

**STATEMENT  
BY  
THE INDONESIAN DELEGATION  
ON AGENDA ITEM 3: REVIEW OF DOMESTIC AND BILATERAL  
RESPONSES**

**Mr. Co-Chairs,**

On this important agenda item, allow me to convey Indonesia's effort in addressing the problems associated with irregular people movement.

Indonesia is of the view that the problems associated with irregular people movements will eventually manifest in smuggling of migrants or people smuggling and trafficking in persons. These two forms of transnational organized crimes are two-sides of the same coin, which at times may need to be addressed simultaneously.

Although, the two forms of crimes differ in definition and concept, it is worthy to note that these crimes stems from the pull factors of better economic opportunities. Therefore, Indonesia believes that to prevent and combat trafficking in persons and people smuggling effectively, the root causes, such as economic hardships and unemployment must be firstly addressed as a matter of priority, particularly in developing countries.

**Mr. Co-Chairs,**

As a strong indication of commitment, Indonesia has ratified the United Nations Convention against Transnational Organized Crime also known as the Palermo Convention in January this year, through its Law No.5 of 2009. Subsequently, in March this year, Indonesia ratified two of the protocols supplementing the Palermo Convention namely, the trafficking in persons and the smuggling of migrants protocols.

Indonesia believes that the ratification of these international instruments will further enable Indonesia to work closely and cooperate with countries at the international and regional as well as bilateral level. It will also provide the impetus for State Parties of the Convention to further international cooperation, in areas of mutual legal assistance and extradition, as part of our common effort to disrupt criminal networks.

**Mr. Co-Chairs,**

Since 2007, Indonesia has enacted a national legislation against trafficking in persons, based on its Law No. 21 of 2007. This new legislation focuses on efforts to prevent and criminalize offences related to trafficking in persons, as well as to support and protect victims of trafficking in persons. Since its adoption, the rate of conviction for traffickers have gradually increased respectively from 83 convictions in 2004 to 291 convictions in 2008. traffickers have gradually increased respectively from 83 convictions in 2004 to 291 convictions in 2008.

In areas of victim support, Indonesia through an inter-agency coordination mechanism has established a standard operating procedure for the return and rehabilitation of victims of trafficking. Many of the police regencies throughout Indonesia has a victim support unit, in particular for women and children.

To date, recognizing the magnitude of the problems related to trafficking in persons, through a Presidential Regulation No. 69 of 2008, the president instructed the Coordinating Minister for People's Welfare to spearhead an inter-agency task force against trafficking in persons. However, this does not only highlights the political commitment of the Government of Indonesia, but it also caters the need to synergize and strengthen coordination among related agencies in addressing issues related to trafficking in persons.

**Mr. Co-Chairs,**

In regards to smuggling of migrants, the offences set forth in the UN Protocol against Smuggling of Migrants are enshrined in our national legislation on immigration matters of Law No. 9 of year 1992, in particular relating to acts of illegal entry and falsifying and fraudulent documents. To date, Indonesia is in the process of amending its law on immigration, in order to capture the essence of criminalizing the offence of organizing and carrying out people smuggling, in line with our commitments under the UN Protocol.

In the same vein, with the influx of irregular people movement, Indonesia has established a national task force, which would look into the matters related to illegal migrants. This task force will be coordinated under the auspices of the Department of Law and Human Rights, particularly the Directorate-General of Immigration. This task force will not only develop effective policies and measures to address illegal migrants, but it will also coordinate and cooperate at the operational level. It will take lead in addressing the influx of irregular migration that has transpired in Indonesia recently.

**Mr. Co-Chairs,**

During the last few years, Indonesia has experienced a significant number of illegal migrants entering the country who originated from various countries in the region. Accordingly the Directorate General of Immigration, as of June 14, 2009, estimated that there were approximately 1404 illegal migrants in Indonesia mainly from Afghanistan, Myanmar, Sri Lanka, Iraq, Pakistan, Bangladesh, Iran and India. The first three countries mentioned, contributed the number of cases with 904, 372 and 66 persons respectively. Three main reasons were indicated during interviews, namely seeking political asylum, sense of insecurity at home due to conflicts, and economic purpose in pursuit of a better life.

To tackle these problems, Indonesia has established close cooperation with UNHCR, IOM and governments of the countries of origin in identifying the nationality, reasons or motivation for the leaving the country of origin, and measures to be taken based on those assessments/interviews. In many of the assessments, it was also indicated that many cases were of those related to smuggling of migrants, and in some instances it was indicated that trafficking was conducted. For these reasons, the Government

believed that people that were smuggled, including victims of trafficking should be treated in a dignified and in a humane manner.

However, some problems do remain in cases related to illegal migrants for Indonesia based on our assessment, among others, as follows:

1. Lack of resources and facilities for illegal migrants;
2. Lack of resources for the return of illegal migrants wishing to be repatriated;
3. The length of time that would be need for those illegal migrants seeking political asylum;
4. Socio-economic, including political and security impacts of illegal migrants to the society at large; and
5. In some cases, the impact of the image towards Indonesia when illegal migrants are unsatisfied with the treatment of the Government.

For these very reasons, Indonesia is of the view that the Bali Process would be the proper avenue to strengthen cooperation between countries of origin, transit and destination to addresss these pressing issues. The principles of being non-binding and informal incurs the means of being flexible in the approach towards these challenges. In many aspects, the Bali Process has the advantages of garnering cooperation, not only at the level of policy, but also to strengthen cooperation at the operational level. This would in effect, strengthen existing formal mechanisms, as well as policies and measures taken by countries in cooperating regionally and internationally in efforts to manage regular migration.

**Mr. Co-Chairs,**

To conclude, Indonesia is of the view that to strengthen international cooperation, it is a prerequisite that countries in the region criminalizes the offences covered in the two protocols of the Palermo Convention. This would in effect, garner our common efforts in addressing the scourge of trafficking in persons and people smuggling by disrupting criminal syndicates networks. Furthermore, the root causes of poverty and lack of economic development should also be addressed as a matter of priority in deterring the flow of irregular people movement. Lastly, the need to cooperate between countries of origin, transit and destination should be further bolstered through enhancing cooperation at the operational level and enhancing information-sharing arrangements should be expediated.

I thank you.