

**Aspects of Gender and Migration:
Women in Precarious Constellations
Identifying the Women in Indonesian
Labour Migration**

Sylvia Yazid, PhD

Paper presented in TU Dortmund, Germany as Visiting Professor
during Gambrinus Fellowship Program, 24 March-10 May 2013

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Abstract

This paper is concerned with two main issues. The first is that of Indonesian women working abroad in the informal sector, mostly as domestic workers. The second issue of concern is the potentials of other women stakeholders - such as the successful ex-migrants, the activists, the politicians, the parliamentarians, and many others – in addressing issues faced by women migrant workers. Departing from the notion that it is important to go beyond seeing women as “passive actors” within the context of labour migration, this paper is an initial attempt to identify the women who have the potentials to play significant roles in the protection of Indonesian women migrant workers.

Introduction

According to the International Labour Organization, as for 2013, out of the approximately 175 million migrants around the world, half of them are workers and almost half of the migrant workers are women.² It is also noted that around 15% of the workers have irregular status. These numbers are presented at the beginning of this work to put into context the urgency of the issue of women migrant workers, particularly those coming from Asian countries like Indonesia. Although migration occurs in virtually all parts of the world, authors like Ronaldo Munck³ and Nicola Piper⁴ have pointed out that significant flows occur more within southern regions like Asia.

This paper is concerned with two main issues. The first issue is that of Indonesian women working abroad in the informal sector, mostly as domestic workers. According to the data from National Authority for the Placement and Protection of Indonesia Overseas Workers or Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia (BNP2TKI) for the year 2006-2012, out of the total 3,998,592 workers placed abroad, 3,048,267 are women.⁵ There is no official record available on the exact number of those working as domestic

¹ Paper presented in TU Dortmund, Germany as Visiting Professor during Gambrinus Fellowship Program, 24 March-10 May 2013.

² -. 2013. *Migrant workers* [Online]. Available: <http://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/migrant-workers/lang--en/index.htm> [Accessed 20 February 2013].

³ MUNCK, R. 2009. Globalisation, Governance and Migration: an introduction. *In*: MUNCK, R. (ed.) *Globalisation and migration : new issues, new politics*. London ; New York: Routledge.

⁴ PIPER, N. Ibid. *Feminisation of Migration and the Social Dimensions of Development: the Asian case*.

⁵ -. 2013b. *Penempatan Berdasarkan Jenis Kelamin (2006-2012)* [Online]. Available: <http://www.bnp2tki.go.id/statistik-mainmenu-86/penempatan/6758-penempatan-berdasarkan-jenis-kelamin-2006-2012.html> [Accessed 20 February 2013].

workers but the data from BNP2TKI also show that house maid and care taker, jobs generally taken by women, are among the top three jobs for Indonesians working abroad.⁶ The temporary, contract-based and informal nature of these women's work has differentiated them from other migrant workers. Moreover, the fact that they work in isolation in households, considered a private sphere, makes them vulnerable to abuse. Unfortunately, these conditions are not adequately recognized in most labour legislation and policies, whether in sending or receiving countries.⁷

A significant number of studies have made this feminization of labour migration as the focus or at least a major element of their discussions. However, in those studies, women have been portrayed mainly as the "victim" of mal-practice of labour migration process. This paper departs from the notion that it is important to go beyond seeing women as "passive actors" within the context of labour migration. Thus the second issue of concern is the potentials of other women stakeholders - such as the successful ex-migrants, the activists, the politicians, the parliamentarians, and many others – in addressing issues faced by women migrant workers.

Labour Migration of Indonesian Women, How It Began

Labour mobility in Asia can be traced back in history to the colonial era in the early 19th century when labour was moved from one place to another to work on construction projects and in plantations and mines. This earlier form of migration was less restricted than today and migrants tended to move permanently which led to settlement in the destination areas.⁸ During the post-independence era of economic development, earlier bodies of research on Asian labour migration focused more on internal migration which mainly involves labour migration from rural to urban areas. Since the 1980s, the trend shifted more toward labour migration between Asian countries and by the early 1990s almost all countries in the region

⁶ -. 2013a. *Penempatan Berdasar Jabatan (2007-2012)* [Online]. Available: <http://www.bnptki.go.id/statistik-mainmenu-86/penempatan/6759-penempatan-berdasar-jabatan-2007-2012.html> [Accessed 20 February 2013].

⁷ HUGO, G. 1992. Women on the move: changing patterns of population movement of women in Indonesia. In: CHANT, S. H. (ed.) *Gender and migration in developing countries*. London: Belhaven Press, YAMANAKA, K. & PIPER, N. 2005. *Feminized Migration in East and Southeast Asia: Policies, Actions and Empowerment. United Nations Research Institute for Social Development (UNRISD) Occasional Paper* [Online], 11. Available: [http://www.unrisd.org/unrisd/website/document.nsf/462fc27bd1fce00880256b4a0060d2af/06c975dec6217d4ec12571390029829a/\\$FILE/OP11%20web.pdf](http://www.unrisd.org/unrisd/website/document.nsf/462fc27bd1fce00880256b4a0060d2af/06c975dec6217d4ec12571390029829a/$FILE/OP11%20web.pdf) [Accessed 30 July 2006].

⁸ KAUR, A. 2006. *Managing the Border: Regulation of International Labour Migration and State Policy Responses to Global Governance in Southeast Asia. 16th Biennial Conference of the Asian Studies Association of Australia*. Wollongong., p. 2

were involved in the sending and receiving of migrant workers.⁹ Furthermore, as noted by Ball and Piper¹⁰ the economic booms of the 1980s and 1990s led to increased demand in some countries for short-term contract workers for the service sector, resulting in the growing number of women migrating to work in entertainment and domestic service, a phenomenon known as the feminization of labour migration.

In the 1970s, labour migration from Indonesia has been individual through unofficial channels, mainly to Malaysia and Saudi Arabia. The labour migrations to Saudi Arabia were conducted under pilgrimage (haj) scheme, while the ones to Malaysia were more random with people crossing the borders without proper documents.¹¹ In the 1980s, the government of Indonesia decided to start developing its overseas labour contract programme by regulating it through government's regulation and involving the private sector.¹² Since then, Indonesia has set and included targets for sending workers overseas in its five-year economic development plans. Despite the limited and unreliable records on labour migration, particularly of the undocumented type, a general indication of the trend for Indonesian workers' placement overseas can be found in the gender categorized data presented in Table 1. Migration of Indonesian workers has also reached various corners of the world. So far, the biggest numbers are concentrated in two regions, Asia Pacific and the Middle East.¹³ It also needs to be noted that most of the data used in this paper is mainly taken from the government's website. Thus, it only represents those who migrate through official channels, not including those who migrate illegally and those who migrate to countries that do not have bilateral agreements or Memoranda of Understanding with Indonesia on placement of migrant workers.

Table 1 Placement of Indonesian Workers Overseas 1994-2012

Year	Sex		Total
	Male	Female	

⁹ YAMANAKA, K. & PIPER, N. 2005. Feminized Migration in East and Southeast Asia: Policies, Actions and Empowerment. *United Nations Research Institute for Social Development (UNRISD) Occasional Paper* [Online], 11. Available:

[http://www.unrisd.org/unrisd/website/document.nsf/462fc27bd1fcee00880256b4a0060d2af/06c975dec6217d4ec12571390029829a/\\$FILE/OP11%20web.pdf](http://www.unrisd.org/unrisd/website/document.nsf/462fc27bd1fcee00880256b4a0060d2af/06c975dec6217d4ec12571390029829a/$FILE/OP11%20web.pdf) [Accessed 30 July 2006]., p. 2

¹⁰ BALL, R. & PIPER, N. 2006. Trading labour-trading rights: The regional dynamics of rights recognition for migrant workers in the Asia-Pacific. In: HEWISON, K. & YOUNG, K. (eds.) *Transnational Migration and Work in Asia*. Abingdon, Oxon, New York: Routledge., p. 214

¹¹ -. 2011. *Sejarah Penempatan TKI Hingga BNP2TKI* [Online]. Available: <http://www.bnptki.go.id/berita-mainmenu-231/berita-foto-mainmenu-31/4054-sejarah-penempatan-tki-hingga-bnp2tki-.html> [Accessed 11 February 2013].

¹² -. Ibid. [Accessed].

¹³ Complete data available at www.nakertrans.go.id

1994	42,833	132,354	175,187
1995	39,102	81,784	120,886
1996	228,337	288,832	517,169
1997	39,309	195,944	235,253
1998	90,452	321,157	411,609
1999	124,828	302,791	427,619
2000	137,949	297,273	435,222
2001	55,206	239,942	295,148
2002	116,786	363,607	480,393
2003	80,041	213,824	293,865
2004	84,075	296,615	380,690
2005	149,265	325,045	474,310
2006	138,040	541,960	680,000
2007	152,030	544,716	696,746
2008	148,545	496,186	644,731
2009	103,126	529,046	632,172
2010	124,601	451,202	575,803
2011	205,054	376,027	581,081
2012	78,929	109,130	188,059

Source: National Authority for the Placement and Protection of Indonesian Overseas Workers¹⁴

Substantial attention toward feminization of labour migration has been due to factors such as the rapid increase in the number of women working outside their countries, the micro and macro economic significance and the problematic nature of their work overseas, particularly those in informal sector.¹⁵ While unpaid salary and undocumented¹⁶ status may apply to both male migrants who work in plantations, building sites, or factories and female migrants who work as domestic workers, the condition is often worsened for domestic workers by abuses and confinement.

In understanding issues related to Indonesian women labour migration, one should first be informed about the conditions in both sending and receiving countries, also known as “push-pull” factors, which motivate them to migrate. The push factors in sending countries like

¹⁴ -. 2013b. *Penempatan Berdasarkan Jenis Kelamin (2006-2012)* [Online]. Available: <http://www.bnp2tki.go.id/statistik-mainmenu-86/penempatan/6758-penempatan-berdasarkan-jenis-kelamin-2006-2012.html> [Accessed 20 February 2013].

¹⁵ Discussion on the problems commonly faced by Indonesian women migrant workers at every stage of their migration process, i.e.: pre-departure, during employment, and post-employment abroad can be found in YAZID, S. 2010. *Responding to Democratisation and Globalisation: NGOs Influence on Indonesia's Policies on Labour Migration*. PhD, Monash University.

¹⁶ Various terms are used to refer to migrant workers whose migration is problematic. The more common terms used by academics and activists are undocumented or irregular migrants. The term illegal migrants is commonly used by the government, particularly that of receiving country. Different terms are used due to the varied views about what causes the migration problems and how it affects the migrants' status. Those against the use of the term “illegal migrants” argue that these workers are not illegal as human beings. At a certain point in their migration, they may not hold the proper documents required but in many cases it is not the workers' fault. A possible case is that a domestic worker had to run away from her abusive employer but since her passport is held by the employer or the agent, she becomes undocumented.

