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2004 "Politics of Importing Foreigners: Foreign Labor Policy in Taiwan." In *Migration Between States and Markets*. Edited by Han Entzinger, Marco Martiniello and Catherine Wihtol de Wenden. Sydney, Australia: Ashgate Publishing Limited.

1997 "Commodification of Residency: An Analysis of Taiwan's Business Immigration Market," *Taiwan: A Radical Quarterly in Social Studies*, 27:37-67 (In Chinese).

Werbner, Pnina and Nira Yuval-Davis

1999 "Women and the New Discourse of Citizenship." In *Women, Citizenship and Difference*. Edited by Nira Yuval-Davis and Pnina Werbner. London and New York: Zed Books.

Young, Iris

1989 "Polity and Group Difference: A Critique of the Ideal of Universal Citizenship," *Ethics*, 99:250-274.

Women Versus the State: Organizing Resistance and Contesting Exploitation in Indonesian Labor Migration to Hong Kong*

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This article examines the role of the state and the private sector in temporary labor migration and the responses of migrant workers to resist oppressive practices in labor export from the sending country. More precisely, it explores state-backed practices in the creation of debt bondage among Indonesian migrant women and state responses to developments in the Indonesian women's labor movement in Hong Kong.

Indonesian women migrant workers in Hong Kong had begun to organize collectively from 2000 and this study of women's activism in labor migration interrogates their grounded notions and practices that underlie women's empowerment. While ideas and definitions of women's empowerment vary widely and attempts to empower women do not always bring about the desired effects of transforming disempowering structures, this article will attempt to show why certain modes of empowerment lead to structural transformations while others are less promising for women. This article serves as documentation of a historical phenomenon in women's labor migration and concludes with some of the principles that engender women's empowerment as social and collective qualities.

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Introduction

International migration for contract employment is a feature of the current global division of labor that provides labor from developing countries that cannot absorb its labor surplus, to developed or recipient countries for employment in sectors of labor deficit. The rules pertaining to the dispatch of migrants from countries of origin to their employment and rights in countries of destination differ widely for the highly skilled and professional migrants and the less skilled. Among the latter, women are a large component from the two largest sources of labor supply in Southeast Asia, namely the Philippines and Indonesia. In the Philippines, women overseas contract workers have exceeded men since the 1990s among the newly hired land-based workers while in Indonesia today, women constitute 80 per cent of outflows from the country.

Labor migration from the Philippines and Indonesia have in common one critical dimension and that is the major role that the State has taken in promoting labor migration as part of strategies for national development. In the Philippines, this began with the overseas employment program in 1972 under ex-President Marcos' administration to encourage, as well as to systematize labor export. In Indonesia, labor exports were first set for 1979 to 1984, at a hundred thousand migrant workers for five years as part of Indonesia's national development plans (Hugo, 2000:3). Labor migration from these countries is therefore characterized to a large degree by State-formulated policies and laws, and the participation of private sector agents in managing the export of human labor. Hence, labor migration from the Philippines and Indonesia is not simply about individual women traveling and finding employment by themselves but involve highly institutionalized relations with high levels of State involvement (Wee and Sim, 2004). The most recent government deployment figures from Indonesia show that 680,000 migrant workers were deployed overseas in 2006. This reflects an increase of more than 300 per cent for men from 42,833 and 400 per cent for women from 132,354 since 1994.¹ Remittances to Indonesia through official channels also increased by 350 per cent from US\$1.67 billion in 2003 to US\$5.84 billion in 2007.²

¹ Data on deployment are from *Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia* (BNP2TKI) at <http://bnp2tki.go.id/content/view/90/87/> accessed on 12 March 2009. BNP2TKI is a unit within the Department of Manpower and Transmigration.

² Data on deployment are from *Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia* (BNP2TKI) at <http://www.scribd.com/doc/3406942/remittansi-TKI?autodown=pdf>, accessed on 12 March 2009.

From the exporting States' point of view, the inclusion of private agents is a cost-effective and practical aspect of extending the governments' capacities in managing and rationalizing processes, to facilitate what is perceived to be a source of employment for its un-/underemployed and for revenue generation in terms of fees levied for processing visas, passports and various licenses, and in remittances received from its overseas citizens. The downside of this development for migrant workers has been increased bureaucratization and costs for going overseas to work, and fewer legal options available for finding independent employment. For those who abide by the official rules in finding overseas employment, the level of debt incurred to private agencies results in migrant workers' increased vulnerabilities through debt bondage. At the same time, actions taken by the private sector frequently serve to obscure the roles that official policy and State offices play in providing support for private sector exactions, which in turn, affords invisibility for State actions that maybe detrimental to migrant workers.

This article will provide a background to the migration of Indonesian women workers to Hong Kong, and explicate the main issues they confront in terms of policies and practices stemming from the Indonesian regulatory framework for labor export. More importantly, it will capture for the reader, Indonesian women migrant workers' perceptions of how exploitation in labor migration is constructed, how it affects their migratory experience and their collective responses to resist exploitation. In the process, this article will present migrant workers' perspectives of how the State and its closely interconnected agents both shape practices in labor migration, and their argument that as citizens, migrant workers must not only be heard but that the Indonesian government must prioritize and incorporate their concerns at all levels of decision and policymaking.

The primary research for this article is based on several years of ethnographic fieldwork in Hong Kong beginning from 2000 and constitutes ongoing research. It has involved interviews as well as participant-observation research with Indonesian women migrant workers and their leaders in more than thirty grassroots organizations. Field notes were taken of all interactions and meetings, and transcribed and documented. Other forms of data collection include photographs and video documentation of their activities, and collecting press releases, statements and other materials released by these women's organizations. The data collection was supplemented by large-scale surveys conducted by the migrant groups as well as by this researcher and interviews with six migrant-related non-government organizations (NGOs). Interviews and informal discussions were conducted with officials and staff of the Indonesian Consulate in Hong Kong. These were supplemented by newspaper reports and accounts of statements

issued by Consulate officials and staff at meetings with migrant workers – these were relayed to the researchers by migrant leaders who attended these meetings. In the presentation of findings and direct quotations, unless expressed consent was given or names had been identified in earlier public documents (such as newspaper articles), the names of migrant workers, migrant leaders and key informants have been withheld to protect their identity.

A Critical Perspective: Women's Views and Understanding of State Power

With the feminization of labor migration in the last decade, women migrants from Asian countries have become the "main subject" (Barsotti and Lecchini, 1991:41) in discourses on the new international division of labor, feminization of labor flows, and other transformations relating to transnational households, remittances, transnational activism, etc. (for example, see Abella, 1991; Barsotti and Lecchini, 1991; Heyzer and Wee, 1998; Sassen, 1988; 2000; Huang, Yeoh and Rahman, 2005; *APM*, 2003, 1996). Geographically diverse studies now exist on cross-border solidarities, identity constructions representing new subjectivities, including feminist subjectivities, and the development of networks facilitating these processes (for example, see Eisentein, 1996; Gibson, Law and McKay, 2001; Malkki, 1995; Ong, 1996). Others have focused on the context of reception in destinations and women's agency and resistance (for example, see Hsia, 2004; Kwitko, 1996; Mills, 1999; Tung, 2000; Wee, Sim and Lim, 2002).

Women are without doubt major actors in recent scholarship having emerged from their obscurity in earlier literature. Despite a tendency towards celebratory accounts of women's resistance and agencies, there has been inadequate analysis into women migrants' articulations of what constitute the impetus for resisting, collectivizing and the conditions that make such resistance possible. At the same time, while there have been some research into the conditions of work and the problems encountered by migrant workers at points of destination and employment (for example, see Constable, 1997; Lan, 2006; Hsia, 2004; Sim, 2008), a significant gap in the literature that this article will address is their relationship with the sending State, which in this case, is the Indonesian government in the sending country.

