## A Guideline for Journalists

# PROMOTING VICTIM-BASED JOURNALISTIC REPORTING FOR TRAFFICKING IN PERSONS CASES





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This guideline has been funded by UK aid from the United Kingdom Government's Modern Slavery Innovation Fund. The views expressed are those of the authors and do not necessarily reflect the views of the United Kingdom Government.

Thank you to Among Pundhi Resi, Asep Zulhijar and Rizqan Fadhillah from IOM Indonesia, and Dr. Patrick Burland, Sarah Di Giglio and Joseph Slowey from IOM United Kingdom for their support during the research and inputs during the preparation of this guideline.

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# **GLOSSARY OF TERMS**

TERMINOLOGY	DEFINITION
Trafficking in Persons	Trafficking in persons (TIP) is the act of recruiting, transporting, collecting, transporting, transferring, or accepting someone by the means of violence, coercion, kidnapping, confinement, forgery, fraud, abuse of power or vulnerable position, debt bondage or giving payment or benefits, to achieve the consent from a person having control over another person, whether committed within the country or cross-border, for the purpose of exploitation or which causes the exploitation of a person.
Anti-Trafficking Task Force	A government coordinating body of with the task to coordinate efforts to prevent and handle trafficking in persons at the national, provincial, regency city level and the involved ministries.
Victim of Trafficking in Persons	Victim shall mean a person suffering from psychological, mental, physical, sexual, economic, and/or social trauma caused by the criminal act of trafficking in persons. (Article 1 paragraph 3 of Law No. 21 Year 2007)
Violence	Act of dominating another person that causes the party to become victims.
Discrimination	Act of differentiation or action that is in favor to the others.
Exploitation	The act of taking advantage or profit of someone for personal gain and benefit, both material and non-material in nature. Example: using the experience or skills of others without rewarding appreciation.
Stereotype	Bad or negative labeling attached to a person. This labelling usually attached to weaken the condition of the person in question.
In-depth reporting	In-depth reporting is a coverage that explains the event comprehensively, providing mapping and knowledge as well as better understanding to the reader.
Investigative Reporting	A more complex coverage compared to in-depth reporting. This coverage exposing and tracing problem so that readers get a systematic picture of the event, as well as who is involved and responsible for it.
Descriptive Writing	A writing that describes the situation. In descriptive writing, the writer describes in detail what happened in the case. The purpose of descriptive writing is to create an atmosphere as if the readers were in the location of the event itself. Detailed writing of the event is written to build up the reader's emotions.
Storytelling	A writing style in which the author narrates or tells the story to the readers. Storytelling provides a creative space for the writer in delivering information. A feature writer for example using "storytelling" writing style in preparing the coverage of the case.
Humanist	Values about humanity that make humans as criteria in understanding something.
Impartial	Fair treatment to the others
Protection of the Privacy	Actions that protect someone's confidentiality. In the context of journalism, protecting privacy is respecting individuals, personal preferences, or preferences of the sources.

# **GLOSSARY OF ABBREVIATIONS**

Abbreviations/ Acronyms	Name/Note
AJI	The Alliance of Independent Journalists
Bareskrim, POLRI	Indonesian National Police Criminal Investigation Department.
CEDAW	The Convention on the Elimination of All Forms of Discrimination against Women
GT PPTPPO/ATTF	Anti-Trafficking in Persons Task Force. A task force established by the government
HAM	Human Rights
IOM	International Organization for Migration
ILO	International Labour Organization
Kemenko PMK/ CMoHDC	Coordinating Ministry for Human Development and Culture of the Republic of Indonesia
KPAI	Indonesian Child Protection Commission
KPPPA/ MoWECP	The Ministry of Women Empowerment and Child Protection of the Republic of Indonesia
LPSK	Witness and Victim Protection Agency
NGO	Non-Government Organization
PMI	Indonesian Migrant Workers
SARA	Ethnicity, religion, race, and intergroup. A term introduced during the New Order to ensure harmony in diversity.
SBMI	Indonesian Migrant Workers Union
TPPO/TIP	Trafficking in Persons
TPPU	Money Laundering
UNTOC	United Nations Convention Against Transnational Organized Crime
UNICEF	United Nations Children's Fund
UU PTPPO	Law Number 21 Year 2007 on the Eradication of the Criminal Act of Trafficking in Persons

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# EXECUTIVE SUMMARY

The development of "A Guideline for Journalist: Promoting Victim-Based Journalistic Reporting for Trafficking in Persons Cases" aims to support the journalist and media professional in covering and reporting Trafficking in Persons (TIP) cases. More particularly, this book contains the guidelines on how to portray the victims of TIP in a journalistic product. With this objective, this book is expected to be the practical tool which can be used as the source of references for the media professional and journalist.

The idea to develop such guideline was based on IOM assessment on the media content on trafficking in person in 2019. Based on the initial assessment on media publication related to TIP, IOM found only few of media reportages on TIP that uphold journalistic ethic and victim protection principles.

In addition, the assessment also highlighted that some numbers of media publication are still lacking on victim protection perspective when portraying the survivor of TIP. As the result, the journalistic product itself could lead to stigmatization and even revictimation. Henceforth, this journalist guidance was developed.

Consist of four main topics, "A Guideline for Journalist: Promoting Victim-Based Journalistic

Reporting for Trafficking in Persons Cases" started with the introduction of TIP issues on mass media. Next, the second topic stated on the overview of TIP situation in Indonesia.

The next topic explained on the general principles in portraying TIP case and concluded with the guidance on how to prepare the reportage on TIP case and Victim of TIP and presenting it as the journalistic content.

The first chapter will provide general information on how TIP issues are captured on our media nowadays. This part developed from the assessment conducted by IOM in 2019. The second chapter introduces the journalist into the TIP concept based on Indonesian legal framework and overview on TIP situation in Indonesia.