Indonesia are mainly the inability of the states to accommodate the growing labour force and the significant contribution of migrant workers' remittances to national income. As displayed in Table 2 remittances have grown from 0.1% GDP in 1990 to 1.3% in 2008. It has been claimed by many, including the government, that migrant workers' remittances are the second biggest contributor to Indonesia's national income, after oil and gas. The fluctuation of the figure indicates the dynamic within the migration process. As a more recent example, the figure dropped from \$ 2.24 billion in 2011 to \$2.34 billion in the first half of 2012. It is assumed that this was related to the moratorium on sending workers to a number of countries around that time.¹⁷

Table 2 Indonesian Workers' Remittances

Year	Remittance in US\$ million	% of GDP
1990	166	0.1
1991	130	0.1
1992	229	0.2
1993	346	0.2
1994	449	0.3
1995	651	0.3
1996	796	0.4
1997	725	0.3
1998	958	1.0
1999	1,109	0.8
2000	1,190	0.7
2001	1,046	0.7
2002	1,259	0.6
2003	1,489	0.6
2004	1,866	0.7
2005	5,420	1.9
2006	5,722	1.6
2007	6,174	1.4
2008	6,795	1.3

Source: Data from the World Bank¹⁸

The benefit from the migration of Indonesian women to temporarily work abroad is quite wide ranged. With their new spending powers, women migrant workers also contribute to the

¹⁷ -. 2013a. Remittances From Indonesian Migrant Workers Down by 4.2% Due to Moratorium. *The Jakarta Globe*, 14 August 2012.

¹⁸ -. 2010. *Remittances Data* [Online]. Available: <http://econ.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTDECPROSPECTS/0,,contentMDK:21352016~pagePK:64165401~piPK:64165026~theSitePK:476883,00.html> [Accessed 11 February 2010]. These are only the officially tracked remittances, transferred through the banking system. The data do not include income brought into the country by the migrant workers in cash form.

economies of their villages by creating demand for goods and services. This explains the growth of small businesses like telecommunication kiosks, transportation, banking and many others in some origin villages in Indonesia.¹⁹ A number of “successful” returning migrant workers have even been able to start new businesses with the capital that they gathered during their employment abroad. Therefore, nationally, migrant workers are acknowledged as “*pahlawan devisa*” (foreign exchange heroes) for their contribution to the national economy through their remittances

Meanwhile, in receiving countries, the main pull factor has been labour shortage in certain occupations. As observed by Yamanaka and Piper, in countries like Singapore, Malaysia, Hong Kong, Taiwan, Korea and Japan, better educated women have shifted to managerial and professional occupations.²⁰ Therefore, to fulfill traditional feminine roles such as taking care of the household, the children and the elderly left by these women, domestic workers are acquired from neighbouring countries such as the Philippines, Indonesia, Vietnam, Pakistan, and Bangladesh. Although based on receiving country standards domestic workers are poorly paid, they earn considerably more than they would at home. As an illustration, in 2009, the average salary for domestic workers in Indonesia was around \$40 per month while the initial salary for Indonesian working as domestic worker in Malaysia was between \$140 to \$175.²¹ The significant salary difference, which is highly related to the economic disparity between countries particularly those within the Asia region, has continuously motivated Indonesian women to migrate. In short, demand for labour in receiving countries is met by supply of excess labour in sending countries.

¹⁹ KOMNAS PEREMPUAN & SOLIDARITAS PEREMPUAN/CARAM INDONESIA 2003. *Indonesian Migrant Domestic Workers: Their Vulnerabilities and New Initiatives for the Protection of Their Rights (Indonesian Country Report to the UN Special Rapporteur on the Human Rights of Migrants, 2003)*, Jakarta, Komnas Perempuan (Indonesian National Commission on Violence against Women) and Solidaritas Perempuan/CARAM Indonesia., p. 10

²⁰ YAMANAKA, K. & PIPER, N. 2005. Feminized Migration in East and Southeast Asia: Policies, Actions and Empowerment. *United Nations Research Institute for Social Development (UNRISD) Occasional Paper* [Online], 11. Available:

[http://www.unrisd.org/unrisd/website/document.nsf/462fc27bd1fce00880256b4a0060d2af/06c975dec6217d4ec12571390029829a/\\$FILE/OP11%20web.pdf](http://www.unrisd.org/unrisd/website/document.nsf/462fc27bd1fce00880256b4a0060d2af/06c975dec6217d4ec12571390029829a/$FILE/OP11%20web.pdf) [Accessed 30 July 2006]., p. 3

²¹ -. 23 November 2009. DPR Akan Godok UU PRT. *Antara News*, 23 November 2009. -. 13 September 2009. KBRI Tetap Pertahankan Gaji PRT 600 Ringgit. *Antara News*, 13 September 2009. In other receiving countries they earn even more, around \$575 in HongKong, \$259 in Singapore, \$580 in Taiwan, \$199 in Saudi Arabia, \$430 in Kuwait It also needs to be noted that one of the factors that make Indonesian domestic workers quite popular in Malaysia is their low salary. As a comparison, in 2008, the salary rate for domestic workers from Vietnam in Malaysia was already around \$265 and \$495 for those from the Philippines -. August 2008. PRT Indonesia di Malaysia Paling Diminati, Paling Murah. *Caraka*, August 2008..

The Problems

The problems faced by women migrant workers, including those from Indonesia, have been explored in the extensive body of literature on this subject.²² This section covers some of the common problems faced by Indonesian women migrant workers at all stages of their migration process.²³ As asserted by Young²⁴ and Chant²⁵, compared to men, migrant women have more limited access to jobs because most of those who migrate are unskilled or semi-skilled. This has limited their choice of work to low-status and poorly paid employment in the informal and service sectors. In most cases, they are forced to do 3Ds (dirty, degrading and dangerous) work on temporary and short-term contracts. The problems faced by Indonesian women domestic workers occur throughout their migration process and they are interconnected: a wrong-doing or violation at one stage will most probably cause problems later. Figure 1 illustrates the stages that a women migrant worker usually has to go through, ranging from pre-recruitment to the aftermath of working abroad. Although this diagram specifically deals with the migration process to Malaysia, the process of migration described generally applies to most Indonesian women migrating to work overseas, particularly as domestic workers.

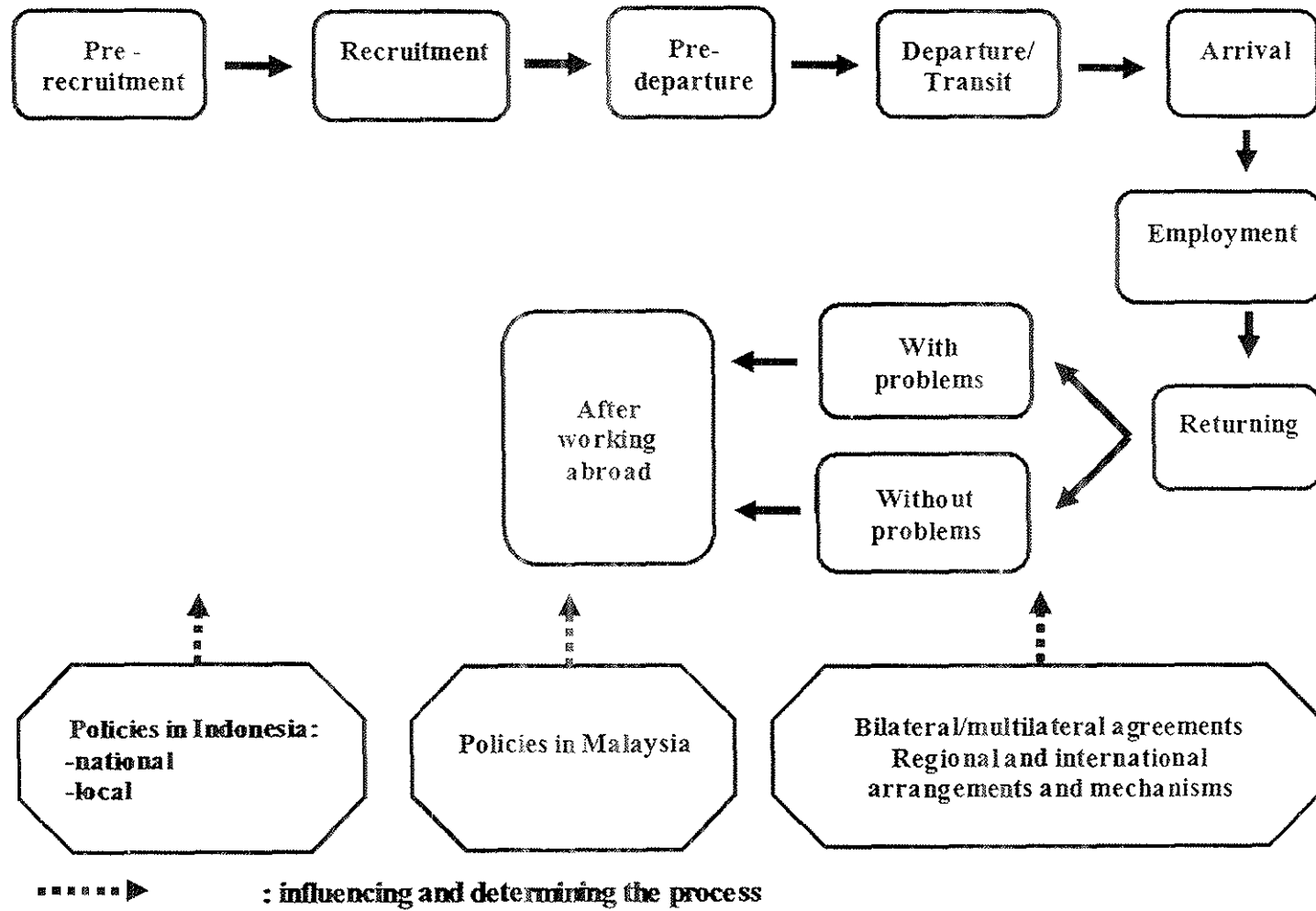
²² JONES, S. 2000. *Making money off migrants : the Indonesian exodus to Malaysia*, Hong Kong Wollongong, N.S.W., Capstrans, University of Wollongong Asia., CHIN, C. B. N. 2002. The 'Host' State and the 'Guest' Worker in Malaysia: Public Management and Migrant Labour in Times of Economic Prosperity and Crisis. *Asia Pacific Business Review*, 8, 19-40., KOMNAS PEREMPUAN & SOLIDARITAS PEREMPUAN 2002. *Indonesian Migrant Workers: Systematic Abuse at Home and Abroad*, Jakarta, Komnas Perempuan (Indonesian National Commission on Violence against Women) and Solidaritas Perempuan/CARAM Indonesia., KOMNAS PEREMPUAN & SOLIDARITAS PEREMPUAN/CARAM INDONESIA 2003. *Indonesian Migrant Domestic Workers: Their Vulnerabilities and New Initiatives for the Protection of Their Rights (Indonesian Country Report to the UN Special Rapporteur on the Human Rights of Migrants, 2003)*, Jakarta, Komnas Perempuan (Indonesian National Commission on Violence against Women) and Solidaritas Perempuan/CARAM Indonesia., HRW 2004. *Help Wanted: Abuses Against Female Migrant Domestic Workers in Indonesia and Malaysia*. Human Rights Watch., HUGO, G. 2005. Indonesian International Domestic Workers: Contemporary Developments and Issues. In: HUANG, S., YEOH, B. S. A. & NOOR ABDUL, R. (eds.) *Asian women as transnational domestic workers*. Singapore: Marshall Cavendish Academic., PIGAY, N. 2005. *Migrasi tenaga kerja internasional : sejarah, fenomena, masalah dan solusinya*, Jakarta, Putaka Sinar Harapan., ANGGRAENI, D. 2006. *Dreamseekers : Indonesian women as domestic workers in Asia*, Jakarta, Equinox Pub. : International Labour Organization., KAUR, A. 2007. *International Labour Migration in Southeast Asia: Governance of Migration and Women Domestic Workers Intersections: Gender, History and Culture in the Asian Context*.

