

**ADVOCACY GROUPS FOR INDONESIAN  
WOMEN MIGRANT WORKERS' PROTECTION**

**(GROUP ADVOKASI BAGI PERLINDUNGAN  
TENAGA KERJA INDONESIA (TKI) PEREMPUAN)**

**Aswatini Raharto and Mita Noveria**

*Researchers at the Research Center for Population – the Indonesian Institute of Sciences  
(PPK-LIPI)*

*aswatini@lipi.go.id and mita\_noveria@yahoo.com*

**Abstrak**

*Banyak bukti menunjukkan bahwa para pekerja migran Indonesia di luar negeri sangat rentan terhadap pelecehan dan eksploitasi. Pada perempuan khususnya, kerentanan ini terutama karena sifat pekerjaannya dan juga sebagai akibat dari diskriminasi gender. Pemerintah Indonesia belum menyiapkan perlindungan yang memadai untuk TKI, dalam konteks instrumen-instrumen perjanjian internasional. Meskipun pemerintah Indonesia meratifikasi International Convention on the Protection of the Right of All Migrant Workers and Their Families (ICRMW) pada tanggal 12 April 2012, masih diperlukan berbagai peraturan perundang-undangan untuk mengatur pelaksanaannya. Berdasarkan keadaan tersebut, lembaga-lembaga (pemerintah dan swasta) yang terlibat dalam pengiriman TKI perlu meningkatkan perhatian terhadap upaya perlindungan mereka, terutama untuk pekerja migran perempuan. Artikel ini membahas peran dan strategi berbagai grup advokasi (seperti Lembaga Swadaya Masyarakat) dalam pemberdayaan pekerja/calon pekerja migran perempuan yang bekerja di luar negeri (TKW) untuk memberikan perlindungan yang memadai bagi mereka. Data berasal dari beberapa studi kualitatif yang dilakukan penulis, khususnya di Kabupaten Indramayu, Jawa Barat, dan Kabupaten Tulungagung, Jawa Timur, melibatkan berbagai narasumber yang relevan. Analisis didasarkan pada pendekatan siklus hidup (life-cycle) mencakup perlindungan sejak mereka dalam proses persiapan pemberangkatan, di tempat kerja, dan ketika TKW migran pulang kembali ke Indonesia.*

**Kata kunci:** *Pelindungan TKI, TKI perempuan, Advokasi, Lembaga Swadaya Masyarakat*

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International labour migration is one possible means by which the Indonesian government could overcome the problems of providing employment for its economically active growing population, especially in the local contexts. However, due to low educational levels, lack of skills and tight competition with labour migrants from other countries, the majority of Indonesian migrant workers abroad can only partake in unskilled employment in the plantation, construction, domestic or other service sectors. In 2012, it was estimated that there were more than 6 million Indonesian migrant workers overseas, with between 30 to 40 per cent of the total number, women, mostly working as low-skilled labour in the service sector as domestic workers and care givers. It has become evident that Indonesian migrant workers are vulnerable to abusive behaviour and exploitation, since they

lack protection of their basic human rights and their rights at work, with Indonesian women migrant workers, due to the nature of their work and gender discrimination, facing a higher risk of being exploited. The Indonesian government does not provide its citizens, working as labour migrants abroad, with enough of the safeguards advocated in international protective instruments. Indonesia ratified the International Convention on the Protection of the Rights of All Migrants Workers and Their Families (ICRMW) only on 12 April 2012 and this needs to be followed up by some government regulations for full implementation. This condition highlights the importance of increasing the attention of institutions (government and private) involved in managing Indonesian international labour migration, especially its female labour migration, to improve the protection of their rights. This paper elaborates the role and strategy of various advocacy groups, (e.g. Non Government Organizations) in empowering Indonesian women migrants/potential migrants regarding their rights and obligations; to ensure their legal protection. The information is from some qualitative studies involving relevant sources of information, conducted by the authors, especially in the Indramayu District, West Java and the Tulungagung District, East Java. The analysis is that based on a life-cycle approach to protect migrant rights during their pre deployment, their onsite protection (in destination/host countries), their return and their reintegration in their home countries.