Under the legal system of labor migration, migrant women workers are required to emigrate through a system of recruiters and agents. In this process, the different actors – employment agencies, financing companies and the Indonesian Consulate in Hong Kong – are perceived as part of the collective face of 'the Indonesian government' by migrant workers. With

notable exceptions, women migrants' perceptions of the State are often overlooked because of the transnational nature of this phenomenon, wherein the catalyst is perceived to be in the sending country while the effects of the power of this catalyst surfaces in processes beyond it, in another country (e.g., Anderson, 2001). As this article will show, an analysis of migrant women's constructions of State power and its effects is essential to understanding how they develop social resources in organizing and resisting, despite their relative marginality, to produce a formidable presence in Hong Kong that "is making the government in Jakarta shake" (Interview with a migrant leader, 27 February 2008).

Indonesian Migrant Workers in Hong Kong

The Philippines and Indonesia are the two largest labor exporters of migrant labor in Southeast Asia. Migrant workers from these countries also constitute the two largest groups in Hong Kong (Table 1). The presence of large numbers of ethnically distinct foreign domestic workers (FDWs) in Hong Kong is the result of deliberately racialized immigration policies from the 1970s, which were aimed at preventing the immigration by Chinese Mainlanders to join their relatives in Hong Kong under the pretext of employment as domestic workers (Chiu, 1999). Home to 243,252 FDWs as of 2007 (Table 2), Hong Kong is a favored destination for a number of reasons, including having a minimum wage, standard employment contracts, a relatively developed civil society in terms of voluntary associations and networks, a transparent system of laws, and its proximity to their home countries. But despite these factors, conditions of modern slavery exist among FDWs today in Hong Kong as a result of debt bondage.³

Debt bondage mostly affects Indonesian domestic workers in Hong Kong because it is systemic and built into the structure of labor export from Indonesia. The debts that Indonesian women workers bear are 'incurred' in Indonesia, purportedly for training, medical checks, travel and administrative costs for finding foreign employers. As will be discussed in details later, many of these cost components have been found either to be inflated, fictitious or the result of double charging, paid for by their employers in Hong Kong.

The status and benefits of Filipino domestic workers in Hong Kong today have improved since French's first study in 1986 and these improve-

³ Debt bondage is used here to denote debt slavery or bonded labor, where labor is used in producing income that pays off loans, but is distinct in that the creditor is once removed and not the same person as the one who employs the debtor.

TABLE 1
FILIPINO AND INDONESIAN DOMESTIC WORKERS IN HONG KONG, 1990-2007

| Year | Filipino | Increase/decrease (Percentage) | Indonesian | Increase/decrease (Percentage) |
|-----------------------------|----------|-----------------------------------|------------|-----------------------------------|
| 1990 | 63,600 | - | 1,000 | - |
| 1991 | 75,700 | 19.0 | 1,800 | 80.0 |
| 1992 | 89,104 | 17.7 | 6,718 | 273.0 |
| 1993 | 105,410 | 18.3 | 6,148 | -8.5 |
| 1994 | 121,178 | 15.0 | 10,716 | 74.3 |
| 1995 | 131,176 | 8.3 | 16,357 | 52.6 |
| 1996 | 134,713 | 2.7 | 20,960 | 28.1 |
| 1997 | 138,085 | 2.5 | 24,706 | 17.9 |
| 1998 | 140,357 | 1.6 | 31,762 | 28.6 |
| 1999 | 143,206 | 2.0 | 41,397 | 30.3 |
| 2000 | 151,485 | 5.8 | 55,174 | 33.3 |
| 2001 | 155,445 | 2.6 | 68,880 | 24.8 |
| 2002 | 148,389 | -4.5 | 78,165 | 13.5 |
| 2003 | 125,557 | -15.4 | 81,030 | 3.7 |
| 2004 | 124,921 | -0.5 | 82,307 | 1.6 |
| 2005 | 118,032 | -5.5 | 96,904 | 17.7 |
| 2006 | 120,788 | 2.3 | 104,129 | 7.5 |
| 2007* | 122,763 | 1.6 | 112,840 | 8.4 |
| Average annual increase (%) | | 4.3 | - | 40.4 |

Source: Hong Kong Immigration Department, 2007⁴

Note: Date are as of September 2007.

TABLE 2
STATISTICS ON FOREIGN DOMESTIC WORKERS BY COUNTRY OF ORIGIN

| Year | Philippines | Indonesia | Thailand | Others | Total |
|-------|-------------|-----------|----------|--------|---------|
| 2005 | 118,032 | 96,904 | 4,511 | 3,757 | 223,204 |
| 2006 | 120,788 | 104,129 | 4,292 | 3,572 | 232,781 |
| 2007* | 122,763 | 112,840 | 4,118 | 3,531 | 243,252 |

Source: Hong Kong Immigration Department, 2007⁵

Note: * Data are as of September 2007.

⁴ Data provided upon the request of the author (16 November 2007).

⁵ Data provided upon the request of the author (16 November 2007).

TABLE 3
NUMBER OF INDONESIAN MIGRANT WORKERS BY GENDER, 1974-2006⁷

| Year | Female | Male | Total |
|-----------|---------|---------|-----------|
| 1974-1979 | 3,817 | 12,235 | 16,042 |
| 1979-1984 | 55,000 | 41,410 | 96,410 |
| 1984-1989 | 198,735 | 93,527 | 292,262 |
| 1989-1994 | 442,310 | 208,962 | 651,272 |
| 1994-1997 | 503,980 | 310,372 | 814,352 |
| 1997-1998 | 972,198 | 383,496 | 1,355,694 |
| 1999-2002 | 213,824 | 80,041 | 293,865 |
| 2003 | 296,615 | 84,075 | 380,690 |
| 2004 | 325,045 | 149,265 | 474,310 |
| 2005 | 541,708 | 138,292 | 680,000 |
| 2006 | | | |

Sources: Ministry of Manpower and Transmigration (as cited in AMC, 2002:3:164) for data up to 2002; for 2003-200 data, *Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia* (BNP2TKI) at <http://bnp2tki.go.id/content/view/full/90/87/>, accessed on 12 March 2009.

ments have been attributed largely to strong social networks and the effective dissemination of information among them. By 2001, nearly all Filipino domestic workers received the minimum wage of HK\$3,670, compared to 58 percent in 1986 (French, 1986); generally, they fared better than 80 percent of Indonesian workers who remained underpaid. The same goes for rest days with 93 percent of Filipino domestic workers getting the legislated minimum of four rest days per month, compared to 55 percent among Indonesians (Asian Migrant Centre and Migrant Forum Asia, 2001; Association of Indonesian Migrant Workers in Hong Kong, 2001).⁶ In terms of employers, 91 percent of Indonesians compared to 77 percent of Filipinos had Hong Kong Chinese employers, who are the "least preferred" of employers among FDWs (AMC and MFA, 2001).

Key Issues in Indonesian Women's Labor Migration

Female participation in labor migration from Indonesia rose from an average of 23 percent in 1974-1979 to 80 percent in 2006. After 1974-1979, female migration had outstripped male migration (Table 3).

⁶ The study by the Association of Indonesian Migrant Workers in Hong Kong or ATKI is significant because it was mostly developed and carried out by migrant workers. ATKI conducted a follow up study in 2005. Findings from both studies provided empirical support in the advocacy work of ATKI migrant worker activists.

⁷ Data for the years 2007 and 2008 are incomplete and reflect comparability problems (see <http://bnp2tki.go.id/content/blogcategory/63/87/> and <http://bnp2tki.go.id/content/view/full/179/87/>, accessed on 12 March 2009).