²³ See YAZID, S. 2010 for more detailed discussion on the problems faced by Indonesian women migrant workers.

²⁴ YOUNG, K. 2006. Globalization and the changing management of migrating service workers in the Asia-Pacific. In: HEWISON, K. & YOUNG, K. (eds.) *Transnational Migration and Work in Asia*. Abingdon, Oxon, New York: Routledge. P. 21

²⁵ CHANT, S. 1992. Conclusion: towards a framework for the analysis of gender-selective migration. In: CHANT, S. H. (ed.) *Gender and migration in developing countries*. London: Belhaven Press., p. 204

Figure 1 Stages of Working in Malaysia for Indonesian Women Migrant Workers



Pre-recruitment

As elaborated by Yazid²⁶, pre-recruitment period refers to the period before prospective women migrant workers meet the recruiters or even embrace the idea of working overseas. This is the stage where some of the main roots of the problems exist and need to be addressed. One of the main roots is the issue of land loss. Land may have become unproductive due to environmental destruction or the villagers may have lost ownership of their lands for various reasons. This leads to poverty and unavailability of income generating jobs which are powerful factors that motivate people to seek alternative sources of income, including seeking for employment abroad. Yazid assumes that people will be less tempted to seek jobs abroad if adequately paid jobs are available locally. However, when working as domestic workers in the country is as risky and as unprotected²⁷ as doing the job overseas, many would opt to work overseas where they are paid much higher. Yazid also argues that under educated and ill informed people are more likely to be at risk. Unscrupulous individual recruiters usually target poor areas inhabited by unemployed, low educated and un- or ill-informed people of working age.²⁸ Without proper monitoring, these local recruiters may provide false information for the sake of their business interests which may trick the women to migrate in a way that endangers them.

Recruitment

Women living in the above condition rarely have direct access to employment abroad.²⁹ This is where networks of recruiters or middlemen, usually known as *calo* or sponsor or brokers, usually play significant roles by “recruiting” potential migrants to be sent to local or national recruitment or labour agencies. As these recruiters receive commission from labour agencies based on the number of workers they can recruit³⁰, in reaching their target, they frequently ignore certain requirements for overseas employment such as minimum age. They also conduct bad practices by collecting fees without actually assisting the migration process, giving loans with high interest, faking documents, trading migrant workers, and even committing sexual harassment.³¹

²⁶ YAZID, S. 2010. *Responding to Democratisation and Globalisation: NGOs Influence on Indonesia's Policies on Labour Migration*. PhD, Monash University.

²⁷ Up to the beginning of 2013 Indonesia is yet to pass a law on the protection of domestic workers.

²⁸ In fact, in some instances, recruiters at the village level are the ones who introduce the idea of migrating to the rural women HUGO, G. 2005. Indonesian International Domestic Workers: Contemporary Developments and Issues. In: HUANG, S., YEOH, B. S. A. & NOOR ABDUL, R. (eds.) *Asian women as transnational domestic workers*. Singapore: Marshall Cavendish Academic. These individual recruiters become dangerous when they operate in remote areas, away from the monitoring coverage of authorities and/or migrant workers' advocates, and take advantage of the people's lack of knowledge about the migration process and its requirements.

²⁹ KAUR, A. 2006. Managing the Border: Regulation of International Labour Migration and State Policy Responses to Global Governance in Southeast Asia. *16th Biennial Conference of the Asian Studies Association of Australia*. Wollongong, p. 15

³⁰ HRW 2004. Help Wanted: Abuses Against Female Migrant Domestic Workers in Indonesia and Malaysia. Human Rights Watch., p. 26

³¹ KOMNAS PEREMPUAN & SOLIDARITAS PEREMPUAN/CARAM INDONESIA 2003. *Indonesian Migrant Domestic Workers: Their Vulnerabilities and New Initiatives for the Protection of Their Rights (Indonesian Country Report to the UN Special Rapporteur on the Human Rights of Migrants, 2003)*, Jakarta,

Officially, employment for Indonesian domestic workers abroad should be obtained through licensed labour agencies.³² However, monitoring from the government has been minimum and there are hundreds of licensed labour agencies in Indonesia, not including those operating illegally. There were cases where licenses were suspended or cancelled when the agency cheated workers or broke any regulations but with the weak monitoring system it is difficult to identify or penalize such agencies and even more, suspended agencies can continue their operations simply by establishing new companies.

Pre-departure

Fees

While poverty might be one of the push factors of migration, Kaur³³ argued that those who migrate to work abroad are not necessarily the poorest among the poor, since they still need to have a substantial amount of money to fund their migration. Semi-skilled and unskilled workers have to meet various costs which may include agency fees, insurance fees, a bank guarantee and a one way air ticket.³⁴ Women who migrate as domestic workers might not have to pay the fees in advance because the common practice is to have the first four or five months of the migrant workers' salary deducted to pay for the loan given to cover the fees and all their needs during the recruitment process. This leads to the migrant workers receiving little or no payment for their work.

Medical checkup

In some receiving countries like Malaysia it is mandatory for migrant workers to have medical check-ups before entering, usually for pregnancy, HIV/AIDS, malaria and tuberculosis.³⁵ If conducted properly, medical records may be used as a basis to determine the appropriate working conditions and workload for a particular worker and can also be useful in case of emergencies. However, there are instances when the result of medical check-up is used as a basis to deny entry to a country or cancel employment or charge the prospective migrant workers extra fees. Migrant workers' advocates have also criticized how the check-ups are conducted without enough explanation to the migrant workers³⁶

Komnas Perempuan (Indonesian National Commission on Violence against Women) and Solidaritas Perempuan/CARAM Indonesia., p. 15

³² In practice, there have been Malaysian employers who personally come to Indonesia to hire domestic workers. As explained further in Chapter 8, Malaysia would like this practice to continue.

³³ KAUR, A. 2006. *Managing the Border: Regulation of International Labour Migration and State Policy Responses to Global Governance in Southeast Asia. 16th Biennial Conference of the Asian Studies Association of Australia.* Wollongong., p. 6

³⁴ *Ibid.*, p. 15

³⁵ KOMNAS PEREMPUAN & SOLIDARITAS PEREMPUAN 2002. *Indonesian Migrant Workers: Systematic Abuse at Home and Abroad*, Jakarta, Komnas Perempuan (Indonesian National Commission on Violence against Women) and Solidaritas Perempuan/CARAM Indonesia., p. 21, HRW 2004. *Help Wanted: Abuses Against Female Migrant Domestic Workers in Indonesia and Malaysia.* Human Rights Watch., p. 22

³⁶ KOMNAS PEREMPUAN & SOLIDARITAS PEREMPUAN 2002. *Indonesian Migrant Workers: Systematic Abuse at Home and Abroad*, Jakarta, Komnas Perempuan (Indonesian National Commission on Violence against Women) and Solidaritas Perempuan/CARAM Indonesia., p. 22

and how instead of treated confidentially, the results are usually given directly to the labour agencies³⁷.

Training centres

As required by law that Indonesian citizens going overseas as domestic workers have to undergo pre-departure training. More established labour agencies usually have their own training facilities while those who do not will contract out. Training usually covers skills such as housekeeping, childcare, and language skills.³⁸ Unfortunately, not all the curricula are well-developed, the quality of the training is often low, not all training centres are well-equipped and many labour agencies tend to “simplify” the training to meet their placement quota and lower the cost.

While the prospective women migrant workers undergo training, the labour agencies take care of requirements such as medical check-ups, passports, temporary employment visas, insurance, and approval from the MoMT (MoMT).³⁹ At the same time, these workers are being selected by receiving countries’ agents, usually on the basis of their biodata.⁴⁰ Based on regulations the length of the stay in the training centres should not exceed three months.⁴¹ However, there are cases where prospective women migrant workers have to stay much longer than that which often leads to deeper debt entrapment⁴² to pay for their daily needs which are not covered by the agencies, contributing further to their salary deduction.

The women migrant workers’ suffering is often worsened by poor conditions in some training centres. The MoMT has set minimum standards for space, food and sanitation but since monitoring is infrequent or lacking, overcrowded centres with inadequate sleeping facilities, lack food and water and limited toilets and showers are still to be found. Issues have also arisen from the way these women are treated while they are in the training centres. Those who become ill often do not receive

³⁷ HRW 2004. Help Wanted: Abuses Against Female Migrant Domestic Workers in Indonesia and Malaysia. Human Rights Watch., p. 23

³⁸ Ibid., p. 24, KOMNAS PEREMPUAN & SOLIDARITAS PEREMPUAN 2002. *Indonesian Migrant Workers: Systematic Abuse at Home and Abroad*, Jakarta, Komnas Perempuan (Indonesian National Commission on Violence against Women) and Solidaritas Perempuan/CARAM Indonesia., p. 21

³⁹ HRW 2004. Help Wanted: Abuses Against Female Migrant Domestic Workers in Indonesia and Malaysia. Human Rights Watch., p. 24

⁴⁰ NAGIB, L. 2001. *Studi Kebijakan Pengembangan Pengiriman Tenaga Kerja Wanita ke Luar Negeri*, Jakarta, Kantor Menteri Negara Pemberdayaan Perempuan & Puslitbang Kependudukan dan Ketenagakerjaan Lembaga Ilmu Pengetahuan Indonesia., p. 17

⁴¹ KOMNAS PEREMPUAN & SOLIDARITAS PEREMPUAN 2002. *Indonesian Migrant Workers: Systematic Abuse at Home and Abroad*, Jakarta, Komnas Perempuan (Indonesian National Commission on Violence against Women) and Solidaritas Perempuan/CARAM Indonesia., p. 10, NAGIB, L. 2001. *Studi Kebijakan Pengembangan Pengiriman Tenaga Kerja Wanita ke Luar Negeri*, Jakarta, Kantor Menteri Negara Pemberdayaan Perempuan & Puslitbang Kependudukan dan Ketenagakerjaan Lembaga Ilmu Pengetahuan Indonesia., p. 38

⁴² KOMNAS PEREMPUAN & SOLIDARITAS PEREMPUAN 2002. *Indonesian Migrant Workers: Systematic Abuse at Home and Abroad*, Jakarta, Komnas Perempuan (Indonesian National Commission on Violence against Women) and Solidaritas Perempuan/CARAM Indonesia., p. 10

proper treatment.⁴³ HRW has documented how women are verbally, physically and sexually abused in the training centres often in exchange for favours such as faster placement.⁴⁴ Also, women in the training centres are usually restricted from leaving the facilities. While labour agencies argued that this is done to protect the women⁴⁵, obviously, it can also be seen as related to profit safeguarding because they will not want to lose their investment. Another mis-conduct is when labour agencies told the women to work as maids in local households while waiting for their placement, claiming it as part of the training programme.⁴⁶ Some women are paid for doing this but frequently their wages are taken by the agencies.

