

::Reform is Impeded by the Bureaucracy::

Notes on the Preliminary Monitoring of
PRESIDENTIAL DECREE NO.06/2006

Concerning the Policy to Reform the System of the Placement
and Protection of Indonesian Migrant Workers

Submitted by:
KOMNAS PEREMPUAN
together with
GPPBM, HRWG, KOPBUMI,
LBH Jakarta, SBMI
and
SOLIDARITAS PEREMPUAN

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Written By:

Tati Krisnawaty

Editor:

Serin Werner

Translator:

Maria Luisa Caparas

Design -Layout:

Joko Supriyanto

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Foreword

Why Are We Doing A Preliminary Monitoring?

On 2 August 2006, the President of the Republic of Indonesia (RI), Susilo Bambang Yudhoyono, issued Presidential Decree No. 6/2006 concerning the Reform on the System of the Placement and Protection of Indonesian Migrant Workers (TKI) in Foreign Country. This Instruction was directed to two Coordinating Ministers, nine Ministers, the Chief of Police, and to Governors and District Heads/Mayors.¹ The President instructed these officials to take all the necessary actions according to their respective duties, functions, and authority to reform the system of the placement and protection of TKI.

On the one hand, the issuance of the Presidential Decree above can be considered as a breakthrough in solving the deadlock in the system for the protection of TKI. On the other hand, it can also be considered as a 'panicky response' that incorporates the ideas that were already included in previous regulations into this reform idea. One of the forms of evidence of this 'panicky response' is apparent in the appendix of this Presidential Decree that gives duties to National Authority for the Placement and Protection of Indonesian Overseas Workers (BNP2TKI); despite the fact that this institution is nowhere to be seen. BNP2TKI is an institution mandated by Law No. 39/2004 concerning the Placement and Protection of Indonesian Migrant Workers in Foreign Country (PPTKILN).

Since Presidential Decree No. 6/2006 will be the starting point of the parties mentioned above (starting from the Coordinating Ministers down to the Mayors) for the reform on the system of the placement and protection of migrant workers, we wish to **contribute our ideas**. We wish to emphasize matters that can be a breakthrough. The violation of the human rights of TKI should not be allowed to continue. Meanwhile, **Law No. 39/2004** concerning PPTKILN that is expected to serve as the legal umbrella for the protection of the human rights of migrant workers is still far from effective because the formulation of the Law itself requires the presence of 6 Government Regulations, 2 Presidential Decrees, and 23 Ministerial Regulations.² A reform on the policy on migrant workers is really pressing and it requires immediate action. The policy in this sector is related to the necessities of life of thousands or even millions of Indonesian migrant workers, those people who leave their hometowns and travel thousands of kilometres to go to a foreign land to obtain a better life. The hope is that the issuance and implementation of this and other policies can end the different problems that have now been ongoing for more than 20 years.

¹ Presidential Decree No. 6/2006, see Appendix 1.

² The complete description of this can be read in Appendix 2.

The preliminary monitoring of Presidential Decree No. 6/2006 is an effort on our part to read the contents and direction of the reform on the policy on migrant workers from the perspective of human rights and gender justice as needed by the TKI in particular and the Indonesian people in general. We would like to observe the implementation of this Presidential Decree to know the dynamics of the system for the protection of Indonesian migrant workers. In the end, we are in favour of the values of human rights and gender justice. Our demand is that, the President – on behalf of the state – will execute his obligation to fulfil and protect the human rights of TKI as his citizens; we take part by providing the results of this preliminary monitoring.

Who Are We?

We who are conducting this monitoring is Jaringan Kerja Masyarakat Sipil untuk Reformasi Kebijakan Tenaga Kerja Indonesia (Civil Society Network for the Reform of the Policy on Indonesian Migrant Workers) that is composed of Komnas Perempuan and a number of non-government organizations that are working for the issues of migrant workers in the various areas in Indonesia, both as individuals and as a collective/coalition, namely: GPPBM, HRWG, KOPBUMI, LBH Jakarta, SBMI, and Solidaritas Perempuan³.

In brief, we can describe here that **GPPBM** or Women's Movement for the Protection of Migrant Workers was established in 2000 as a coalition of women mass organizations that concerned with the issue of migrant workers; some of the 19 mass organizations that are members of GPPBM are: Kowani, Muslimat, Rindang Banua, and Wanita Katolik Republik Indonesia. **HRWG** or Human Rights Working Group is a coalition of NGOs concerned with the issue of human rights. It is composed of 41 local and national organizations, among others are KontraS and ICW. **KOPBUMI** is a coalition of NGOs concerned with migrant workers. It was founded in 1997 to push for the formulation of the Law of Protection of Migrant Workers and Members of Their Families. **LBH Jakarta** is an NGO established in 1970 to handle the legal problems of workers, including migrant workers. **SBMI** or Indonesian Migrant Workers Trade Union is an organization of migrant workers and the members of their families founded in 2005. **Solidaritas Perempuan** is the first women organization that initiated the defence of migrant workers in 1990. Lastly, **Komnas Perempuan** is a National Commission established in 1998 through Presidential Decree No. 181/1998. It has two primary mandates; first, to promote the human rights of women, and second, to create a situation conducive to the elimination of violence against women.

³ The short profile of these organizations can be read in Appendix 3

How Will We Conduct this Preliminary Monitoring?

We shall start from the understanding that the problems of migrant workers are complex. In the midst of this complexities, the human rights of migrant workers is the main problem and the State – that among others is represented by the Government – has the responsibility to protect it as mandated by the 1945 Constitution and the Universal Declaration of Human Rights. Based on this main problem, we formulated two fundamental questions on this Presidential Decree No. 6/2006.

- First: Do the contents of this Decree, including the appendix, precisely and effectively aimed to resolve the HR violations experienced by migrant workers? and;
- Second: What have been its achievements in the first stages of its implementation?

The Report that you see here is the result of our preliminary monitoring which is actually a quick assessment of the more or less 100 days implementation of this Decree, starting from the issuance of this Presidential Decree on 2 August 2006 up to 10 December 2006. We deliberately choose 10 December as the end point for the preliminary monitoring as it is International Human Rights Day.

The preliminary monitoring of the implementation of this Presidential Decree was carried out by :

- Studying the text of Presidential Decree No. 06/2006 and its Appendix;
- Directly interviewing and conducting a focus group discussion with the various administrators of this Presidential Decree;
- Studying the field reports of the NGO network (North Sumatra, East Java, and West Nusa Tenggara);
- Studying the reports of government institutions (Department of Manpower and Transmigration and Department of Foreign Affairs);
- Studying the literatures on the issue to obtain a broader and more comprehensive context and knowledge about the formulation of and amendments to policy related to migrant workers; and
- Conducting field observations (especially in the Airport) and studying the media coverage.

In order to complete our analysis, we also reviewed Law No. 39/2004 concerning the Placement and Protection of Indonesian Migrant Workers in Foreign Country; Regulation of the President of the RI No. 81/2006 concerning BNP2TKI; Regulation of the Coordinating Minister for the Economy Kep. 63/M.Ekon/10/2006 concerning the Formation of a Coordinating and Monitoring Team for the Reform on the Policy on the Placement and Protection of Indonesian Migrant Workers in Foreign Country; and Regulation of the Minister of Manpower and Transmigration Per. 19/Men/V/2006 concerning the Implementation of the Placement and Protection of Indonesian Migrant Workers in Foreign Country.

Formulation of the Report of the Preliminary Monitoring

The Report on this Preliminary Monitoring was systematically formulated as follows:

The first part describes the analysis on the contents of Presidential Decree No. 6/2006 by taking into account the history and process of the formulation of this Presidential Decree as reported by media and the result of the interviews with government personnel and TKI organizations. The second part includes the field notes on the first three months of the implementation of Presidential Decree No. 6/2006. The third part is the summary of our analysis on the fundamental migrant worker problems apart from those related to Presidential Decree No. 6/2006. And finally, the fourth part of this Report contains our general conclusions and several recommendations.

To Whom Will We Submit this Preliminary Monitoring?

We will submit the Report on this Preliminary Monitoring to: (1) the President of the RI as the signatory of Presidential Decree No. 6/2006 and as the person who gave the mandate to the National Commission on Violence against Women to report on human rights violations against Indonesian women; (2) related Commissions in the House of Representatives (DPR) that are in charge of labour, women, human rights, and foreign affairs; and (3) other relevant parties involved in efforts to uphold the human rights of migrant workers.

PART ONE

Analysis on The Strengths and Weaknesses of Presidential Decree No. 06/2006

The President of the Republic of Indonesia issued Presidential Decree No. 06/2006 on 2 August 2006 to firmly order the ranks of the government bureaucracy starting from the Coordinating Ministers down to the Mayors to respectively perform their duties and authority to reform the policy on the system of the placement and protection of Indonesian workers abroad. This Presidential Decree was issued in the midst of the problems of migrant workers and various efforts conducted by government agencies and the society to resolve these problems; however, as we all know, these efforts are not yet in synergy, they are even colliding at certain points. For instance, for the effort to ratify the Convention for the Protection of Migrant Workers, some parties – mainly the Department of Foreign Affairs, Komnas Perempuan, and community organizations urged its immediate ratification while the Department of Manpower and Transmigration strongly rejected it. It is expected that this Presidential Decree will be the joint starting point for an integrated effort to reform the system of the placement and protection of TKI. Can this Presidential Decree meet this expectation? Why was this Presidential Decree issued? Are the contents of this Decree, including its appendix, precisely and effectively aimed to solve the basic problems that have beset Indonesian migrant workers for such a long time?

I.1. Voices of Migrant Workers: Instigating Factor

Presidential Decree No. 06/2006 was issued because the migrant workers directly complained to the President and First Lady during their state visit to Malaysia and the countries in the Middle East by the end of 2005 and the first quarter of 2006. These complaints impelled the President to formulate a new policy and strategy for the placement and protection of

Indonesian migrant workers (TKI).

During the state visit to Malaysia in December 2005, President Susilo Bambang Yudhoyono and the First Lady conducted a dialogue with the Indonesian community residing there. During this dialogue, the President listened to complaints about the illegal fees and corruption of officials towards TKI, as well as the cases of human trafficking whose victims are Indonesian women. In response to these serious complaints, in front of the press and in a loud voice, the President instructed the Indonesian Chief of Police (Kapolri) to investigate the crimes and misconduct in the Immigration⁴.

In another situation, this time during the state visit to some countries in the Middle East in May 2006, the President once again heard the complaints of migrant workers in Qatar who had to pay illegal fees and they felt that the officials in the Department of Manpower and Transmigration were making things difficult for them. The President was very concerned with the extortion experienced by Indonesian Migrant Workers in their own country that is practiced by the bureaucracy that is supposed to protect them. Later on, the President ordered the Minister of Manpower and Transmigration to revoke the Recommendation of TKI that is mentioned as a tool to blackmail migrant workers⁵.

According to one of the staffs of the Directorate General for the Protection of TKI of the Department of Manpower and Transmigration, it is based on these complaints that the President later on made a move, he himself presided over the meeting to prepare the reform on the policy on the system of the placement and protection of Indonesian workers abroad⁶.

I.2. National Coordinating Meeting: Formulating the Framework of the Reform Policy without the Voice of the Migrant Workers

As a follow-up to the idea of the President to issue a policy to reform the system of the placement and protection of Indonesian workers abroad, on 13 July 2006, the Department of Manpower and Transmigration held a National Coordinating Meeting (Rakornas) for the Reform on the System of the Placement and Protection of TKI that is based on Law No. 39/2004 by inviting the concerned stakeholders of the issue of migrant workers. What is meant by concerned stakeholders in this Rakornas are government agencies as well as the recruitment agencies (PJTKI), including the head of the delegation of

⁴ Even the President was shaken to hear the story of Lastris, Kompas, 23 December 2005.

⁵ The President ordered the Minister of Manpower and Transmigration to repeal the Recommendation of TKI. Antara News, 1 May 2006.

⁶ Related during the Focus Discussion for the Implementation of Presidential Decree No. 6/2006, at Komnas Perempuan, Jakarta, 28 November 2006.

⁷ *Magazine of Nakertrans Volume I No. 4, 2006.*

countries friend to Indonesia as the recipient of Indonesian migrant workers⁷. Migrant workers, organizations of migrant workers or community organizations that are so far known handling the issues of migrant workers were not invited in this Rakornas⁸.

This is very ironic. If the meeting of the President with the migrant workers is considered as the incident that triggered the issuance of this reform policy of the President, why were the organizations of migrant workers not involved in this Rakornas? Is it only by meeting and speaking with the President that the voices of migrant workers can be heard? What becomes a relevant question is that, why didn't the Department of Manpower and Transmigration gave the representatives of migrant workers and/or their organizations the opportunity to participate in the completion of this reform policy that is related to the lives of the migrant workers themselves?

The spirit to reform the bureaucracy was firmly articulated in the speech of the President during the Rakornas for the Reform on the System of the Placement and Protection of TKI on 13 July 2006 in Jakarta. In his speech, the President admitted that experience has impelled the Government to improve, complete, and even conduct fundamental changes in the management of manpower. The President requested the Department of Manpower and Transmigration to simplify and reduce the mechanisms and procedures in the placement of TKI so that Indonesian workers will not experience difficulties⁹. The President also expected that this Rakornas was going to "produce a basic policy, regulation, and solution to labour problems so that the TKI can work properly for their family and country."