Next, the third chapter is the key materials of this book. This chapter is a comprehensive elaboration on general principles which must be upheld by the journalist in portraying TIP cases and its victim.

And lastly, in chapter four, there is a practical guideline on how to start the reportage on TIP case and its victim. This will be detailed step by step followed by some exercises on writing media content.



INTRODUCTION: TRAFFICKING IN PERSONS ON MEDIA NOWADAYS

## TRAFFICKING IN PERSONS ON MEDIA NOWADAYS

The International Organization for Migration (IOM) recorded millions of people were trafficked worldwide every year. Trafficking in persons (TIP) is not only a heinous crime but also a gross violation of human rights.<sup>1</sup> TIP affects the lives of women, men, and children throughout the world. All parties, the government, non-governmental organizations, private sector, scholars, and media professionals both at national and international levels must work collaboratively in the eradication of TIP.

According to the Annual Report of the National Anti-Trafficking Task Force (ATTF), the task force had received around 94 to 176 reported cases every year from 2011 to 2018.<sup>2</sup> Most of these cases were referred by victims through non-governmental organizations (NGOs) and the law enforcement.

Each year more than hundreds of individuals, consist of men, women, girls, and boys were rescued and identified as victim of trafficking. However, if we compare with media coverages on TIP, in averages each year there were only 7-10 TIP cases portrayed in media.<sup>3</sup> Out of this number, most of them were categorized as criminal report. Meanwhile, investigation reports on TIP were only reported for 3-5 cases for the last 3 years (2017-2019).<sup>4</sup>

In the other hand, the media content that clearly mentioned the TIP terms were dominated by the news related to Indonesian Migrant workers (IMW). For example, the article titled "IMW sold to Iraq, Bareskrim investigates TIP syndicates to Malaysia"; or "Erwiana, an IMW trafficked to Hong Kong", etc. Meanwhile, the in-country (domestic) TIP news is often described as prostitution or sexual offences news. Media put the headline such as "Six Teenager sold their virginity through social media"; "Sexual Exploitation in Penjaringan Was Forced to Consume Drug and Providing Sexual Services to 10 Men"; "Child Victim in Banyuwangi Was Sold for IDR 150,000", etc. At a glance, there is nothing wrong with the wording chosen for the title of this news. However, if we see from the protection angles, these wording may lead into stigmatization to the victims.

The initial assessment conducted by IOM together with an Independent consultant hired to develop this guidline, indicated that one of the reasons why such wording and headline are often found on the media content was because the journalists' lack of information and knowledge on TIP issues including the victim protection principles. This situation has influenced how the journalists portray TIP cases in their pieces. In addition to that, the assessment also found out that there is a lack of understanding on how to differentiate the TIP case with other criminal offenses such as violence against children, labor disputes or prostitution crimes.

With the background that has been outlined above, it can be concluded that it is crucial to enhance the knowledge and awareness of the media professionals, especially journalists, on TIP issues. Once their knowledge and awareness improved, they will be able to optimize their role to prevent TIP and at the same time to protect the victims of trafficking.

<sup>&</sup>lt;sup>1</sup>The concept of 'gross' violations (and, more precisely, the term 'consistent pattern of gross violations of human rights') has been developed by UN human rights bodies and first appeared in resolution 8 (March 1967) 1967) of the UN Commission of Human Rights. n 1967, Resolution 1235 of the UN Economic and Social Council (ECOSOC) authorized the UN Commission on Human Rights and the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities 'to examine information relevant to gross violations of human rights and fundamental freedoms, as exemplified by the policy of apartheid', and decided that the Commission could study 'situations which reveal a consistent pattern of violations of human rights'.

<sup>&</sup>lt;sup>2</sup> Annual Report of the National Anti-Trafficking Task Force 2019, The Ministry of Women Empowerment and Child Protection, 2019

<sup>&</sup>lt;sup>3</sup> IOM Media monitoring 2017-2019, internal data.

Linda did not go to school. Her mother worked as a domestic worker to earn a living. Her father abandoned them. Her friend introduced Linda to someone who lured her into becoming a mail-order bride. All Linda wanted was to get money so she could help her mother to pay off debt quickly. By becoming a mail-order bride, Linda received a dowry that could be spent to pay off her mother's debts. However, in her husband's country, Taiwan, Linda was assigned to work, was not allowed to leave the house, and was only given food once a day. As she barely knew anyone in the country made the escape very difficult. Linda is one of the victims of trafficking in persons. The Indonesian Migrant Workers Union (SBMI)

handled her case.

(Source: Document handling of Indonesian Migrant Workers and IOM, 2019).

The piece of Linda's story above is an example of trafficking in persons (TIP). Why is Linda's case categorized as TIP case instead of domestic violence case per se? Is categorizing Linda's case as TIP gives more benefit for Linda?

While it perhaps will not give Linda more justice, **portraying** Linda case as a TIP, would encourage the law enforcement agencies to initiate the investigation process and dismantle the cross-border organized crime which may be involved in this criminal act.



AN OVERVIEW OF TRAFFICKING IN PERSONS IN INDONESIA

## AN OVERVIEW OF TRAFFICKING IN PERSONS IN INDONESIA

2.1

Definition of Trafficking in Persons in National and International Legal Framework TIP is regulated in law number 21 of 2007 on the Eradication of the Criminal Acts of Trafficking in Persons. Under article 1, TIP is defined as:

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

At the international level, the TIP regulated under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime, also known as the Palermo Protocol. Meanwhile, at the regional level, the TIP regulated under the ASEAN Convention against Trafficking in Persons (ACTIP). Both instruments define TIP as a series of processes of actions, by means for the exploitation.

"Trafficking in Persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs" (Article 3 (a) Palermo Protocols).

