id">info@pulih.or.id</a> E-counselling: <a href="mailto:counselling@pulih.oor.id">counselling@pulih.oor.id</a></td>
</tr>
<tr>
<td>KePPaK Perempuan (Kelompok Peduli Penghapusan Tindak Kekerasan terhadap Perempuan dan Anak)</td>
<td>Hotline service dan Divisi Layanan</td>
<td>Provinsi DKI Jakarta</td>
<td>Pengaduan, pendampingan, konseling pemberdayaan pengorganisasi-sian &amp; bantuan hukum</td>
<td>Perempuan dan anak</td>
<td>Jl. Bintaro Utama 1 Blok o-4 No.9 Bintaro-Pesanggrahan Jakarta Selatan Tel: (021) 7343692 Hotline service: 087877723285 Email: setkeppakperempuan @gmail.com</td>
</tr>
<tr>
<td>Rumah Faye</td>
<td>Hotline service</td>
<td>Provinsi DKI Jakarta dan Batam</td>
<td>Pencegahan, rescue/pembebasan korban pemulihan</td>
<td>Perempuan dan anak</td>
<td>Jl. Lingkar Mega Kuningan, Rasuna Said, The East Building lt.20, Jakarta Selatan Hotline service: 087784417213 Email: <a href="mailto:info@rumahfaye.or.id">info@rumahfaye.or.id</a></td>
</tr>
<tr>
<td>Mitra Perempuan</td>
<td>Bagian pengaduan</td>
<td>Nasional</td>
<td>Pengaduan, bantuan hukum, pendampingan korban, konseling</td>
<td>Perempuan</td>
<td>Jl. Tebet Barat Dalam 111A/29, PO Box 4113, Jakarta Tel: (021) 83790010; 8296952 Email:<a href="mailto:mitra@perempuan.or.id">mitra@perempuan.or.id</a> <a href="http://www.perempuan.or.id">www.perempuan.or.id</a></td>
</tr>
<tr>
<td>Asosiasi Tenaga Kerja Indonesia (ATKI-INDONESIA)</td>
<td>Bagian pengaduan</td>
<td>Nasional</td>
<td>Pengaduan, konseling, bantuan hukum, pendampingan korban</td>
<td>Buruh migran, korban perdagangan orang</td>
<td>Jl. Delima 1, Blok 70/2/8, Malaka Sari, Duren Sawit, Jakarta Timur Tel: (021) 86617152 Email: <a href="mailto:atki.indonesia@gmail.com">atki.indonesia@gmail.com</a></td>
</tr>
<tr>
<td>Solidaritas Perempuan (SP), Sekretariat Nasional</td>
<td>Bagian pengaduan</td>
<td>Indonesia/Nasional</td>
<td>Pengaduan, konseling, bantuan hukum, shelter, pendampingan korban</td>
<td>Buruh migran, korban perdagangan orang</td>
<td>Jl. Siaga II RT.002 RW.05 No.36 Pasar Minggu; Kel. Pejaten Barat. Jakarta Selatan Tel: (021) 79183108; 79181260; 7987976 Fax: (021) 7981479 E-mail: <a href="mailto:soliper@centrin.net.id">soliper@centrin.net.id</a></td>
</tr>
<tr>
<td>Migrant Institute</td>
<td>Bagian Crisis Center</td>
<td>Nasional</td>
<td>Pengaduan, pemberian informasi, bantuan hukum, pemberdayaan ekonomi</td>
<td>Buruh migran, laki-laki, perempuan</td>
<td>Jl. Haji Ali No.40, Kampung Tengah, Kramat jati, Jakarta Timur Tel/Fax: (021) 87793624 HP: 0818-0593-8825 (Nursalim)</td>
</tr>
<tr>
<td>Migrant CARE</td>