TABLE 4
GEOGRAPHICAL DISTRIBUTION OF INDONESIAN MIGRANT WORKERS BY REGION,
1994-2006

| Year | Middle East & Africa | Asia Pacific | Americas | Europe |
|-------|-------------------------|--------------|----------|--------|
| 1994 | 98,710 | 70,733 | 4,036 | 1,708 |
| 1995 | 48,355 | 67,877 | 3,600 | 1,054 |
| 1996 | 135,336 | 38,369 | 980 | 484 |
| 1997 | 131,734 | 101,621 | 1,189 | 709 |
| 1998 | 179,521 | 227,911 | 2,928 | 1,249 |
| 1999 | 154,636 | 267,768 | 3,519 | 1,696 |
| 2000 | 129,168 | 304,186 | 1,509 | 359 |
| 2001 | 116,597 | 178,147 | 349 | 55 |
| 2002 | 241,961 | 238,324 | 40 | 68 |
| 2003 | 183,770 | 109,722 | 171 | 202 |
| 2004 | 219,699 | 160,90 | 17 | 4 |
| 2005 | 177,019 | 297,291 | - | - |
| 2006 | 353,189 | 326,811 | - | - |
| Total | 2,169,695 | 2,731,730 | 18,338 | 7,588 |

Source: *Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia (BNP2TKI)*
at <http://bnp2tki.go.id/content/view/90/87/>, accessed on 12 March 2009

In terms of geographical distribution, currently data available provide the total number of workers in four regional blocks: Middle East and Africa, Asia Pacific, Americas and Europe (Table 4).⁸ Of the 680,000 Indonesian workers who went abroad in 2006, a little over half (353,189 or 52 percent) went to the Middle East and Africa and the remainder went to the Asia Pacific (326,811 or 48 percent).

Constructions of Indonesian women and Implications for Women's Labor Migration

During Suharto's 'New Order' government, Indonesian women were constructed in national discourse primarily as wives and mothers, in which women's citizenship, different from men's, was based on being "reproducers of the next generation of workers" (Robinson 2000:250; see also Williams and Widodo, this volume). Women's roles centered on the well-being of their families and appeared only in official discourse as workers in 1993.

⁸ Data are from the official website of the BNP2TKI (a unit of the Department of Manpower and Transmigration) at <http://bnp2tki.go.id/content/view/90/87/>, accessed on 12 March 2009.

This recognition was not an affirmation of their rights as equal citizens in relation to men but subject to a paternalistic ideology of statehood, based on the patriarchal family structure. Women seeking overseas employment must produce a letter of approval from the male head of family – parent, guardian or spouse – to be permitted to work overseas (Hugo, 1995:285). The construction of women as dependents and wards have repercussions in labor migration where women are subjected to State-endorsed forms of supervision via their recruitment agencies, thereby legitimizing private sector organizations as authority figures. Upon their return to Indonesia after overseas employment, migrant women returning through the capital, Jakarta, are subjected to various forms of ill-defined State 'protection' that render them vulnerable to private exactions by State and semi-State actors in Terminal 3.⁹

To facilitate the management of mass labor export, the Indonesian government created a 'one-door exit' system making it compulsory for all potential migrant workers to register with licensed recruitment agencies in Indonesia. Once registered, they become 'charges' of these agencies for training and dispatch to destinations of employment. The outsourcing of labor exporting processes to private agencies by the Indonesian government as a means to control the overseas deployment of its people means that migrant workers from Indonesia cannot find legal employment independently of this official system. In addition, the export of migrant labor from Indonesia involves institutionalized relations between commercial agencies and government departments, which constitute formal transnational labor networks, distinct from the informal networks of friends or relatives who assist in the chain migration of newcomers to recipient countries usually have close relations or have links with employment agencies in Hong Kong. Together, they provide services for a fee for recruitment, training, finding employment, arranging passage, transfers, processing of employment contracts, passports and visas, and arranging medical checks and repatriation.

The incorporation of private organizations into the regulation of labor export through State licensing, cordons off this sector from other competition.

⁹ Terminal 3 was originally set up to assist returning migrant workers to Indonesia but has become a mandatory stopover in Jakarta, where migrant workers face financial extortions by the government's uniformed staff and civilian sub-contractors. It has become so profitable for its operators that there are now plans to replicate 'Terminal 3' in all other points of arrival in Indonesia. Because of its poor public image as exploitative, a new terminal designated for migrant workers in Jakarta is officially named Terminal 4, while a new terminal for returning migrants to Solo in Central Java is simply named TKI Terminal (TKI is the acronym for 'migrant labor' in Indonesian).

TABLE 5
OFFICIAL RECRUITMENT FEES FOR INDONESIAN MIGRANT WORKERS
ACCORDING TO DESTINATION

| Destination | Recruitment fees (US\$) |
|----------------------|-------------------------|
| Taiwan | 5,184* |
| Hong Kong | 2,288 |
| Kuwait | 1,987 |
| South Korea | 1,650 |
| United Arab Emirates | 700 |
| Bahrain | 700 |
| Qatar | 700 |
| Oman | 700 |
| Brunei | 700 |
| Saudi Arabia | 627 |
| Malaysia | 526 |

Source: ILO, 2003 (except the information on Taiwan)

Note: * This information is based on the calculations by Wee and Sim (2004:189)

tors. Furthermore, when these licensed agencies close ranks, they can form anti-competition cartels and set prices among themselves. Given that their role is institutionalized in the law Undang Undang Republik Indonesia Nomor: 39 Tahun 2004 (Law on Deployment and Protection of Indonesian Migrant Workers Abroad No. 39) or UU No. 39/2004, they enjoy tremendous authority in the eyes of migrant women workers. For example, training centers attached to recruitment agencies in Indonesia serve as holding camps for those waiting for an employer to be found. In the training centers, they are literally forbidden to step outside for several months to two years—they are not allowed to go home or see their families—and most did not dare to disobey the rules (ATKI, 2005). At other times, they were subcontracted out by the agencies as cheap labor during this period on the pretext that they needed 'on the job' training with 'real' employers. A report by the United Nations Commission on Human Rights (2003) on a hundred such training camps found that physical and sexual abuses were rampant.

Official justifications for keeping potential migrant workers confined in the training centers include their need for training in skills and the language of the destination country, the agencies' need to ensure that workers are immediately available when employment is found, and to ensure that she is not pregnant. But this pre-departure system of incarceration is also used to justify the high levels of 'debt' owed by each 'trainee,' payable when they are employed overseas (Table 5). Before leaving Indonesia, migrant women are asked to sign an acknowledgment of their 'debt,' and if they refused to

sign, they will not be deployed, thus creating a situation where they cannot leave the agency for employment nor return home, unless they paid an unaffordable 'fine' of several million rupiahs. Most did as they were told and 'acknowledged' their debt. This debt of seven months' of salary deductions for Indonesian domestic workers in Hong Kong for twenty-four month contracts is equivalent to 34 months of average wages in Indonesia and is necessary even for those who have had prior overseas experience.

In Hong Kong and elsewhere, these fees are taken out of the FDWs' remuneration and paid to the employment agencies or financial institutions where the 'debt' is lodged. Under Hong Kong's labor law, the allowable commission that agencies can charge for finding employment for FDWs is 10 percent of a month's salary, which makes such payments pre-agreed in Indonesia, illegal (ATKI, 2005). In addition, as repayments depend on the ability of migrant workers to earn uninterrupted wages, the assumptions for repayment are flawed because their employers can unilaterally, terminate their contracts of employment at any time. Eighty percent of premature contract terminations were initiated by employers. In fact, some employers capitalize on FDWs' fear of premature termination to impose inhuman work regimes, standards and to commit other contractual violations. Women migrant workers from Indonesia feel that they have no alternatives for finding overseas employment because the use of recruitment agencies is enshrined in Indonesian law, that they are burdened with extraordinarily high fees for seeking employment, and that they are trapped by debts that are non-transparent, non-negotiable and that have to be paid, no matter what. In addition, they are forewarned by their agencies that if their debts are not cleared, their families in Indonesia will be harassed and be made responsible for repayment. According to NGOs working with Indonesian migrant women in Hong Kong, this threat serves as a real deterrent when their families come under pressure from agencies representatives in Indonesia to those undertaking legal action to avoid this debt. Unless there are exceptional conditions, the Consulate in Hong Kong is very reluctant to allow a change of employment agencies, as this article will show (also in Constable, 1997).