Documents and requirements

The Indonesian official labour migration system is known for its long process, high cost and complex requirements.⁴⁷ Commonly, the documents required for migrating to work overseas from Indonesia are passport, working visa, tickets and insurance. One document is a prerequisite for another and the actual process for each document usually takes longer than the officially stated time. There are also cases where documents are altered to meet certain requirements such as minimum and maximum age.⁴⁸ In conducting these practices and to speed up the paperwork processes, labour agencies usually have to provide bribes and pay unofficial fees to the authorities⁴⁹ which in many cases are charged to the women migrant workers as extra fees.

Another risk potential condition is when the prospective migrant workers are not aware that some parts of their migration process have contravened the regulations, risking their legal status. As an example, in order to speed up the process, applications are made out for the workers to receive short-term visitor visas, instead of two-year temporary employment visas.⁵⁰ This is one example of how women migrant workers may become “illegal” or undocumented eventhough they went through official migration process.

⁴³ KOMNAS PEREMPUAN & SOLIDARITAS PEREMPUAN/CARAM INDONESIA 2003. *Indonesian Migrant Domestic Workers: Their Vulnerabilities and New Initiatives for the Protection of Their Rights (Indonesian Country Report to the UN Special Rapporteur on the Human Rights of Migrants, 2003)*, Jakarta, Komnas Perempuan (Indonesian National Commission on Violence against Women) and Solidaritas Perempuan/CARAM Indonesia., p. 18

⁴⁴ HRW 2004. *Help Wanted: Abuses Against Female Migrant Domestic Workers in Indonesia and Malaysia*. Human Rights Watch., p. 34-35

⁴⁵ *Ibid.*, p. 32-33

⁴⁶ *Ibid.*, p. 35

⁴⁷ *Ibid.*, p. 25

⁴⁸ *Ibid.*, p. 29 Age alteration occurs to make the women appear older or younger than their actual age.

⁴⁹ KOMNAS PEREMPUAN & SOLIDARITAS PEREMPUAN/CARAM INDONESIA 2003. *Indonesian Migrant Domestic Workers: Their Vulnerabilities and New Initiatives for the Protection of Their Rights (Indonesian Country Report to the UN Special Rapporteur on the Human Rights of Migrants, 2003)*, Jakarta, Komnas Perempuan (Indonesian National Commission on Violence against Women) and Solidaritas Perempuan/CARAM Indonesia., p. 18

⁵⁰ HRW 2004. *Help Wanted: Abuses Against Female Migrant Domestic Workers in Indonesia and Malaysia*. Human Rights Watch., p. 26-27

Lack of information

Indonesian domestic workers may also face problems due to their lack of information. Many of the women migrant workers have minimal information about their labour agents. As I found out through my conversations with some of the abused Indonesian women domestic workers accommodated at the shelter in Indonesia's Embassy in Kuala Lumpur, many of them only knew the first name of their agents. This makes it difficult to make the agencies accountable when the women face problems during their employment. Also, as documented by HRW⁵¹ there are cases where labour agents give vague or no information about the duration of training, salary, workload and where to go and what options are available for the migrant workers in the case of abuses or other problems.

Departure/Transit

After being prepared by Indonesian labour agencies, prospective migrant workers are selected by Malaysian labour agencies and or employers. This is when discrimination practices may occur. Indonesian women domestic workers are not only promoted and selected by Malaysian labour agencies based on their skills, but also on characteristics like age, weight, height, complexion, marital status, and number of children.⁵² In this manner, as argued by migrant labour rights advocates, women domestic workers are considered more as tradable goods, than as human beings.

The most recent case that was blown up in the media was the "Maid for Sale" case. It began when an advertisement as displayed in Figure 2 below was found by migrant workers' advocate in Malaysia.

Figure 2 "Maid for Sale" Advertisement



Source: *Malaysia Chronicle*⁵³

Similar advertisements were also found in Singapore. The main concern is that Indonesian women migrant workers have been treated as trade commodity. While these "sale" advertisements were

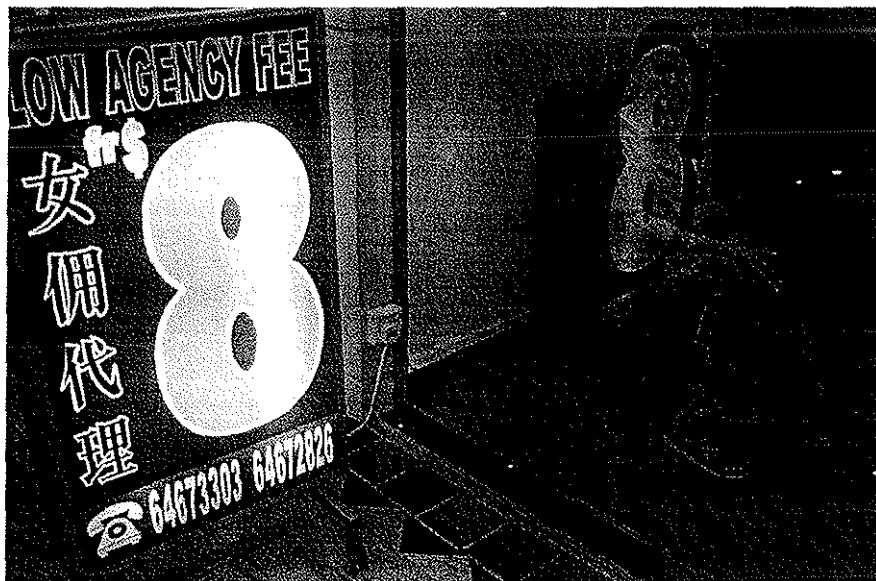
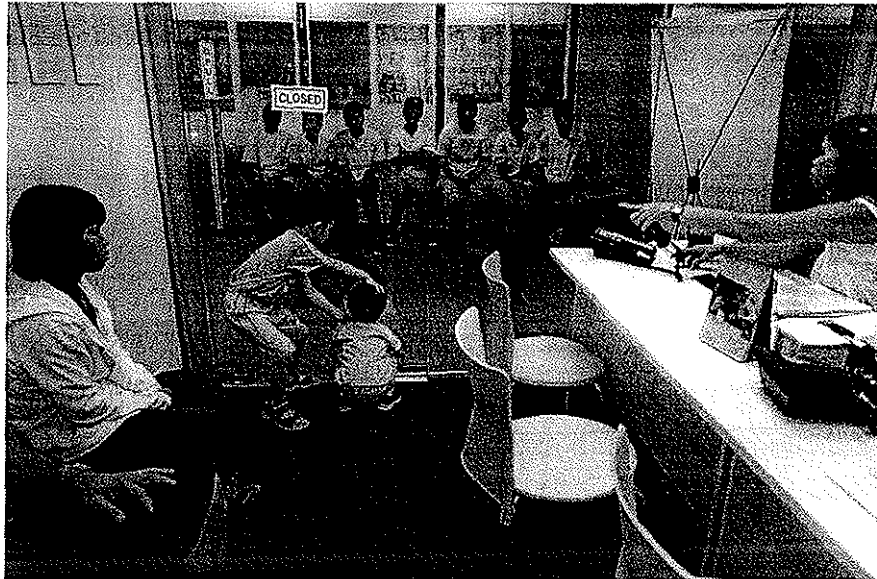
⁵¹ Ibid., p. 27

⁵² Ibid., p. 30

⁵³ -. After Malaysia, 'maid for sale' ad also found in Singapore. *Malaysia Chronicle*, 07 November 2012.

brought under the highlight recently, this practice of commodification has actually been conducted for some time. Indonesian domestic workers are known for its cheapness and in fact, some see this as one of their “competitive” aspects. Inhuman treatment can also be found in the way these workers are “promoted”. Figure 3 shows how they are displayed to be chosen.

Figure 3 Maid Displayed in Agencies



Employment

While some women migrant workers are fortunate enough to get good, attentive and generous employers, generally, semi- or unskilled women migrant workers have to live and work in distressing conditions, doing '3D' (dirty, dangerous, and degrading) work. Malaysia became a popular

destination for Indonesian migrant workers partly due to its proximity to home and the similar culture and language to Indonesia. Many Indonesian women migrant workers assumed that it would be easier to adapt in Malaysia. However, the problems faced by Indonesian women migrant workers in Malaysia have proven the contrary. The following are some of the common problems faced by Indonesian women migrant workers during their employment in Malaysia.

Violations of labour rights

Migrant domestic workers are often denied their labour rights with the excuse that they are considered informal, thus formal labour rights do not apply to them. The following are some of the practices that show how their rights as workers are denied. Many of the domestic workers are only shown their employment contract briefly and not given time to read or discuss the content of the contract with other more informed parties so that they can fully understand the content before signing it. This frequently puts them in a disadvantaged situation because in many cases, the contract - as a legal document that can be used as an instrument to protect their rights as workers - rarely includes details such as job description, workload, working hours and overtime payment. Other issues that migrant workers advocates have been campaigning on are the rights of the migrant workers to practice their religion, to have a day off, to have proper working hours and workload and to have adequate rest time. They have also raised the issues of forbidding the domestic workers to leave the house unless with or instructed by the employers and to make contact with friends, families or even neighbours. There are cases where Indonesian domestic workers are locked in the premises.⁵⁴ Such restrictions imposed on domestic workers obviously violate their rights and socially isolate them, which may lead to loneliness and depression⁵⁵ and make it difficult for them to seek help in the case of abuse or other emergencies.

Abuses

Abuse of domestic workers can exist in various forms such as distressed living and working conditions, verbal abuse through insults and threats and sexual abuses.⁵⁶ Many women domestic workers tend to force themselves to endure abuse and decide not to run away because either they are threatened by the employers or they still need to pay off their debt or their salaries are still withheld.⁵⁷ Moreover, it is difficult for them to report abuse, obtain help and escape due to confinement and lack

⁵⁴ In many of these cases, the domestic workers waited until their employers leave for days before trying to escape from locked apartments by making ropes out of sheets and climbing out of high windows. During my visit to the Indonesian Embassy in Kuala Lumpur in 2007, I met two Indonesian domestic workers who tried to escape this way, Ceriyati who tried to escape from a 15th floor apartment in June and Parsiti who tried to escape from a 17th floor apartment in August. Their cases were widely covered by the media and Migrant CARE was actively advocating these cases and using them in their campaigns to urge Indonesian and Malaysian governments to improve protection of Indonesian women migrant workers.

⁵⁵ HRW 2004. *Help Wanted: Abuses Against Female Migrant Domestic Workers in Indonesia and Malaysia*.

Human Rights Watch., p. 41

⁵⁶ *Ibid.*, p. 47-49

⁵⁷ *Ibid.*, p. 49-50

of information about or access to institutions that could provide assistance.⁵⁸ Some would run away or picked up by the police based on reports made by neighbours.⁵⁹ They are then taken to hospitals or the Indonesian embassy's shelters to be treated. However, the treatment is quite limited: there is no psychological counselling service available at the embassy. The condition is worsened by the fact that the informal characteristics of their job and the private nature of their working place have made it difficult to monitor what is happening, and they are not protected by labour laws which only cover those working in the formal sector.