<td>Bagian Pengaduan</td>
<td>Indonesia/Nasional</td>
<td>Pengaduan, bantuan hukum, pendampingan korban</td>
<td>Buruh migran, laki-laki, perempuan</td>
<td>Jl. Perhubungan VIII No. 52 RT 001 RW 07, Kelurahan Jati, Kecamatan Pulogadung, Jakarta Timur 13220 Tel/Fax: (021) 29847581 Email: <a href="mailto:secretariat@migrantcare.net">secretariat@migrantcare.net</a></td>
</tr>
<tr>
<td>P2TP2A Provinsi DKI Jakarta</td>
<td>Bagian Pengaduan</td>
<td>Provinsi DKI Jakarta</td>
<td>Pengaduan, rujukan, pendampingan korban, pemberdayaan</td>
<td>Perempuan dan anak</td>
<td>Jl. Raya Bekasi Timur Km 18 Pulo Gadung Jakarta Timur Tel: (021) 47882898 Fax: 47882899 Email: <a href="mailto:secretariat@p2tp2a-dki.org">secretariat@p2tp2a-dki.org</a> <a href="http://www.p2tp2a-dki.org">www.p2tp2a-dki.org</a> Hotline: (021) 47882899 SMS 081317617622 Email: <a href="mailto:hotline@p2tp2a-dki.org">hotline@p2tp2a-dki.org</a></td>
</tr>
<tr>
<td>Rumah Perlindungan Sosial Anak (RPSA) Bambu Apus DKI Jakarta</td>
<td>Direktorat Kesejahteraan Sosial Anak</td>
<td>Provinsi DKI Jakarta</td>
<td>Pengaduan, rehabilitasi sosial, pemulihan</td>
<td>Anak</td>
<td>Jl. Salemba Raya No 28, Jakarta Pusat Tel: (021) 3100-375 ext. 2715/2724</td>
</tr>
<tr>
<td>Pusat Krisis Terpadu - Rumah Sakit Cipto Mangunkusumo (PKT-RSCM)</td>
<td>Bagian Pengaduan</td>
<td>Provinsi DKI Jakarta</td>
<td>Layanan kesehatan</td>
<td>Laki-laki, perempuan dan anak</td>
<td>Lt. 2 IGD RS.Cipto Mangunkusumo, Jl. Diponegoro Raya No. 71, Jakarta Tel/Fax: 021-316 2261 Email: <a href="mailto:pkt_rscm@yahoo.co.id">pkt_rscm@yahoo.co.id</a></td>
</tr>
<tr>
<td>Rumah Perlindungan dan Trauma Center (RPTC) Kementerian Sosial RI</td>
<td>Bagian Penanganan kasus</td>
<td>Provinsi DKI Jakarta</td>
<td>Rehabilitasi sosial, pendampingan korban, pemuulan, shelter, reintegrasi sosial, konseling</td>
<td>Laki-laki, perempuan dan anak</td>
<td>Jl. Salemba Raya No 28, Jakarta Pusat Tel: (021) 3100437</td>
</tr>
<tr>
<td>Pusat Krisis Terpadu “Melati” R.S. AL Mintoharjo</td>
<td>Bagian Pengaduan</td>
<td>Provinsi DKI Jakarta</td>
<td>Layanan kesehatan</td>
<td>Perempuan dan anak</td>
<td>Jl. Bendungan Hilir No. 17, Jakarta Pusat Tel: (021) 5703081 ext. 223 HP: 0811995964 (Dwi Purwani)</td>
</tr>
<tr>
<td>Kementerian Sosial RI</td>
<td>Direktorat Rehabilitasi Sosial Tuna Sosial dan Korban Perdagangan Orang/RSTS-KPO Direktorat Kesejahteraan Sosial Anak</td>
<td>Indonesia/ Nasional</td>
<td>Penanganan korban, shelter, rehabilitasi sosial, pemuulan, reintegrasi</td>
<td>Pekerja migran, laki-laki, perempuan, anak</td>