This Rakornas produced a package of reform policy on the placement and protection of TKI and it has three objectives, namely: (1) improve the protection of TKI by creating legal protection; (2) enhance the welfare of TKI; and (3) increase remittances. These three objectives will be carried out by doing five concrete actions, namely: (1) simplifying the procedure in the placement and protection of TKI; (2) increasing the cooperation among countries; (3) preparing an Online Information System about the international work market and process of planning, placement, protection, and monitoring of TKI that is integrated into related agencies; (4) eliminating sponsors, hoodlums, and other parties that often take advantage of TKI for their own vested interest; and (5) establishing BNP2TKI. These five actions were formulated without the presence of or without consulting with the TKI or TKI organizations representing the interest of migrant workers.

⁸ The primary concerned stakeholders, which are, the migrant workers and the members of their families and/or organizations of migrant workers were not invited in this meeting. Once again, this is an indication that as far as Department of Manpower and Transmigration is concerned, migrant workers and/or organizations of migrant workers are not concerned administrators or they are not subjects in this matter; rather they are only considered as objects.

⁹ Pengurusan TKI Menjadi 11 Meja, Kompas Cybermedia, 14 Juli 2006

I.3. Presidential Decree No. 06/2006: Reformation with Tied Hands and Feet

Approximately two weeks after Rakornas, on 2 August 2006, the President issued Presidential Decree No. 6/2006 concerning the policy to reform the system of the placement and protection of TKI. This Instruction was directed to the Coordinating Minister for Politics, Law, and Security, Coordinating Minister for the Economy, Minister of Foreign Affairs, Minister of Home Affairs, Minister of Finance, Minister of Manpower and Transmigration, Minister of Transportation, Minister of Justice and Human Rights, Minister of Health, Minister for State-owned Companies, State Minister for National Development Planning/Head of the National Development Planning Agency, Chief of Police of the Police of the RI, Governors, and District Heads/Mayors.

This Presidential Decree is composed of 6 instructions and an appendix that includes the main policies as well as the explanations on each program. It also includes the type of actions that should be taken as well as the parties accountable. In the appendix, 27 actions were designed to produce certain products in a certain period of time. As such, this appendix can be used as a tool to monitor and evaluate the performance of the bureaucracy. The 6 points of instructions from the President are:

1. That the appointed parties will take the necessary steps according to their respective duties, functions, and authority.
2. That the steps mentioned above should be based on the appended program.
3. The Coordinating Minister for the Economy has the following duties: (a) form a coordinating and monitoring team to implement this Presidential Decree and a working group as the need arises; and (b) determine the members, organizational structure, duties, work procedures, and secretariat of the Team that will be formed.
4. The Coordinating Minister for Politics, Law, and Human Rights and the Coordinating Minister for the Economy shall coordinate and monitor the implementation of this Presidential Decree according to their respective duties and they should provide a periodic report.
5. All expenses will be taken from the National Budget.
6. That the relevant named parties will take full responsibility for the implementation of this Presidential Decree.

In the appendix, the policy in this Presidential Decree has 5 categories, namely: (A) Placement of TKI; (B) Protection of TKI; (C) Eradication of TKI Sponsors; (D) Placement Institutions for TKI; and (E) Support of Banking Institutions. Each of these policies has their respective program description as well as the Type of Actions, Size of Products, Target Schedule, and the Accountability Component.

Table 1
COMPOSITION OF THE POLICIES, PROGRAM, AND NUMBER OF ACTIONS OF PRESIDENTIAL
DECREE No. 06/2006

Policies	Program	Number of Actions
Placement	Simplification and decentralization of the services for the placement of TKI	5
	Increasing the Quality and Quantity of Prospective TKI	7
	Services to TKI in the embarkation and debarkation areas will use the One Roof Services System	4
Protection	Advocacy and Defence of TKI	1
	Strengthening of the Function of the Embassies of RI in the Protection of TKI	1
Eradication of TKI Sponsor	Eradication of the Practice of Sponsorship of TKI in the regions	1
	Eradication of Negative Acts of Hoodlums and Sponsors to TKI in the embarkation/debarkation	1
TKI Placement Institutions	Increasing the Professionalism of TKI Placement Institutions	5
Support of Banking Institution	Credit Facilities for Prospective TKI	1
	Management of TKI Remittances	1

If it is true that Presidential Decree No. 06/2006 intends to reform and to reorganize in order to improve, the next questions would be: how far will the changes be? And how well will this Presidential Decree handle the most basic problems of migrant workers? The analysis on the contents of this Presidential Decree can be seen from the three matters presented below.

1.3.1. Composition of the Action: Emphasizing on the Policy on Placement and not on Reform

In terms of the balance of the number of the action components, it is quite clear that this Presidential Decree is more concerned with the aspect of the placement of TKI. Out of the 27 points of planned actions, 16 of them are actions for the policy on the placement of TKI, among others are the action to simplify and reduce the chain of services of the bureaucracy, increasing the number and quality of prospective migrant workers, and broadening the labour market abroad (market intelligence, promotion/road show).

In terms of the policy on the Placement, the Program for Increasing the Quality and Quantity of the Prospective TKI has the biggest number of actions (7 items). This is followed by the Program for the Simplification and Decentralization of the Placement Services to TKI and Increasing the Professionalism of Placement Institution for TKI that has 5 items

on the action respectively. Next to this is the Program on the Services to TKI in the Embarkation and Debarkation areas using the One Roof Service System that has 4 items.

If the actions to increase the professionalism of placement institutions for TKI is included in the framework of placement (because both are intended to increase the quality and quantity of the placement of TKI), then the number of actions in relation to placement will become 21 actions or 75% of all the actions stipulated in this Decree.

Meanwhile, the programs for the protection of Advocacy and Defence of TKI and the Strengthening of the Function of the Indonesian Representatives in the Protection of TKI only have 1 item of action respectively. This is also the same with the Eradication of the Practice of Sponsor to TKI in the regions, Eradication of Negative Acts of Hoodlum and Sponsor to TKI in the Embarkation/Debarkation Areas, Credit Facilities for Prospective TKI, and Management of the Remittances of TKI; they each have 1 item of action respectively.

In terms of the spirit and framework, this Presidential Decree is not really different from previous regulations, even from the 1974 Regulation of the Minister of Manpower concerning the channelling of coolies to plantation companies based on colonial regulation. The differences are only in terms of:

1. The bureaucracy is being urged to become more active and efficient in its work (such as in terms of approving the job order, issuing licenses, providing information, conducting the selection and authorizing placement agreement, increasing the function of market intelligence, providing the initial health examination, optimizing the work market in the Districts/Cities, and in increasing the quality of training and cooperation agreement with countries that receive skilled TKI).
2. Providing additional or increasing the facilities so that the processing of the placement will become faster and cheaper (presence of an accredited institution to test the competence in making the passport in the regions, elimination of the Verification Document for the Departure of TKI in the embarkation area, the presence of a Special Immigration Counter Service, the presence of an Arrival Lounge for TKI in the Sukarno - Hatta and Juanda Airports, and improving the flow of the belongings of TKI).

If this system of placement is really characterized as a reform, then there should be a placement policy that is based on the fulfilment of the HR of the citizens of Indonesia, among others:

1. There should be a mechanism for the recognition that every Indonesian citizen working abroad (through their

respective method) is a migrant worker that has comprehensive human rights. In this context, the Foreign Employment Identity Card (KTKLN) should be able to be given to TKI wherever they are (it should not be monopolized by the institutions that are only located in the country).

2. There should be an effort to establish cooperation for the upholding and protection of the human rights of TKI with receiving countries. In this context, the market intelligence is not the priority; rather, (if we can use the term) human rights intelligence. The road show/promotion of the services of TKI to receiving countries without the assurance that the TKI will obtain fair treatment and legal protection will turn the position of TKI into human trafficking.
3. Health examination is a right of the citizen. As such, health examinations should be conducted not merely to fulfil the requirement of the recipient country; rather, it should be an effort of the Government of Indonesia to provide health services wherever its citizens are located. In this context, the Government should cooperate with the recipient countries to increase health services to TKI.

1.3.2. Protection: Minus Social Protection

Presidential Decree No. 06/2006 formulated the reform on the system of the protection of TKI in its two programs: (1) advocacy and defence that is materialized by the action of providing legal aid in the province source of migrant workers and in receiving countries; and (2) strengthening the function of the Indonesian representatives in the protection of TKI that is materialized by forming Citizen Service. It is true that both are imperative and they should be developed, especially after the success and failure in providing legal aid in several countries, among others: United Arab Emirates, Singapore, and Malaysia.

Table 2
PROTECTION POLICY OF PRESIDENTIAL DECREE 06/2006

Program	Action	Product
Advocacy and defence of TKI	Facilitate the availability of legal aid for TKI	Facilitate the availability of legal aid in the provinces that are the main source of TKI
		Cooperation of the Indonesian representatives (including the trade office of RI in Taiwan) with the local law firms in 11 country of placement
		Deploy officials of Polri in the receiving countries as needed
Strengthening of the function of the Indonesian representatives in the protection of TKI	Formation of Citizen Service/Labour Attaché in the countries that accept TKI	Formation of Citizen Service/Labour Attaché in the six countries that accept TKI, namely; South Korea, Brunei, Singapore, Jordan, Syria, and Qatar

Even though these two programs are properly carried out, the concept of the protection policy in this Presidential Decree is still far from the category of reform because the protection policy here does not include the concept of social protection. This is despite the fact that social protection is imperative considering that majority of the Indonesian migrant workers are poor and they are exposed to various social susceptibilities, such as, no access to sources of information, no access to a social security network, exposed to the cultural practices in the recipient country, they experience difficulties in their family life (being separated from their core family), becoming alienated in a foreign land and living in the house of their employer who has a different language and culture, etc.

The absence of the concept of social protection is an indication that this Presidential Decree is not using the comprehensive perspective of human rights in looking at the problems of TKI. The TKI are only perceived in terms of the legal and economic aspect while the social aspect of the migrant workers that is affixed to every person is not taken into consideration. It is true that the legal, economic, and social aspect could not be separated; however, not stating social aspect explicitly will implicate that this aspect does not exist. For instance, the concept of the availability of a legal aid for TKI does not automatically ensure that the TKI will have access to information, have a means to communicate with their family, able to access long-distance education services, and establish relationships with religious or cultural institutions in their place of work just like the regular situation for every person.

1.3.3. Calendar of Activities

Based on its calendar of activities, all of the actions to improve the placement of TKI should be carried out in 2006 and the time frame is more or less five months, which is, from August until December 2006. Meanwhile, the time frame of the actions to improve the system of protection has a longer period of time, until June and July 2007. How can a good concept of protection be provided if the issues of efficiency, collusion, and corruption are yet to be resolved?

It is true that this Presidential Decree included several planned actions that, if properly carried out, will be beneficial and will provide additional comfort to TKI (eradication of sponsors, availability of an arrival lounge, etc.). However, the whole plan or the basic character of this Presidential Decree is still similar with Law No. 39/2004, which is, it is not a systematic reform to ensure the establishment of a mechanism for protection; rather, it is an order to conduct a number of improvements in the bureaucracy in order to get rid of various obstacles and resolve the stagnation in the system of recruitment of TKI.

PART TWO

Field Notes : Implementation of Presidential Decree No. 6/2006 First Quarter, 2 August – 2 December 2006

This part constitutes the evaluation on the implementation of Presidential Decree No. 6/2006. Two main references were used for this evaluation, which are the available instruments for the implementation and the situation in the field that is related to the implementation of the instruments. This part will also present the different arguments on the difficulties that are being experienced in reference to the implementation of the Decree.

2.1. Notes on Delayed Instruments

Point three of Presidential Decree No. 6/2006 states that: The Coordinating Minister for the Economy has the duty to: (1) form the Coordinating and Monitoring Team for this Presidential Decree and working group as the need arises; (2) determine the members, organizational structure, duties, work procedure, and secretariat of the Coordinating and Monitoring Team of this Decree.

This third point was only able to be implemented by mid October or two and a half months after the issuance of this Decree. The Coordinating and Monitoring Team on the Reform Policy on the System of the Placement and Protection of TKI as the important instrument of this Presidential Decree was established through the Decree of the Coordinating Minister for the Economy KEP-63/M.EKON/10/2006 that was signed/ enacted on 17 October 2006. Meanwhile, the formation of the working groups¹⁰ of the Coordinating Team was only conducted early December 2006¹¹. The Coordinating and Monitoring

¹⁰ There are three working groups, namely: Working Group for the Placement of Migrant Workers, Working Group for the Protection of Migrant Workers, and Working Group for Financing Migrant Workers.

¹¹ Information obtained from Mr. Arifin Habibie, (Expert Staff in the field of Labour Affairs in the Coordinating Ministry for the Economy and Chairperson of the Working Group for Protection as stipulated in the Decree of the Coordinating Minister for the Economy No. 63/ M.EKON/10/2006) during the Focus Discussion on the Implementation of Presidential Decree No. 6/2006, Komnas Perempuan, 28 November 2006.

Team has 8 duties, among others: coordinate the implementation, monitor the implementation, formulate the monthly progress report and periodic report of the Coordinating Minister for the Economy and submit them to the President, disseminate the progress, get inputs from the society, formulate recommendations, and perform other duties designated by the Coordinating Minister for the Economy.