Undocumented status, detention and imprisonment

Detention and imprisonment have been among the risks faced by Indonesian migrant workers in Malaysia. They are sent to the detention centres or prisons for various reasons. Some workers are turned in by employers making accusations of theft and cheating.⁶⁰ Others are detained or imprisoned for their undocumented status. Such status can apply to those who enter destination countries illegally through unofficial channels and without proper documents, those who overstay their visa, those who move to other jobs different from the ones stated in their visa, those who work while on a non-working visa, those who were trafficked, and those whose documents are withheld by their employers. The majority of detained migrant workers are arrested because they are considered illegal workers. Unfortunately, illegal status is defined quite loosely, applied to any workers who cannot produce work documents when they are arrested.⁶¹ As argued by Komnas Perempuan and Solidaritas Perempuan, many migrant domestic workers are not able to show valid documents because the agencies have altered their documents, they run away from abusive employers who withhold their passports, or they have changed employers so that their working visas are not valid anymore.

Getting access to detention centres is difficult. However, there are reports on the conditions in detention camps in Malaysia. A report by Tenaganita, a Malaysian NGO, for example, revealed that in the 1990s detention centres had no clean drinking water, limited sanitation facilities, and unfit meals.⁶² Later reports by migrant workers' advocates and the media indicate that there has been little improvement since then.

⁵⁸ Ibid., p. 37

⁵⁹ Ibid., p. 47

⁶⁰ KOMNAS PEREMPUAN & SOLIDARITAS PEREMPUAN/CARAM INDONESIA 2003. *Indonesian Migrant Domestic Workers: Their Vulnerabilities and New Initiatives for the Protection of Their Rights (Indonesian Country Report to the UN Special Rapporteur on the Human Rights of Migrants, 2003)*, Jakarta, Komnas Perempuan (Indonesian National Commission on Violence against Women) and Solidaritas Perempuan/CARAM Indonesia., p. 19

⁶¹ Ibid., p. 27

⁶² Ibid.

Returning

Since it is usually even harder to find resolutions for problems such as unpaid salaries and abuses if the migrant workers have left the receiving countries, many migrant domestic workers who have unresolved problems choose to stay in Malaysia to wait for a resolution to their cases. They usually stay in the Indonesian Embassy's shelter because if they leave Malaysia, there is usually no guarantee that they will be allowed to re-enter.⁶³

At home, the ill-treatment continues. At most re-entry points these workers have to face further exploitation. In the past, the Indonesian government designated Terminal III at Soekarno-Hatta international airport in Jakarta as a special terminal for migrant workers to create a one-stop service for returning migrant workers and to speed up the re-entry process.⁶⁴ However, this terminal became a place of rampant abuse of returning migrant workers with unofficial fees, sexual harassment, and forced lower currency exchange rates.⁶⁵ In 2009 the designated terminal for returning Indonesian migrant workers was changed to Terminal IV in Selapang. Unfortunately the bad practices also moved to this new terminal.

While migrant domestic workers have to go through at least two medical check-ups before their employment, no medical examination is required when they finish their employment or when they arrive home and the health conditions of returning migrant workers are not properly documented.⁶⁶ It is even harder to get accurate data on cases of rape and sexual abuse because most women migrant domestic workers see such abuse as a disgrace that should not be exposed to the public, preventing them from seeking assistance. Some of impregnated women domestic workers choose to raise the child but many others tend to leave or give the child away before returning to their home town rather than facing humiliation by village communities, families, or husbands who lack knowledge, tolerance, and understanding.⁶⁷

⁶³ In most instances Indonesian migrant domestic workers with problems who go into Indonesian embassy shelters are in an "imprisonment" situation. Since they have no documents, including no visas, they are not allowed to leave the embassy and this can last for months. In Nirmala Bonat's case, it was 4 years until her case was finally decided and she could finally go home.

⁶⁴ KOMNAS PEREMPUAN & SOLIDARITAS PEREMPUAN 2002. *Indonesian Migrant Workers: Systematic Abuse at Home and Abroad*, Jakarta, Komnas Perempuan (Indonesian National Commission on Violence against Women) and Solidaritas Perempuan/CARAM Indonesia., p. 18

⁶⁵ KOMNAS PEREMPUAN & SOLIDARITAS PEREMPUAN/CARAM INDONESIA 2003. *Indonesian Migrant Domestic Workers: Their Vulnerabilities and New Initiatives for the Protection of Their Rights (Indonesian Country Report to the UN Special Rapporteur on the Human Rights of Migrants, 2003)*, Jakarta, Komnas Perempuan (Indonesian National Commission on Violence against Women) and Solidaritas Perempuan/CARAM Indonesia., p. 20

⁶⁶ KOMNAS PEREMPUAN & SOLIDARITAS PEREMPUAN 2002. *Indonesian Migrant Workers: Systematic Abuse at Home and Abroad*, Jakarta, Komnas Perempuan (Indonesian National Commission on Violence against Women) and Solidaritas Perempuan/CARAM Indonesia., p. 27

⁶⁷ *Ibid.*, p. 21 & 29 A feature on one Indonesian TV station, Metro TV, in 2007, showed that there were women with unwanted pregnancies or babies who gave their babies to whoever wanted to care for them even when they just arrived at Soekarno-Hatta airport.

One of the requirements from the MoMT is for migrant workers to pay insurance fees before their departure.⁶⁸ However, the insurance scheme has been criticized by migrant workers' advocates for not being specific on matters such as maximum coverage for hospitalization and whether it covers acts of abuse. Moreover, paperwork and limited access from the migrant workers' remote home towns seem to be the reasons for not going through the claim process which is usually limited to one month after their return.

Many migrant workers are deported. Deportation from Malaysia has taken two forms: on-going small-scale deportations and a larger round-up which is usually caused by a particular occurrence such as rioting by Indonesian migrants in 1998 and 2002.⁶⁹ One of the biggest deportation waves from Malaysia occurred in 2002, triggered by a Malaysian government decision that year to enact the Immigration Act No: 1154 which amended the 1959 and 1963 immigration acts to allow caning, imprisonment and fines for those involved in illegal placement of migrant workers.⁷⁰ Malaysia then launched its anti-migrants policy and deported thousands of undocumented migrant workers. This led to a humanitarian crisis in Nunukan, a border town in Kalimantan.

Involvement of State Institutions

There are various opinions on when the government started to get involved in the migration process. Pigay⁷¹, for example, states that since the first five-year development plan or Pembangunan Lima Tahun (Pelita), 1969/1970-1974/1975, the government has formally made efforts to encourage work-related migration. Other authors, however, argue that the government only began to get involved in the 1980s through the development of its overseas labour contract programme as a response to the increased flow of rural women to urban areas and abroad to seek for employment.⁷²

In terms of policies on labour migration, the Indonesian government's policies in the last decade tend to be reactions to a range of frequently contradictory pressures. On the one hand, the government

⁶⁸ HRW 2004. Help Wanted: Abuses Against Female Migrant Domestic Workers in Indonesia and Malaysia. Human Rights Watch., p. 26

⁶⁹ KOMNAS PEREMPUAN & SOLIDARITAS PEREMPUAN 2002. *Indonesian Migrant Workers: Systematic Abuse at Home and Abroad*, Jakarta, Komnas Perempuan (Indonesian National Commission on Violence against Women) and Solidaritas Perempuan/CARAM Indonesia., p. 27

⁷⁰ KOMNAS PEREMPUAN & SOLIDARITAS PEREMPUAN/CARAM INDONESIA 2003. *Indonesian Migrant Domestic Workers: Their Vulnerabilities and New Initiatives for the Protection of Their Rights (Indonesian Country Report to the UN Special Rapporteur on the Human Rights of Migrants, 2003)*, Jakarta, Komnas Perempuan (Indonesian National Commission on Violence against Women) and Solidaritas Perempuan/CARAM Indonesia., p. 28 In most cases, these punishments only apply to the "illegal" migrant workers.

⁷¹ PIGAY, N. 2005. *Migrasi tenaga kerja internasional : sejarah, fenomena, masalah dan solusinya*, Jakarta, Putaka Sinar Harapan., p. 96

⁷² FORD, M. 2002. Responses to changing labour relations: The case of women's NGOs in Indonesia. In: GILLS, D.-S. S. & PIPER, N. (eds.) *Women and Work in Globalising Asia*. London, New York., p. 90, PIPER, N. & IREDALE, R. 2003. Identification of the Obstacles to the Signing and Ratification of the UN Convention on the Protection of the Rights of All Migrant Workers, The Asia Pacific Perspective. International Migration and Multicultural Policies Section, UNESCO., p. 21

continues to promote and facilitate the sending of Indonesians to work abroad to reduce domestic economic and unemployment pressures. On the other hand, issues concerning human and workers' rights, raised by migrant-worker advocates, including local and international governmental and non-governmental organisations, have forced the government to take measures, such as imposing moratorium, to address the issue. In addition, pressures also come from events such as the Asian financial crisis, domestic reform, and mass deportations of Indonesian migrant workers. The government has become more responsive to publicly highlighted unfortunate events experienced by migrant workers and to pressures such as those from civil society groups, including NGOs. As an example, in 2002, after the crisis in Nunukan, there was increased pressure on the government to work on a law concerning migrant workers.⁷³ A law on labour migration was eventually passed in October 2004. Nevertheless, judging from the existing policies, it seems that in most cases economic interest is stronger than the will to address the various problems faced by Indonesian migrant workers or in other words, perceived national interests tend to surpass migrant workers' interests.

Responding to pressures related to the violation of human and workers' rights, on several occasions the Indonesian government has expressed the intention to stop sending domestic workers abroad and start training and sending skilled and/or semiskilled workers instead. However, up to the present, the majority of Indonesians migrating to work abroad are still semiskilled and/or unskilled women working in the informal sector, mainly as domestic workers. Also, from time to time, the government has announced intentions to ban the sending domestic workers abroad, usually triggered by reports of exploitation or abuse of Indonesian women. Since the earlier years of the 1980s, the government has tended to resort to prohibiting and banning migration when high profile cases are taken up by the media and arouse controversy.⁷⁴ Until recently, moratorium of sending informal workers abroad has been the policy step taken when a high profile case emerges in a receiving country. Whether it is actually implemented or not, total prohibition is strongly opposed by migrant workers' advocates⁷⁵ on the grounds that poverty is still an issue in Indonesia and the government has not been able to come with an alternative to employment abroad. They believe that a prolonged moratorium without any feasible alternatives will only increase illegal migration.

Despite some weaknesses, the Indonesian government has made efforts to improve the protection of its migrant workers. As acknowledged by Komnas Perempuan and Solidaritas Perempuan⁷⁶ in their

⁷³ FORD, M. 2005. Migrant Labour in South East Asia, Country Study: Indonesia. Friedrich Ebert Stiftung (FES) Project on Migrant Labor in Southeast Asia., p. 10

⁷⁴ ROBINSON, K. 2000. Gender, Islam, and Nationality: Indonesian Domestic Servants in the Middle East. In: ADAMS, K. M. & DICKEY, S. (eds.) *Home and hegemony : domestic service and identity politics in South and Southeast Asia*. Ann Arbor, [England]: University of Michigan Press.