<td>Jl. Salemba Raya No 28, Jakarta Pusat Tel: (021) 3100437, 3100-375 ext. 2715/2724</td>
</tr>
<tr>
<td>Lembaga Konsultasi Kesejahteraan Keluarga (LK3) - KEMENSOS</td>
<td>Bagian Konsultasi</td>
<td>Indonesia/ Nasional</td>
<td>Konseling, konsultasi, pelayanan, informasi, perlindungan, penjangkauan, pendampingan, rujukan</td>
<td>Laki-laki, perempuan, anak</td>
<td>Jl. Salemba Raya no,28, Jakarta Tel: (021) 3907233</td>
</tr>
<tr>
<td>Lembaga Perlindungan Saksi dan Korban (LPSK)</td>
<td>Divisi Penerimaan Permohonan (Divisi DPP)</td>
<td>Indonesia/ Nasional</td>
<td>Perlindungan saksi dan/atau korban</td>
<td>Laki-laki, perempuan, dewasa dan anak</td>
<td>Jl. Raya Bogor KM 24 No. 47-49 Susukan Ciracas, Jakarta Timur 13750 Tel: (021) 3190 7021 Email: <a href="mailto:lpsk_ri@lpsk.go.id">lpsk_ri@lpsk.go.id</a> No Fax/ Telepon Khusus Divisi DPP (021) 29681552 Email: <a href="mailto:upplpsk.ri@gmail.com">upplpsk.ri@gmail.com</a></td>
</tr>
<tr>
<td>Panti Sosial Perlindungan Bakti Kasih</td>
<td>Bagian Pengaduan Kasus</td>
<td>Provinsi DKI Jakarta</td>
<td>Shelter, rehabilitasi sosial perempuan, anak</td>
<td>Dinas Sosial Provinsi DKI Jakarta Jl. Gunung Sahari II No.6 JakartaPusat Tel: (021) 4222497 /4222498 Fax: (021) 253639</td>
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<tr>
<td>Perhimpunan Advokat Indonesia (PERADI)</td>
<td>Bagian Pengaduan</td>
<td>Nasional</td>
<td>Bantuan hukum</td>
<td>Laki-laki, perempuan, anak</td>
<td>Grand Slipi Tower, Lantai 11 Jl. S.Parman Kav. 22-24 Jakarta Barat Tel: (021) 25945192; 25945193;25945195; 25945196 Fax: (021) 25945173 Email: <a href="mailto:info@peradi.or.id">info@peradi.or.id</a>, <a href="http://www.peradi.or.id">www.peradi.or.id</a></td>
</tr>
<tr>
<td>Asosiasi Advokat Indonesia (AAI)</td>
<td>Bagian Pengaduan</td>
<td>Nasional</td>
<td>Bantuan hukum</td>
<td>Laki-laki, perempuan, anak</td>
<td>Plaza Gani Djemat Lt.7, Jl. Imam Bonjol No. 76-78, Jakarta Tel: (021) 3147360 – 3147361 Fax: (021) 3147362 E-mail: <a href="mailto:sekretariat@aai.or.id">sekretariat@aai.or.id</a>, <a href="http://www.aai.or.id">www.aai.or.id</a></td>
</tr>
<tr>
<td>SPILN (Serikat Pekerja Indonesia Luar Negeri)</td>
<td>Bagian pengaduan</td>
<td>Jakarta</td>
<td>Pengaduan, konseling, shelter, pelatihan, pendampingan hukum, pemulangan, reintegrasi sosial</td>
<td>Laki-laki dan perempuan (anak dan dewasa)</td>
<td>Jl. Tebet Barat Dalam VII C no. 11 Jakarta Selatan HP:0852119569990</td>
</tr>
<tr>
<td>Yayasan Nanda Dian Nusantara (YNDN)</td>
<td>Bagian Kasus</td>
<td>Jakarta</td>