Based on the performance of the working group of the Coordinating and Monitoring Team, it is apparent that this instrument is still looking for the form and method of their work. Until early December 2006, they do not have a work result that can be presented. This is a delay, the sluggishness of the work of the bureaucracy considering that this Presidential Decree is already in its fourth month or it has already passed one third of the determined time frame. Meanwhile, the Department of Manpower and Transmigration issued a written report as per 31 October 2006¹², an action that should be appreciated. The presence of this report indicates the irony that the instrument for the placement of TKI is systematically implemented and moving faster than the coordinating system between one instrument and the other instruments stipulated in the Presidential Decree.

Another irony is the delay of establishment of BNP2TKI. Presidential Decree No. 06/2006 appointed this body to be responsible for the implementation of the 17 points of action for the reform on the system of the placement and protection of TKI. The presence of BNP2TKI itself is mandated by Law No. 39/2004 concerning the Placement and Protection of TKI. The Decree of the President on BNP2TKI (Presidential Decree No. 81/2006) was only enacted on 8 September 2006, and until the third week of November 2006, the structure of BNP2TKI had not yet finalized¹³. Given this sluggishness, it is almost certain that until early December 2006 (four months after the implementation of Presidential Decree or 30% of the determined schedule), BNP2TKI will not be involved in the implementation of Presidential Decree No. 06/2006. It is impossible for BNP2TKI to be responsible for its actions as stated in October report of the Department of Manpower and Transmigration.

The domino effect of the delayed establishment of BNP2TKI is that the Bureau for the Service of Placement and Protection of Indonesian Migrant Workers (BP3TKI) failed to function. BP3TKI is the instrument that was prepared for the smooth implementation of services for the placement of TKI at the provincial level or in the departure areas of migrant workers. As such, the idea of decentralization in general is still facing obstacles in coordination.

¹² The Concrete Form of the Progress of the Department of Manpower and Transmigration in Implementing Presidential Decree No. 6/2006 concerning the Reform Policy on the System of the Placement and Protection of Indonesian Migrant Workers, Position: 31 October 2006.

¹³ Interview with Drs. Marjono, MM (Director of the Protection and Advocacy of PPTKLN), 20 November 2006.

2.2. Notes on the Implementation of the Policy on the Placement of TKI: Several Achievements and Challenges

The three components of the Program on the Placement Policy are:

- Simplification and decentralization of placement services (August–October 2006)
- Increasing the quality and quantity of prospective TKI (August 2006–July 2007)
- Services in the embarkation and debarkation using the one roof service system (August – September 2006)

2.2.1. Simplification and Decentralization of Placement Services

In terms of the instrument that was prepared by relevant institutions, we can say that the program on the simplification and decentralization of placement services was implemented as expected. However, how far will this instrument become effective is another problem.

What is worth appreciating is the progress in the issuance of passports. The Directorate General of Immigration issued the Decree of the Directorate General of Immigration F-960.IZ.03.02 on 4 September 2006 that enables every person to apply for a passport in any immigration office regardless of the permanent legal residence of the applicant. This makes it easier for the TKI to arrange their passport. Nevertheless, there is an exception based on the policy of the Department of Manpower and Transmigration on the placement of TKI in the Middle East; since BNP2TKI is not yet formed, the Immigration Office in Tangerang still functions as the Immigration Office for the application of the passports of TKI who wish to work in the Middle East¹⁴.

In order to reduce the service, through a letter dated 22 August 2006, the Directorate General of Immigration ordered the Heads of Immigration Offices to shorten the process of issuing biometric passports to three working days¹⁵.

¹⁴ Interview with Kamso Simatupang, Directorate of Travel Document, Visa and Immigration Facility, Directorate General of Immigration, Department of Justice and Human Rights. 15 November 2006.

¹⁵ The Decree of the Directorate General of Immigration dated 22 August 2006 also includes other instructions: elimination of the function of document verification, providing a special counter for TKI, and the eradication of the practice of sponsor.

Actually, the biometric security system was already applied since 6 February 2006¹⁶, but it was not effective¹⁷. Through this security system, all of the data of the person applying for a passport will be recorded in a central database to minimize the duplication of a passport (applying for more than one passport)¹⁸. Despite this, the practice of duplicating a passport still occurs. It even continued to occur after the issuance of Presidential Decree No. 6/2006. On 9 November 2006, *Hukum Online* reported that in the last three months (August, September, October), 70 cases of passport duplication occurred in West Jakarta.¹⁹ Up to now, the demand to issue a passport within three working days is still hard to do. The access to the central database for verification is still slow. It requires eight hours or one working day. Given the pace of the access at present, the issuance of a passport requires five working days²⁰.

Another positive instrument is the elimination of the verification procedure that was put into effect on 23 August 2006 to facilitate the TKI that will return to their country of work²¹. Progress also occurred in the issuance of License to Recruit Workers on a Large Scale (SIP) and KTKLN. The Monitoring Report from Ponorogo stated that the processing of SIP and KTKLN is fast; it can be obtained in one working day²².

¹⁶ Its legal basis was already approved two years ago through the Decree of the Minister of Justice and Human Rights Number M.02-IZ.03.10/2004.

¹⁷ The General Chairperson of Association of Businesses on TKI (HIMSATAKI), Husein Alaydrus related his complaint early March 2006 because the departure of approximately 16,000 migrant workers was cancelled because of the sluggishness in the making of a passport using the biometric technology (<http://progresifjaya.com>).

¹⁸ Head of the Public Relations Bureau and Foreign Relations of the Department of Justice and Human Rights, Taswem Tarib, told the journalists in Jakarta on Monday, 26/06/2006 that: "out of the 700,000 biometric passports, 1,800 cases of passport duplication was discovered and 75 percent of these are passports of TKI" (<http://www.detiknet.com>).

¹⁹ <http://www.hukumonline.com>, 9 November 2006.

²⁰ <http://www.kompas.com/metro/news/0603/01/083406.htm>, 10 November 2006.

²¹ SBMI received a report from their member in Hong Kong who had experienced this facility (related during the Thematic Discussion conducted by Komnas Perempuan on 11 December 2006).

²² Report on the Monitoring of the Implementation of Presidential Decree No. 06/2006, JKPS Cahaya, Ponorogo.

The same source also said that, in Ponorogo, there are already changes in the system of providing information, selection, and signing of the placement contract. It is held under the supervision of the Bureau for the Service and Placement of Indonesian Migrant Workers (BP2TKI), by involving the TKI, and is conducted within two working days.

Unlike the report from Ponorogo, the monitoring report from Lumajang stated that there are still no improvements in the process of providing information; in some cases, the quality of providing information are even low/ bad. The signing of the work contract is conducted in the airport before departure so the TKI don't have the opportunity to read and understand its contents²³.

In the program for the simplification and decentralization of services, the progress in the establishment of an Online System for Job Orders is not yet apparent. The target of establishing this system by October 2006 is not supported by the instruments in the field; at the same time, Indonesian representatives abroad encounter huge problems. The Indonesian Consulate General in Kuching explained that in order to develop an online system, system coordination, management, and funds to manage it are necessary²⁴. These three are not yet available. The extent of the scope of work – Serawak for instance —can hamper the accurate and systematic gathering of data. Fake Job Orders are still rampant in the field while the available staffs are limited in number and most of them are demanded to conduct breakthroughs in the protection of TKI²⁵. So far, in the Indonesian Consulate General in Kuching, the authorization of Job Orders is carried out manually. In its report, the Department of Manpower also admitted that although the System Application is already established; it is not yet integrated across the sectors.²⁶

²³ Report on the Monitoring of the Implementation of Presidential Decree No. 06/2006. SBMI East Java.

²⁴ Interview with Didik J. Zulhadi, staff of Consulate General of RI in Kuching, 24 November 2006.

²⁵ See also the Working Paper submitted by Didik Trimardjono, Consul for Consular Affairs of Consulate General of RI in Johor Baru: Scheme for the Protection of TKI/Indonesian Citizens Model Consulate General of RI in Johor Baru.

²⁶ The Concrete Form of the Progress of the Department of Manpower and Transmigration in Implementing Presidential Decree No. 6/2006 concerning the Reform Policy on the System of the Placement and Protection of Indonesian Migrant Workers, Position: 31 October 2006.

2.2.2. Notes on Increasing the Quality and Quantity of Prospective TKI

Government Reports—especially from the Department of Manpower and Transmigration—mentioned various achievements in increasing the quality and quantity of prospective TKI. Nevertheless, as a whole, this was conducted in the framework of trading TKI; the placement (read: trading) of as many migrant workers as possible to the international labour market. The following are the achievements reported by the Government as well as our evaluation:

- a. The Formulation of a Marketing Strategy and the Formation of a Joint Marketing Team. It was reported that until October 2006, the probing of the international labour market was conducted in Norway, Canada, Greece, Japan, and Australia and this will be followed by a Bilateral Cooperation/ Memorandum of Understanding (MoU) on the placement of workers abroad. The Department of Manpower also said that they have made an agreement with the Department of Trade of RI to optimize the role of the Trade Attaché in the marketing of TKI. Meanwhile, the staff of the Department of Foreign Affairs said that until November 2006, some Indonesian representatives observed the market intelligence for TKI, among others : the Indonesian Consulate General in Los Angeles, Indonesian Consulate General in San Francisco, Indonesian Consulate General in Houston, Indonesian Consulate General in Chicago, and Indonesian Consulate General in New York²⁷.

(Also look at table No. 3 on Notes on the Contents of MoU from the Human Rights Perspective)

- b. The Presidential Decree announced that in July 2007, the 5 MOU/MCN (Mandatory Consular Notification) are increased to 17. At present, it is still in the process of probing and formulating²⁸. The target countries for this matter are: Greece, Turkey, Morocco, Spain, Algeria, and Tunisia (where there are many Indonesian seamen) while the target countries for the MCN are: Abu Dhabi, Kuwait, and Qatar. The question here is: why they don't start to probe the formulation of MoU with human rights perspective in countries that hire

²⁷ Interview with Zaherman, Directorate General of Law and International Agreements of the Department of Foreign Affairs, 13 November 2006.

²⁸ The last MoU that was made is with South Korea. This last MoU was signed on 9 October 2006 and it was made in the context of the employment permit system. As such, this replaces the previous MoU that was made in 2004.

Table 3

NOTES ON THE CONTENTS OF MoU FROM THE HUMAN RIGHTS PERSPECTIVE

MoU	Notes
Indonesia - Malaysia (2006)	<ul style="list-style-type: none"> Article 2: The use of the word "conveyance" connotes to sending of goods. Article 6: The use of the word "offered" emphasizes the position of Indonesia that offers and not the position of Malaysia that needs domestic workers. Article 10: The extension of the work contract that is not based on the agreement of both parties, but based on the desire of the employer. Article 11: It does not include the context of problems faced by TKI in which compels them to return to Indonesia; rather, it merely states the efforts in facilitating the returning. The contents of the Appendix in this MoU: It does not include the standard minimum salary; it states that a copy of the contract is available to TKI, but it is not mandatory; authorization of the withholding of the passport of the domestic workers; the stipulation that domestic workers cannot marry in their place of work; prevent the reunification of the family; the stipulation of a sanction (cost of sending home) if the domestic workers decide to terminate the work contract that does not apply if the employer terminates the work contract.
Indonesia - Korea (2006)	<ul style="list-style-type: none"> Article 3: The Directorate General of PPTKLN is the sole sending agency that is recognized in this MoU. So what will happen if BNP2TKI is already established as the Directorate General of PPTKLN will be eliminated when BNP2TKI is already established? Article 16: About the stipulation on the willingness to voluntarily leave Korea. On the one hand, this stipulation is enticing so that they can be allowed to work in Korea again. On the other hand, it is used as a reason to prevent them from becoming illegal residents. The context in solving the problem concerning staying or leaving Korea is not conscientiously explained. This can be detrimental to TKI. Some of the articles in this MoU indicate the weak position of Indonesia, example, Korea can make "necessary measures" in the event that there is a mistake in process of sending (articles 8, 14, &17).
Indonesia - Yordania (2006)	<ul style="list-style-type: none"> The signatories of this MoU are not clear so the parties that will implement this are also not clear. The points in the agreement are very general; there are no standard and no clear mechanism. Indonesia Kuwait(1996)
Indonesia - Kuwait (2006)	<ul style="list-style-type: none"> Article 3: The use of the term "user" (not employer) will make the work relation vague. Article 4: It does not include the standard in the minimum salary, work security, and health. The use of the term "skilled workers" while domestic workers are not yet considered as skilled workers can be detrimental to domestic workers in terms of obtaining services.
Indonesia - Taiwan (2006)	<ul style="list-style-type: none"> Article 2: Strengthens cooperation in the recruitment, placement, and in providing opportunity. Article 4: Stipulates the equal position of the employer and worker. Article 11: Employment Service System and Direct Hiring Program. Article 12: There is not stipulation on the arrangement and facilitation of the arrival and returning home of the workers and there is no detailed mechanism for the protection of TKI.

women migrant workers. This is important because their position is far more vulnerable and they don't have legal protection. Among others, these countries are: Saudi Arabia, Malaysia, Hong Kong, Singapore, Taiwan, place of work ; how we handle the health cases of the Indonesian citizens abroad. So far, there is still no network for health services in the destination countries of TKI²⁹.

- d. In terms of the competence test, what is conducted at present is only the preparation, such as, the identification of the regulations, preparation of the place for the competence test, etc. This is also the same with the training. It is still in the stage of organizing the certificates, formulation of the training module, etc.
- e. With regards to the labour market abroad, a migrant worker who was interviewed in Lumajang said that he never heard any information on the socialization of the work market abroad and the information provided to the people in the village about the procedure for working abroad is very minimal. Ismail, Head of the Department of Manpower and Transmigration in the District of Lumajang, admitted that the socialization of the market of workers abroad that was conducted by Local Government of Lumajang is still very limited³⁰.