The law in Hong Kong allows all FDWs to find their own employment at the end of their contracts or to extend their employment with the same employer by going to their consulates to get an endorsement on their passports before they apply for their visas at the Hong Kong Immigration Department. While other FDWs renew or apply for their new visas, independently and cheaply at the cost of about 15 percent of a month's wages, the Indonesian government requires that all new contracts be processed by its licensed agencies, for a fee, which is equivalent to three to five months of wages.

The Indonesian government justifies the use of private sector companies on the grounds that Indonesian women migrant workers, being mostly Muslim, need protection and reliance on licensed agencies is the only way that the government can ensure their safety. A migrant leader said this myth receives wide support in Indonesia – and even NGOs which work on migrants' issues accepted this explanation (Personal communication, 12 January 2008).

In Indonesia, our government beginning from the Labor Department gives information to the public that the protection for BMP [women migrant workers] can only be provided through agencies, so people think that the agent is for protecting migrant workers [sic]. The public thinks that the government is doing the best thing for migrant workers, so even for us, we *just realized* [italics added] the problem with (the use of) agencies after two to three years of working on related issues coming from Hong Kong.

An official of the Indonesian Consulate in Hong Kong confirmed that private agencies were indispensable because "Indonesian women need protection" and agencies, "*are part of us* [meaning, the state, italics added], doing our work." When pressed on what constitutes 'protection,' he explained that being less educated, they need agencies to register them, monitor their whereabouts and to perform the task of interviewing employers to ensure that they are not being re-deployed in other capacities, such as in sex work (Interview, 6 July 2006).

In reality, employment agencies registered by the Indonesian Consulate in Hong Kong to process Indonesian domestic workers, do not 'interview' employers but entice them with ever better deals, such as in reducing the costs that employers have to bear, guaranteeing a number of replacements, among others. In the two years of contracted employment, agencies do not generally check on the FDWs' situation. Often, when employers want to terminate their FDWs, agencies are instrumental in summarily repatriating migrant workers to Indonesia, thereby depriving migrant workers of making legal claims against employers for unpaid wages, one month's salary in lieu of notice and other entitlements. These practices seem to be common, if not systemic, in other destinations as well. The interests of private employment agencies appear to be more aligned with employers than with migrant workers.¹⁰ Hence, Indonesian women migrant activists perceive agencies as part of the mechanism for governance by the Indonesian government and that they are there to serve employers and not FDWs.

¹⁰ This observation came up in the discussions the author has had with employers, migrant workers and NGOs in Singapore and Taiwan.

In addition, employer agencies hope to serve the employers by providing replacement workers as often as it is possible because new workers spell new sources of 'debt' repayment, thus increasing their turnover and profits. Employers prefer domestic workers who are docile, passive and obedient, and hence a preference for Indonesian workers over Filipinos who are perceived to be vociferous and demanding (Constable, 1997). What employers might not be aware of is that the docility of Indonesian migrants in Hong Kong is debt-induced, exacerbated by the fact that they have little support from the Indonesian Consulate who discourages them from taking legal action against employers (Constable, 1997), and because employment agencies, who, acting as authorized intermediaries, ensure that workers do not step out of line.

'Underpayment' or 'Overcharging'?

The rest of this article deals with the problem of debt bondage among Indonesian migrant workers in Hong Kong and their responses to what they perceived as official indifference to their systemic exploitation.

A follow-up study by ATKI (2005) showed that 43 percent received the minimum wage and 53 percent of Indonesian women workers received less than the legislated minimum monthly wage of HK\$3,270. Of those who were underpaid, 37 percent were grossly underpaid at between HK\$1,800 to HK\$2,000 per month. Indonesian domestic workers were the worst off compared to all other groups. Forty-two percent had paid agency fees up to the equivalent of about seven months of wages. Indonesian migrant workers who learn of their rights (such as the legislated minimum wage) in the course of their employment in Hong Kong, may put off seeking legal redress from their employers because of outstanding debts to their agencies and the fear that they will be sent home indebted, if they made any demands. Debt bondage discourages the change of employers even when FDWs encounter abuse in employment. Based on accounts by migrant leaders and NGO members, migrant workers are also deterred from litigation by the lengthy processes involved, during which, they are barred from working with no income for extended periods. Moreover, those without rest days have little opportunity to learn of their rights as workers and it is common to find women who do not know that they had been underpaid for years.

From an analysis in 2007 of two sets of data collected in 2001 and 2005 (a total of 2,777 Indonesian migrants participated in both studies), ATKI's migrant worker activists realized the extent of their exploitation by State-backed agencies. Whether an Indonesian worker is underpaid or receives the full minimum wage, private employment agencies could earn between

TABLE 6
PAYMENTS FROM EMPLOYERS AND FDWs COLLECTED BY EMPLOYMENT AGENCIES.

| | Scenario 1 (Worker is underpaid) | Scenario 2 (Worker receives minimum wage) |
|--|-------------------------------------|--|
| 1. Employer's down-payment prior to FDW's arrival in Hong Kong | HK\$12,000-15,000 | HK\$3,000-4,000 |
| 2. FDW pays agency during employment | HK\$2,000 X 5 months =HK\$10,000 | HK\$3,000 X 7 months =HK\$21,000 |
| 3. Total amount collected by employment agency | HK\$22,000-\$25,000 | HK\$24,000-25,000 |

Source: ATKI (2007a; 2007b)

HK\$22,000 and HK\$25,000 per worker. The two scenarios shown in Table 6 show how these amounts were reached.

Table 6 suggests that Indonesian domestic workers were not simply underpaid but were victimized through the systemic and excessive *overcharging* by employment agencies, which are endorsed by their government in Indonesia. Workers were outraged when they realized the extent of their victimization, and this became the impetus for the formation of collective cross-organizational solidarities among a range of Indonesian women's groups in Hong Kong.

Protecting Migrant Workers

The latest official explanation of why agencies are needed was articulated by an official of the Indonesian Consulate during a meeting with migrant workers held on 2 September 2007. According to the official, migrant workers need to go through agencies to ensure that the 'dead bodies' of migrant workers will be sent back to the 'correct' families. There had been cases when corpses had been sent to the wrong families in Indonesia due to incorrect information in their passports. Eni Lestari, the Chairperson of ATKI, retorted that it was the State-imposed agencies that falsify migrant workers' details in their passports¹¹ and it is the law in Indonesia that

¹¹ Reports that Indonesian migrant workers' details in their passports have been falsified by their agencies had been noted elsewhere. In the conduct of this study, numerous reports came to the author's attention about changes in workers' ages, names, addresses, marital status, and other personal details in their passports for different reasons. One of the most common reasons for this practice is to enhance the marketability of the migrant worker to suit employer preferences.

requires migrants to use agencies. Hence, she argued that the reason given why migrant workers should remain bound to exploitative agencies was to ensure administrative convenience for the Consulate in sending corpses home (Interview, August 27, 2006).

Recruitment agencies in Indonesia and their counterparts in Hong Kong do not exist for the purpose of providing protection to workers. Migrant workers confirm that their agencies' staff in Indonesia check their bags before they leave for Hong Kong to ensure that they do not carry prayer books, prayer clothes or material information that allows them to contact migrant groups in Hong Kong. Information that might assist the migrant worker in contacting NGOs or hotline numbers are taken away to prevent workers from learning of their rights. Agency staff in Hong Kong also reportedly confiscate multi-lingual booklets providing information to incoming FDWs. These booklets are available at the Hong Kong airport, courtesy of a Hong Kong charitable organization.