<td>Pengaduan, konseling, shelter untuk anak, pendampingan, pemulangan, reintegrasi sosial</td>
<td>Laki-laki dan perempuan (khusus untuk anak)</td>
<td>Jl. Mesjid Raya No. 6 Cipayung Jakarta Timur Tel: (021) 8448920 HP: 087838495182 (Roostien Ilyas) Email: <a href="mailto:roostienilyas@gmail.com">roostienilyas@gmail.com</a></td>
</tr>
<tr>
<td>Kementerian Luar Negeri</td>
<td>Direktorat Perlindungan Warga Negara Indonesia dan Badan Hukum Indonesia (Nasional), dan Perwakilan Indonesia di luar negeri (Internasional)</td>
<td>Indonesia (Nasional), dan Perwakilan Indonesia di luar negeri (Internasional)</td>
<td>Bantuan penanganan kasus; informasi perkembangan penanganan kasus WNI dan BHI di luar negeri; konsultasi terkait perlindungan WNI dan BHI di luar negeri; perbantuan pemulangan WNI dan BHI bermasalah termasuk jenazah WNI dari luar negeri</td>
<td>Pekerja migran (TKI), laki-laki, perempuan, korban perdagangan orang di luar negeri</td>
<td>Jl. Taman Pejambon No.6 Jakarta Pusat. Tel. Sentral: (021) 3441508 • Direktur Perlindungan WNI dan BHI Tel: (021) 3813186 Tel Sentral Ext. 3008 Fax: (021) 3813152 • Kepala Sub Direktorat Perlindungan WNI dan BHI di Luar Negeri Tel: (021) 3813186 Tel Sentral Ext.4113 • Kepala Sub Direktorat Perlindungan WNI di IndonesiaTel Sentral Ext. 4112 • Kepala Sub Direktorat Pengawasan Konsuler</td>
</tr>
<tr>
<td>Organization Name</td>
<td>Unit Details</td>
<td>Services Provided</td>
<td>Address</td>
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</table>
| International Organization for Migration (IOM) | Unit *Counter Trafficking* dan *Labour Migration* | Nasional dan Internasional | Laki-laki, Perempuan, anak
|                                          |                                                                               | Pengaduan, bantuan akses layanan kesehatan, bantuan hukum, pemulangan, reintegrasi | Gedung Sampoerna Strategic Square Lantai 12A, Jl. Jend. Sudirman Kav 45 – 46 Jakarta 12930 Tel: +62.21.57951275 Fax: +62.21.57951274, Email: iomjakarta@iom.int |
| Solidarity Center (SC)                   | Unit Pekerja Migran dan *Trafficking*                                      | Nasional dan Internasional | Laki-laki, Perempuan, Anak
|                                          |                                                                               | Pengaduan                                   | Cimandiri One Building, lt 4, Jl. Cimandiri no. 1 Cikini Jakarta 10330. Tel: (021) 31936635 Fax:(021) 31903822 Email: scindo@solidaritycenter.org |
### Annex #7. Glossary of terms for the criminal justice process