2.2.3. Notes on the Services Rendered to TKI in the Embarkation and Debarkation Areas

Among all parts of the implementation of Presidential Decree No. 06/2006, it appears that the part that has the most press coverage is the inauguration of the TKI Lounge in the Sukarno-Hatta Airport by President Susilo Bambang Yudhoyono on 29 August 2006. The TKI Lounge in the Sukarno-Hatta Airport includes a bank, canteen, and an airline ticket counter. A similar Lounge is also available in the Tanjung Priok Harbour, Tanjung Perak Harbour, and Juanda Airport in Surabaya³¹. The other facilities that are also available in the Sukarno-Hatta Airport is the immigration counter, the elimination of the document verification (since 23 August 2006), and the acceleration of the process of embarkation.

²⁹ Explained by Jelsi M, Staff of the Department of Health during the Focus Discussion on the Implementation of Presidential Decree No. 6/2006, Komnas Perempuan, 28 November 2006.

³⁰ Report on the Monitoring of the Implementation of Presidential Decree No. 06/2006. SBMI East Java.

³¹ This facility will be established in East Nusa Tenggara (it is expected that it can be inaugurated in Decemeber 2006), West Nusa Tenggara, Medan, Batam, Surakarta, and Makassar.

Nonetheless, the availability of these facilities in the embarkation/debarkation areas does not include improvements on the treatment of the officials towards TKI. During the observation that was conducted by SBMI in the Sukarno-Hatta Airport on 11 October 2006³², various matters that are contrary to the intention of Presidential Decree No. 06/2006 were still apparent, among others: the condition of Terminal 3 is still distressing, there are no chairs in the waiting room; the process of transferring the TKI from Terminal 2 to Terminal 3 is very inhumane, only three buses are available for the transfer of 300 TKI; the officials are not sympathetic towards the TKI, they shouted and used harsh words to the TKI (among others: "...*desak-desakan sana, mati-mati sekalian*" (rough translation: *jostle there and die as well*)); sexual harassments are still experienced by woman migrant workers; the collection of illegal fees and extortion is still conducted to the migrant workers who are getting their belongings; and the official price of the plane ticket of TKI is far more expensive than the general price (example, the price of the plane ticket of Lion Air to Surabaya on the same date, on the same time, and in a certain departure is Rp 200.000 (-/+ 20 USD) while the price in the Counter of TKI is Rp 690.000 (-/+ 69 USD)). It was also reported that the collection of illegal fees also occur in the Juanda Airport in Surabaya³³.

Juanda Airport, Surabaya, 19 November 2006: "When my passport was being examined, the airport official asked me to give him money. I gave him Rp. 200.000". (Suyadi, Male, Place of Origin: Randu Agung, Lumajang. A migrant worker who worked in Malaysia. Arrived in the Juanda Airport in Surabaya on 19 November 2006). "When my passport was being examined, the airport official asked for a "souvenir", but I did not comply. I don't mind arriving in the Juanda Airport but this is not the case in the Soekarno-Hatta Airport because the officials there forced the TKI to give them money." (Misnawati, Female, Place of Origin: Tunjung, Lumajang. TKI who worked in Qatar. Arrived in the Juanda Airport in Surabaya on 19 November 2006).

2.3. Notes on the Implementation of the Policy on the Protection of TKI

The Program of the Policy on Protection are:

- Advocacy and Defence of TKI (July 2007).
- Strengthening of the function of the Indonesian representatives in the protection of TKI (June 2007).

³² Report of Miftah, SBMI, Observation in the Sukarno-Hatta Airport on 11 October 2006, presented on 1 December 2006.

³³ Report on the Monitoring of the Implementation of Presidential Decree No. 06/2006. SBMI East Java.

2.3.1 Advocacy for and Defence of TKI

The time frame for the implementation of the actions related to the advocacy and defence of TKI program is August 2006 until July 2007. According to the October 2006 Report of the Department Manpower and Transmigration, some of the actions are still in the process of planning, discussing, providing suggestions or making an agreement, among others: (a) planning cooperation with organizations of advocates in the country; (b) discussing the optimization of the role of the Embassy of the Republic of Indonesia and the Department of Foreign Affairs; (c) suggesting that the Embassies of the Republic of Indonesia cooperate with law firms in 11 countries – the names of the countries were not mentioned—; (d) coordinating with the Department of Foreign Affairs and Indonesian Police (Polri) for the deployment of the officials of Indonesian Police (Polri) in recipient countries; and (e) suggesting the establishment of a Labour Attaché in South Korea, Brunei, Singapore, Jordan, Syria, and Qatar.

Because the time frame of the implementation is still very long, we cannot evaluate these proposals and plans so we will post questions instead, the questions are: what kind of legal aid will be provided, is it pro-bono? How can the migrant workers and the members of their family obtain this legal aid? What are the 11 countries that they are referring to and why are these 11 countries a priority?

2.3.2. Strengthening of the Function of the Representatives of RI in the Protection of TKI

Until this month, preparations are being conducted for the establishment of citizen service in five countries (Singapore, South Korea, Brunei Darussalam, Jordan, and Syria). The Department of Foreign Affairs promised that this social service in the Indonesian representatives abroad will function early 2007³⁴. With bigger duties than the Labour Attaché, the Citizen Service will liaise between TKI, their employer, and local lawyer. To ensure the structure and funding of Citizen Service, the Department of Foreign Affairs is coordinating with the Ministry of Defence and the Department of Finance.

As a whole, both in terms of the planning and implementation, the development of the two programs on protection is slower compared with the programs under the policy on placement. The formulation of the target of the two programs on protection is not detailed and not measured. Another note is that, this protection service would not

³⁴ Five Embassies of the Republic of Indonesia will have Citizen-Service. Kompas Cybermedia, 14 September 2006.

be very useful if TKI are not aware that this service is available and if they do not know how to access this service. Another aspect that should be considered is the capacity and scope of this service (both the legal aid and the Citizen Service).

2.4. Eradication of Fraudulent Sponsors

The programs of the Policy on the Eradication of Sponsor of TKI are:

- Eradication of the practice of fraudulent sponsorship of TKI in the regions (December 2006).
- Eradication of negative acts of hoodlums and sponsors to TKI in the embarkation/debarkation areas (December 2006).

The Department of Manpower and Transmigration reported that the implementation of the program on the eradication of the practice of sponsorship of Presidential Decree No. 6/2006 has three forms, namely: (1) coordinate with the Department of Home Affairs to formulate a Joint Regulation between the Minister of Manpower and Transmigration and the Minister of Home Affairs to prevent and/or monitor the practice of sponsorship of TKI; (2) cooperate with Polri and Office of the Attorney General to take an action against the practice of sponsorship of TKI; and (3) revitalization of the assignment of the Task Force in the embarkation and debarkation areas by conducting shifts every two months.

These three actions are probably important, but if we look at the problem in the field, these actions do not address the root problem at all.

The presence of sponsors in the migration of TKI is not separated from the failure of the state in providing information³⁵, in providing financial assistance to its poor citizens³⁶ or in providing a solution to the problems of prospective TKI or the families of TKI in the villages. In reality, almost all of the prospective TKI or their family in the village do not have an access to information and they don't obtain assistance from the Agency of the Department of Manpower and Transmigration (Disnakertrans) in their respective regions. Out of the hundreds of agencies of the Department of Manpower and Transmigration, only one or two agencies are providing information to villages, for example, in Lombok, the agency of the Department of

³⁵ Providing information on job opportunities and anything related to this is the duty of the Department of Manpower and Transmigration and agency of the Department of Manpower and Transmigration in the region.

³⁶ Among others, this function should be carried out by banks and other financial institutions owned by the state or the Department of Social Affairs.

Manpower and Transmigration is providing information, both in cooperation with non-government organizations and with the agents that recruit workers abroad. However, in general, it is very hard for prospective TKI to obtain information and assistance from the government agencies that have the obligation to provide this. Prospective TKI and their families – especially the migrant workers who are working as domestic workers—do not have access to credit; if they obtain a small amount of credit, usually, they obtain this from the recruitment agency and this is only for the workers in the formal sector and even this is only available in one or two Districts out of the three hundred Districts in Indonesia³⁷.

The term broker, sponsor, or “hustler” in the migration of workers is often identical to the act of mediation but in a negative manner because they provide inaccurate information, lend money with high interests, illegally send TKI abroad, falsify documents, conduct deceptions or other forms of hoodlum acts, etc. It is true that these acts are committed but we seldom hear about the efforts of law enforcers in catching and imposing sanctions to these people; except on extreme cases, like, the killing of several former TKI who were deceived on their way home. Nonetheless, not all the people who are acting as mediators for the migration of workers abroad are doing negative acts. Sociologically, the emergence of villagers who function as mediators is normal because this function is necessary, especially if the state institution is not carrying out their function.

It is very unfortunate that the program of Presidential Decree No. 06/2006 on the eradication of the practice of sponsorship of TKI was formulated without considering sociological facts and it did not include the problem that the institution of the government itself failed to function.

This Presidential Decree actually turned the attention away from the most crucial problem, which is, to improve the function of the agency of the Department of Manpower and Transmigration and it separated the criminal brokers from the legitimate brokers. This Presidential Decree implies that all sponsors are criminals and they should be eliminated.

The eradication of criminal acts is imperative and it should be carried out without discrimination. The Criminal Law instrument in Indonesia can be used for this because deception, falsification, extortion, etc. are criminal acts. As such, we can say that the second action reported by the Department of Manpower and Transmigration is not very relevant.

The third action reported by the Department of Manpower and Transmigration is also not very relevant; it even diverted the attention to the mechanism for the transfer of government employees while the main problem is on the bigger system,

³⁷ In 2004, the number of Districts in Indonesia is 349 and 91 autonomous cities are spread out in 33 provinces, see www.wikipedia.org. Among others, the Banking Institutions that give soft loans to migrant workers are found in Kulonprogo and East Lombok.

which is, the main institutions that are concerned with this issue did not function, among others, the agency of the Department of Manpower and Transmigration and the state-owned financial institutions.

2.5 TKI Placement Institutions

- The Program of the Policy on Placement Institutions for TKI is:
- Increasing the professionalism of placement institutions for TKI (August-December 2006).

Increasing the Professionalism of Placement Institutions for TKI

The Department of Manpower and Transmigration reported five actions for the implementation of this program for the period of August-October, namely: (1) Formulation of the Draft Ministerial Decree concerning the Issuance of SI-PPTKI³⁸; (2) Evaluation of the Performance of private recruitment agencies (PPTKIS)³⁹; (3) Enactment of the Ministerial Decree concerning the Issuance of SI-PPTKI within 30 working days⁴⁰; (4) Structuring of insurance institutions for the protection of TKI⁴¹; and (e) Structuring of the institutions that provide health and psychological examinations for TKI⁴².

In terms of the plan, most of the program of the policy on increasing the professionalism of placement institutions is no other than the structuring of the license and administration of placement institutions (PPTKIS, health and psychological institutions and insurance institutions), as stipulated in Law No. 39/2004. Almost all of the actions and targets of this program are about the matters between placement institutions and the government, particularly the Department of Manpower and Transmigration; merely about the government and the institutions that provide services. The TKI were not considered here; despite the fact that migrant workers need a sensible insurance scheme that will not be a burden to them.

³⁸ It was reported that out of the 471 PPTKIS, 447(95%) registered again for verification.

³⁹ There is a report on the result of the registration and evaluation, and there is the Enactment of the Ministerial Decree concerning a follow-up on the result of the evaluation.

⁴⁰ The Memo of the Minister of Manpower and Transmigration No. SE 494/MEN/TKLN-KP/2006 was already issued and this is directed to all the Governors, District Heads/Mayors all over Indonesia.

⁴¹ One consortium for the insurance of TKI that is composed of 7 insurance companies is already appointed, thus revoking the appointment of the old TKI insurance company.

⁴² A discussion among departments was held to discuss the holding of a health and psychological examination for prospective TKI and a health facility was appointed to implement Article 49 paragraph 2 of Law No. 39/2004.

The professionalism of placement institutions should not only be measured by the ability of placement institutions to fulfil the administrative requirements of the license; rather, it should also be measured by the social responsibility of the company and the protection of TKI as the consumers of the services of PPTKIS and the services of institutions that provide health and psychological examinations.

2.6. Banking Institution Support

The programs of the policy on Support of Banking Institutions are:

- Credit Facility for Prospective TKI (August 2006).
- Management of the Remittances of TKI (December 2006).

The actions that were reported as the implementation of this program are: the optimization of the cooperation with existing banks (Bank Mandiri, Bank BNI, and Bank BRI); and the broadening of the cooperation with People's Credit Bank (BPR) and Regional Development Banks.

Prospective TKI really need inexpensive credit facility to finance their departure to foreign country. From Ponorogo, it was reported that a credit facility is available specifically for the prospective TKI who will work in Taiwan (through China Trust Bank) and Malaysia (Bank Jatim). However, the process in applying credit to China Trust Bank is still considered as difficult and the interest is high.

Not all the regions have this facility. Suyadi, a source from Lumajang, said that the community in his village is not yet informed about the credit provided to prospective TKI. The Head of Disnakertrans in Lumajang, Ismail, explained that they are not yet confident to conduct the socialization of the credit facility because there is still no explanation on the mechanism of this credit facility⁴³. Based on this observation, it becomes clear that the challenges in the future are: to broaden the scope of this service, increase the realization of the credit, and provide credit without interest to TKI who will work abroad.