Furthermore, both Palermo Protocols and ACTIP emphasized that the consent of a victim of trafficking in persons to the intended exploitation shall be irrelevant where any of the means have been used. Besides the three main instruments above there are also several other instruments such as:

ILO Convention against Slavery (1962),

ILO Convention on Forced Labor (1930),

Universal Declaration of Human Rights (1948),

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of

Others (1949),

The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and

Practices Similar to Slavery (1956),

ILO Abolition of Forced Labor Convention, (1957),

International Covenant on Economic, Social and Cultural Rights (1966)

International Covenant on Civil and Political Rights (1979)

Convention on the Elimination of All Forms of Discrimination for Women/CEDAW (1984)

UN Convention on the Rights of the Child (1989)

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987)

The International Convention on the Protection of the Rights of All Migrant Workers and Members

of their Families (CRMW) (1990)

ILO Worst Forms of Child Labour Convention, (1999)

UN General Assembly Resolution 60/147, 2006, the Basic Principles and Guidelines on the Right to

a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious

Violations of International Humanitarian Law



Indicators and Elements of Trafficking in Persons Based on the legal instrument, both national and international frameworks, the crime of trafficking in persons consists of three elements, namely: the acts, the means, and the purpose. Below is the TIP Element which should be completed/ identified to determine TIP crimes.

#### ACTS

🕑 Recruitment, Transport, Transfer, Harbouring, or Receipt of a persons

#### MEANS

O Threat or use of force, Coercion, Abduction, Fraud, Deception, Abuse of power or vulnerability, Giving payments or benefits.

#### PURPOSE

Exploitation or resulting in people being exploited, including:

 Forced labour, Sexual exploitation, Slavery or similar practices, Removal of organs, Illegal adoption, and other types of exploitation

The element of the acts consists of the indicator of recruitment, transport, transfer, harbouring and or receiving of the person. Only one of the indicators needs to be proven to fulfil the element of acts in identifying TIP.

Moreover, the component of the means could be seen from one of the indicators as follow: threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, and giving payment or benefit. Similar to the previous element, only one of the indicators is required to be proven to fulfil this element.

Lastly, for the exploitation, the indicator could be viewed from the type of works, working condition, the presence of organ removal and other types of exploitation.

In Indonesia, TIP cases are characterized by various acts and means, while the exploitation purpose or intended to exploit others can be found in many forms of indicators including forced labour, child labour, debt bonded, and sexual exploitation. Below are some tips to assess TIP indicators:

## **ISSUES AND HOW TO EXERCISE THEM**

#### WORKING CONTRACTS

- Is there any contract/working agreement?
- Does the individual understand with the term and condition that stated on the working agreement?
- How the signing process of the working contract was arranged? etc.

#### ABUSED

- Is there any sign of physical abuse?
- Is there any sign of phycological abuse?

#### PASSPORT AND OTHER IDs

- Is there any potential of fraudulent documents?

#### SALARY

- How much salary offered?
- Is there any other benefit given to the victims?
- How much salary actually received?

#### CHILD LABOR

- Are they being placed in the worst job sectors for children according to ILO standards?

#### DEBT

- Is there any debt agreement or debt consent from the individual to the recruitment agency?
- If so, how much debt that the individual receives and to repay?
- What is the payment method?
- How long is the debt payment period?

2.3

Contributing Factors of Trafficking in Persons

Indonesia has a long history of TIP that can be traced back to the practice of slavery during the colonial era. People had suffered forced labour during the forced cultivation era and the major road construction since 1808 up until 1942. At that time, Indonesia was still under the colonization era.

However, TIP still occurs to this day. In early 1980 and 1990, the majority of TIP cases in Indonesia were related to the labour migration process. Indonesia is well known as sources of migrant workers. In early 2000, the trafficking for sexual exploitation purposes also identified in some provinces of Indonesia. Women and girls were exploited into forced prostitution and trapped in sex-tourism industries.

In 2018, the ATTF recorded, 297 victims of trafficking received legal assistance, especially with legal case to charge the TIP syndicates. Out of this number, 79% of them were women, and 30% were men.

In the same years, the Ministry of Foreign Affairs reported 162 cases of Indonesian citizens as victims of TIP abroad, including 74 individuals were trafficked in Middle East, 47 individuals were trafficked in East Asia and Southeast Asia, 39 individuals were trafficked to Africa and the rest of individual were trafficked to South and Central Asia as well as North and Central America.

In addition to that, IOM Indonesia also recorded 130 victims of trafficking had been identified and assisted with various means of support in 2019. IOM data also shows that victims are not only Indonesian citizens but also foreign citizens who were trafficked in Indonesian territory.

The Annual Report of the Anti-Trafficking Task Force in 2018 described that poverty is the main factor among the contributing factors of TIP. Other factors that affected the TIP situation are the education, job availability within the country and the influence of social norms in certain areas in Indonesia. As in Linda's case above, a variety of factors such as difficulty to access jobs, the family economic situation, and domestic violence experienced by Linda are interrelated between one and another.

The low level of law enforcement charges and the lack of community awareness on safe and regular migration have also contributed to TIP situation in Indonesia. As reported by the US Government on TIP Report 2019, the prosecution rate and law enforcement of TIP in Indonesia is considered as stagnant and needs improvement.

The exacerbation of TIP in Indonesia was also influenced by culture and gender-based violence and discrimination which still exist in Indonesia. Early marriage tradition, forced marriages and contractual marriages practices in several regions have also perpetuated the practice of trafficking in persons. Moreover, the demands for labour supply from rural to the urban area and from Indonesia to overseas countries also contribute to facilitating the trafficking syndicates to operate in Indonesia.

# 2.4

Impact of Trafficking in Persons

The TIP crimes are proven to have impacts on the material and nonmaterial loss for the victims. The unpaid salary and indecent living condition are among other examples of material loss. Meanwhile, the nonmaterial loss could be identified on the stigma towards the victim, health problems, physical disability, severe trauma, and even death.

TIP does not only affect the victim as an individual but also affect the family and society. The discrimination against victim and family may arise as the impact of trafficking. In some community, the existence of gender inequality and discrimination leads to exclusion from the family and society.