**Keywords:** Protection for Indonesian migrant workers, women migrant workers, advocacy, Non Government Organization

## 1. INTRODUCTION

International labour migration is a phenomenon that cannot be separated from globalization. Poverty, population growth, high unemployment levels in developing countries, easier communications and access to transport are among the key factors influencing the movement. People go across the boundaries of their countries to take advantage of job opportunities not provided in their home countries. However, the benefits of international labour migration are not only for the migrants themselves but also for their countries of origin and the host countries. Indeed, both the migrant worker sending and receiving countries are aware of the value of international labour migration to their economic, social and political interests. Therefore, the protection of migrant workers and their rights should be a key concern in international migration, for both the receiving and origin countries. However, there is some evidence that violation of migrant worker rights occurs very often in the host countries (Komnas Perempuan, 2006), while in the countries of origin, the economic benefits of international labour migration and job opportunities abroad are exposed more widely than the problems of the protection of migrant worker rights.

During the last two decades, the number of international migrants increased substantially. In 2000, it was estimated at about 150 million, double the number in 1965 (The International Migration Policy Programme, 2001). During the 1960s the involvement of women in international migration was neglected and women were considered as dependents or family members of male workers. However, in the last decade there has been a huge change in the patterns of international migration with one of its trends being a sharp increase in the number of women as primary migrants, due to the demand for female workers in the global labour market, especially in the service sectors. In Asia, this has

been particularly seen in countries that send migrant workers, such as, Sri Lanka, the Philippines and Indonesia (Komnas Perempuan, 2006). Female migrant workers, however, because of culture and the nature of their work, are considered more vulnerable to exploitation and the violation of their rights. Therefore, the growing number of women involved in international labour migration increases the challenges for both countries of origin and destination, in their protection.

The involvement of Indonesian female migrants in work overseas started to become an important issue and attracted more government attention in the 1980s. This was primarily influenced by an increasing demand for females working in the domestic service sectors in Middle Eastern countries. This is shown by the sex ratio of migrant workers deployed to the Asia Pacific and the Middle East, as the main regions of receiving countries. Between 1995 and 2005, 72 out of every 100 Indonesian migrant workers placed in the Asia Pacific region were males, while among those placed in Middle Eastern and African regions, there were only 12 males to every 100 female migrant workers (Raharto, 2007: Table 1). In Indonesia, the government provides instruments to manage Indonesian labour migration to work overseas by implementing the Government Act No. 39, 2004, concerning the Placement and Protection of Indonesian Workers Overseas. However, Indonesia has not yet fully implemented the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (ICRMW). Furthermore, Government Act No. 39 still attracts considerable controversy as it is considered to provide insufficient protection to Indonesian migrant workers and gives more elaboration to administrative and practical aspects of the placement of migrant workers. This condition points out the importance of increasing the attention of institutions (government and private) to the empowering of Indonesian migrant workers, especially female workers, to improve the protection of their rights.

Adversely, some receiving countries, especially the government of Saudi Arabia, still lack in providing proper protection for migrant workers. In July 2011, the Saudi Arabian government stopped employing Indonesian female workers due to some requirements from the Indonesian government such as: Increasing the Indonesian workers' salaries; Legislating for one day off a week for the migrant workers; Allowing migrant workers to keep their own passports; and Providing the chance to communicate with others outside their employers' houses (<http://rimanews.com>). This indicates that giving more protection to the migrants still faces incredible challenges, including from destination countries' governments.