Considering the remarkable potential volume of the transactions, banks (and other financial institutions) should think of a way to promote their services to TKI. An increase in the amount of remittances through banks is certainly good for the government and safer for the TKI. However, the government has the obligation to protect TKI from unreasonable deductions, unjust foreign exchange rates and other bank crimes.

⁴³ Report on the Monitoring of the Implementation of Presidential Decree No. 06/2006. SBMI East Java.

PART THREE

The Forgotten Key Problems

*The white banner made of synthetic fibre with the words **Pahlawan Devisa (Remittances Heroes)** written on it in green paint that is displayed on the wall of the Sukarno-Hatta Airport is totally ignored by Irah –a migrant worker from Cirebon—who just arrived from Qatar on 2 November 2006. This is also the same with more than 100 TKI who are queuing in the immigration counter that afternoon, they totally ignored it. Some of them are busy filling up or checking the contents of their immigration card, some are exchanging addresses and phone numbers with their friends, some are apparently nervous and cautious of the bag that they are holding, and some are just calmly queuing waiting for their turn looking tired. However, all of them did not pay attention to the banner. Irah asked, what is remittance?⁴⁴ TKI are dubbed as the ‘remittances heroes’ because they earn significant and constant amounts of money from their work abroad. When an economic crisis beset Southeast Asia in 1997-1998, when Indonesia was afflicted with the scampering away of foreign capital, migrant workers channelled foreign exchange. The title ‘remittances heroes’ was also intended to provide recognition and appreciation to TKI. Perhaps it is a good intention, but Irah and her fellow women migrant workers who just arrived from their place of work in the Middle East at that time did not understand the meaning of this title. This label does not provide a concrete meaning in improving the condition of migrant workers; on the contrary; it has the potential to strengthen the vulnerability of migrant workers to exploitation and violence. Why is it that the gap between them and the policy issued by the Government is so wide?*

3.1. The Role of the State in the Business of the Placement/Recruitment of Migrant Workers

In the series of policies and legislations in Indonesia from 1974 until 2006, TKI issues are addressed – by the Government and DPR – from the perspective of solving unemployment problems and generating the inflow of foreign capital. Although there have been changes on the nuance of the name and contents of the regulations/policies, there is still a leading thread

⁴⁴ Notes on the observation of Tati Krisnawaty during her Qatar-Jakarta trip on 2 November 2006.

that remains the same, which is, the basic perception that consider **migrant workers as the supply of workers that will be placed based on the demand**. The use of the term rights of TKI in the latest regulations are still only on the surface level and not within concrete legal references and the description of the implementation of human rights as a whole.

The Government –particularly the Department of Manpower and Transmigration – have been requested a long time ago to abandon its perspective that perceives migrant workers as a supply of workers or merely the objects of the business for the placement of workers abroad. This request was neglected even though this is in accordance with the mandate of the 1945 Constitution that recognizes the rights of the citizens as a whole and it is in accordance with the Convention for the Protection of the Human Rights of Migrant that was ratified during the 1998-2003 period of the National Action Plan for Human Rights according to the Government itself.

The word placement that always emerged, both in the title and contents of regulations indicates the persistent **objectification of TKI**. The perception that migrant workers are “something/somebody” who is placed or they are the supply of workers to meet the demand of the international labour market. The objectification of TKI is becoming more apparent in the concept of the other actors who are the subjects of the regulation/policy on the placement of TKI, such as, government institutions and entrepreneurs. In existing regulations, this element of entrepreneur is known as agents or PJTKI or PPTKIS. The key words: placement, sending, or recruitment which dominate and constantly appear in the regulations on Indonesian migrant workers directly imply that TKI are commodities.

With the perspective of placement/sending/recruitment, even the understanding of migrant workers is also confined to the framework of the business of labour affairs. Only those who are “fit”, in terms of administrative requirements of the business of workers (determined by the government), that are recognized as Indonesian migrant workers. This confinement is fortified when the protection of migrant workers are interpreted as part of the aspect of the business of placement, not as the obligation of the state. Since the 1970s up to the present, the report of the Department of Manpower and Transmigration (formerly called Department of Manpower only) was dominated by the information on the number of placement and amount of foreign exchange obtained by the state. All of them experienced a spectacular increased. In the 1970s, the number of placement per year was not more than 1,000 persons. In the 1980s, the number of placement increased sharply and became approximately 50,000 persons per year. In the next decade, the 1990s, the number of placement per year already reached hundreds of thousands, approximately 200,000 persons per year. Entering the second half of this decade (2000s), the number of placement per year already reached more than 450,000 persons.

3.2. Responsibility of the State: Resolve Poverty and Protect its Citizens

(a) Poverty in Rural Areas and Migration

For the Government of Indonesia, the migration of workers to foreign country is one of the solutions to solve the high rate of unemployment in the country⁴⁵. This perception motivated the Government to recruit as many migrant workers as possible for the sake of remittances. Because of this, it has neglected its responsibility to solve the poverty in the rural areas and prepare a systematic and comprehensive protection scheme for its citizens. TKI became a mainstay, they were sent abroad to become the forefront in saving the economy of the family and the village.

The data obtained from different Districts indicated that the money sent by migrant workers to their families in the village is the saviour of the economy in the rural areas. The people in the rural areas survive through TKI remittances rather than the income from the economic sector that they access in their village. At the national level, it was reported that in 2005, the revenues obtained from the remittances of migrant workers reached approximately Rp. 25 trillion. The Government of Indonesia announced that it will continuously intensify the sending of Indonesian migrant workers to increase incoming foreign capital. In 2006, the target of the Government is to increase revenues from remittances to Rp. 30 trillion. In 2009, as stated by the Minister of Manpower and Transmigration, Erman Soeparno, the target of Indonesia is to obtain Rp. 186 trillion from the remittances of the four million TKI.⁴⁶

Meanwhile, few improvements in the economic system of the rural areas occurred. In order to meet the need for food and shelter, to obtain proper health services or to finance the education of their children above the primary level of education, the people in the village do not have a choice but to send a member of their family to work abroad.

The huge cases in several cities indicate that no matter how worst the exploitation and suffering experienced by migrant workers in the country where they work, they never retreat⁴⁷. They continue to work abroad. The number

⁴⁵ According to the Central Bureau of Statistics, until October 2006, the number of unemployed persons is 10.8 million while the number of underemployed persons is 29.64 million. <http://www.tempointeraktif.com/hg/nusa/jawamadura>.

⁴⁶ Kompas Cybermedia, 26 July 2006.

⁴⁷ One of these cases is the case of Kartini from Karawang who was almost sentenced to death because she got pregnant and gave birth in her place of work in Fujairah, United Arab Emirates; after escaping from the syariah court, Kartini returned to the Middle East to find a job. Another case is the case of Nirmala Bonat from NTT who was beaten black and blue because of the torture of her employer in Malaysia. However, this did not stop the people in the village of Nirmala from going to Malaysia to work.

of TKI continues to increase over time. This occurs because there are no decent alternative job opportunities in the rural areas. Increased poverty in the rural areas makes the bargaining position of migrant workers very low and therefore they are susceptible to all forms of violence, discrimination and exploitation. The prevalence of TKI leaving their villages to obtain work overseas cannot be separated from structural poverty issues. It is the responsibility of the state to resolve these issues.

(b) Social and Financial Protection Scheme for the Empowerment of Migrant Workers

The susceptibility of TKI is due to many things. Not only because they come from poor communities and they lack the opportunity to obtain education; more than this, it is due to the state—the place of work and Indonesia as the country of origin—that does not prepare a sufficient system of protection. Up to now, the new social protection is still at the discussion level; it has not yet arrived at the decision level. Even the Presidential Decree does not tackle the social protection of migrant workers. Because TKI came from poor families in the rural area, it is only proper for the state to provide them credit without interest so that they can finance their departure to another country to earn a living.

(c) Social Instruments in the Village

Unlike the Convention for the Protection of the Rights of Migrant Workers and the Members of their Family, the Regulations in Indonesia view TKI as an entity that stands alone, without any reference to their families. This is despite the fact that the family and the community where the TKI originated could not be separated from migration because they are advocates, they benefit from the result, and they take the risk.

The spirit of decentralization in Presidential Decree No. 06/2006 does not include the element of social instruments in the village in the management of the migration policy. Social instruments in the village here refer to values, customary laws, habits and social institutions. The majority of TKI are village people who usually obtain oral information and references from the existing social instruments in their village. They do not obtain written information, especially if the written information should be taken from the office of the Department of Manpower and Transmigration whose location is far, its procedure is intricate, the entrance is not clear, it is attended by a person who is always out of the office, and the language is hard to understand.

3.3 The Commonly Violated Basic Rights and the Migrant Workers being Blamed

We all know that the problem of TKI is not only the number of people who are sent abroad and the money they send to the country. Migrant workers are a group of people who are very susceptible to various types of human rights violations. Even until the end of 2006, the print and electronic media were always reporting about the bad treatment against TKI⁴⁸. Aside from this, many of the reports and studies of non-government organizations and organizations of migrant workers have also explicitly described the arbitrary treatments experienced by TKI, both in home and destination countries; starting from the pre-departure, the period of placement, while working abroad, until they return to the country. The data on the cases issued by KOPBUMI and SBMI in 2005 recorded at least 19 deaths, 101 cases of torture with rape, 117 cases of lost contact. Aside from these, there are also 4,100 cases of deportation, trafficking, unpaid salaries, and overly long working hours⁴⁹.

Violations on the human rights of TKI are almost considered as usual. When arranging their travel documents, TKI are often victims of extortion by corrupt officials and they also become victims of deception by greedy recruitment agencies which require expensive fees to be paid. While waiting for their job abroad, they live in jam-packed shelters where the living condition is very inhumane, no water, no fresh air, and no decent food. Even when they are abroad, there is no guarantee that they will not experience bad treatments in their place of work such as having to work overly long working hours, having salary deductions or even unpaid salaries, being confined, becoming victims of violence (physical, psychological, and sexual violence) by their employer/family of the employer, being imprisoned without access to due process of law and being prohibited to perform their religious practices.

Even though the different types of human rights violations mentioned above have been ongoing for a long time now, from time to time, we witness the ebb and flow of the political will of the Government of Indonesia in providing protection to Indonesian migrant workers. The history of the labour affairs in Indonesia recorded the response of the Government of Indonesia in 1985 when the public was starting to be disturbed by the unceasing news about the working conditions of Indonesian domestic workers who are working in Saudi Arabia that is similar to slavery (long working hours, sexual harassments, etc). Instead of finding a way to protect and recover the rights of the victims, Sudomo, the Minister of Manpower at that time, issued Decree No. KEP.420/Men/1985 on 24 April 1985, which required prospective TKI to sign a statement that they would not speak to journalists whilst they were working abroad. Sudomo said that the Indonesian workers who complained were only those who wanted to terminate their work contracts⁵⁰.

⁴⁸ Among others, see: Sub-district Head is Detained in Relation to Sending Illegal TKI, Kompas, 18 September 2006.

⁴⁹ Voice of Human Rights News Center, 17 June 2006.

⁵⁰ Jones, Sidney, Making Money off Migrants, the Indonesian Exodus to Malaysia, 2000, p.19.

During the Reform Era, the government has not yet done much to protect the migrant workers who are victims of the violence of their employer or the government of the country where they are working. During the 2002 Nunukan Humanitarian Tragedy for example, we witnessed how the Government of Indonesia failed to act effectively in handling the thousands of TKI who evacuated to Nunukan as a consequence of the large scale deportation conducted by the Government of Malaysia.

3.4 Impunity

Given the various cases of human rights violations that occurred, instead of investigating the recruitment agencies that committed violations or taking an action against corrupt officials, the Government of Indonesia blamed the TKI who are working abroad without going through proper procedures and obtaining the correct legal documents.

Aside from this, the sanctions imposed by the Government of Indonesia on illegally operating recruitment companies is only limited to the administrative sanction of dissolving the company without providing a meaningful punishment to the owner. This is stipulated by the Regulation of the Minister of Manpower and Transmigration of the Republic of Indonesia No. PER-05/MEN/III/2005. This Regulation reduces the hope for a strong and credible enforcement of the law because nothing will stop the owner of a recruitment company from opening a new company with a different name. The Government should guarantee that the perpetrators of crimes and violations will not obtain impunity.

Up to now, there are no reports about the punishment to recruitment agencies which commit legal violations and violate the human rights of migrant workers. The Minister of Manpower and Transmigration said that the agents have already rendered services so they will not be punished, if they made a mistake, they will only be reprimanded.

3.5 Migrant Workers, including Women Migrant Workers are Human Beings

Above everything else, TKI are human beings. As humans, they have a dignity so they have human rights that should not be violated by anybody, anywhere, and for any reason. For migrant workers, working abroad is an effort to sustain life, find a living, and improve the quality of their personal life and the life of their family. Regardless of the situation of their departure: being sent abroad according to the regulation; going abroad to find their own job; or going through the assistance of a third party outside the scheme of the regulation of Indonesia – all are part of their efforts to obtain a better life, an effort that is a human rights of everyone without exception.

Even though working abroad is the desire of these workers themselves, in reality, the presence of TKI cannot be separated from the demand for workers. The workers who are needed are cheap workers who are willing to do jobs that are characterized as 3D (difficult, dangerous, and dirty)⁵¹. The workers in the concerned countries are not interested with these types of job so these countries request for workers from other countries (in general, less developed countries). In order to keep the wheels of their economy turning, Malaysia for example, really depends on the cheap labour of various countries, mostly from Indonesia, who will primarily work in the plantation sector (palm oil, rubber, cocoa, etc.), construction areas, and domestic areas. Aside from Malaysia, Saudi Arabia, the other oil countries in the Middle East, Singapore, and Hong Kong are countries that really need migrant workers to work as domestic workers.