2.5

The Efforts of the Government of Indonesia in Preventing and Countering Trafficking in Persons Since 2008, the Government of Indonesia has established Task Force on the Prevention and Handling of Trafficking in Persons Crimes (ATFT). This taskforce has a function to coordinate all the efforts on TIP prevention and victim assistance programs. Involving 18 ministries/institutions and under the coordination of Coordinating Ministry for Human Development and Culture, the ATFF was established through Presidential Regulation NO 69/2008.

The ATTF was supported with National Plan of Action (PoA) on the Eradication of TIP, which renewing every 5 years. Through this PoA, the government commits to enhance the prevention activities, strengthen the policy and regulation, improve the provision of assistance to the victim of trafficking and ensure the fulfillment of victim rights stipulated on the law No 21/2007. The PoA also aims to enhance the coordination and partnership among agencies, improve bilateral and multilateral cooperation to prevent and prosecute TIP case.

## Victim Rights and Perpetrator Legal Punishment: What the National Law Says

A victim shall mean a person suffering from psychological, mental, physical, sexual, economic, and/or social trauma caused by the criminal act of TIP (Article 1 paragraph 3 of Law No. 21 Year 2007).

TIP victims and their families are guaranteed with several rights as follows:

- A right to protect their identity confidentially (Article 44). The right is also granted to the family of the victim and/or witness to the second degree.
- A protection right. This mean victim and their family will be protected from threats which pose a risk to their wellbeing, lives, and/or assets (Article 47).
- A right to receive medical rehabilitation services, psychosocial rehabilitation, repatriation, and reintegration
- A right to proceed the restitution claims (Article 48). This restitution is required to be paid by the offenders based on the legally binded court decision as the compensation of material and/or immaterial losses of the victim and the families (Article 1 paragraph 13 of Law No. 21 Year 2007). Restitution is compensation for loss of wealth / income, suffering, costs for medical / psychological treatment and other losses suffered as a result of trafficking in persons.

In addition, the law defines perpetrator or traffickers as organized networks, ranging from individual perpetrators, government officials, law enforcers, individuals in the companies, and even the companies themselves. The minimum punishment for the individual perpetrators is three years imprisonment and a maximum of 15 years imprisonment, a fine amounting to minimum of IDR 150 million (USD 10,234) and a maximum of IDR 600 million (USD40,937). Meanwhile for the companies who involved in the TIP are charged with a minimum sentence of 9 years and a maximum of 45 years in prison and a minimum fine of 360 million and a maximum of IDR 1,8 billion.

#### Reading Recommendation

- 1 Law Number 18 Year 2017 on the Protection of Indonesian Migrant Workers
- 2 Law Number 6 Year 2011 on the Immigration
- 3 Law Number 31 Year 2014 on the Protection of Witnesses and Victims
- 4 Regulation of the Republic of Indonesia Number 69 Year 2008 on Anti-Trafficking Task Force
- 5 Regulation of the Minister of Women's Empowerment and Child Protection Number 01 Year 2009 on Minimum Service Standards for Integrated Services for Witnesses and Victims of Criminal Acts of TIP in Regencies/ities
- 6 Regulation of the Minister of Women's Empowerment and Child Protection Number 22 Year 2010 on Standard Operational Procedures for Integrated Services for Witnesses and Victims of Trafficking in Persons/TIP
- Regulation of the Minister of Women's Empowerment and Child Protection Number 11 Year 2012 on the Society and Community-Based Prevention and Handling of Trafficking in Persons

## CHAPTER III

GENERAL PRINCIPLES IN PORTRAYING TRAFFICKING IN PERSONS CASE AND VICTIM OF TRAFFICKING IN MASS MEDIA

## GENERAL PRINCIPLES IN PORTRAYING TRAFFICKING IN PERSONS CASE AND VICTIM OF TRAFFICKING IN MASS MEDIA

As a journalist, identifying any act of TIP in our surrounding is important as TIP takes various forms. In the context of labour exploitation, TIP occurs in sectors of work that are close to us in our daily work environment. It is often carried out by various means such as salaries withholding that violates the agreement, absence of overtime remuneration, long working hours, transfers from one employer to another without consent, etc.

Besides labour exploitation, TIP can also be found in the forms of sexual exploitation and organs harvesting. Cases of sexual exploitation also often involve a job-vacancy scam or an arranged marriage between a local Indonesian woman with a foreigner, using a scheme of mail-order bride.

In covering a TIP case, every journalist is required to understand the context and the core problem of every case. Aside from revealing the news, each journalist is also encouraged to support the victims to gain public support and protection.

However, in doing so, a journalist must consider the safety and vulnerability risks for the victim. It is very important, as if a journalist failed to do so, it may contribute to further harm, discrimination, and even re-exploitation, as well as violence towards the victims.

Considering their essential roles, journalists should equip themselves with a comprehensive understanding of the issue of TIP. By having the proper knowledge, the journalists will not only be able to help the victim to advocate their rights by covering their story but also to uncover the offender accountable for the crimes that they committed.

Journalists will also contribute to spread information to the broader audience regarding the TIP situation as the prevention efforts. That is why, journalists are viewed as both the messenger and a crucial part of the safeguarding system of the victims. With these important roles attached to the journalist, the media professional should be aware on key principles in developing the media content related to TIP.

Below are some key principles in presenting TIP news and covering victim of trafficking:

Fair description of women and men through the elimination of stereotypes and stigmatization

Describe the sources of the story, as in this case the victims of trafficking, both women and men, by avoiding any form of stereotype and stigmatization.

Every journalist needs to use the correct term and diction in portraying the victims and the case. Insensitive choice of words could harm the victims, for instance describing a victim by labeling him or her with a negative adjective (bad behaved or immoral person) could lead to discrimination from the victim's community and the victim could end up being perceived as criminals instead of victims.