This paper mainly elaborates the role and strategy of various advocacy groups, (e.g. Non Government Organizations) and reviews some of the roles of the Indonesian government institutions involved in empowering Indonesian female migrants/potential migrants regarding their rights and obligations, to ensure the legal protection of Indonesian women migrant workers. The analysis is based on a life-cycle approach to protect migrant rights during their pre-deployment, providing onsite protection (in destination/host countries) and on their return and reintegration in their home countries. The analysis is based on qualitative study involving relevant sources of information. Although this paper is focussed on the role of Indonesian NGOs (local and national) in protecting migrant workers, the contribution of some international NGOs to meet migrant workers' needs during their stay in destination countries is also described.

## **2. PROBLEMS RELATED TO PROTECTION OF INDONESIAN FEMALE MIGRANT WORKERS**

One of the most controversial and disturbing aspects of the current movement of Indonesian migrant workers to work overseas relates to exploitation during the working period in destination countries as well as in the recruitment process in the home country and repatriation. While it is evident among all migrants (male and female) going to each of the main destination countries, it is far and away most prevalent among females working in the informal sector, as domestic workers. Indonesia deployed domestic workers mainly to Saudi Arabia (Hugo, 2002: 114 -159; Raharto, 2007: 222). By 2009, about 6 million out of 100 million domestic workers in the world were Indonesians (JAKERLA PRT, 2009).

The involvement of Indonesian women in working overseas, especially as domestic workers, has attracted considerable controversy. While there are success stories, it is clear that these female migrant workers are exposed to considerable risks of exploitation and discrimination. This condition relates to factors such as: Lack of skills and education; Lack of migrants'/potential migrants' knowledge of the legal processes of recruitment and placement of labour to work overseas; Involvement of brokers in the recruitment and placement processes; Lack of national legal instruments related to the protection of female migrant workers; and Lack of commitment of the Indonesian government to ratifying international legal instruments on the protection of migrant workers, regardless of race or class, gender or the nature of their work.

Fortunately, there has been a slight improvement made by the government in terms of migrant worker protection. In April 2012, the Indonesian government ratified the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (ICRMW), which is assumed to be able to provide more adequate protection not only for the workers but also for their families in the areas of origin. Many NGOs played an important role in the ratification process through their consistently proactive attempts to appeal to the government to do so. However, since there is no regulation to manage the implementation of the convention yet, it is likely that there will be no significant improvement in migrant worker protection.

There are some variations in female migrant/potential female migrant workers' levels of education. According to the Indonesian Government Act No. 39, 2004 (Article 35), the minimum level of education for migrants/potential migrants as a requirement to work overseas is completed Lower Secondary High School (9 years' schooling) or an equivalent educational level. However, in practice, female migrant workers with lower educational levels could also pass the selection process and be deployed to work overseas. Some studies show that the majority of female migrant workers sent overseas had educational levels lower than Secondary High School (Hugo 2002: 167; Raharto et al, 2002). Although the government of Indonesia has attempted to give more protection to female migrants through the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families, there was no changes made relating to the educational requirement, for example, increasing the minimum level of educational attainment.

The low educational level of female migrants/potential female migrant workers indicates that information in the form of written material would be limited in its impact to empower them. Studies conducted in three origin areas of Indonesian female migrant workers find that female migrants/potential female migrant workers are poorly informed about all aspects of the migration process or the working conditions in foreign countries. Their important sources of information are mainly a recruitment agency (brokers) they know very well. This places migrants/potential migrants in a very weak position and they may easily become victims of exploitation. The involvement of agents/brokers (*sponsor/caloa* are the local terms in Indonesia) is also an important factor that puts female migrants/potential female migrant workers at risk of exploitation and discrimination, since the recruitment process becomes longer. Therefore, empowering female migrants/potential female migrant workers is an important element in developing systems to protect them. As a high proportion of female workers/potential female migrant workers have very low educational levels, oral advocacy will be more effective to empower and give them understanding of their rights and obligations.