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition, roles and responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appeal</td>
<td>Resort to a superior or higher (i.e. appellate) court to review the decision of an inferior or lower court or administrative agency. A complaint to a higher tribunal or court of an error or injustice committed by a lower tribunal or court, in which the error or injustice is sought to be corrected or reversed.</td>
</tr>
<tr>
<td>Attorney (Lawyer or Legal Representative)</td>
<td>A person authorized to perform both civil and criminal legal functions for clients, including drafting of legal documents, giving of legal advice, and representing such client before courts, administrative agencies, boards, etc.</td>
</tr>
<tr>
<td>Burden of Proof</td>
<td>The necessity or duty of affirmatively proving a fact or facts in dispute on an issue raised between the parties in a case.</td>
</tr>
<tr>
<td>Case File</td>
<td>A file containing all of the information relevant to a particular criminal case. The case file will usually include the complaint or indictment, investigation reports, and other types of evidence.</td>
</tr>
<tr>
<td>Cassation Request (Appeal)</td>
<td>A decision by which a decree or judgment in the appeals court is broken or annulled.</td>
</tr>
<tr>
<td>Command Letter</td>
<td>An official letter authorizing an action by a government official, such as arresting a suspect.</td>
</tr>
<tr>
<td>Compensation</td>
<td>Payment for damages to restore an injured party to her former position. Compensation may be awarded to people who have suffered loss, abuse or injury, themselves or to their property. Compensation can be awarded for acts which are committed but also if someone failed to do something which they have a responsibility to do.</td>
</tr>
<tr>
<td>Complaint</td>
<td>The initial or original document by which a case is commenced under civil law. It sets forth a claim for relief or damages.</td>
</tr>
<tr>
<td>Criminal Process</td>
<td>The rules, procedures, and steps in adjudicating a case between the State and a defendant (s) in State Court based on criminal charges from the Penal Code.</td>
</tr>
<tr>
<td>Defendant (or the accused)</td>
<td>The suspect of a crime who is being prosecuted, examined, and tried in a court or a person who is being charged, cross-examined and judged in a court proceeding. The appearance of defendants or suspects in a court proceeding against them is mandatory. A defendant is entitled to have a legal representative and is entitled to equal procedures and positions in the eye of the law, including a public trial, the right to defend himself, the right to go through a prosecution process without unnecessary delay, the right to present witnesses and the right to an appeal.</td>
</tr>
<tr>
<td>Defense Attorney (or Legal Consultant)</td>
<td>Accompanies and represents the suspect or the defendant during all stages of the legal process. Articles 54 to 57 of the Penal Code stipulate the rights of the suspect or the accused to have legal</td>
</tr>
</tbody>
</table>