For example, one of the national newspapers covered the young victims of sexual exploitation by saying: "A Young Girl Offers Sexual Services for IDR 500,000/hour" or in another headline a media stated: "RA, an illegal migrant worker who became a victim of trafficking for five years is only graduated from elementary school."

Both of above examples used stereotyped languages which could lead to the stigmatization or even revictimization. The first headline could steer the readers to perceive the young girl as a criminal instead of a child who was trapped in a prostitution industry and forced to provide sexual services. At the same time, the second headline illustrates the victim as a migrant worker who was uneducated and violating migration procedure, despite describing the recognition of her as a victim of trafficking.

Both of those examples have negative consequences for victims, which could influence the perspectives of the law enforcement officials in conducting in-depth investigation process. Moreover, with this framing, the victim may gain less support from the public in pursuing their rights.

## Avoiding generalization, each individual and case is unique

It is important to highlight that everyone has unique experiences and their own vulnerabilities. Thus, it is recommended to every journalist to avoid generalizing victims and to start identifying the case with an open mind.

If necessary, the journalist may refer to previous cases or news, that may have similar elements, as references. However, it is important to remember that each case has its own characteristic and could not be generalized or treated with same angle/perspective.



#### Adhering Journalist Ethic

Indonesian Pers Council (Dewan Pers) has set the code of conduct for the Indonesian journalist through the Pers Council Regulation No 06/Peraturan-DP/V/2008 concerning the Ratification of Decision Letters of Pers Council No 03/ SK-DP/III/2016 on Journalistic Ethics Code as Press Council Regulation. This ethic code highlighted specific consideration on the vulnerability of women and child and adhering human rights principles.

Among other articles stipulated on the journalist ethic code, below are some of the ethical principles for the journalist in presenting the journalistic product related to victims and vulnerable groups.

- Be independent in producing news by keeping the accuracy, balance, and neutrality.
- B Be professional by respecting the privacy rights of the informants, focusing on the facts, respecting the traumatic events experienced by the sources when presenting the images, photos, or voices.
- Cross-check the information and avoid mixing personal opinions with the facts as well as applying the presumption of innocent principles.
- Do not produce a false, slanderous, and obscene report.
- Do not spell and disclose the identity of victim of sexual assault and do not disclose the child offender's identity.
- Do not write or broadcast news based on the prejudice and discrimination against individual based on the difference of ethnicity, race, skin color, religion, gender, and language as well as do not degrading individuals who are weak, poor, sick, mentally challenged or physically disabled.
- Protect the safety and security of the informant, including applying the principle of confidentiality.
- Respect the privacy of the informant unless for the public interest.

## Upholding ethic and principles on data collection and reporting mechanism

Under Article 2, 5, 7 and 9 of Journalistic Code of Ethics, a journalist should uphold the data confidentiality, privacy, and protection. This principle is also in line with the Palermo Protocol and the Indonesian law number 21 of 2007 which both emphasize the needs of data protection of the victims.



Safeguarding protection principles and considering the risk of security and safety of informant/victims

A journalist must consider and prioritize the safety and security of the victim and the informant. Security and vulnerability risk assessment should be exercised in preparing the report, interviewing the respondent including victims, revealing the news, as well as publishing investigation results on social media.



All journalists must be able to recognize the vulnerability of their sources, both victims and other informants. Each victim or witness may encompass specific vulnerabilities, from the individual level to the family/household, community/ social and the structural level. Hence, every journalist must initially identify the vulnerability of the victim and address some key issues that may be covered before conducting the investigation process.

Promoting victim's rights and adhering the specific needs and protection of child victims

Victim's rights should be promoted and advocated through the journalistic product. Media has crucial roles in supporting the promotion of victim rights fulfillment. Thus, it is recommended for every journalist to advocate the fulfillment of victim's rights when producing the TIP news. In addition, as guided by the journalist code of ethics, special measure and protection services should be provided when dealing with minor victim or child informant.





REPORTS ON TRAFFICKING IN PERSONS CASE AND ITS VICTIM AS JOURNALISTIC CONTENT

## REPORTS ON TRAFFICKING IN PERSONS CASE AND ITS VICTIM AS JOURNALICTIC CONTENT

Below are some tips in preparing and publishing a reportage on TIP case and its victim as journalistic content:

#### Planning and setting the goal or objective

Before designing the topic and developing the news, a journalist needs to set the plan, goal, and objective of the report. A clear plan will help the journalist to develop comprehensive reports/news.

In this planning process, it is important to have balanced informant or sources based on gender. It is also crucial for the journalist to be equipped with the knowledge on TIP and GBV. This knowledge can be acquired through the existing policy document, previous research, similar investigation models, and example from other investigation-reportage.

Example of planning stages for in-depth reporting or investigation reportage of TIP case:

- Initial information gathering from various sources.
- Determining the angle (viewpoint) of the coverage. .
- Planning reportage process (selection of sources, coverage areas, information/data collection target in the field).
- Setting the timeline (time span for the coverage process.
- Lastly, arranging the articles timeline if it is divided into several articles. If not, the journalist can prepare the article outline based on the materials obtained.

#### 2 Choosing the topic, perspective, and writing style

There are numbers of writing style to use in accordance with the needs of each media. In identifying the topic and perspective, a journalist should consider the writing style and output of the journalistic product.

Some of the report will use investigation approach which will influence the writing style of the report. In addition, journalist may also exercise to use straight news model such as reportages. Another approach and angle are storytelling approach. This approach is typically used to describe the success story or biographical story.

#### **3** Preparing the interview

Interview is the most important part of reportage process. It is important to always use experts who master on protection approach during the preparation before conducting the interview process. Prepare the legal framework analysis and conduct initial research and exchange knowledge with other journalists.

In addition, it is also important for the journalist to assess the background of the informant to find out their current situation and past traumatic experiences before conducting the whole interview and writing process.