Indonesia has launched Government Act No. 34 and Government Act No. 39, 2004, concerning the Placement and Protection of Indonesian Workers overseas. However, these are not providing sufficient instruments on the protection of migrant workers, especially female migrant workers. Only eight out of 109 Articles in the Acts discuss migrant worker protection and the word 'female' is only stated once (Article 35), that is in: 'Currently not pregnant for potential female workers'. The Acts give more attention to the administrative process of migrant worker recruitment and are considered to give more space and benefits to the private recruitment agencies: Private Agency on Overseas Labor Placement (*Pelaksana Penempatan Tenaga Kerja Indonesia Swasta/PPTKIS*). There is also a lack of Indonesian government commitment to providing international protection for Indonesian migrant workers since Indonesia only ratified the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (ICRMW) in April 2012.

There are many problems faced by Indonesian migrant workers as a reflection of the lack of protection of their rights, in the origin as well as in the destination countries. In 2007 there were 1,766 problems reported to the Indonesian Ministry of Manpower with most of the problems experienced by female migrant workers, working as domestic workers (Nugroho, 2009). Data for 2005 and 2008 also show that problems faced by Indonesian migrant workers overseas increased in variety (Table 1). However, it is likely that the flow of Indonesian female migrants to work overseas will continue increasing. This is because the Indonesian government is unlikely to be able to provide employment for the growing working age population. One important problem that should be solved is how to provide Indonesian migrant workers, especially female workers, with enough protection of their rights, against abuse and exploitation. Advocacy could be one effective alternative to empowering female migrants/potential migrants; to ensure that they understand the legal procedures of the recruitment and placement processes as well as all legal instruments concerning the protection of their rights, in their home countries as well as in the destination countries.

**Table 1.** Problems faced by Indonesian migrant workers abroad reported to the Indonesian Ministry of Manpower and Transmigration 2005 and *BNP2TKI*<sup>1)</sup>, 2008

Type of problem	Number of cases 2005	Number of cases 2008 <sup>2)</sup>
Workers not getting their wages	372	102
Severance of work contract	140	67
Torture	89	17
Sexual harassment	30	7
Loss of contact with family	253	108
Sickness	124	11
Accident	20	3
Involvement in criminality	12	10
Failure to go abroad	42	12
Death	-	46
Employer death	-	3
Job different from that in work agreement	-	5
Problem with recruitment agency	-	1
Sickness because of work accident	-	4
<b>Total</b>	<b>1091</b>	<b>396</b>

Source: *Depnakertrans-Ditjen PPTKLN*, 2006.

<sup>1)</sup> Data for January to December 2005.

[http://www.nakertrans.go.id/pusdatinnaker/tki/tki\\_kasus\\_05.php.29/9/2006](http://www.nakertrans.go.id/pusdatinnaker/tki/tki_kasus_05.php.29/9/2006)

<sup>2)</sup> Data from January to April 2008. Source: <http://www.bnp2tki.go.id>

### 3. ADVOCACY ON THE PROTECTION OF INDONESIAN MIGRANT WORKERS: ADVOCACY GROUPS, ROLES AND STRATEGIES OF VARIOUS GROUPS

Regarding the vulnerability of the international female migrant workers, it is undeniable that they should be protected against any kind of violation. They are in need of protection at every stage of their working periods/contracts, starting from pre employment (pre deployment/before embarkation), during employment (their stay in destination countries) to post employment (their return and reintegration in their countries of origin). Regarding their special needs, there are conventions that have been initiated by international institutions, particularly the United Nations (UN) and the UN Bodies. Some of those are the UN International Convention on the Rights of All Migrants and Their Families (1990), The International Labour Office (ILO) Convention 97 and the ILO Convention 143 (Liewkeat 2010). Countries, both the sending and receiving ones, should ratify the conventions in order to provide adequate protection for migrant workers.