Indonesian migrant workers are scattered across many different countries. In the early 70's, the highest number of TKI were the migrant workers in the shipping sector owned by Dutch companies. In the 80's, there was a shift in the destination countries, with a sharp increase in the number of migrant workers, particularly women workers going to Saudi Arabia. In the 90's, when the movement of capital triggered growth and created a 'miracle economy' in the region of Asia, there was an increase in the number of TKI going to the Asian countries such as Malaysia, Singapore, South Korea and Hong Kong. Nevertheless, Saudi Arabia remains the destination country of the most Indonesian women migrant workers. The number of Indonesian migrant workers has steadily and rapidly increased over time.

Table 4
COMPOSITION OF THE JOBS OF INDONESIAN MIGRANT WORKERS BASED ON THE TYPE OF JOBS

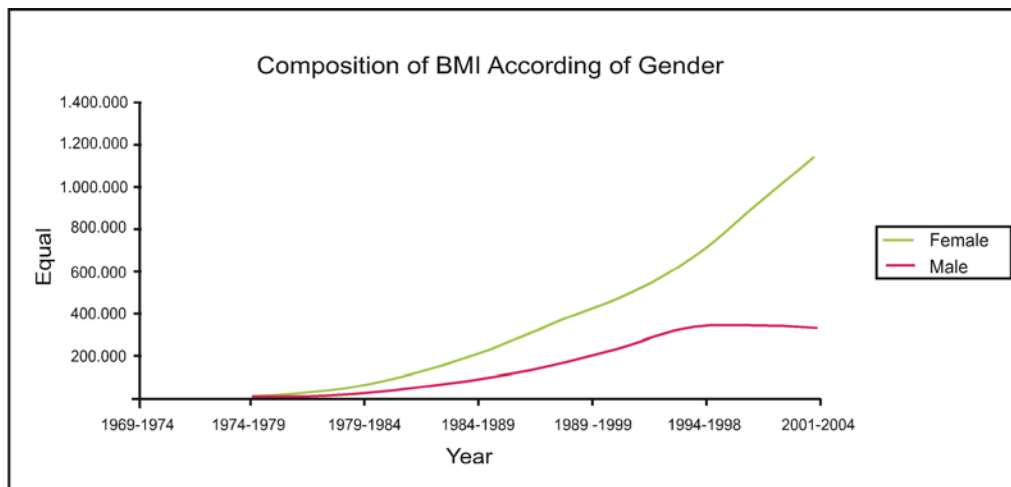
Type of Work/Field of Business	Percentage
Domestic service	38 %
Agriculture, plantation	14 %
Finance and service companies	13 %
Health service	11 %
Transportation and Communication	10 %
Processing industries	9 %
Construction	5 %
TOTAL	100 %

Data Processed from Statistics: Director General of PPTKLN, Five Year Development Plan IV – V (1984 – 1993)

⁵¹ Jones, Sidney. Making Money off Migrants, the Indonesian Exodus to Malaysia. 2000.

Table 5

COMPOSITION OF INDONESIAN MIGRANT WORKERS ACCORDING TO GENDER



Year	Female	Male	Equal
1969-1974			5.624
1974-1979	3.817	12.235	16.052
1979-1984	55.000	41.410	96.410
1984-1989	198.735	93.527	292.262
1989 -1999	442.210	208.962	651.172
1994-1998	699.210	349.681	1.049.627
2001-2004	1.146.455	347.315	1.493.769

Data Processed from : Komnas Perempuan, Ditjen PPTKLN, Dennakertrans

From the figures presented above, apparently, women TKI constitute the majority. Ironically, the existing Regulations from the 1970s up to the August 2006 Presidential Decree do not anticipate the susceptibility and presence of these women migrant workers. On the contrary, the Controlled System of Allocation that has the tendency to reduce the number of Domestic Workers was put into effect. This means that the opportunity of women TKI to work abroad is limited. Furthermore, in May 2006, the Indonesia–Malaysia MoU concerning the placement of Indonesian domestic workers in Malaysia that gives (or legitimizes) the opportunity to violate the human rights of domestic workers was formulated. What becomes a big question here is: why the issue of women migrant workers working in the domestic sector does not obtain sufficient attention.

PART FOUR

General Conclusions and Recommendations

After analyzing the content and seeing the implementation of Presidential Decree No. 06/2006 over its first 100 days, we now already have to conclude that, contrary to its title, the Decree is **not at all directed toward reforming the placement and protection system of migrant workers.**

The basic concept of the Decree No. 06/2006 is not different from previous policies and regulations, and it still has exactly the same orientation as the old policies of the New Order (military) regime, when it for the first time addressed migrant issues in 1970s through the Department of Manpower Regulation No. 04/1970. The title of the regulation was mobilization of the Indonesian migrant workers. The very essence of the regulation of 1970 is derived from the Working Ordonance from the colonial period, at a time when the farm labourers were distributed by labour agencies to work at the plantations outside Java. The Presidential Decree also views migrant workers as object, in terms of placement, as well as protection.

It is very unfortunate that the Presidential Decree, which title is the Reform on the System of the Placement and Protection of Indonesian Migrant Workers in Foreign Country, does not in fact provide any direction towards any basic reforms. The changes proposed by the Decree only go in the direction of improving the administration and improving the efficiency of bureaucratic procedures in recruiting or placing workers and not the improvement of human rights protection of migrant workers.

It is very unfortunate because actually the efforts in preparing the protection of human rights of migrant workers have been initiated and developed by even government bodies themselves, like those which had been done and are being conducted by Department of Foreign Affairs, Ministry of Social Welfare, Department of Justice and Human Rights, or by independent bodies like National Commission on Violence Against Women, National Commission on Human Rights, and civil society organizations, including migrant workers organizations. These initiatives have not been as a starting point for a common framework for the reform of placement and protection of migrant workers.

There are a number of proposed improvements, but these do not address the root causes of the problems faced by migrant workers, like the need for accurate and comprehensive information; the needs for social protection; the need to have their own and effective organizations; having proper access to service providers (banks, legal aid, psychological health). So-called institutional reforms without reforms of the viewpoint on this issue will not change the direction of policies; it merely creates unsatisfactory.

RECOMMENDATIONS

Based on the presented conclusion, we recommend the Indonesian Government to :

1. Take position as human rights implementation guardian, **not as human resources dealer**. The government's main duty is to ensure that its citizens that work as migrant worker, anywhere –without exceptions – have access to a complete human rights protection system.
2. Implement the Formulation of Basic and Comprehensive Meaning and Direction of Reform to regulate migrant labour problems abroad. Improving the bureaucracy is very important, and not merely improving technical matters of mobilization of migrant workers. In other words, **Presidential Decree No. 06/2006 must be equipped with a definition of reform**, as well must have a clear **direction**.
3. Carrying out **HUMAN RIGHTS INTELLIGENCE** as a basis is more important than **market intelligence** to facilitate and regulate labour migration to foreign country. The concept of placement of migrant workers must be based on the effort to strengthen the position of migrant workers, instead of viewing them as an object.
4. Migrant workers organizations must be facilitated and protected by the Government in order to develop and be able to promote the rights and interests of migrant workers. The role of Government in improving the quality of migrant workers organizations is more important than improving the professionalism of placement institutions. It is not only because they are more vulnerable than placement institutions, but also to prevent trafficking of migrant workers under the guise of placement.
5. Prepare **Guideline for Working** using the perspective of human rights and gender justice as a reference for the Coordinating and Monitoring Team. The concept of **National Consensus** (2006) can be considered to be used as a reference for the aforementioned guideline. Besides that, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Convention 1990) which had been signed by the Indonesian government can be used as a reference too.

6. The Coordinating and Monitoring Team must promptly execute its duty with a clear reference, including constructing a reward and punishment system for institutions which fail to execute their duties in upholding human rights.
7. **Develop Protection Concept** with further basis and coverage :
 - The protection not only within the frame of handling incidents after happening, but also must have an element of prevention.
 - The protection must also comprehensively cover the protection of human rights, not only within the frame of labour and law relations, but also cover social protection. In that regards, the Government must immediately conduct the program of banking institutions support in providing credit and managing remittances.
 - The above mentioned protection must also cover previous cases that have not been concluded (cases that occurred before the Presidential Decree was issued).
 - The protection system constructed must be conducted using principles of non-discriminative, gender sensitive, and transparent.
 - The protection system must be continuous, uphold the law seriously on every level, eliminate impunity, and give the sense of justice to the victims. The authority of law must be upheld.
8. Entwine other institutions within the government and non-government sectors –local and international– which are conducting reform to share roles as well as collaborate strategically and effectively.
9. Last but not least, the Government must not any longer use the perspective which belittling the humanity of migrant workers, such as perspective which make migrant workers as object or commodity. The Government must promptly and consistently prove their commitment towards the reform which is in compliance with the upholding of human rights. The Government must strengthen the initiatives of upholding human rights which have been done by various government institutions themselves and society. In that regards, the Government must re-evaluate the system of legislation and regulations which are in conflict with human rights standards.

* * *

Glossary of Terms

BNP2TKI	:	National Authority for the Placement and Protection of Indonesian Overseas Workers
BP2TKI	:	Bureau for the Service and Placement of Indonesian Migrant Workers
BP3TKI	:	Bureau for the Service of Placement and Protection of Indonesian Migrant Workers
Disnakertrans	:	Agency of the Department of Manpower and Transmigration
DPR	:	House of Representatives
GPPBM	:	Women's Movement for the Protection of Migrant Workers
HIMSATAKI	:	Association of Businesses on TKI
HRWG	:	Human Rights Working Group
Kapolri	:	Chief of the Police of the Republic of Indonesia
Komnas Perempuan	:	National Commission on Violence Against Women
KOPBUMI	:	Consortium of Defenders of Indonesian Migrant Workers
KTKLN	:	Foreign Employment Identity Card
MCN	:	Mandatory Consular Notification
MOU	:	Memorandum of Understanding
PAP	:	Final Pre-departure Training
PJTKI	:	Companies for the Recruitment of TKI
Polri	:	Police of the Republic of Indonesia
PPTKILN	:	Placement and Protection of Indonesian Migrant Workers in Foreign Country
PPTKIS	:	Private Companies for the Recruitment of TKI
Rakornas	:	National Coordinating Meeting
SBMI	:	Indonesian Migrant Workers Trade Union
SIP	:	License to Recruit Workers on a Large Scale
TKI	:	Indonesian Migrant Workers

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Appendix I (Unofficial Translation)

**PRESIDENTIAL DECREE
OF THE PRESIDENT OF THE REPUBLIC OF INDONESIA
NUMBER 6 / 2006
CONCERNING**

THE REFORMATION POLICY ON THE SYSTEM FOR THE PLACEMENT AND
PROTECTION OF INDONESIAN MIGRANT WORKERS

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

In the framework of reforming the system for the placement and protection of Indonesian Workers Abroad, it was deemed necessary to issue Presidential Instruction concerning the Reformation Policy on the System for the Placement and Protection of Indonesian Migrant Workers :

- To :**
1. The Coordinating Minister for Politics, Law and Security Sector
 2. The Coordinating Minister on Economy
 3. The Minister of Foreign Affairs
 4. The Minister of Home Affairs
 5. The Minister of Finance
 6. The Minister of Manpower and Transmigration
 7. The Minister of Transportation
 8. The Minister of Law and Human Rights
 9. The Minister of Health
 10. The Minister for State-Owned Enterprises
 11. The State Minister for National Development Planning/Head of Bappenas
(National Development Planning Agency)
 12. Chief of Police of the State Police of the Republic of Indonesia
 13. The Governors
 14. The District Heads/Mayors

For :

- FIRST** : Take the necessary steps based on their respective duty, function, and authority, in the framework of implementing the Reformation Policy on the System for the Placement and Protection of Indonesian Migrant Workers.
- SECOND** : In taking the steps as intended in the FIRST Dictum, in accordance with the programs as specified in the Appendix of this Presidential Decree.
- THIRD** : The Coordinating Minister for the Economy has the duty to :
1. Form the Coordinating and Monitoring Team for the Implementation of this Presidential Decree and work group according to the need.
 2. Determine the membership, organizational structure, duties, procedures, and secretariat of the Coordinating and Monitoring Team for the Implementation of this Presidential Decree.
- FOURTH** : The Coordinating Minister for Politics, Law and Security Sector and the Coordinating Minister on Economy will coordinate and monitor the implementation of this Presidential Decree in accordance with their field of duty, and periodically report the implementation of this Presidential Decree.
- FIFTH** : All expenses as a consequence of the issuance of this Presidential Decree will be taken from the National Budget.
- SIXTH** : Implement this Presidential Decree with full responsibility.

This Presidential Decree will take effect on the date it was issued.