Last, the journalist needs to prepare the list of questions. This is important in order to ensure the interview process runs smoothly in accordance with the reportage context.

#### 4 Interview process

The journalist must respect every interviewee to be interviewed, especially when the sources are the victim or the informant of TIP case. During the interview process, always ask how the sources would like to be mentioned in the writing. If a journalist is not sure about designation, he or she should still communicate respectfully and show good intention.

In addition, a journalist must not ask any questions about superficial topics, for instance questions related to hair and clothing style of the informant. A journalist must avoid clichés and assumptions and must ask for clarification without inserting personal opinion and assumption to the informants that may affect their answers. In interviewing an informant for a specific case such as a victim of sexual exploitation and trafficking, special consideration will be needed. According to the Reporting on Sexual Violence Book: A Guide for Journalists, in interviewing the victim of sexual violence, the journalists must consider the following aspects:

- Stick to the protection principles: do no harm, nondiscrimination, avoiding stereotyping and stigmatization, upholding data privacy and protection etc.
- Respect informed-consent principles. Before the interview, journalists should explain the objective of the interview. The information must include how the data will be collected and presented and what their expectation to the informant. Furthermore, there should be a complain mechanism to resolve the possible disputes that may occur between the informant and the journalist. Informants and victims have the right to refuse being interviewed or being featured in any picture or video. Upon the explanation, the journalist must obtain written consent from the victims and informants. In the sense of written consent could not be obtained, verbal consent through voice record could be used as an alternative. However, this should be the last option.
- Show empathy throughout the interview process.
- Be responsive to the informant/victim needs, including when the sources decide to stop the interview process.

- Be mindful with photos, sounds and smells which could trigger bad memories or resurface trauma. For example, an informant who is also a victim/survivor of TIP may recall her bad experiences when she sees certain picture and hear such sounds.
- Ask with open and non-judgmental questions that allow the informant/victims to share their stories.
- Remember that interviewing the informants who are victims of crimes could not be carried out in interrogations format, but in a more casual and friendly format. This interview model is needed to ensure the comfort of the informants and to avoid triggering their traumatizing situation.

Moreover, in interviewing the child informants or child victims, a journalist is required to consider several aspects as follow:

- Children must be accompanied by guardians who can represent their interests during the interview (except in special situations).
- Journalists (interviewers) must sit, stand, or squat in such a way to ensure that the journalist's face is on the same position and level with the child's face.
- The interview should be conducted in a relax manner and friendly environment. Speak softly, avoid any gesture, (whether sound or movement) that frightens and depresses children, including the presence of cameras and other technological devices.
- Questions should be directly asked to the child, not to the guardians in simple and clear languages. The guardians should only supervise and not intervene in the interview process.

- Adhere to the children rights to express their own opinions and views.
- Use open-ended questions to avoid pressure on the child.
- Questions can be repeated several times in different formats to cross-check the information and assure that the child understands the question clearly.
- When conducting a translated interview with an interpreter, journalists must closely observe the interpreter and ensure correct (and detailed) translation of what the child says. Do not let the interpreter merely function to mediate and summarize the child's answer.

#### **5** Collecting the Documentation

Photo, image, and video are important in preparing the reportage or storytelling concept. In collecting such documentation, every journalist should obtain the consent from the informant/victim upon the clear information and explanation on the consequence if their picture is published, including the potential risk.

The journalist also needs to consider victims' vulnerability and respect their traumatic experience in presenting pictures and photos. Especially if the victim is children, their rights are protected by Child Protection Law. Moreover, for the victim or informant who has traumatic experiences, their face should not be portrayed. If the journalist needs to document the informant, the picture or video should be captured from the back or side and focused on their gestures.

The similar guidelines also applied in documenting the informant/victim's voices. Even though the informant/victim agrees to have their voices recorded, alternative voice broadcast should be provided. The informant/victim may decide to reveal the real or masked voice. If the last option were chosen, the journalist could use voice over services. In addition, the voice can be replaced with text as an alternative method.

#### 6 Writing/Publishing the Article

Writing about the topic of trafficking is not just about writing down facts or events, but it must uphold ethics in writing and recognizing the vulnerability of victims' sources. In this process, journalists should ensure that their article/ report/story is accurate and based on facts.

Journalists must remember the protection principles under the Journalistic Codes of Ethic. A journalist can perform the protection principles by always protecting the victim's data, privacy and confidentiality, by avoiding discrimination, stereotyping and stigmatization, and by mitigating the risk and vulnerability which could harm the safety and security of the informants/victims. However, in relation to the detail of the perpetrator, a journalist may reveal the identity, allegation, and punishment of the perpetrator.

Writing process is a crucial phase to present the fact and to gain public support for advocacy purposes. Therefore, the selection of the term and phrase are important to ensure that the selected sentences will not imply harmful opinion and misinterpretation.

#### 7 Upon article published

One of the important measures that should be analyzed is the impact of the reportages/story/article after being released. Monitoring public reaction and response is critical to evaluate the journalistic effect and result. If the journalistic product gains positive feedback from the audience and public, this could be used as one of the opportunities to promote victim rights.

This momentum could also be used to support law enforcement officers to enhance their investigation and prosecution process. In addition, based on this monitoring process, the journalists could also determine the network and support that would leverage their effort in promoting particular interest or issue, especially on TIP issues.

4.1

Support System for Journalist

When a journalist decides to conduct an in-depth investigation on TIP case, it is essential to establish a support system from a peer, a supervisor, an editorial team, a journalist association, and media companies itself. Revealing the TIP case may also affect the safety and security of the journalist since the TIP crimes are often operated by organized crimes syndicates. Thus, protection measure for the journalists also needs to be established and strengthened.

#### 1. Peer Support

It is important to identify the colleagues and co-workers who have the same interest and concern on TIP. A peer will not only provide protection assistance but also act as a partner to discuss the finding and draw the conclusion of the investigation process. A peer support can be obtained from one media institution or other media companies which have same passion and commitment on TIP.