In sending countries, the governments are the main parties in charge of the provision of all kinds of protection for their citizens who migrate internationally to work. The government of Indonesia has made various efforts to protect migrant workers. Acts and rules related to international worker migration have been launched in order to provide maximum protection for workers. In 2004, for example, the government promulgated the Indonesian Government Act No.39/2004 on the Placement and Protection of Indonesian Workers Overseas. The Act was subsequently followed by the Instruction of the President of the Republic of Indonesia No. 6/2006 on Policy Reformation of the System of Placement and Protection of Overseas Indonesian Workers. The Presidential Instruction clearly mentions policies, programs, activities and all stakeholders who are responsible for placement and protection of Indonesian migrant workers abroad. Previously, there had also been many regulations issued by the Ministry of Manpower; the leading stakeholder in the placement overseas of Indonesian migrant workers

In order to provide maximum protection for the migrant workers, the government of Indonesia has developed collaboration with the governments of destination countries. One of such efforts being the creation of an agreement: the Memorandum of Understanding (MoU), with the government of Malaysia related to Indonesian migrant worker protection, which was signed by the Indonesian Minister for Manpower and the Malaysian Minister for Human Resources in May 2011 (Azwar, 2011; <http://saiful-aiman.blogspot.com>). The MoU states that Indonesian Female Workers are eligible for weekly days off; Allows them to keep their passports; and Have access to communicating with others. This enables them to have better protection and life conditions during their employment period in Malaysia.

In fact, the government is not the only party which takes responsibility for the protection of migrant workers. Other parties such as NGOs, also have responsibility to protect the workers against any abusive actions. NGOs have long experience in advocacy, particularly aimed to equip prospective migrant workers with adequate knowledge concerning international labour migration. Adequate knowledge has a significant role in protecting migrant workers from violation. Some NGOs work locally, mainly at the village level, while others conduct activities at the regional and international levels. As they differ in activities, the target groups of the NGO activities are also different. Local NGOs target grass root communities, such as potential migrant workers and their families and also formal and informal leaders of the villages. NGOs that work at global and international levels target their activities at the governments of sending and receiving countries and also at the NGOs that have the same mission overseas. This shows the role of the Indonesian government and the NGOs in protecting international migrant workers in all the phases of overseas employment: from their hometowns until they finish their work contract and come back to their places of origin.

### ***Protection at the pre employment (pre deployment) stage***

International labour migration consists of a series of processes, beginning with pre employment preparation in prospective migrants' places of origin. Ideally, prospective migrants have adequate knowledge of the whole process of being international migrant workers, for example, how to apply to overseas labour sending companies and the requirements of overseas workers. One of the requirements is a set of documents, such

asan identity card issued by local authorities (head of village) for the issuing of a passport and a permit letter from close relatives (husband for a married female worker and father for those who are unmarried). Moreover, future migrant workers should also have knowledge on all the matters of being overseas workers such as working conditions (jobs to be carried out; working hours), social norms and community values in destination countries and the regulations that should be obeyed by overseas workers.

The Indonesian government, through its manpower offices at the provincial and district levels, has conducted various activities to socialize all information related to international migrant workers. This includes regulations, terms and conditions of migrant work, specific requirements of particular destination countries and all the processes that should be gone through. All the efforts are aimed at supplying prospective migrant workers with adequate information regarding international labour migration. Appropriate information held by migrant workers may prevent them from deception and possibly abuse by any person involved in the recruitment and placement of the workers. These activities were carried out in collaboration with other government institutions, for example, the Office of Information and Communication (Suwardi, 2000). The government produced printed materials, such as posters, brochures and booklets containing information related to the processes of international labour migration, to spread widely knowledge of the facts. All the materials were distributed to all parts of Indonesia. The government, through local manpower offices also arranged community meetings/gatherings in areas known as the sources of migrant workers to convey appropriate information and the processes of working overseas.

Unfortunately, there was still a significant number of potential migrant workers who did not have adequate knowledge of the processes of international labour migration. This was not only the case among rural and isolated dwellers; difficult to cover in information dissemination activities conducted by the government, but also among those who lived in relatively open access areas. As a consequence, they left the recruiters (usually local people who recruit prospective migrants for an international labour sending company) to go through all the processes, for instance, filling in of all required documents. It was not rare to find that some recruiters did not prepare the original documents of potential migrant workers. One prominent case of document manipulation was to issue an identity card from a local government area other than from the potential migrant's village. In this case, recruiters changed the addresses of the future migrant workers which could later possibly cause difficulties in tracing their families if they were in need of assistance, especially at the time they were in destination countries.