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representation. Defendants or suspects have a right to be accompanied by an attorney or several attorneys during interrogation by police and questioning in court. A legal consultant is permitted to have contact with suspects/defendants once he/she is under arrest.

Attorneys, in performing their duty, are not permitted to discriminate against their client based on sex, religion, politics, ethnic or social/cultural background. Attorneys have the right to collect information, data and other documents, either from government institutions or other parties to the interests of defending the client according to existing regulations. Information that an attorney receives from her client in his/her capacity as the client’s attorney is protected by attorney-client privilege and the attorney cannot divulge this information to any outside party, including law enforcement officials, prosecutors, the public, etc. Furthermore, attorneys have the right to secrecy in their relationship with their client, including protection from confiscation or investigation of the attorney’s files or documents, and protection from wire-tapping the attorney’s electronic communication.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detention</td>
<td>The act of keeping back, restraining or withholding a person or thing; confining.</td>
</tr>
<tr>
<td>Evidence</td>
<td>Testimony or material which is presented to prove a fact.</td>
</tr>
<tr>
<td>Executor of Court</td>
<td>The judicial branch official who carries out the process of enforcing a verdict or court decision.</td>
</tr>
<tr>
<td>Decision</td>
<td>A state official authorized by law to examine, prosecute and give punishment. The Judge, as a law enforcer and justice official, is obliged to explore, follow and understand legal values in society. Due to his/her duty, a Judge is authorized to make a decision for a crime he/she is prosecuting according to prevailing stipulations and laws. The Judge decides guilt or innocence in a case and determines the sentence or penalty for a crime. The Judge is allowed to actively ask questions of witnesses and the defendant during the trial. A council or panel of at least three Judges should conduct examinations and make decisions in a trial. On a panel of three Judges, one Judge will be designated the Chief Judge and the others as Judge panel members.</td>
</tr>
<tr>
<td>Guilty</td>
<td>Responsible for an offence.</td>
</tr>
<tr>
<td>High Court</td>
<td>An Indonesian provincial court of appeal; first-level of appeals courts in the Indonesian legal system.</td>
</tr>
<tr>
<td>Indictment</td>
<td>To accuse someone formally of a crime.</td>
</tr>
<tr>
<td>Jurisdiction</td>
<td>The authority of a court or organization to decide a matter in controversy or to have control over parties to a case.</td>
</tr>
<tr>
<td>Letter of Summons</td>
<td>A document issued by the police ordering a person(s) to come to a police station for questioning or a court to testify.</td>
</tr>
</tbody>
</table>
| Oath                  | Any form of attestation by which a person signifies that he is bound in conscience to perform an act faithfully and truthfully. An affirmation of truth of a statement, which renders one willfully
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>The police have the authority to receive reports or complaints regarding crimes and are responsible for conducting examinations and investigations.</td>
<td></td>
</tr>
</tbody>
</table>
| Public Prosecutor | A government attorney who, on behalf of the State, presses criminal charges (issues an indictment) against a suspect of a crime and executes the decision of a Judge. A general prosecutor is a prosecutor authorized by law to prosecute and execute the Judge’s decision. The public prosecutor is supported by the police who provide all evidence collected from the investigation; the prosecutor does not investigate any cases directly. The public prosecutor decides whether or not to issue an indictment based on the evidence collected by the police during their investigation. The role of the public prosecutor is stipulated in Articles 14 and 15 of the Penal Code including:  
  - Receiving and examining case files of investigations from the police who conducted the investigation  
  - Reviewing preliminary charges  
  - Approving extended detention, arresting, or further detaining and or changing the status of detainees after theirs cases are transferred by the investigators to the public prosecutor’s office  
  - Writing the indictment  
  - Filing the case (the indictment) in the court  
  - Trying the case in court  
  - Executing the Judge’s decision (e.g. takes the defendant to jail)  
  - Enforces and compensatory judgment |
<p>| Prosecute    | To institute legal proceedings against, or conduct criminal proceedings in court against. |                                                                                                                                         |
| Remedy       | The means by which a right is enforced or the violation of a right is prevented, redressed, or compensated. |                                                                                                                                         |
| Search       | Looking for or seeking out that which is otherwise concealed from view. An examination of a person’s house or other buildings or premises, or of his person, or of his vehicle, etc. with a view to the discovery of evidence of guilt to be used in the prosecution of a criminal action for some crime or offense with which he is charged. |                                                                                                                                         |
| Seizure      | The act of taking possession of property for a violation of law or by virtue of an execution of a judgment. |                                                                                                                                         |
| Sentence     | The judgment formally pronounced by the court or judge upon the defendant after his conviction in a criminal prosecution, imposing the punishment to be inflicted, usually in the form of a fine or prison term. |                                                                                                                                         |
| Summons      | A document ordering a person to appear in court at a trial. |                                                                                                                                         |
| Suspect      | A person who due to his or her actions or based on preliminary circumstantial evidence allegedly is presumed to have committed a crime. The police and the public prosecutor use this term to assert false statements punishable for perjury. |                                                                                                                                         |</p>
<table>
<thead>
<tr>
<th>Term</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Trial</td>
<td>Examination of evidence and applicable law by a court of law (tribunal) to determine the issue of specified charges or claims.</td>
</tr>
<tr>
<td>Verdict</td>
<td>The formal decision or finding of a judge.</td>
</tr>
<tr>
<td>Witness</td>
<td>Person who has seen an event take place or has been the victim of a crime and describes it in the court. Or an expert who has expertise in a relevant field (for example psychology).</td>
</tr>
</tbody>
</table>
Annex #8. Additional resources, references and materials about human trafficking