In a recent interview, Lestari said, "The protection that we want is...from overcharging of fees by recruiters" (*South China Morning Post*, 17 February 2008). Increasing numbers of Indonesian migrant workers in Hong Kong who have completed their initial two-year contracts want to bypass the system of using agents to process their own contracts and visas, a process known as 'direct hiring.' Indonesian law, however, bars them from their legal entitlement under Hong Kong laws. As a result, they pay six to 26 times more than other groups because they must use agencies licensed by their government, via its Consulate in Hong Kong.

The interviews reveal that Indonesian migrant workers are cynical of their government's desire to protect them, and view its measures as nothing more than a cover for exploiting them through the use of licensed agencies. Moreover, they feel that the laws in Hong Kong provide protection for them than the laws of their own government. Women migrant workers are in agreement that the Indonesian system designed to protect them, does nothing of the sort and the questions that this raise are, who and how does this elaborate system of administrative measures serve?¹²

Indonesian women migrant workers have in general, a low opinion of their government's integrity and its intention to represent migrant workers' interests. A migrant worker interviewed, by Asia Television remarked: "There is a high level of corruption in the Indonesian Consulate and they work with the Association of Employment Agencies in mistreating and cheating the Indonesian domestic workers...the only agencies that can

¹² Indonesians who migrate outside of the State-sponsored system of recruitment – e.g., Malaysia is a popular destination for Indonesians who evade the State-sponsored channels – tend to be blamed by State officials when they encounter problems in the destination countries.

process Indonesian domestic helper contracts have licenses from the Indonesian Consulate. And in a recent survey... conducted by our organization, over 89 percent of Indonesian domestic helpers are overcharged by these agencies" (Asia Television, 2001). Furthermore, while migrant workers in Hong Kong can and do make distinctions between private agencies and public servants and government ministries and departments, they were also aware the close links – and overlaps – between government and private entities. When migrant workers engage with the Consul General, the staff in Consulate General in Hong Kong or representatives of different departments or ministries from Indonesia, all these 'individual' actors represent the collective face of the Indonesian government.

Press releases issued by Indonesian women migrant groups in Hong Kong show moral indignation in their "protest against alleged exploitation by employers, recruitment agencies and the Indonesian government." According to ATKI, "The majority of... Indonesian migrant workers in Hong Kong face exploitation and abuse at the hands of their money-grabbing employment agencies, fraudulent employers and corrupt Consulate" (Agence France Presse, 20 July 2001). Distrust and cynicism of their government in Hong Kong have been dramatized in public performances in which the Consulate and agency staff were parodied and denigrated. The public space in Hong Kong provides a forum for the performance of learned repertoires of collective resistance that would have been unknown to Indonesian migrant women not too long ago.

Wayang Kulit¹³ Policies

Public pressure from Indonesian migrant workers in Hong Kong has been mounting to change some of the most pernicious aspects of migrant workers' debt burden. To address some of these glaring contradictions, several official attempts by the Indonesian government were made to align Indonesian practices with Hong Kong law. The first attempt in November 2000 was a new policy that allowed Indonesian domestic workers in Hong Kong to renew their own employment contracts, without using Consulate-licensed agencies thereby avoiding their fees. Although this worked for less than two

¹³ This is the oldest form of theatrical performance in Java and Bali, and in parts of Peninsular Malaysia, possibly introduced by Hinduism in Indonesia from after the first century CE. *Wayang kulit* is a performance of shadow puppets, combining wooden or leather-cut figures with back lighting that produces dramatic movements of shadows reflected on the opposite side. As a figure of speech, this term *wayang kulit* was used derogatively to describe performances made more for effect than its substance, and that has deception of the audience as a desired outcome, rather than entertainment.

months, it proved that Indonesian migrant workers were capable of managing such procedures by themselves.

In December 2000, the Director General of Indonesia's Department of Labor and Manpower arrived in Hong Kong with an entourage of representatives of employment agencies from Jakarta for discussions with the Consulate. By January 2001, the earlier policy was revoked without explanation and all Indonesian workers' contract/visa renewals had again to be conducted through appointed agents in Hong Kong. In theory, the fee for contract/visa renewal was to be pegged at no more than 10 percent of the minimum wage or HK\$367 (US\$47). As related by migrant leaders and an NGO staff member, when Indonesian migrant workers complained to the Consulate of the excessive fees charged by agencies, they were warned not "to cause trouble" if they want to work in Hong Kong.

In another attempt, a Ministerial Decree (104A/MEN/2002) was issued in Indonesia on 4 June 2002, in which Article 69 explicitly permitted all Indonesian domestic workers, working overseas to renew their employment visas on their own, without employment agencies. This proved to be another short-lived attempt when on 3 November 2002, a Consulate spokesperson announced, without explanation, that the particular clause did not apply to Hong Kong.

These machinations of making and unmaking policy are said to be very much Indonesian in character, with a lot happening in the background that is unknown, but with very little to be seen in the foreground, except "wayang kulit," that is, its effects (Interview with Eni Lestari, Chairperson of ATKI, 27 August 2006).

Policy-making: Issues of Accountability and Transparency

The Indonesian government's enthusiasm in promoting labor migration has not been matched by a parallel commitment to migrants' interests. The delegation of duties to private agencies, which under prevailing capitalist logic cannot be expected to promote migrants' interests, amounts to an outsourcing of governance. In an interview, Eni Lestari of ATKI said she expected the Indonesian government to take a more active role in managing migration rather than "monitoring agency reports" from the sidelines (*The Jakarta Post*, 3 March 2004). In the same report, the Deputy Chairman of the Labor Recruitment Agencies Association in Indonesia was quoted as saying, "It is the government's fault for licensing almost 500 labor export companies and for failing to closely monitor the business." He added that the rebranding of labor export *should begin with the government* [italics added], especially at the Manpower Ministry, the police and the military, and finally labor exporters (*The Jakarta Post*, 3 March 2004). It appears that

to migrant workers as well as to others like the Deputy Chairman of the Labor Recruitment Agencies, the 'government' or the 'State' is held as the ultimate body responsible for the effective administration of overseas labor employment. However, to migrant workers, the State or government includes recruitment and employment agencies while to private agencies, the definition of 'government' excludes themselves.

Lack of transparency by representatives of the State can spark the suspicions of migrant workers. For example, on 7 January 2003, a private sector Memorandum of Understanding or MOU¹⁴ was signed between the organization of recruitment agencies in Indonesia and its counterpart in Hong Kong. While this was regular as part of the complex operations of a transnational industry, what was irregular was a table of placement fees for Indonesian migrant workers to Hong Kong, which was included as part of the agreement. Both parties agreed to a fee of IDR17,600,000 or about HK\$16,000 as fees for each migrant worker.

There are a number of problems with this document. To begin with, the witnesses to this private sector agreement were the Director General of the Ministry of Labor, Mr. I Gusti Made Arka, and the Indonesian Consul General to Hong Kong. By signing as witnesses to this MOU, they provided official endorsement of the agreement and gave it the weight of an official decree, transforming a private agreement into the semblance of policy. Also, the government may be construed as supporting the fee schedule to be charged to migrant workers, i.e., the State became party to the 'legalizing' of a cartel at the expense of migrant workers. This is one instance in which the so-called 'invisible hand' of the State could be discerned through the attendant paper trail.

Another problem was the secrecy surrounding the document. It would have serious consequences for thousands of women migrant workers to Hong Kong, but it was never publicized by the Ministry, Consulate or the media in Indonesia or Hong Kong. It was meant to be a secret document known only by those within this exclusive group. The existence of this document became known to migrant workers only in 2007. Furthermore, many of the items included in the calculation of fees came under intense scrutiny and were found by migrant workers to be excessive or duplicitous. These anomalies were published and exposed in a primer by ATKI, "The Truth Behind Illegal Salary Deductions," of which 5,000 copies were distributed among Indonesian migrant workers in 2007 for discussion and debate. Some of their criticisms were (Press release dated 6 May 2007):

¹⁴ A copy of the MOU may be requested from the author.