In response to this, many local NGOs have carried out activities to disseminate information on the whole process of working overseas in villages known as the sources of migrant workers. An NGO in the Indramayu District, West Java, namely *SBMI (Serikat Buruh Migran Indonesia – Association of Indonesian Migrant Workers)* conducted advocacy in 3 sub-districts of the 31 sub-districts in the District. Target groups of the activities varied from potential migrant workers and community members, to formal and informal leaders of the community.

Among prospective migrant workers, advocacy was mainly aimed at disseminating comprehensive information concerning international worker mobility, such as conditions



to be migrant workers, required documents and working conditions. Another topic of advocacy was knowledge of the culture of Middle Eastern countries. This was given to hinder migrant workers from misbehaviour, for example, in Indonesian culture, smiling at others is an expression of politeness or respect for them, something not common and even prohibited in Saudi Arabia. Advocacy was organized in villages and NGO volunteers came to the villages at certain times. Apart from information dissemination, the NGOs also carried out language training, mainly English and Arabic. Language proficiency facilitates migrant workers to have good communication with host families, which probably protects them from abusive treatment. Advocacy was targeted at heads of villages as well. The village leaders were appealed to, to not allow those who are willing to work overseas to do so without 'official permission', in terms of having formal documents issued by the heads of village offices. This activity aimed to increase head of village awareness and willingness to protect the villagers, particularly potential migrant workers. Potential migrant workers who had no 'official permission', from their own village offices were usually employed overseas with fake documents issued in other villages; not rare in different districts or provinces, which led them to be vulnerable to deception.

Another local NGO, namely *PPSW* (*Pusat Pengembangan Sumberdaya Wanita* – Centre for Women's Development) carried out advocacy in the Sukabumi District, West Java. This NGO worked at 11 sub-districts of the 47 sub-districts of the District. *PPSW* worked with groups of women created by the NGO volunteers in collaboration with (women) village dwellers. Every woman in the village, including ex migrant workers, was accepted as a group member. Therefore, group members were not necessarily those who intended to work overseas. Group activities varied, involving a range of issues. The main objective of the activities was to empower women through developing capacity in critical thinking, increasing self esteem and changing consumptive lifestyles to productive ones. Since the activities of *PPSW* were conducted in villages known as sources of women migrant workers, the NGO also organized advocacy related to international labour migration. Advocacy involved training in the understanding of rights and obligations mentioned in the work contract; strengthening of motivation and mental preparedness for working overseas; the way of sending money home; and financial planning. Moreover, the *PPSW* volunteers also provided information on the legal and recommended labour sending companies. This NGO assisted prospective migrants at the pre employment (pre deployment) stage as well, by giving a hand in preparing all required documents in an effort to prevent manipulation of them.

One of the many group activities was focussed on economic empowerment of the group members (in local terms known as *simpan pinjam* activity – save and lend – members could save the money in a group, which others, in need of money, could borrow) (Rianingsih, 2000). In many cases, the loan was used to finance the whole process of international labour migration. This prevented the prospective migrants from borrowing money from people who asked for high interest in return. In the context of economic activities, the *PPSW* organized training in various kinds of skills, such as handcrafting, sewing and cooking. The skills enabled group members to establish small scale economic activities.

Potential migrants and community members as a whole, benefited from the advocacy conducted by the NGOs. Substantial information given in advocacy made it possible for them to acquire adequate knowledge on all matters of international labour migration. Unfortunately, advocacy only covered a small number of potential migrant workers, mainly those who lived in villages where the NGOs worked. The NGOs had to be self-funded in conducting their activities as there was no (special) budget provided by the government to fund them.