⁷⁵ HIDAYAH, A. 18 November 2008 18 November 2008. RE: Interview by author., SAFITRI, S. 2 August 2007 2 August 2007. RE: Interview by author.

⁷⁶ KOMNAS PEREMPUAN & SOLIDARITAS PEREMPUAN 2002. *Indonesian Migrant Workers: Systematic Abuse at Home and Abroad*, Jakarta, Komnas Perempuan (Indonesian National Commission on Violence

country reports to the UN Special Rapporteur on the Human Rights of Migrants, the government took some initiatives to protect migrant workers by issuing and introducing regulations and guidelines for the migration process, and made various efforts at the ministerial level. There have also been attempts to coordinate efforts between related state institutions.⁷⁷ The government has also generated a number of policies to improve the regulation and management of labour migration. Some main policy examples are Law No. 39/2004 on “The Placement and Protection of Indonesian Workers Overseas”, Indonesia’s first law that specifically regulates labour migration⁷⁸, and bilateral agreements (Memoranda of Understanding or MoUs) with receiving countries such as the one signed in 2006 with Malaysia on the Recruitment and Placement of Indonesian Domestic Workers⁷⁹. Accordingly, related ministries and departments have also taken some initiatives to implement those policies. However, there are differences within the government about what type of pressures they are more responsive to and how they respond. As an example, the MoMT seems to respond more to economic and unemployment pressures, while other ministries like the Ministry of Foreign Affairs and the State Ministry of Women’s Empowerment tend to respond more to rights-based pressures. There are different types of pressure on the government of varied intensity and urgency and which pressure will get the government’s immediate response is also influenced by factors such as the government’s interest and political will. The following section looks into the efforts made by some related state institutions to show their differing attitudes toward the issue of migrant workers and the varied pressures to which they are more responsive.

Although the primary responsibility and authority for regulating labour migration from Indonesia mainly rests with the MoMT, the complexity of the issue has required involvement of other related ministries. The Ministry of Foreign Affairs with its Representative Offices (Embassies and Consulates) in receiving countries handles bilateral agreements with receiving countries, manages consular issues, and protects and assists migrant workers facing problems during their employment

against Women) and Solidaritas Perempuan/CARAM Indonesia., KOMNAS PEREMPUAN & SOLIDARITAS PEREMPUAN/CARAM INDONESIA 2003. *Indonesian Migrant Domestic Workers: Their Vulnerabilities and New Initiatives for the Protection of Their Rights (Indonesian Country Report to the UN Special Rapporteur on the Human Rights of Migrants, 2003)*, Jakarta, Komnas Perempuan (Indonesian National Commission on Violence against Women) and Solidaritas Perempuan/CARAM Indonesia.

⁷⁷ For example, in 1999 the Coordinating Body for the Placement of Migrant Workers or Badan Koordinasi Penempatan Tenaga Kerja Indonesia (BKPTKI) was formed by Presidential Decree No: 29/99. Positioned directly under the responsibility of the President, it consists of the MoMT as the chair, with representatives from the Ministries of Home Affairs and Regional Autonomy, Foreign Affairs, Justice and Human Rights, Education, Finance, Transport, Religious Affairs, Health, Women’s Empowerment, the Police Department, and the Governor of Bank Indonesia KOMNAS PEREMPUAN & SOLIDARITAS PEREMPUAN/CARAM INDONESIA 2003. *Indonesian Migrant Domestic Workers: Their Vulnerabilities and New Initiatives for the Protection of Their Rights (Indonesian Country Report to the UN Special Rapporteur on the Human Rights of Migrants, 2003)*, Jakarta, Komnas Perempuan (Indonesian National Commission on Violence against Women) and Solidaritas Perempuan/CARAM Indonesia..

⁷⁸ Prior to this law, the highest policy instrument that regulated labour migration from Indonesia was a ministerial decree.

⁷⁹ This MoU is widely known as the MoU on the informal sector.

abroad. The State Ministry for Women's Empowerment focuses on the gender concerns of women migrant workers. The Ministry of Home Affairs issues IDs, the Directorate General of Immigration within the Department of Law and Human Rights issues passports, and the Ministry of Health conducts pre-departure medical check-ups.⁸⁰ Analysis of the relative authority and responses of each state institution is also crucial as a basis for assessing which arenas are actually potential for the work on promoting the rights of women migrant workers.

The Regulations: National, Regional and International

While women workers' rights are frequently violated, labour migration policies have failed to protect them. Most labour migration policies are general in nature, lacking special consideration of conditions facing women employed as domestic workers. They only regulate the formal sector, while the majority of women migrant workers are in the informal sector. Domestic workers are even more vulnerable because households are usually considered as private space, not covered by public policies. As argued by Yamanaka and Piper⁸¹, since domestic work is usually considered as "an extension of unpaid 'service' naturally assigned to women according to traditional gender roles", this type of work is not considered as a "legitimate form of labour" by most labour laws. Moreover, their employment conditions are largely determined by their employers.⁸² The temporary contract-based employment also makes women migrant workers "disposable": they can be hired and fired at minimal cost.⁸³

It needs to be noted that the earlier international labour migration from Asian countries was conducted with minimum involvement of the governments. As observed by Yamanaka and Piper⁸⁴, although international labour migration began in the 1970s, it only started to emerge as a policy concern in

⁸⁰ KOMNAS PEREMPUAN & SOLIDARITAS PEREMPUAN 2002. *Indonesian Migrant Workers: Systematic Abuse at Home and Abroad*, Jakarta, Komnas Perempuan (Indonesian National Commission on Violence against Women) and Solidaritas Perempuan/CARAM Indonesia., p. 16, ILO 2006. *Using Indonesian Law to Protect and Empower Indonesian Migrant Workers: Some Lessons from the Philippines*. Jakarta: ILO Project on Mobilizing Action for the Protection of Domestic Workers from Forced Labour and Trafficking in Southeast Asia., p. 9

⁸¹ YAMANAKA, K. & PIPER, N. 2005. *Feminized Migration in East and Southeast Asia: Policies, Actions and Empowerment*. *United Nations Research Institute for Social Development (UNRISD) Occasional Paper* [Online], 11. Available: [http://www.unrisd.org/unrisd/website/document.nsf/462fc27bd1f3ce00880256b4a0060d2af/06c975dec6217d4ec12571390029829a/\\$FILE/OP11%20web.pdf](http://www.unrisd.org/unrisd/website/document.nsf/462fc27bd1f3ce00880256b4a0060d2af/06c975dec6217d4ec12571390029829a/$FILE/OP11%20web.pdf) [Accessed 30 July 2006]., p. 16

⁸² BALL, R. & PIPER, N. 2006. Trading labour-trading rights: The regional dynamics of rights recognition for migrant workers in the Asia-Pacific. In: HEWISON, K. & YOUNG, K. (eds.) *Transnational Migration and Work in Asia*. Abingdon, Oxon, New York: Routledge., p. 219, LOVEBAND, A. 2006. Positioning the product: Indonesian migrant women workers in Taiwan. In: HEWISON, K. & YOUNG, K. (eds.) *Transnational Migration and Work in Asia*. Abingdon, Oxon, New York: Routledge., p. 78

⁸³ CHOI, A. H. 2006. Migrant workers in Macao: Labour and globalization. In: HEWISON, K. & YOUNG, K. (eds.) *Transnational Migration and Work in Asia*. Abingdon, Oxon, New York: Routledge., p. 151

⁸⁴ YAMANAKA, K. & PIPER, N. 2005. *Feminized Migration in East and Southeast Asia: Policies, Actions and Empowerment*. *United Nations Research Institute for Social Development (UNRISD) Occasional Paper* [Online], 11. Available: [http://www.unrisd.org/unrisd/website/document.nsf/462fc27bd1f3ce00880256b4a0060d2af/06c975dec6217d4ec12571390029829a/\\$FILE/OP11%20web.pdf](http://www.unrisd.org/unrisd/website/document.nsf/462fc27bd1f3ce00880256b4a0060d2af/06c975dec6217d4ec12571390029829a/$FILE/OP11%20web.pdf) [Accessed 30 July 2006]., p. 7

many Asian receiving countries in the 1980s, when governments started to manage and regulate it. Since then, the policies of sending and receiving countries have clearly reflected their main views and interests on labour migration. Despite receiving countries' dependency on foreign workers to solve their labour shortage problems, most receiving countries have adopted highly restrictive policies towards migrant workers. According to Yamanaka and Piper⁸⁵, this is usually based on the argument of protecting the balance of the society from the "mass invasion" of migration. Consequently, protection of migrant workers' rights in receiving countries' labour laws is limited by the higher priority of protecting the employment of their own citizens. As for the sending countries, their policies are aimed at maximizing earnings, often at the expense of disregarding governments' mandate to protect their citizens.⁸⁶

Through time, despite the various problems faced by Indonesian women migrant workers, government responses have been far from adequate and appropriate. Government policies are criticized for being based more on the state's interest rather than migrant workers' interests, thus aimed more at facilitating the process than protecting the migrant workers.⁸⁷ Furthermore, until 2004, labour migration was regulated through ministerial decrees and government regulations⁸⁸ which were criticized for being weak, contradictive and could not comprehensively address the issues faced by migrant workers.⁸⁹ In 2002, after the crisis in Nunukan⁹⁰, the government took the initiative of introducing a bill on the Protection of Indonesian Migrant Workers and their Families. Law No.39/2004 on the Placement and Protection of Indonesian Workers Overseas was eventually passed in October 2004 and since then has been highly criticized by migrant labour advocates for not providing adequate protection for migrant workers. At present, the parliament is working on a draft revising this law. However, the process is still criticized for being unaccommodative and the content is still seen as inadequate in terms of providing protection for migrant workers. The government also made bilateral agreements with some receiving countries. However, according to the National Commission on Violence against Women or Komisi Nasional Anti Kekerasan Terhadap Perempuan

⁸⁵ Ibid., p. 13

⁸⁶ BALL, R. & PIPER, N. 2006. Trading labour-trading rights: The regional dynamics of rights recognition for migrant workers in the Asia-Pacific. In: HEWISON, K. & YOUNG, K. (eds.) *Transnational Migration and Work in Asia*. Abingdon, Oxon, New York: Routledge., p. 223

⁸⁷ PIPER, N. & IREDALE, R. 2003. Identification of the Obstacles to the Signing and Ratification of the UN Convention on the Protection of the Rights of All Migrant Workers, The Asia Pacific Perspective. International Migration and Multicultural Policies Section, UNESCO., p. 21

⁸⁸ These decrees and regulations can be viewed at www.nakertrans.go.id

⁸⁹ FORD, M. 2005. Migrant Labour in South East Asia, Country Study: Indonesia. Friedrich Ebert Stiftung (FES) Project on Migrant Labor in Southeast Asia., p. 9

⁹⁰ The crisis happened when the government of Malaysia decided to conduct a massive deportation of Indonesian undocumented migrant workers. These workers entered Indonesia through Nunukan, a town in East Kalimantan, and many had to camp there because they did not have the resources to go on to their area of origin. The Indonesian government was criticized for failing to manage this repatriation flow.