Issued in Jakarta
on 2 August 2006
PRESIDENT OF THE REPUBLIC OF INDONESIA,
signed
DR. H. SUSILO BAMBANG YUDHOYONO

Copy is based on the original text
Deputy Cabinet Secretary for Laws,

Lambock V. Nahattands

PRESIDENTIAL DECREE OF THE PRESIDENT OF THE REPUBLIC OF INDONESIA

NUMBER : 6 / 2006

DATED : 2 AUGUST 2006

REFORMATION POLICY ON THE SYSTEM FOR THE PLACEMENT AND PROTECTION OF INDONESIAN MIGRANT WORKERS

Policy	Program	Action	Output	Target	Responsible Party
A. Placement of Indonesian Migrant Workers (TKI)	1. Simplification and Decentralization of services for the placement of Indonesian Migrant Workers (TKI)	a. Legalization of the real demands of Indonesian Migrant Workers (TKI) (Job order/Demand Letter) by the Embassy/ Consulate General of Republic of Indonesia through an on-line system	Number and Qualification of Prospective Indonesian Migrant Workers (TKI) can be immediately known by all stakeholders (Central Government, Regional Government, BNP2TKI and PPTKIS).	October 2006	Minister of Foreign Affairs, Minister of Manpower and Transmigration, Minister of Home Affairs
		b. Issuance of License to Recruit Workers on a Large Scale (SIP) SIP will be issued in 1 working day	SIP issued within 1 working day	October 2006	Minister of Manpower and Transmigration
		c. Giving information, selection, and signing of Placement Agreement	Implementation within 3 working days	September 2006	Minister of Manpower and Transmigration, BNP2TKI, District Heads/Mayors
		d. Issuance of the Passport of Indonesian Migrant Workers in the Region	Cost for arranging a Passport is cheap and with biometric security within 3 working days	August 2006	Minister of Justice and Human Rights
		e. Issuance of Foreign Employment Identity Card (KTKLN)	Cheap cost and time of the issuance is 1 working day	September 2006	Minister of Manpower and Transmigration, BNP2TKI
	2. Increasing the Quality and Quantity of Prospective Indonesian Migrant Workers (TKI)	a. Improvement of the function of market intelligence of the Embassy of RI	Road show/promotion of the service if Indonesian Migrant Workers in countries that accept Indonesian Migrant Workers (TKI)	December 2006	Minister of Foreign Affairs, Minister of Manpower and Transmigration, BNP2TKI
		b. Preliminary health examination of Prospective Indonesian Migrant Workers (TKI)	Result of the examination is finished in 1 working day	August 2006	Minister of Health, BNP2TKI, PPTKIS
		c. Improvement of the quality of the implementation of training	The number of skilled Indonesian Migrant Workers (TKI) increased	August 2006	Minister of Manpower and Transmigration, BNP2TKI, Governors, District Heads/Mayors
		d. Prospective Indonesian Migrant Workers (TKI) will be given competence test by an accredited institution	Implementation and result of the competence test is 1 working day	August 2006	Minister of Manpower and Transmigration, BNP2TKI, Head of the Competence Test Institution
		e. Follow-up Health Examination (especially in accordance with the request of the country of placement of the Prospective) Indonesian Migrant Workers (TKI)	Result of the examination is finished not more than 14 working days	August 2006	Minister of Health, BNP2TKI, PPTKIS
		f. Increasing the cooperation agreement with Countries that Accept Skilled Indonesian Migrant Workers (TKI)	Number of MOU/MCN (Mandatory Consular Notification) with Countries Accepting Indonesian Migrant Workers (TKI) increased from 5 to 17	July 2007	Minister of Foreign Affairs, Minister of Manpower and Transmigration, BNP2TKI
		g. Optimization of the Job Fair of Districts/Cities	Prospective Indonesian Migrant Workers (TKI) are registered to District/City Agencies that are involved in the field of Labour Affairs	October 2006	Minister of Manpower and Transmigration, BNP2TKI, Governors, District Heads/ Mayors

:: APPENDIX ::

	3. Service to Indonesian Migrant Workers (TKI) in the embarkation and debarkation with a One Roof Services System	a. Elimination of verification document for the departure of Indonesian Migrant Workers (TKI) in the embarkation	Embarkation process is easy and fast	August 2006	Minister of Justice and Human Rights, Minister of Transportation, Minister of Manpower and Transmigration, BNP2TK
		b. Special Counter of Indonesian Migrant Workers (TKI) for immigration service	Immigration services is easy and fast	August 2006	Minister of Justice and Human Rights, Minister of Transportation, BNP2TKI, Chief Director of PT. (Persero) Angkasa Pura I and II, Chief Director Pelindo I, II, III
		c. Availability of an arrival lounge of Indonesian Migrant Workers (TKI) in the Soekarno-Hatta and Juanda Airports	Comfort and Security of TKI	September 2006	Minister of Transportation, State Minister for State-owned Enterprises, BNP2TKI, Chief Director of PT. (Persero) Angkasa Pura I and II
		d. Improvement of the smooth flow of the arrival of the belongings of TKI	Convenience in arranging the belongings of TKI	September 2006	Minister of Finance, Minister of Transportation, Minister of Manpower and Transmigration, BNP2TKI, Chief Director of PT. (Persero) Angkasa Pura II
B. Protection of Indonesian Migrant Workers (TKI)	1. Advocacy and Defence of Indonesian Migrant Workers (TKI)	Facility for the availability of legal aid for TKI	1. Facility for the availability of legal aid institutions in the Province that is the main source of TKI 2. Cooperation of the Representatives of RI (including the RI trade representative in Taiwan) with the local law firms in 11 country of placement of TKI 3. Designation of a State Police of the Republic of Indonesia (POLRI) official to country of placement of TKI based on the need	July 2007	Minister of Foreign Affairs, Chief of Police of the State Police of the Republic of Indonesia, Minister of Manpower and Transmigration, BNP2TKI
	2. Strengthening of the function of the Representatives of RI in protecting Indonesia Migrant Workers (TKI)	Formation of Citizen Service/Labour Attaché in Receiving Countries of TKI	Formation of a Citizen Service/Labour Attaché in 6 countries, namely; South Korea, Brunei Darussalam, Singapore, Jordan, Syria, and Qatar	June 2007	Minister of Foreign Affairs
C. Elimination of Sponsors of Indonesian Migrant Workers (TKI)	1. Elimination of the practice of sponsorship of Indonesian Migrant Workers in the Region	Prevention and taking actions against the practice of sponsorship of TKI	1. Costs of the placement of Prospective TKI decreased 2. The legal Placement of TKI increased	December 2006	Minister of Manpower and Transmigration, Minister of Home Affairs, Minister of Justice and Human Rights, BNP2TKI, Chief of Police of the State Police of the Republic of Indonesia, Governors, District Heads/Mayors
	2. Elimination of hoodlum acts and sponsorship towards TKI in the embarkation/ debarkation	Preventive and repressive acts to sponsors and hoodlums	Decreased in the number of sponsorship and hoodlum cases	December 2006	Minister of Manpower and Transmigration, Minister of Law and Human Rights, Minister of Transportation, Minister of Finance, BNP2TKI, Chief of Police of the State Police of the Republic of Indonesia
D. Institution for the Placement of Indonesian Migrant Workers (TKI)	Improving the professionalism of Placement Institution of TKI	a. Re-Registration of PPTKIS	Number and quality of PPTKIS is in accordance with the requirements of Law Number 39/2004	October 2006	Minister of Manpower and Transmigration
		b. Evaluation of the Performance of PPTKIS	Revocation of the licence of PPTKIS that does not comply with the requirement of Law Number No. 39/2004	December 2006	Minister of Manpower and Transmigration, Minister of Home Affairs, Minister of Foreign Affairs, BNP2TKI, Chief of Police of the State Police of the Republic of Indonesia
		c. Issuance of Implementer's License To Place Indonesian Migrant Workers (SIPPTKI) for PPTKIS whose legal body is based in the Region	SIPPTKI will be issued at the most, in 30 working days after the submission of the request	August 2006	Minister of Manpower and Transmigration
		d. Structuring of Protection Insurance Institutions of TKI	Direct Insurance Policy for every TKI	August 2006	Minister of Manpower and Transmigration, Minister of Finance, BNP2TKI
		e. Structuring of Institutions for the Health Means and Psychology of TKI	Result of the health examination and psychology of TKI that is accountable	August 2006	Minister of Manpower and Transmigration, Minister of Health, BNP2TKI
E. Support of Banking Institutions	1. Credit Facility for Prospective TKI	Improving the cooperation with banking institutions in financing the placement of TKI	Increased on the realization of credit for Prospective Indonesian Migrant Workers (TKI) that is certain and cheap	August 2006	Minister of Manpower and Transmigration, Governors, Chief Director of Banks
	2. Management of the Remittances of TKI	Improving the cooperation between national banks and correspondent banks in country of placement of TKI	Volume of Remittances through bank increased	December 2006	Minister of Manpower and Transmigration, Chief Director of Banks

Appendix 2

Articles in Law No. 39/2004 that should be Further Regulated through a (Government, Ministerial, & Presidential) Regulation

Government Regulation	1. Article 11 paragraph 2	The stipulation concerning the procedure in implementing the placement of Indonesian Migrant Workers by the Government.
	2. Article 25 paragraph 5	The stipulation concerning the procedure in evaluating and determining Business Partners and Users, both problematic and non-problematic as intended in paragraph (1) and paragraph (3), further regulated by a Government Regulation.
	3. Article 80 paragraph 2	The stipulation concerning protection during the period of the placement of Indonesian Migrant Workers in foreign country as intended in paragraph 1 will be further regulated by a Government Regulation.
	4. Article 81 paragraph 3	The stipulation concerning the stopping and prohibition of the placement of Indonesian Migrant Workers as intended in paragraph 1 will be further regulated by a Government Regulation.
	5. Article 84	The guidance and protection program of Indonesian Migrant Workers as intended in article 83 will be further regulated by a Government Regulation.
	6. Article 92 paragraph 3	The implementation of monitoring to implementers of the placement and protection of Indonesian Migrant Workers in foreign country as intended in paragraph 1 and 12 will be further regulated by a Government Regulation.
Presidential Regulation	1. Article 49 paragraph 2	The stipulation concerning the implementation of health and psychological examination for prospective Indonesian Migrant Workers and the reference to health facilities.
	2. Article 97	Further stipulation concerning the formulation of the function, duty, structural organization, and work procedure of Badan Nasional Penempatan dan Perlindungan TKI (National Authority for the Placement and Protection of Indonesian Overseas Workers) will be further regulated by a Government Regulation.
Ministerial Regulation	1. Article 13 paragraph 2	The regulation concerning the amount of capital deposited as intended in paragraph (1) letter b that amounts to 3 billion and the guarantee in the form of a deposit as intended in paragraph (1) letter c that amounts to 500 million, can be reviewed and altered through a Ministerial Regulation.
	2. Article 13 paragraph 3	The stipulation concerning the formulation of the work plan as intended in paragraph (1) letter d (to have a work plan for the placement and protection of Indonesian Migrant Workers in foreign country at least within a period of 3 years of the present year, and the form of the standard that should be fulfilled for the means and infrastructures for the service of placing Indonesian Migrant Workers in foreign country as intended in paragraph (1) letter f concerning having the means and infrastructures for the service of placing Indonesian Migrant Workers will be further regulated by Ministerial Regulation.

3. Article 15	The procedure in providing and extending SPPTKI as intended in articles 12, 13, and 14 will be further regulated by a Ministerial Regulation.
4. Article 17 paragraph 3	The stipulation concerning the deposit, utilization, finding, and returning of the deposit as intended in paragraphs (1) and (2) will be further regulated by a Ministerial Regulation.
5. Article 18 paragraph 3	The procedure of SPPTKI as intended in paragraph (1) will be further regulated by a Ministerial Regulation.
6. Article 21 paragraph 3	The stipulation concerning the procedure in establishing a branch office of a Private Company for the Recruitment of TKI
7. Article 26 paragraph 3	The stipulation concerning the placement of Indonesian Migrant Workers in foreign country for the interest of the company itself as intended in paragraphs (1) and (2) of this article.
8. Article 27	Based on the consideration as intended in paragraph (1), and based on security consideration, the Government determined certain countries are closed for the placement of Indonesian Migrant Workers.
9. Article 28	The placement of Indonesian Migrant Workers for certain jobs and positions will be further regulated by a Ministerial Regulation.
10. Article 32 paragraph 4	The procedure for the issuance of SIP will be further regulated by a Ministerial Regulation.
11. Article 36 paragraph 2	The registration of work seekers as intended in paragraph (1) will be conducted in accordance with a Ministerial Regulation.
12. Article 40	The stipulation concerning the procedure in recruiting prospective Indonesian Migrant Workers will be further regulated by a Ministerial Regulation.
13. Article 47	The stipulation concerning education and work training will be further regulated by a Ministerial Regulation.
14. Article 56 paragraph 3	The stipulation concerning certain positions or types of jobs that are excluded from the term of the work agreement as intended in paragraph 2 will be further regulated by a Ministerial Regulation.
15. Article 58 paragraph 3	The stipulation concerning the prerequisite and procedure in obtaining an approval on the work agreement and extension of the term of the work agreement as intended in paragraphs 1 and 2 of this article will be further regulated by a Ministerial Regulation.
16. Article 63 paragraph 2	The stipulation concerning the form, prerequisite, and procedure in obtaining KTKLN will be further regulated by a Ministerial Regulation.
17. Article 68 paragraph 2	The type of Insurance Program that is mandatory to Indonesian Migrant Workers as intended in paragraph 1 will be further regulated by a Ministerial Regulation.
18. Article 69 paragraph 4	The stipulation concerning Final Pre-departure Training (PAP) as intended in paragraphs 1, 2, and 3 of this article will be further regulated by a Ministerial Regulation.
19. Article 70 paragraph 4	The stipulation concerning the standard of the shelter and the period in the shelter will be further regulated by a Ministerial Regulation.
20. Article 75 paragraph 4	The stipulation concerning the repatriation of Indonesian Migrant Workers as intended in paragraphs 1, 2, and 3 will be further regulated by a Ministerial Regulation.
21. Article 76 paragraph 2	The cost besides the cost as intended in paragraph 1 will be further regulated by a Ministerial Regulation.
22. Article 93 paragraph 2	The stipulation concerning the reporting procedure as intended in paragraph 1 of this article will be further regulated by a Ministerial Regulation.
23. Article 100 paragraph 3	Further stipulation concerning the administrative sanction as intended in paragraphs 1 and 2 will be regulated by a Ministerial Regulation.