#### 2. Editorial Team

Support from the newsroom contributes to a solid formulation of case report. An excellent teamwork between reporters in the field and editorial team in the newsroom is important in covering TIP stories. Editors also have the power in promoting the issue of TIP and train the reporters in journalism skills.

#### 3. Journalist Association and Media Organization

Journalist Association and media organization usually will promote the protection for the journalist in revealing the truth and case. For instance, AJI is committed to protect its members while carrying out journalism duty. Since TIP is an organized crime issue, the journalist needs to join an association or organization that can provide protection services to the journalist.

#### 4. Media Companies

Securing media companies support is crucial. Not only during the investigation and writing process, but also for the sustainability of the protection assistance. The media companies have a significant role in all the investigation process.

Aside from budget allocation, media company policies and commitment to the human rights issues can be seen as assets. Every journalist should be able to identify their media company portfolio, perspective, and track-record on the human right issues and specifically on TIP crimes response.

#### Do and Don't in Developing Media Content related to TIP Issues

Do	Don't
- Avoid all act of stereotype, discrimination, and stigmatization	- Use harmful words, inappropriate and demeaning term (stereotyping and labelling) to the individual/victim
- Promote victims' rights and their protection	- Disclose all the victims' data without their consent
<ul> <li>Consider the vulnerability of the informant/victims</li> <li>Reveal the truth based on fact and situation</li> <li>Provide clear information in accountable manners</li> <li>Obtain victims' consent through providing comprehensive</li> </ul>	<ul> <li>Exploit informant case for journalists' own interest and benefit</li> <li>Write sensational news/report</li> <li>Give judgmental opinion without clear evidence</li> </ul>
information on data gathering process, data presentation, and the risk and benefit of victim's participation in the investigation process	<ul> <li>Seek victims' consent without providing clear explanation</li> <li>Judge or blame the victims</li> </ul>
- Adhere to the prejudice of innocence principle and prioritize the principle of impartiality and neutrality	- Interviewing the child informant/victims alone without any guardian
- Interview the child informant/victims together with her/ his guardian	- Ask close-ended question
- Ask open-ended question	





#### ANNEX 1

#### EXAMPLE OF INVESTIGATION REPORT ON TRAFFICKING IN PERSONS

#### Source: TEMPO Magazine, January 10, 2017

The Tragic Story of Indonesian Crew on a Taiwan Boat. TEMPO/Investigation Team

TEMPO.CO, Jakarta - TEMPO investigation and Taiwanese media The Reporter, revealed the inhumane treatment of Indonesian seamen who worked on Taiwan ships and sailed in international waters. The investigation revealed that Indonesian seamen were treated badly, worked more than 20 hours a day, and used forged seaman books.

Being undocumented, they were not protected by the Taiwanese Labour Law. They also did not get health insurance and identity cards for foreign residents. The following is the story of Indonesian seamen who became 'slaves' on Taiwan ships:

The invitation to board the ship came when Rizky Oktaviana was unemployed. One day, in 2013, a man in his village in Cirebon, West Java, visited his house. "The man promised a high salary and bonus from the captain each time the ship docks," he said last December. Rizky was persuaded, but he did not have the money requested by the "sponsor" - term for a prospective seamen broker. The broker asked for IDR 6 million (USD 428) for "administrative costs". After negotiation, it was finally agreed to IDR 2 million (USD 142).

Rizky was then sent to Bekasi, to the office of a shipping agent for crew members. There were around 50 people waiting for departure. Rizky lived with them in a 3  $\times$  4-meter room. Because of the narrowness, sleep must also take shifts and movements were limited.

While waiting, the seamen candidates were asked by the agents to improve the roads in the surrounding area. For this work, they were not paid. They were requested to reimburse the daily food costs of IDR 20 thousand (USD 1.5) per day for a rudimentary menu. Costs will be deducted from the salary on board.

The men who were born in 1990 were already reluctant to leave. But shipping documents and tickets had already been issued. Rizky was threatened by agents to pay IDR 25 million (USD 1,700) if he did not board the ship. The threat discouraged him. He was made to sign a contract with an agent.

The other deception happened during the signing. The contract was offered at night under a dim light. The seamen candidates were only given less than 10 minutes of reading time. That they would receive a salary of US \$ 200 per month was what they understood. However, he did not understand that their salary would be deducted as a guarantee that they would not escape. Given a small amount of time, he did not notice other provisions such as salaries forfeit if they did not complete the contract.

On D-day, Rizky finally flew to Cape Town, South Africa. In the waters around that place, the Homsang 26 shipping from Taiwan was waiting. On the boat, dreams that were put on sale by "sponsors" vanished. Rizky and other crew members had worked like slaves for seven months: working more than 20 hours a day, eating poorly, and being tortured if they seemed lazy.

#### ANTON SEPTIAN

#### ANNEX 2

#### EXAMPLE OF STRAIGHT NEWS ANGLES ON TRAFFICKING IN PERSONS

Source: Liputan6.com, March 6, 2014 A couple arrested for selling minors as prostitute in Kalijodo

Liputan6.com, Jakarta - Jakarta Police revealed the crime of human trafficking or trafficking in persons in Kalijodo, North Jakarta. The suspects in this case were a husband and wife with the initials of DU and SS.

"Human trafficking of several children, teenagers. They were promised to work in a Jakarta shop. Taken and transferred in a place, apparently a localization or prostitution in Kalijodo," said Head of Public Relations of the Jakarta Police Regional Police Commissioner Rikwanto at Metro Jaya Police Headquarters, Jakarta, Thursday (6 / 2/2014).

According to Rikwanto, the mode of human trafficking was to promise job as a shop assistant. But apparently these teenagers were instead transferred to the Kalijodo prostitution complex, North Jakarta. There, the suspect employed them as prostitutes.

By using the services of several brokers, the two suspects recruited several women, including minors. They came from various regions including Jakarta Special Province and West Java.

