

# Back Pay for Trafficked Migrant Workers: An Indonesian Case Study

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## ABSTRACT

In 2015 the International Organization for Migration (IOM) identified almost 1,200 trafficked migrants working in slave-like conditions on fishing boats in East Indonesia. The IOM helped the migrants and offered to cover the cost of repatriation to their countries of citizenship. The Indonesian government appreciated the financial support, not least because the victims' embassies refused to pay. But most victims in one location refused to return to their home country without the wages owed to them by their trafficker-cum-employers. IOM policy states that migrants are eligible to use the Assisted Voluntary Return and Reintegration (AVRR) service if they are unable or unwilling to remain in the host country. But another condition is that migrants must use the services voluntarily. The IOM could not force the migrants to leave the country, and national law prevented the Indonesian government from deporting the migrants because the IOM had identified them as victims of trafficking.<sup>1</sup>

## INTRODUCTION

In 2015 the International Organization for Migration (IOM) identified almost 1,200 trafficked migrants working in slave-like conditions on fishing boats in East Indonesia. The IOM then provided direct assistance to the migrants and offered to cover the cost of repatriation to their countries of citizenship. The Indonesian government was appreciative of the financial support, not least because the victims' embassies refused to pay. But somewhat unexpectedly for the Indonesian officials, most victims in one location refused to return to their home country without the outstanding wages owed to them by their trafficker-cum-employers. IOM policy states that migrants are eligible to use the Assisted Voluntary Return and Reintegration (AVRR) service if they are unable or unwilling to remain in the host country. But another condition is that migrants must use the services voluntarily. The IOM could not force the migrants to leave the country, and national law prevented the Indonesian government from deporting the migrants because the IOM had identified them as victims of trafficking.

The migrants' refusal to return to their country of citizenship was a reaction to the fact that they believed they were owed money for their work. The larger policy issue here is: How should states respond to exploitation of migrant labour at the intersection between labour migration and human trafficking (Ford, Lyons, and van Schendel 2012). Who decides if a migrant worker is "trafficked enough"? (Yea, 2015), and what are the state's responsibilities to migrant workers who have been trafficked? In countries that have ratified the UN Trafficking Protocol, which criminalizes human trafficking in all its forms, and the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (hereafter the ICMWR), which requires states to offer

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