(Komnas Perempuan) and Solidaritas Perempuan⁹¹ these agreements are weak, largely due to the “unequal power relations” between sending and receiving countries. Nevertheless, government efforts to improve the laws, set up systems for managing labour migration, sign bilateral agreements with receiving countries, and participate in regional and international arrangements should be acknowledged as attempts to improve the management of labour migration, regardless of the motivation and results.

The major international instrument that aims to ensure protection and respect for the rights of migrant workers and their families is the 1990 United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) which came into force on 1 July 2003. Although this convention is seen by many as a significant step in the protection of the human rights of migrants⁹², there are issues that prevent its full implementation. The major issue is the low ratification rate, as most countries involved in the practice of labour migration have yet to ratify this convention and translate its principles into national laws on labour migration. Until 2004, when Indonesia passed its law on labour migration, apart from the Philippines, which had passed The Migrant Workers and Overseas Filipinos Act of 1995, none of the sending countries had a migrant worker bill that included human rights.⁹³ Based on their investigation on a sample of countries, Piper and Iredale⁹⁴ identified the obstacles to ratifying the convention, which included: the failure of many governments to immediately investigate the clauses for the legal implications of ratifying; the concern of sending countries that since they are also employing foreign workers (usually skilled workers or experts from developed countries), ratification will force them to comply with a higher standard of workers’ rights compared to the existing one for local workers; the shift in governments’ priorities towards counter-terrorism efforts and national security since 11 September 2001 which made them focus more on anti-trafficking issues; sending countries’ fear of losing markets by being “too demanding” and “rights conscious”; the combined interests of recruitment agencies, employers and government officials which do not include the protection of migrant workers’ rights; and NGOs’ lack of resources to campaign for the ratification. On 12 April 2012, Indonesian parliament has finally ratified ICRMW. The challenge now is to accommodate the principles into the national laws, particularly Law No. 39/2004 mentioned above. It is the view of migrant workers’ advocates that the

⁹¹ KOMNAS PEREMPUAN & SOLIDARITAS PEREMPUAN/CARAM INDONESIA 2003. *Indonesian Migrant Domestic Workers: Their Vulnerabilities and New Initiatives for the Protection of Their Rights (Indonesian Country Report to the UN Special Rapporteur on the Human Rights of Migrants, 2003)*, Jakarta, Komnas Perempuan (Indonesian National Commission on Violence against Women) and Solidaritas Perempuan/CARAM Indonesia., p. 43

⁹² PIPER, N. & IREDALE, R. 2003. Identification of the Obstacles to the Signing and Ratification of the UN Convention on the Protection of the Rights of All Migrant Workers, The Asia Pacific Perspective. International Migration and Multicultural Policies Section, UNESCO., p. 5

⁹³ *Ibid.*, p. 16

⁹⁴ *Ibid.*, p. 49-55

draft for revision has not significantly accommodate the principles and it is yet to address a number of issues crucial for the protection of Indonesian migrant workers.⁹⁵

At the regional level, human rights was considered a taboo topic for quite a long time. Ball and Piper⁹⁶ observed that migration received little attention in the region until the financial crisis of 1997 which highlighted the urgency of addressing irregular labour migration problems and the ineffectiveness of isolated policies. Even so, they asserted that Asian governments have been reluctant to discuss labour migration issues at regional forums and although these governments have individually ratified international human and labour rights conventions, there is no guarantee of “universal, consistent or actual implementation”. Ball and Piper⁹⁷ believe that factors such as different ministerial policies, the sensitivity of the issue, the intention to preserve national sovereignty, and the interest of maintaining labour market ‘flexibility’ have prevented the development of a regional approach.⁹⁸

The rather late attention toward labour migration and the continued reluctance to deal with this highly sensitive issue at a regional level is reflected in the policies of Asia-Pacific key regional bodies. According to Ball and Piper⁹⁹ none of them - the Association of South East Asian Nations (ASEAN), the South Asian Association for Regional Cooperation (SAARC) and the Asia Pacific Economic Cooperation (APEC) forum - has migration as an integral element of its mandate. Ball and Piper¹⁰⁰ argue that in the case of APEC, the narrow definition of APEC's central concerns and its status as an umbrella organisation for countries with widely differing circumstances and national interests have made it difficult to bring the issue of migrant workers to the fore. Also, since APEC is based on a government-private sector partnership, it is difficult for other social forces to challenge, which means minimal or no NGO involvement. As for ASEAN, in 2007 its members signed a declaration on the protection and promotion of the rights of migrant workers, but to date there has been no agreement or instruments among ASEAN members which significantly bind the member countries to take necessary steps in protecting migrant workers.

⁹⁵ -. 2012. *Berbagai Pihak Mengkritik Isi RUU Revisi UU Nomor 39 Tahun 2004* [Online]. Available: <http://politik.kompasiana.com/2012/09/24/berbagai-pihak-mengkritik-isi-ruu-revisi-uu-nomor-39-tahun-2004-495831.html> [Accessed 20 February 2013].

⁹⁶ BALL, R. & PIPER, N. 2006. Trading labour-trading rights: The regional dynamics of rights recognition for migrant workers in the Asia-Pacific. In: HEWISON, K. & YOUNG, K. (eds.) *Transnational Migration and Work in Asia*. Abingdon, Oxon, New York: Routledge., p. 220

⁹⁷ Ibid., p. 221

⁹⁸ Regional initiatives which have attempted to deal with specific aspects of migration include: the Bangkok Declaration on Irregular Migration, adopted by ministers and representatives from 18 governments in Bangkok in April 1999; the Intergovernmental Asia-Pacific Consultation on Refugees and Displaced Persons and Regional Ministerial Conference on People Smuggling, Trafficking in Persons, and Related Transnational Crime (Bali Process); the establishment of Global Commission in International Migration (GICM) by UN Secretary Kofi Annan in December 2003; and a ministerial level meeting among Asian labour-sending countries in April 2003 initiated by the governments of Sri Lanka and Indonesia in Colombo.

⁹⁹ BALL, R. & PIPER, N. 2006. Trading labour-trading rights: The regional dynamics of rights recognition for migrant workers in the Asia-Pacific. In: HEWISON, K. & YOUNG, K. (eds.) *Transnational Migration and Work in Asia*. Abingdon, Oxon, New York: Routledge., p. 221

¹⁰⁰ Ibid., p. 222

Identifying the Women in the Labour-migration from Indonesia: Who is On the Steering Wheel?

Existing body of literature on the topic of temporary labour migration from Asian countries has comprehensively and continuously documented how problematic the migration process is, particularly for women. The work of Dewi Anggraeni, *Dreamseekers*, is an example.¹⁰¹ It tells the stories of Indonesian Women as Domestic Workers in three Asian countries, Hong Kong, Singapore, and Malaysia. The story of Nirmala Bonat, who was physically and mentally abused while she was working as a domestic worker in Kuala Lumpur from 2003 to 2004 is one of the high profile case which was widely exposed by the media. For the reason that this part of the story is quite well – covered, I choose not to do further elaboration on the problematic women migrant workers. I believe that if the aim is to formulate policies which are more pro-women migrant workers, there is also a need to identify the existence and potentials of other women involved in the labour migration process to maximize their contribution to the improvement of protection of the women migrant workers.

The focus on identifying the position of the women and what they have done and might be able to do is also inspired by the work of Cynthia Enloe, *Bananas, Beaches and Bases: Making Feminist Sense of International Politics*.¹⁰² This work basically argues that if we want to understand international politics more comprehensively, we need to be more concern about women's varied experiences.¹⁰³ In the case of women trafficking, for example, she argues that to have better understanding of the international system as a whole, we should pose questions such as “why it is women who are being trafficked; who is profiting; who is turning a blind eye to these abuses.”¹⁰⁴ In this case of temporary labour migration of women from Indonesia, I would like to assume that questions such as why they migrate; what kind of abuses they are experiencing and why they are abused are quite well covered in existing literature. In this section I attempt to portray Indonesian women in a way which Enloe call “beyond the global victim”¹⁰⁵. The assumption is that moving on from an incessant discussion on how women are victims by starting to identify other women with their different experiences within the labour migration process may contribute significantly to a better understanding of the issue and probably the quest of improving the protection of women migrant workers.

On the topic of “domestic servants”, Enloe pointed out how international debt politics which was infamous at the end of the 1990s have pressured the indebted governments to adopt policies which cut social-service budget in order to increase their ability to pay loans.¹⁰⁶ These policies affect men and

¹⁰¹ ANGGRAENI, D. 2006. *Dreamseekers : Indonesian women as domestic workers in Asia*, Jakarta, Equinox Pub. : International Labour Organization.

¹⁰² ENLOE, C. 2000. *Bananas, Beaches and Bases: Making Feminist Sense of International Politics*, London, University of California Press, Ltd.

¹⁰³ Ibid. P. xiv

¹⁰⁴ Ibid. P. xiii

¹⁰⁵ Ibid. P. 15

¹⁰⁶ Ibid. P. 184

women differently and in many cases women as the “manager” of the households are the ones who are more disadvantaged. Furthermore, in this condition when jobs are scarce, women are also expected to take the wage generator role, a role traditionally played by men in Asian cultures. Thus, to end this disadvantaging condition for women or at least to prevent it from getting worse, women need to actively exist within the policy making, implementation and monitoring process. The following section is an initial attempt to identify the prominent women within the migration process and to understand what they have done and might be able to do to improve the protection of Indonesian women migrant workers. The information for this section relies heavily on the curriculum vitae obtained from and personal communication with the person discussed.

The Successful Ex-Women Migrant Worker

An example of a well-planned labour migration is of Nuryati Solapari, an ex-women migrant worker turn university lecturer and migrant workers motivator.¹⁰⁹ Nuryati left to work as a babysitter in Saudi Arabia in 1998 with the aim of saving for her university funding. In 2001 she came back and applied in a bachelor programme. She then continued in a graduate programme and eventually became a lecturer in the university where she obtained her bachelor degree. Nuryati has received a number of awards from the governments of Indonesia and Saudi Arabia. She has also been invited to various events to share her stories. Some of the tips that she has been sharing are¹¹⁰: how to do a safe migration by getting as much information as she can and sewing important numbers in codes on her veil; making sure that she get her wages monthly and sending them home to be invested in lands; and making sure that the migration is done to reach a certain aim thus the migrant workers should not repeatedly go abroad to work as domestic worker their whole life. In other words, migration should be done safely, smartly, and with the purpose of beyond merely fulfilling daily needs, more to invest in a better future. Nuryati has been sharing her experience but her coverage is still limited. If there can be more ex-women migrant workers like her who has the capability to actually share her experiences in various communities, this will assist the information dissemination efforts which the government has been lacking of. Her intellectual capability and rich information from on the field experience as a migrant domestic worker herself combined with the ability to speak in the language of the potential

¹⁰⁷ BNP2TKI 2012. BNP2TKI Kembali Luncurkan Buku 100 TKI Sukses Jilid 3.

¹⁰⁸ -. 2013b. *Septiana, Mantan TKI yang Sukses dalam 2 Bisnis* [Online]. Available: <http://ciputraentrepreneurship.com/entrepreneur/nasional/wanita/20269-septiana-ki-yang-sukses-dalam-2-bisnis.html> [Accessed 20 February 2013].