What is commonly known as underpayment is actually illegal salary deductions through the collusion of the Indonesian recruitment agencies, the Indonesian government and Hong Kong employers. This should be investigated and stopped.

With the existing regulation of the Hong Kong government that stipulates a maximum agency commission of only 10 percent of the first month's salary, surely HK\$21,000 is unlawful.

IMWs [Indonesian migrant workers] are then trapped in debt bondage and subjected to systematic exploitation supported by many parties including the Hong Kong government and endorsed by Indonesian government.

On 11 November 2004, the same I Gusti Made Arka who partook in the secretive MOU signing, issued 'Order 653' (No: Kepmen 653/D.P2TKLN/XI/2004) from the office of the Directorate General for Arrangement and Deployment of Indonesian Migrant Workers Abroad, in which fees payable by migrant workers was reduced by nearly half to IDR9,132,000 or HK\$8,302. This document, like its predecessor, was to remain a secret and not publicized for several years so that Indonesian migrant workers going to Hong Kong continued to pay up to HK\$21,000 despite agreements made in 2003 and 2004.

What was the purpose or significance of these two documents and whose interests were they meant to serve, if they were not meant to be known or useful to migrant workers? Indonesian migrant worker activists in Hong Kong hypothesized that these agreements were about formalizing unspoken agreements of kickbacks to different parties, including payments to the said department above. They believed that the 2003 MOU had set the figure too high—too profitable for the agencies—and Order 653 was an official response to reduce private agencies' share of the fees receivable to IDR9,132,000. At the same time, the secrecy that shrouded both agreements would ensure that whatever migrant workers paid beyond this level can be channelled as 'invisible' fees to according to other informal arrangements.

A Platform for Political Solidarity

This section focuses on the work of ATKI and its political agenda, which catalyzed the largest alliance of Indonesian migrant organizations in the world, including in Indonesia, and their collective strategies that took the Indonesian government by surprise.

With assistance from Filipino NGOs, ATKI was established in Hong Kong in 2000 by a group of Indonesian migrant women, with the explicit agenda to promote the rights of Indonesian migrant workers. Based on data it collected in 2001 and 2005, ATKI published in 2007 the primer, "The Truth Behind Illegal Salary Deduction," which detailed its findings and its critique of excessive salary deductions for agency fees. A program of intense discussions, public events and coordinated actions among thousands of Indonesia domestics in Hong Kong followed. The first of these was a key meeting convened on 1 April 2007; it was attended by 65 women leaders of 18 Indonesian migrant organizations in Hong Kong. The meeting validated ATKI's findings and the participants agreed to work together to end their exploitation. A decision was made among 16 organizations to form an alliance, the United Indonesian Migrant Workers Against Overcharging (*Persatuan BMTolak Overcharging*, PILAR henceforth) to demand an end to high placement fees. Subsequently, seven more organizations joined, bringing the alliance to 23 organizations. This was an unprecedented development among Indonesian migrant workers in Hong Kong in terms of the development of a common platform for action that cut across organizational identities.

Following are the key points in PILAR's joint manifesto which were directed to the Indonesian government:

- Reduce placement fees to one month of salary deduction
- Scrap all other fees by recruitment agencies and the Indonesian government
- Scrap UUPPTKILN or UU No. 39/2004
- Allow all Indonesian migrant workers in Hong Kong to change their employers through direct hiring, that is, without the use of agencies

Beginning in April 2007, the alliance started disseminating information of its demand for the reduction of fees through a series of public events in parks on Sundays, which were attended by thousands of Indonesian women migrant workers. A public rally and protest 300 migrant workers presented their demands to the Indonesian Consulate in Hong Kong on 6 May 2007. Weekly mass distributions of primers and flyers followed and in public events, speeches by all migrant organization leaders, including women leaders of Islamic religious groups, condemned the fees imposed on Indonesian migrant workers. For example, Ningsih, the Chairperson of Ar-Romah, an Indonesian women's religious group in Hong Kong, delivered a speech at a rally held at the Indonesian Consulate on 6 May 2007, wherein she cited the religious teaching against extortion: "According to the Al

Qur'an and based on Islamic belief, it is forbidden to suck the blood of our brother and sister." She equated the high fees and months of salary deduction with the sucking of blood of Indonesian migrant workers.

Also, beginning in April 2007, the newly formed alliance launched a signature campaign for 30,000 signatures from Indonesian migrant workers to reflect the demand of more than a quarter of their compatriots in Hong Kong for a reduction in fees. This target was achieved in less than four months and their demand and signatures were presented to the Indonesian government in August 2007, on the 67th anniversary of Indonesia's Independence Day. ATKI organized an 'Education Festival' in June of the same year, targeting the development of leadership skills for one hundred migrant leaders in the new alliance in order to amplify PILAR's demands and to increase the capacity for effective leadership from within.

Through a well-coordinated strategy centered on PILAR's leadership, Indonesian migrants' issues have earned media attention in Hong Kong and Indonesia, and on Internet resources. Accounts, photographs, videos and press releases can be found almost instantly after each event on blogs, websites, YouTube and chat rooms. The media in Indonesia is beginning to pay attention to migrant worker issues in destination countries. From 2007, women migrant leaders in Hong Kong have been featured in news clips, interviews on television and radio talk shows via their mobile telephones from Hong Kong. The local newspapers in Hong Kong are becoming more informed about their struggle with the Indonesian government. The activism of Hong Kong migrant groups has increased the awareness of national level organizations in Indonesia like the Commission on Violence Against Women, Solidaritas Perempuan and Migrant Care. It has also led to the development of new migrant organizations and initiatives in Indonesia, such as the association of returned migrants, who give voice and support back home for their compatriots abroad.

The Official Response

This wave of activism embarrassed the Indonesian government. By May 2007, Moh Jurnhur Hidayat, the head of the National Body on the Placement and Protection of Indonesian Migrant Workers, an independent body within the Department of Manpower and Transmigration that reports directly to the President of Indonesia, had visited Hong Kong. The Minister of Manpower and the wife of ex-President Abdurrahman Wahid also visited Hong Kong. Following the meeting with Moh Jurnhur Hidayat in Hong Kong, a staff of the Indonesian Consulate warned the migrant workers not to invest too much hope in the official's promises to resolve migrant worker issues because his job "is to carry out the policies of the

Department and he has no right to change or introduce anything else."¹⁵ Lack of coordination among government departments and conflicting messages from "government" can erode government actions in the eyes of migrants.

A visit by the Manpower Minister, Emaan Suparno to Hong Kong in early September 2007, purportedly for a meeting with the Hong Kong Department of Labour to legalize the deduction of HK\$15,000 per Indonesian migrant worker was kept a secret by the Indonesian Consulate. When PILAR members learned of his visit, they requested for a meeting with him to discuss the issue of recruitment fees. They were told by the Consulate, however, that his visit was not confirmed. It was only two days before the celebration of Indonesia Day on 9 September 2007 that the migrants learned that Mr Suparno would attend as the guest of honor. According to the leaders of the 19 organizations in the PILAR alliance, the Consulate was determined to keep them from raising their objections to the legalization of the HK\$15,000 recruitment fee with the minister and by deliberately not inviting any of their member organizations to participate in the Indonesia Day concert at the Queen Elizabeth Stadium in Hong Kong. They considered this as a devious obstruction to dialogue. They also viewed the concert as another case of official deception, where the presence of hundreds of migrant women will be used as signifying support for the new recommendation put forward by the Minister of Manpower, without the migrants being fully aware of the terms of the purpose of his visit to Hong Kong.