Appendix 3

Profile of Jaringan Kerja Masyarakat Sipil untuk Reformasi Kebijakan Buruh Migran (Indonesia Civil Society Network for the Reform of the Policy on Indonesian Migrant Workers)

GPPBM

Name : Gerakan Perempuan untuk Perlindungan Buruh Migran (Women's Movement for the Protection of Migrant Workers)
Address : Jl. Latuharhary No. 4B, Menteng, Jakarta Pusat 10310
Phone : (021) 390 3963
Fax : (021) 390 3922
Year Established : 2000

SHORT PROFILE

GPPBM was born as a reaction to the worsening injustice and violence experienced by the women who are earning a living abroad as domestic workers. Early August 2000, about 20 organizations proclaimed themselves as part of GPPBM by implementing a 100 days joint action (17 August – 25 November, World Anti-Violence against Women Day) to campaign for a respite in the sending of migrant workers, reform on the system, and the formulation of a work agreement draft and bilateral agreements that will protect Women Migrant Workers. During the evaluation process of the 100 days action, GPPBM decided to continue its work because the struggle to realize the protection of migrant workers is not yet finish. The work programs of GPPBM are: (1) socialization of the problems of women migrant workers to the society; (2) development of training and education instruments and mechanisms for prospective migrant workers; (3) formulation of legal instruments; (4) facilitation of the resolution of priority problems; (5) critical and continuous monitoring of the performance of the government; and (6) international advocacy.

HRWG

Name : Koalisi Ornop untuk Advokasi HAM Internasional (Indonesia's NGO Coalition for International Human Rights Advocacy/ Human Rights Working Group)
Address : Gedung Biro Oktroi Rooseno, Lt. 8 Jl. Pegangsaan Timur No. 21, Jakarta Pusat
Phone : (021) 7073 3505
Fax : (021) 315 0137

Year Established : 2003

VISION

The executors of state authority will all the more fulfil its constitutional and international obligation in advancing, fulfilling, and protecting human rights in Indonesia.

MISSION

Improve the effectiveness of the advocacy work on the issues of Human Rights that is developing in Indonesia and in international fora in order to urge the Government of the Republic of Indonesia to fulfil its constitutional and international obligation in advancing, fulfilling, and protecting human rights.

SHORT PROFILE

The legal body of this Coalition is not yet established. During the meeting of approximately 20 NGOs in Indonesia on 6-8 February 2003 in Bogor, the Executive Body of Koalisi Ornop untuk Advokasi HAM Internasional (NGO Coalition for International Human Rights Advocacy) was formed. Currently, the participants of this Coalition are composed of 41 local and national NGOs.

In implementing its program, this Coalition is upholding the HR values that are included in all the HR documents of the UN, including the UN Universal Declaration of Human Rights and its Covenants/Conventions. The focus of HRWG is the advocacy of human rights by upholding the principle of international justice in conducting its advocacy work and it is inseparable from the global movement of human rights. The 4 strategic issues that are the main concern of HRWG are: (1) the application of the international HR standard; (2) impunity; (3) development of the capacity of international advocacy work; and (4) institutionalization.

KOMNAS PEREMPUAN

Name : Komisi Nasional Anti Kekerasan Terhadap Perempuan (National Commission on Violence Against Women)
Address : Jl. Latuharhary No. 4B, Menteng, Jakarta Pusat 10310
Phone : (021) 390 3963
Fax : (021) 390 3922
Year Established : 1998

SHORT PROFILE

Komisi Nasional Anti Kekerasan Terhadap Perempuan (National Commission on Violence against Women) is an independent institution that advances the human rights of women by creating a conducive environment for the elimination of all forms of violence against women in Indonesia wherein included here is the attitude of respect to diversity and freedom from fear, threats, violence, and discrimination. This Commission was formed according to Presidential Decree No. 181/ 1998 of the President of the Republic of Indonesia based on the pressure of the women's movement in response to the sexual violence experienced by most Chinese ethnic women during the May 1998 Riots. In its development, the Government later on renewed the basis of its establishment through Presidential Decree No. 65/2005 of the Republic of Indonesia.

Komnas Perempuan acts as a resource centre for the human rights of women; negotiator and mediator between the government and community of victims and community that struggle for the human rights of women; initiator of change and the formulation of policies; monitors and reports gender-based human rights violations; and facilitates the development and strengthening of networks at the local, national, and international level.

KOPBUMI

Name : Konsorsium Pembela Buruh Migran Indonesia (Defenders of Indonesian Migrant Workers Consortium)
Address : Jl. Bambu Kuning II No. 7, Rawamangun, Jakarta Timur 13220
Phone/Fax : (021) 471 7201
Year Established : 1997

SHORT PROFILE

KOPBUMI was established in the framework of pushing the creation of the Law of Protection of Migrant Workers and Members of Their Families. The main program of this organization is to conduct policy advocacy, information and documentation, handle cases, and strengthen the network of organizations that handle Indonesian Migrant Workers.

LBH JAKARTA

Name : Lembaga Bantuan Hukum Jakarta (Legal Aid Institution, Jakarta)
Address : Jl. Diponegoro No.74, Jakarta Pusat
Phone : (021) 314 5518
Fax : (021) 391 2377
Year Established : 1970

SHORT PROFILE

LBH Jakarta was established in 1970 to provide legal aid to poor communities, ignorant of the law and oppressed. In its development, LBH Jakarta developed structural legal aid. Besides this, aside from solving cases, LBH Jakarta is also conducting advocacy approach to improve the oppressive structure and legal system.

SBMI

Name : Serikat Buruh Migran Indonesia (Indonesian Migrant Workers Trade Union)

Address : Jl. Cipinang Kebembem Raya No. 10, RT 05/ RW 07, Kelurahan Cipinang, Jakarta Timur 13230

Phone : (021) 9385 6504

Fax : (021) 475 6113

Year Established : 2005

VISION

Enhance the dignity and welfare of Indonesian Migrant Workers

MISSION

Create an independent, critical, and prosperous community of Indonesian Migrant Workers that is based on democracy and gender equality.

SHORT PROFILE

The process of establishing SBMI started during the establishment of an organization called Jaringan Nasional Buruh Migran Indonesia (National Network of Indonesian Migrant Workers) on September 2000. The embryo of SBMI itself is Federasi Organisasi Buruh Migran Indonesia (FOBMI) (Federation of Indonesian Migrant Workers Organizations) that was founded on 25 February 2003. During the Second Congress of FOBMI on 29 June 2005, FOBMI was transformed into a union in order to emphasize its characteristic as a mass organization. As such, Serikat Buruh Migran Indonesia (Indonesian Migrant Workers Trade Union) was formed.

The vision and mission of SBMI is expected to create solidarity among Indonesian Migrant Workers, improve the bargaining position of Indonesian Migrant Workers, protect and fulfill the rights of Indonesian Migrant Workers, create an independent and critical awareness on Indonesian Migrant Workers, handle cases of Indonesian Migrant Workers, and increase the human resources of Indonesian Migrant Workers.

SOLIDARITAS PEREMPUAN

Name : Solidaritas Perempuan (Women's Solidarity for Human Rights)

Address : Jl. Jati Padang Raya Gg. Wahid No.64, Pasar Minggu, Jakarta Selatan

Phone : (021) 782 6008

Fax : (021) 780 2529

Year Established : 1990

MISSION

Realizing a democratic social structure based on the principle of justice and environmental awareness by respecting pluralism and non-violence, by prioritizing an equal relationship between women and men wherein they can share information and control natural, social, cultural, political, and economic resources.

SHORT PROFILE

Solidaritas Perempuan (Women's Solidarity for Human Rights) is the first migrant workers' NGO in Indonesia. This organization was officially founded on December 1990. Until 1998, the issues of migrant workers are the main focus of SP. In the 1990's, SP provided legal aid and other support to individual cases in which the worker experienced human rights abuse/violations, provided training and implemented various programs for migrant workers and their community, and provided a shelter for women migrant workers who are victims of violence. SP gathers data on the cases of migrant workers and actively involved in policy advocacy at the national and international level.

Appendix 4

ACKNOWLEDGMENT

Komisi Nasional Anti Kekerasan terhadap Perempuan (National Commission on Violence Against Women) that is joined together in Jaringan Kerja Masyarakat Sipil untuk Reformasi Kebijakan Buruh Migran Indonesia (Civil Society Network for the Reform of the Policy on Indonesian Migrant Workers) that is composed of GPPBM, HRWG, LBH Jakarta, Kopbumi, SBMI, and Solidaritas Perempuan would like to express our gratitude to all the parties that contributed information and ideas to the Preliminary Monitoring Notes on Presidential Decree No. 6/2006.

Gratitude is also expressed to our friends in the region for the data on the field monitoring that are very valuable, namely :

1. Ali Maksum, Solidaritas Buruh Migran Jawa Timur (East Java Migrant Workers' Solidarity);
2. Danuhardi, JKPS Cahaya Ponorogo, East Java; and
3. Roma Hidayat, Nusa Tenggara Migrant Center.

We also extend our gratitude to the resource persons who had given some of their time for the interview and provided various information that we needed, namely :

1. Mr. Zaherman, Directorate of Law and International Agreement, Department of Foreign Affairs;
2. Mr. Didik J. Zulhadji, Consulate General of the Republic of Indonesia in Kuching, for the valuable information and criticism on the diplomacy of the Representative of the Republic of Indonesia in the effort of protecting Indonesian Migrant Workers in the framework of this Presidential Decree.
3. Mr. Kamso Simatupang, Directorate General of Immigration, Department of Justice and Human Rights, who had provided information on the follow-up action conducted by the Directorate General of Immigration according to its duty based on Presidential Decree No. 6/2006.
4. Mr. Marjono, Directorate General of PPTKLN, Department of Manpower and Transmigration for his information on the actions taken by the Department of Manpower and Transmigration in executing its duty and authority based on the said Presidential Decree.

Without neglecting it, we would also like to extend our gratitude to all the participants of the Focus Discussion on the Implementation of Presidential Decree No. 6/2006 held on 28 November 2006. The participants of this FDG who came from different institutions, both government institutions and non-government institutions are :

1. Mr. Arifin Habibie, Coordinating Ministry for the Economy;
2. Ms. Andi Sari Indrayani, KPAI;

3. Mr. A. Wibowo, Coordinating Ministry for the Economy;
4. Ms. Farah Heliantina, Coordinating Ministry for the Economy;
5. Mr. Ferry Adamhar, Directorate for the Protection of Indonesian Citizens and Legal Body, Department of Foreign Affairs of the Republic of Indonesia;
6. Ms. Jelsi M., Department of Health of the Republic of Indonesia;
7. Mr. K. Simatupang, Directorate General of Immigration, Department of Justice and Human Rights of the Republic of Indonesia;
8. Mr. Parjoko Midjan, Coordinating Ministry for People's Welfare of the Republic of Indonesia;
9. Mr. Priyadi Santoso, Ministry of Women Empowerment;
10. Mr. Rahmat H, Directorate General of Tax and Customs, Department of Justice and Human Rights of the Republic of Indonesia;
11. Mr. Rasjif Sofian, Coordinating Ministry for Politics, Law, and Human Rights;
12. Ms. S. Donatrin, Directorate of Human Rights and Humanity, Department of Foreign Affairs of the Republic of Indonesia;
13. Ms. Shanti, Directorate General of Population Administration, Department of Home Affairs of the Republic of Indonesia;
14. Mr. Sudibyo, Directorate of Social Assistance for Victims of Violent Acts and Migrants Workers, Department of Social Services of the Republic of Indonesia; and
15. Mr. W. Tommy Wataliu, Bareskrim of the State Police of the Republic of Indonesia (Polri)

Your participation in the Focus Discussion had enriched our ideas and data on the implementation of Presidential Decree No. 6/2006.

The Notes on the Result of the Preliminary Monitoring of Presidential Decree No. 6/2006 would not be properly formulated without contribution and cooperation of the different parties mentioned here. For this, once again, we say thank you.

Appendix 5 REPORTING TEAM

Data Gathering and Information Team:

1. Agung Wahyu, Jakarta
2. Ali Maxoem, Lumajang, East Java
3. Danuhardi, Ponorogo, East Java
4. Miftah Farid, SBMI
5. Roma Hidayat, Mataram, West Nusa Tenggara
6. Saherman, Jakarta
7. Tati Krisnawaty, Jakarta
8. Yocie H.P., Jakarta

Analyzing Team:

1. Asfinawati, LBH Jakarta
2. Bambang Tribuana Bahana
3. Choirul Anam, HRWG
4. Felikson Silitonga, Kopbumi
5. Lisa N. Humaidah, Komnas Perempuan
6. Miftah Farid, SBMI
7. Tati Krisnawaty, Komnas Perempuan
8. Taufiek Zulbahary, Solidaritas Perempuan
9. Yocie H.P., Komnas Perempuan