Brochures, leaflets and information sheets about human trafficking in Indonesia

*Waspada terhadap perdagangan perempuan dan anak/ The problem of trafficking of women and children*
- Produced by: Bureau of Women Empowerment and Family Planning of West Java.

*Mengenal lebih dekat istilah Human Trafficking atau perdagangan manusia/ Getting closer to the definition of Human Trafficking*
- Produced by: The Saint
- Available at: [http://counterhumantrafficking.blogspot.co.id/2011/03/mengenal-lebih-dekat-istilah-human.html](http://counterhumantrafficking.blogspot.co.id/2011/03/mengenal-lebih-dekat-istilah-human.html)

*Human Trafficking*
- Produced by: Ministry of Women Empowerment and Child Protection
- Available at: [http://www.trafficking.id](http://www.trafficking.id)

*Waspada bahaya perdagangan orang (Trafficking) dan Penyelundupan Manusia/ Be aware of the dangers of human trafficking and smuggling*
- Produced by: Indonesian Commission for Child Protection/KPAI

Videos and films about human trafficking in Indonesia

*ILM TPPO (Tindak Pidana Perdagangan Orang)/ ILM TPPO (The Crime of Trafficking in Persons)*
- About the video: Public Service Announcement (PSA) on the modus operandi used by traffickers; persons at risk for trafficking; persons who have the potential to be traffickers; and how to stop a trafficking case.
- Produced by: Ministry of Women Empowerment and Child Protection
Animasi Bahaya Perdagangan Orang / Animation Video on the Dangers of Human Trafficking
➢ About the video: Animated PSA on the dangers of human trafficking.
➢ Produced by: Anti-Trafficking Coalition
➢ Available at: https://www.youtube.com/watch?v=A5V4glKGad8

Stop Human Trafficking
➢ About the video: PSA on the dangers of human trafficking.
➢ Produced by: Advokasi Human Trafficking Bali
➢ Available at: https://www.youtube.com/watch?v=Py8cD4hs0LM

Waspada Perdagangan Orang / The Problem of Human Trafficking
➢ About the video: A short fictional video that illustrates trafficking for sexual exploitation.
➢ Produced by: Deputy of Women’s Protection of the Ministry of Women’s Empowerment and Child Protection.
➢ Available at: https://www.youtube.com/watch?v=mkULxScK7xU

Kisah Tiga Gadis Remaja / The Story of Three Little Girls
➢ About the video: A short animated film based on true stories that illustrate trafficking for forced labor and sexual exploitation [subtitles in English].
➢ Produced by: Directorate General of Higher Education, Ministry of Education and Culture
➢ Available at: https://www.youtube.com/watch?v=MH5DENuCOlo

Kisah Perdagangan Manusia / The Story of Human Trafficking
➢ About the video: A short fictional video that illustrates human trafficking. [Warning: graphic and violent scenes]
➢ Produced by: Titiktengah
➢ Available at: https://www.youtube.com/watch?v=-bYuUcIh0yQ

Anak dalam Bayang bayang Trafficking / Children in the Shadow of Trafficking
➢ About the video: A short fictional video that illustrates the trafficking of children.
➢ Produced by: Pusat Kajian dan Perlindungan Anak
➢ Available at: https://www.youtube.com/watch?v=RKIwJL8KccU

HUMAN TRAFFICKING BY HOTLINE SURABAYA
➢ About the video: A short fictional video that illustrates a human trafficking case and then provides information about the reintegration of human trafficking victims. [subtitles in English]
Produced by: ARTIESGN and HOTLINE SURABAYA (performed by group SUNNY YOUTH FILM MAKER)
Available at: https://www.youtube.com/watch?v=FTnwK4rqil4

**Derita Bisu/Silent Suffering**
- About the video: A training video created as part of OnTrackMedia's anti-human trafficking campaign kit. This video has been used by migrant workers, law enforcers, legislators and agencies, and the Indonesian scout movement, to help raise awareness of trafficking in Indonesia.
- Produced by: International Catholic Migration Commission and Solidarity Center with cooperation between Ministry of Women Empowerment and Child Protection
- Available at: https://youtu.be/k9Dxuj7l6zg

**Perdagangan Manusia (Definisi dan Film Dokumenter tentang Eksploitasi Seksi)/ Human Trafficking (Definition and Documentary Film on Sexual Exploitation)**
- About the video: A student film (Department of Applied Science and Technology of Surabaya) that provides information about human trafficking, through graphics, fictional scenes and documentary footage.
- Produced by: Dian Ekawati Permanasari
- Available at: https://www.youtube.com/watch?v=KJvmXdj5VKA