"One of them resisted, met someone, and reported to the Regional Police. At this time there were 8 women successfully and 3 minors were secured from commercial sex workers confinement," said Rikwanto.

At this time, the suspects have been interrogated and detained. "They were charged with sanctions in Law 21/2007 on the Eradication of the Criminal Act of Trafficking in Persons, Article 2 paragraph 2 with a threat of 15 years," said Rikwanto.

#### ANNEX 3

#### **EXAMPLE OF STORYTELLING ANGLES ON TRAFFICKING IN PERSONS**

#### TRAFFICKING IN PERSONS:

Protection at the Lowest Point

By: Sonya Hellen Sinomnor - 9 March 2018

The exploitative treatment of domestic workers and carers is difficult to monitor: they experience violence behind bars.

JAKARTA, KOMPAS - Alleged criminal cases of trafficking in persons continue to occur in Indonesia. In recent years, a number of women in Kalimantan, West Java, Central Java, Banten, and DKI Jakarta have become victims of trafficking in the form of ordered brides or contract marriages with men from China. This reflects the weak protection of women and law enforcement in the case.

Apart from physical and psychological violence, a number of victims of the alleged Crime of Trafficking in Persons (TIP) using the mail order bride mode also experienced sexual violence. Some of the victims managed to escape and were able to be returned to the country after asking for help from the Indonesian Migrant Workers Union (SBMI), the consulate general, or the Embassy of the Republic of Indonesia in Beijing.

"So far there have been reports of cases of TIP with order bride mode, but law enforcement officials still consider the case trivial," said the Chairman of Dewa National Leadership SBMI Hariyanto, Wednesday (10/7/2019), in Jakarta.

Hariyanto gave an example, reports of alleged TIP in West Java. The West Java Regional Police emphasized that this was included in the TPPO, but the National Police Headquarters considered that the case did not fulfill the elements of TIP. As a result, the perpetrator was free to look for victims. They dispatched brokers (matchmakers) to the regions to approach women with the lure of a better economy if they married Chinese citizens.

The portrait of the weak protection of women and law enforcement in the case of TIP is also illustrated in the 2017 US Trafficking in Persons Report (Kaleidoscope of Indonesian Citizen Protection issued by the Ministry of Foreign Affairs 2017).

#### **Poor Family**

The women who are targeted on average are from poor families, such as farming families. There are also those from problem families, for example, divorced parents. The victims accepted the offer of the broker because they wanted to change their life. Moreover, previously there were people around them who married foreigners and their economy had improved.

According to Mardiana Maya Satrini, the Integrated Service Center for Women Empowerment and Child Protection, MAHARANI Singkawang, victims of trafficking are mostly from poor families.

As experienced by M (24) from Pontianak, a victim of TIP who was successfully returned to Indonesia at the end of June 2019 after being tortured by her husband and family.

M comes from a poor family. Everyday helping her aunt in the fields. His mother is not working. Some of his younger siblings work in coffee shops and furniture stores, but they don't earn much. An offer from a matchmaker to marry a man from China made M accept her in the hope of improving the family's economy. Moreover, he was promised that he could send money to his parents in Pontianak and be able to return to Indonesia at any time. "He said that after arriving in Shijiazhuang, three months later there would be a formal marriage. But that never happened, "he said.

When she just arrived in China, she was forced to serve her husband even though he was menstruating. His in-laws did not accept it and stripped him of his clothes, then sentenced him to sleep all night outside the house, even though it was winter. After that, his days were full of misery because he was made to work on crafts and his in-laws took the salary.

Likewise F (31), a resident of Singkawang, West Kalimantan, a victim of trafficking in persons who married a Taiwanese. Her family works on rented land and lives in a simple rental house on the outskirts of the city of Singkawang. The income from selling fruit and vegetables is meager to support them.

This condition made him determined to go to Taiwan in 2005 to improve the family's economy. However, after being in Taiwan, she was not treated like a wife by her husband.

SBMI has been handling cases of trafficking in persons using order bride mode since 2016. Until now, the organization has handled cases of 23 victims of TIP with order bride mode with a man from China. The majority of victims (20 people) came from West Kalimantan (Pontianak, Sintang Sambas, Sanggau, Mempawah, Kubu Raya, and other districts), the rest were from West Java, Banten, and DKI Jakarta.

The victims were mainland Chinese women aged 20-30 years. Of the 20 victims who complained to SBMI, 10 of them were successfully repatriated to Indonesia, 6 of them are still in China (including 2 who were at the Indonesian Embassy in Beijing). Some of the victims only had visitor visas and did not undergo formal marriages in Indonesia or in China.

The network of TIP actors in the order bride mode works neatly. The perpetrators are in two countries. Perpetrators in China look for Chinese men who need women, while there are three groups of perpetrators in Indonesia. Mahadir, Chairman of the DPC SBMI Mempawah, gave an example of a network in West Kalimantan that was tasked with recruiting victims, arranging engagements, and managing documents in the regions; the perpetrator in Jakarta took care of the visa and the victim's departure to China.

"This is a big business because the family of the bride and groom is subject to costs of Rp. 400 million to Rp. 500 million. In fact, the victim was only given a dowry of Rp. 15 million to Rp. 25 million. The rest of the fees for recruiting, engaged, and handling documents. They have contacts in Jakarta, including when applying for visas, "said Bobby, Secretary General of DPN SBMI.

Deputy for Protection of Women's Rights at the Ministry of Women's Empowerment and Child Protection Vennetia R. Danes said that the mode of trafficking in persons is sophisticated and it is difficult to break the chains.

"According to Thaufik Zulbahary, commissioner of Komnas Perempuan, the issue of trafficking in persons using the order bride mode has escaped public attention." If marriage becomes the mode of TIP, it must be prevented and law enforcement must be carried out so that there is a deterrent effect on the perpetrators, "he said.

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