¹⁰⁹ -. 2010. *Nuryati Terima Penghargaan dari Pemerintah Saudi* [Online]. Available: <http://www.bnptki.go.id/berita-mainmenu-231/3708-nuryati-terima-penghargaan-dari-pemerintah-saudi.html> [Accessed 20 February 2013].

¹¹⁰ -. 2011. *Rahasia Sukses Nuryati Seorang TKI Yang Kini Jadi Dosen* [Online]. Available: <http://www.ruanghati.com/2011/06/12/rahasia-sukses-nurhayati-seorang-ki-yang-kini-jadi-dosen/> [Accessed 20 February 2013].

women migrant workers might become a perfect formula for providing adequate information to Indonesian women before they actually decide to migrate.

The Activists

The information used in this section is excerpted from the activists' curriculum vitae and interviews, personal communications and interactions with them.

Anis Hidayah, The Active Activist

Anis Hidayah is considered an active activist because up to present she is still working on the issues of migrant workers as the executive director of a non-governmental organization which focuses on the issue of migrant workers. She started her activism in Solidaritas Perempuan, a women organization which was the first organization to take up the issue of migrant workers in the 1990s. She then, with four other migrant workers activists, established Migrant CARE, a migrant worker NGO with high media profile. Therefore, her profiling is a combination of her activities as the executive director of Migrant CARE and as an individual.

By leading an NGO with national, regional and international reputation, Hidayah gets to do a range of activities. Migrant CARE has been advocating policies particularly on the ratification of ICRMW, revision of Law No. 39/2004, and bill on domestic workers. The NGO has also continuously conducted monitoring of the conditions of Indonesian migrant workers in a number of receiving countries. It has also been active in regional and international advocacies through ASEAN, ILO and UN mechanism. Inside the country, it has conducted capacity building activities for migrant workers and their families through trainings on anti-trafficking, para legal, voters' education, globalization, etc. It also provides legal assistances for migrant workers. In receiving countries, Migrant CARE has developed its country representative in Malaysia and presented the demand for protection of Indonesian women domestic workers in front of representatives of the Saudi Arabia Kingdom. The organization is also part of a significant number of national, regional and international networks. Migrant CARE is also known for its street activism such as conducting demonstration in front of the state palace or the embassies of receiving countries and launching a Rp 1,000 movement, an effort to gather fund to repatriate problematic Indonesian workers who had to leave under the bridges in Saudi Arabia. Migrant CARE also provides a shelter for migrant workers who need to stay in Jakarta to deal with their cases.

As an individual, Anis has conducted various activities at the national, regional and international levels. She has participated in conferences and workshops; conducted research; become resource person in trainings; become speakers in seminars; organized and participated in actions; participated in meetings of UN's bodies, councils and commissions; participated in the ASEAN's assemblies; and written books on the issues related to migrant workers. For her work on the issue of migrant workers,

she has received Human Rights Defender Award called Alison Des Forges Award for Extra Ordinary Activism from Human Rights Watch in New York in 2011.

The explanation above shows how being the leader of NGO, Hidayah has been able to do more practical activities which may fulfill the immediate needs of the migrant workers. With the non-governmental status of her organization, she can also conducted activities which are usually not touched by the bureaucracy. She can have closer relationship with the migrant workers who tend to avoid dealing with the “authorities”. This allow her to get information which might not be able to be obtained through official channels or mechanism. With her and her institution’s regional and international reputation, she has been able to scale up the issue of Indonesian women migrant workers to higher levels and attract attention, concern and expectedly actions from wider audience. The challenge for a prominent figure like her is something common within other civil society movements. The activism tend to be dependent on certain figures, who obviously have limitation on what they can do as an individual.

Salma Safitri Rahayaan, The “Moved On” Activist

Salma Safitri Rahayaan, or Fifi, is anoher well-known senior activist on the issue of women migrant workers during her time in Solidaritas Perempuan, the first organization to take the issue of migrant workers in Indonesia. She became a member of SP in 1998. In 2000 she became the founder of a number of organizations such as Consortium for Defense of Indonesian Migrant Workers (KOPBUMI) an umbrella organization for NGOs advocating for the passing of Law No. 39/2004 and Women’s Movement for Migrant Rights (GPPBM). Through her organization, she also became members of regional and international organizations such as Global Alliance Against Trafficking in Women (GAATW), Coordinator Action Research on AIDS and Mobility –Asia (CARAM Asia), and Rural and Indigenous Women Task Force – Asia Pacific Forum on Women, Law and Development (APWLD). Fifi was the Chair of Solidaritas Perempuan’s National Executive Body and on behalf of SP, she took a number of strategic positions in some regional and international organizations and arrangements such as: steering committee of CEDAW Working Group Initiatives (CWGI) and Consortium for Defense Indonesian Migrant Workers, (KOPBUMI); Board of Director for Consortium for Defense Indonesian Migrant Workers, (KOPBUMI) and many others. She was also involved in the Lobby to the CEDAW Committee at the 39th Session of CEDAW in UN.

In short, Fifi’s activities when she was leading SP were similar to what Anis is doing at present. The difference may derive from the characteristics of their organization. While Anis departs from the “migrant worker” aspect, Fifi departed from the “women” aspect of the issue of women migrant workers.

What is interesting to highlight about Fifi is what she has been doing after she left the Executive Body of SP. In 2008, for personal reasons, Fifi left SP¹¹¹ and move to Malang, a town around 1.5 hours flying from Jakarta. Nevertheless, she continues to conduct research and give training on gender, law and migrant workers issues. In fact, she is still assisting SP in analyzing the revision draft of Law No. 39/2004. This shows how even when an activist is no longer holding a position in his/her former organization, they tend to maintain their attachment to the issue. This is also evident in a number of other senior activists who have moved to other positions. I interviewed a formerly known migrant workers activists who is now working more on the issue of health and cigarettes. She could still fluently express her thoughts on the issue and is still supporting campaigns on the issue of women migrant workers. This situation, to a certain degree, also applies to former activists who have moved to the parliament or the government.

In Fifi's case, I prefer to see it not as a loss for the activism in Jakarta. She is actually potential to become "a bridge" between the centre and the origin areas. There have been concerns that there is a gap between the activisms in Jakarta which usually concentrate on policy advocacy and the activisms in the origin areas which focuses more on case advocacy. With the existence of someone like Fifi closer to the origin areas, she may bring the policy related knowledge from the centre to the origin areas and channel the voices from the origin areas to the centre as material for policy inputs.

Tati Krisnawaty, The "Senior" Activist

Compared to Anis and Fifi, Tati Krisnawaty is much more senior in terms of doing activism on the issue of migrant workers. She was in SP from 1990 to 2001 as the founder and also taking the positions of Secretary General, Executive Director and Board Executive. During her time in SP, she did research, participated in workshops, had dialogue with the parliament and the government, produced modules for trainings, facilitated a number of trainings, handled cases, initiated and supported the establishment of migrant workers organizations, conducted lobbies, campaigns and advocacies, scaling up the issue of women migrant workers through regional and international organizations and forums. She then became the commissioner of Komnas Perempuan (the National Commission on Violence against Women) where she continued to take the issue of women migrant workers as one of her concerns. After finishing her office in Komnas Perempuan, Tati continued to conduct activities related to the issue of women migrant workers. In 2012, she was chosen by the President of Indonesia to be one of the member of a taskforce for the legal assistance and protection of Indonesians and Indonesian migrant workers who get death penalty. Despite the criticisms toward this task force for being slow and ineffective, her appointment as a member shows how her reputation allows her to be involved in a body strategically form by the government. This shows how there's

¹¹¹ She is still a member of SP.

more involvement of non-state entities in the government's initiatives. Ideally, this should be an opportunity to push for a more protective policy on women migrant workers.

The Activists Turned Parliamentarians

Some former migrant workers activists became parliamentarians. Nursyahbani Katjasungkana is an example. She was a Director of SP and in 2004-2009 she became a parliamentarian. Another example is Eva Kusuma Sundari. She is now a representative from PDIP who are considered as quite vocal including for the issue of migrant workers. Although these two women were and are in a commission on law, human rights and security, which might not directly deal with the issue of migrant workers, they frequently made comments on issues related to women migrant workers. This is acknowledged by most migrant workers activists and they often rely on them in channeling their voices into the parliament. These women senior activists turned parliamentarians are potential in channeling the voices of migrant workers advocates into the parliamentary process which are known for its exclusive, if not closed, characteristic. Up to present, it is still debated whether the policy making process in Indonesia has actually become democratic, meaning involving all stakeholders including civil society. It is expected that these former women activists can maintain the issue of women migrant workers in the policy agenda and safeguard the process to produce policies which actually protect women migrant workers. Obviously there are various opinions on their performance. Some are appreciated as consistent with the promotion of migrant workers' rights, while some are seen as distancing from the issue as they get busier with their responsibility in the parliament.

The Celebrities Turn Parliamentarians

Other big supporters for the rights of women migrant workers are a number of female parliamentarians who have entertainment background. Okky Asokawati was a model, an actress, and a modeling owner. In 2009 she became a member of the parliament in the commission on health and labour which is where the issue of women migrant workers are debated. Her interviews in the media show how she is well-informed and fluent about the issue and quite vocal in promoting the rights of women migrant workers. Rieke Diah Pitaloka is another strong supporter of the promotion of the rights of women migrant workers. She is in the same commission with Okky and she has also been making strong statements on the issues related to women migrant workers. Evenmore, she frequently joins activities conducted by migrant workers advocates such as street demonstration and sending protest letters to the embassies of receiving countries.

The work of these "public figures" is important in shaping public opinion. Their acts and words are monitored and published by the media so they will the wider public. Therefore, it is quite common for

these public figures to be invited by civil society organizations when they are doing public campaigns on the issue of women migrant workers. When Pitaloka was running to be the governor of the province of West Java, one of the origin areas of women domestic workers, it is also expected that she will help in addressing the issue in the province. Unfortunately, she lost.

Conclusion

This paper has described the condition and management of labour migration from Indonesia, particularly those of women. It shows how problems continue to exist, if not growing. The labour migration process is still problematic and despite the efforts made to improve the management of labour migration, including by the government, there are still a lot of issues to be addressed.

This paper departed from the assumption that an identification of potential women at various levels and institutions may contribute to the search for solutions for the problems faced by the women migrant workers. It is also assumed that women should be seen not merely as victims but also as active actors that may contribute to the problem solving. The identification is preliminary, covering limited prominent names and limited depth of information. Nevertheless, it can already be concluded that first these women migrant workers advocates exist and they are able to do important actions which contribute to the efforts to promote women migrant workers rights. Secondly, before answering the question of who is on the steering wheel, it needs to be realized that the wheel is not the only part needed to be operated to make the vehicle move. By this means, the existence of women is needed in various parts within the labour migration system to guarantee a protected migration for women labour. Thirdly, there is a “migration” of these women from one area of concern to another and from one institution to another. Rather than seeing this as a loss for the area or institution being left, it will be more productive to look into how this movement can be used as a way to widen the scope and impact of the activism. Thus, further research is needed in the direction of identifying who are the prominent women figures, where they work, and what kind of potentials they have in an effort to coordinate actions. The research can assist in determining how these women can maximize their contribution to the promotion of women migrant workers rights is worth conducting.

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