Migrant leaders in PILAR organized a protest outside the stadium, demanding a meeting with Mr. Suparno. They distributed flyers to other migrant workers, but Indonesian Consulate staff positioned at the entrance instructed ticket collectors to collect PILAR's colorful flyers from every entrant, and to throw them away, preventing any flyers from getting inside the stadium. One Consulate staff I interviewed at the door, who did not want to give his name, said, "These groups are invited all the time for discussions at the consulate, there is no need for them to do this sort of protest." He also noted that "the Minister was of course coming [to Hong Kong] but he is not here just to meet BMI [*Buruh Migran Indonesia* or Indonesian Migrant Workers] about their protests." To indicate that the demonstrators represented only the radical fringe, he added, "These protesters are just a very small minority because as you can see, they are so few, and so many hundreds and thousands who support us."

The turnout of 60 persons from PILAR may be "small" but it was remarkable given the short notice and the stonewalling they had encountered from the Consulate. They were unable to apply for police permit – Hong Kong requires such a permit for public rallies of more than 30 persons – because they learned about the arrival of the minister two days before the event. Nonetheless, PILAR's protest action outside the Stadium did achieve the effect of an invitation from the Consulate for a meeting on 10 September between Indonesian migrant leaders and Minister Suparno. According to the rules laid out by the Consulate for the meeting, leaders of PILAR and another alliance, KOTIKHO (Hong Kong Coalition of Indonesian Migrant Workers Organization, an alliance of seven groups), the meeting with minister was a closed-door event. Only one reporter from the newspaper *Suara* was allowed to attend as an observer, on the condition that no report on the meeting will be written up.

KOTIKHO stuck to their HK\$9,000 limit for placement fees based on the Order of the Directorate General for Arrangement and Deployment of Indonesian Migrant Workers Abroad Kepmen 653/D.P2TKILN/XI/2004, in short, Order no. 653 signed by the Director General of Placement and Orientation of Overseas Manpower (Department of Manpower & Transmigration) in 2004.¹⁶ The Consulate refused to show the participants their proposal for legitimizing the new HK\$15,000 agency fee, and its component breakdown of costs, claiming that "training is very expensive, you know" while affirming that they were aware that agency fees are legally pegged at one month of salary in Hong Kong. Instead, it asked PILAR for their counter-proposal and costs computation. PILAR representatives were adamant that official transparency was imperative and that they be shown the government's draft proposal. PILAR had also drafted a computation of fees, which they prepared for the negotiations with Minister Suparno.¹⁷

The meeting ended in a standoff. In their assessment of the meeting, migrant leaders were of the opinion that the outcome was due to the Consulate's inability to engage in truly consultative and democratic bilateral discussions. As an observer, it seems to me that the Consulate has yet to realize that they dealing with migrant activist leaders who have expectations of how a dialogue should be conducted among equals. In fact, in another meeting several months later, the Consul General in Hong Kong who issued invitations to migrant leaders did not attend the meeting himself, sending instead, a representative. PILAR leaders staged a walkout, emptying half the room to join their compatriots in a rally taking place simultaneously outside the Consulate.

¹⁵ This is based on the account of a migrant leader who was present in the said meeting (interview, month/date).

¹⁶ A copy of the document may be requested from the author.

¹⁷ A copy of the document may be requested from the author.

Backlash

In December 2007, the Consulate issued two letters to employment agencies, to take effect on 1 January 2008, which had mixed outcomes for migrant workers. The first letter, dated 4 December 2007, instructed that the passports of Indonesian migrant workers should not be held by anyone but by the workers themselves. This was in line with the Hong Kong government's policy and a positive development for migrant workers, whose passports are often kept by their agents or employers. The second letter, dated 7 December 2007, known as SE no. 2258/2007, prevented newcomers on their first two-year contracts from changing employment agencies, and for those with more than two years of work in Hong Kong, to show cause, before the Consulate will allow the changes to take place, on a case by case basis. This places the onus on migrant workers, reinforces barriers to changing employment agencies and provides no guarantee that the Consulate will give permission when migrant workers require a change of agent. In effect, no agencies will dare to help migrant workers to find new employment in Hong Kong if the Consulate does not approve of the application for change.

Thus, while the first letter increased the autonomy of Indonesian migrant workers, this was effectively cancelled by the second letter, SE no. 2258/2007, which was designed to immobilize Indonesian migrant workers and protected the power of employment agencies over migrant workers. PILAR responded immediately by demanding the cancellation of SE no. 2258/2007 with a series of high profile public rallies in Hong Kong. The protest gathered momentum through January 2008. On 10 February 2008, police and rally organizers estimated nearly 2,000 participants who rallied outside the Indonesian Consulate. This was unprecedented in Indonesian migrant labor protests in Hong Kong and the largest protest by Indonesian migrant workers in contemporary history. On 21 February 2008, ten weeks after SE No. 2258/2007 was issued, it was officially cancelled, marking a major victory for PILAR and all Indonesian workers in Hong Kong.

Conclusion

With an estimated five million legally deployed Indonesian migrant workers around the world,¹⁸ the majority of whom are women, and with official remittances growing by 350 percent between 2003 and 2006, labor migration

has become a solution to unemployment and poverty in Indonesia. There are currently efforts to reform the law UU No. 39/2004 to facilitate the export of new migrant workers to reach an official target of one million in 2009. However, without addressing the key issues raised by migrant women in this article, the system of labor export will exacerbate their vulnerabilities because of ill-conceived policies and practices.

The Indonesian government retains real leverage in shaping the experiences of its women labor migrants. However, it exhibits a serious shortcoming in transparency and accountability to its own citizens, who are, as this article shows, beginning to demand them. Instead of facilitating women's search for livelihoods, the state is perceived as the source of obstacles to their well-being and as privileging private sector interests above migrant workers' interests. The interviews and discussions with Indonesian migrant activists reveal their view of their government as their worst enemy.

Private sector agencies are viewed by Indonesian migrants as extensions of state bureaucracy with suggestions of an overlap of public and private interests in labor export from Indonesia. The formulation of rules in labor export falls under the Manpower and Transmigration Department in Indonesia and the excessive fees that private agencies charge migrant workers are not 'irregular' but regulated, fixed and endorsed by the same Department. These present real obstacles to migrants in their search for livelihood, and the source of their obstacles is the very same government that has failed to deliver jobs. They feel that they are held hostage to a system, which has little incentive in serving their interests. The right to rule, it seems in labor migration, is not coterminous with governmental obligation to protect the rights and welfare of its mobile citizens. An analysis of the politics of labor export suggests that women migrant workers, who are first and foremost citizens, remain enmeshed in policies and practices that afford little transparency and accountability to them as Indonesian citizens. Their participation, it seems, is limited to being units of export that the elaborate edifice of government and private collaboration is based upon. In Hong Kong, Indonesian migrants are beginning to question the value of a citizenship that subjects them to multiple obligations, but seemingly without attendant citizenship rights. They are now demanding for a credible and transparent governance that serve their needs and represent their interests.

¹⁸ *Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia* (BNP2TKI) at <http://bnp2tki.go.id//content/view/full/87/>, accessed on 12 March 2009

REFERENCES

- Abella, Manolo I.
1991 "Recent Trends in Asian Labour Migration: A Review of Major Issues," *Asian Migrant*, 4(3):72-77.
- Agence France Presse
2001 "Indonesian Maids Slam Exploitation in Hong Kong," 20 July, received via electronic list from WWW.STOP-TRAFFIC.ORG on 28 August, 2001.
- Anderson, Bridget
2001 "Multiple Transnationalism: Space, the State and Human Relations," Paper presented at the Workshop on Transnational Migration: Comparative Perspective, 30 June-1 July, Princeton University, New Jersey.
- Asia Television (ATV)
2001 "Domestic Helpers From Indonesia Battle Against Exploitation," Video documentary. ATV News and Public Affairs Production, Hong Kong.
- Asian and Pacific Migration Journal*
2003 Special Issue: Gender, Migration and Governance in Asia. Edited by Nicola Piper and Keiko Yamanaka, 12(1-2).
- 1996 Special Issue: Asian Women in Migration, 5(1).
- Asian Migrant Centre (AMC) and Migrant Forum in Asia (MFA)
2002-2003 *Asian Migrant Yearbook 2002-2003*. Hong Kong: Asian Migrant Centre & Migrant Forum in Asia.
- 2001 *Baseline Research on Gender and Racial Discrimination Towards Filipino, Indonesian and Thai Domestic Helpers in Hong Kong*. Hong Kong: Asian Migrant Centre, Asian Domestic Workers Union, Forum of Filipino Reintegration and Savings Groups, Indonesian Migrant Workers Union and Thai Women's Association.
2000. *Asian Migrant Yearbook 2000*. Hong Kong: Asian Migrant Centre & Migrant Forum in Asia.
- 2007a Association of Indonesian Migrant Workers in Hong Kong (ATKI)
2007a "The Truth Behind Illegal Salary Deductions," Hong Kong: Association of Indonesian Migrant Workers in Hong Kong. Press release, 6 May.
- 2007b *The Truth Behind Illegal Salary Deductions to Indonesian Migrant Workers in Hong Kong*. Hong Kong: Association of Indonesian Migrant Workers in Hong Kong.
- 2005 "2nd Survey on the Condition of Indonesian Migrant Workers in Hong Kong," Unpublished report. Association of Indonesian Migrant Workers in Hong Kong, Hong Kong.
- 2001 "The Condition of Indonesian Migrant Workers in Hong Kong," Unpublished report. Association of Indonesian Migrant Workers in Hong Kong, Hong Kong.
- Barsotti, Odo and Laura Lecchini
1991 "The Case of Asian Female Migrants: Report from the Conference on 'International Migration Policies and the Status of Female Migrants'," *Asian Migrant*, 4(2):40-45.
- Chiu, Stephen W. K.
1999 "Hong Kong (China): Economic Changes and International Labour Migration," In *OECD Proceedings: Labour Migration and the Recent Financial Crisis in Asia*. Paris: France: Organisation for Economic Co-operation and Development.
- Constable, Nicole
1997 *Maid to Order in Hong Kong: Stories of Filipina Workers*. Ithaca, NY: Cornell University Press.
- Eisenstein, Zillah
1996 "Stop Stomping On the Rest of Us: Retrieving Publicness from the Privatization of the Globe," *Indiana Journal of Global Legal Studies*, 4(1):59-95.
- French, Carolyn
1986 "Filipina Domestic Workers in Hong Kong: A Preliminary Survey," Occasional Paper No. 11, Centre for Hong Kong Studies, The Chinese University of Hong Kong, Hong Kong.
- Gibson, K. L. Law and D. McKay
2001 "Beyond Heroes and Victims: Filipina Contract Migrants, Economic Activism and Class Transformations," *International Feminist Journal of Politics*, 3(3):365-386.
- Heyzer, Noeleen and Vivienne Wee, eds.
1998 *Trade Liberalisation: Challenges and Opportunities for Women in Southeast Asia and Beyond*. New York and Singapore: UNIFEM and ENGENDER.
- Hsia, Hsiao Chuan
2004 "Internationalization of Capital and the Trade in Asian Women: The Case of 'Foreign Brides' in Taiwan," In *Women and Globalization*. Edited by Delia D. Aguilar and Anne E. Lacsamana. New York: Humanity Books.
- Hugo, Graeme
2000 "Indonesian Overseas Contract Workers' HIV Knowledge: A Gap in Information," A report for the United Nations Development Programme: South East Asia HIV and Development Project. Geneva, Switzerland: United Nations Development Programme.
- 1995 "International Labor Migration and the Family: Some Observations from Indonesia," *Asian and Pacific Migration Journal*, 4(2-3):273-301.
- International Labour Organization (ILO)
2003 "Migration Survey: Country Summary: Indonesia," In *International Labour Migration Survey, 2003*. Geneva, Switzerland: International Labour Organization.

- Inter Press Service English News Wire
 2004 "Indonesia: Gov't Draws Lessons from Abuse of Migrant Workers," 12 August.
 Available at <http://www.hiphbeam.com/doc/1P1-88168037.html>, accessed 28 November 2008.

- Jakarta Post
 2004 "Gov't, Firms At Odds on Migrants," March 3. Available at <http://www.thejakartapost.com/Archives/ArchivesDet2.asp?FileID=20040303.C02>, accessed on 6 March 2004.

- Kwikko, Ludnilla
 1996 "Filipina Domestic Workers in Hong Kong and the New International Division of Labour." In *Asia—Who Pays For Growth? Women, Environment and Popular Movements*. Edited by J. Lele and Wisdom Tetey. Aldershot, UK: Dartmouth Publishing Company Limited.

- Lan, Pei-chia
 2006 *Global Cinderellas: Migrant Domesticities and Newly Rich Employers in Taiwan*. Durham, NC: Duke University Press.

- Leahy, Patricia
 1990 "Female Migrant Labour in Asia: A Case Study of Filipina Domestic Workers in Hong Kong." MA thesis, University of Hong Kong, Hong Kong.

- Lowe, Cecile Torda
 2000 "The Outsider's Voice: Discourse and Identity Among Filipino Domestic Workers (FDWs) in Hong Kong." PhD dissertation, City University of Hong Kong, Hong Kong.

- Mallick, Lisa H.
 1995 "'Refugees and Exile' from Refugee Studies: the National Order of Things." *Annual Review of Anthropology*, 24:495-523.

- Mills, Mary Beth
 1999 *Thai Women in the Global Labor Force: Consuming Desires, Contested Selves*. New Brunswick, New Jersey and London: Rutgers University Press.

- Ong, Aihwa
 1996 "Globalization and Women's Rights: The Asian Debate on Citizenship and Communitarianism." *Indiana Journal of Global Legal Studies*, 4(1):107-135.

- Robinson, Kathryn
 2000 "Gender, Islam, and Nationality: Indonesian Domestic Servants in the Middle East." In *Home and Hegemony: Domestic Service and Identity Politics in South and Southeast Asia*. Edited by Kathleen M. Adams and Sara Dickey. Michigan: University of Michigan Press.

- Sassen, Saskia
 2000 "Women's Burden: Counter-Geographies of Globalization and the Feminization of Survival." *Journal of International Affairs*, Spring 2000:503-524.

- 1988 *The Mobility of Labor and Capital*. Cambridge, UK: Cambridge University Press.

- Sim, Amy
 2008 "The Cultural Economy of Illegal Migration: Migrant Workers Who Overstay in Hong Kong." In *Security and Migration in Asia. The Dynamics of Securitisation*. Edited by Melissa G. Curley and Wong Siu-lun. London: Routledge Curzon.

- South China Morning Post* (SCMP)
 2008 "Indonesian Migrant Workers Fight for Fairness," 17 February:11.

- Tung, Charlene
 2000 "The Cost of Caring: The Social Reproductive Labor of Filipina Live-in Home Health Caregivers." *Frontiers*, 21(1-2):61-82.

- United Nations Commission on Human Rights (UNCHR)
 2003 "Forced Labour and Exploitation of Indonesian Migrant Workers." A Report by the Sub-Commission on the Promotion and Protection of Human Rights, UNHCR, Geneva.

- Wee, Vivienne and Amy Sim
 2004 "Transnational Labour Networks in Female Labour Migration." In *International Migration in Southeast Asia*. Edited by Aris Ananta and Evi N. Arifin. Singapore: Institute of Southeast Asian Studies.

- Wee, Vivienne, Amy Sim and Celine Lim
 2002 "Class, Gender and Agency: The Employment and Abuse of Migrant Domestic Workers in East and Southeast Asia." Paper presented at the Workshop on Migration, Ethnicity and Workforce Segmentation in the Asia Pacific, 11-12 August, University of Wollongong, New South Wales.