It is considered that limitation of, or indeed, no budget, available to support their activities, was an obstacle for the NGOs to persistently conduct attempts to empower prospective female migrants. However, in some instances, there were other problems for the future migrant workers themselves. English and Arabic classes conducted by the *SBMI* in the Indramayu District, for example, could not be run for any longer because the prospective migrants were not willing to attend the classes over a long time. This was probably caused by the lack of awareness of the advantage of language skills in matters of protection. The argument was confirmed by an *SBMI* staff member in the following quotation:

*They (prospective migrants) lack willingness to study English and Arabic and mentioned that the class has taken their time for conducting household chores. They actually were not aware that English or Arabic language skills could be a worthwhile way to protect them during their employment period. According to their view, mistreatment or abusive behaviour they received during the period is just a matter of destiny. If they are placed with a nice employer, it will not happen and they will be safe to carry-out their jobs abroad.*

This seemed to be a contradictory situation. While other people intended to empower them, the prospective migrants themselves were not enthusiastic to do so. Based on such circumstance, it still needs serious effort to make prospective migrants have greater awareness of any means to protect themselves during their contract period in the destination countries.

### ***Protection at the employment stage***

Many parties are assumed to be responsible for provision of protection for migrant workers in destination countries. Employers, governments of host countries and the government of Indonesia are responsible to protect migrant workers from any kind of violation. In fact, however, they have not been able to completely satisfy the migrant workers' needs. It is not rare indeed, to find employers abusing migrant workers in many ways; usually when they do not perform their jobs satisfactorily. Some common abusive behaviour of employers involved physical action. In some cases, employers greatly violated migrant workers, as recently experienced by a female domestic helper of Dompu, West Nusa Tenggara working in Madinah (Saudi Arabia). At the same time, many visual media in Indonesia broadcast that a female domestic helper of Surabaya (East Java) who worked in Oman also experienced abusive treatment from her employers. Other forms of violation experienced by migrant workers is being employed for excessive periods and not paid fairly.

The main party responsible for protecting migrant workers overseas is the Embassy of the Republic of Indonesia in destination countries through its labour attache. However, labour attaches are not available at all Indonesian embassies. This brings about difficulties for migrant workers who are in need of protection during their time abroad. Some Indonesian Embassies in host countries, such as Singapore and Malaysia, have made many efforts to provide protection for migrant workers. The Indonesian Embassy in Singapore provided a hotline service for migrant workers (Wardana, 2010). This aimed to serve them as an access to report problems they faced at any time and to get assistance in solving these. The Embassy also conducted a radio program, which broadcast various kinds of information related to the daily living in the country. Information on Singaporean laws and regulations, migrant workers' rights and obligations and current issues that have to be paid attention to by migrant workers, were addressed through the radio program. Furthermore, the Indonesian Embassy in Singapore provided a shelter for migrant workers who ran away from their employers for various reasons. They were placed temporarily in the shelter while their problems were solved and the Embassy provided meals for the workers during their time in the place. Other kinds of protection for migrant workers served by the Embassy were assisting the workers to claim the insurance they were entitled to and providing assistance in case the migrant workers were involved in or were accused of, any form of crime. The Indonesian Embassy in Singapore also selected and accredited Singaporean labour agencies as partners of Indonesian labour agencies in sending Indonesian migrant workers. Singaporean labour agencies that were not accredited by the Embassy would not be recommended to be part of the migrant worker sending activities.

The Indonesian Embassy in Malaysia also made various efforts to protect Indonesian migrant workers. In the short run, they lessened the time needed to renew passports and other documents required to work overseas ([www.depsos.go.id](http://www.depsos.go.id)). This helped migrants significantly because they did not have to leave their work for a lengthy period in order to process all the documents. Like the Indonesian Embassy in Singapore, the Indonesian Embassy in Malaysia provided a shelter for migrant workers who escaped from their employers. The Embassy also offered assistance to those who faced legal problems for various reasons, such as being undocumented workers or involved in a crime.

As in the preemployment period, some NGOs participated in assisting the migrant workers during their employment period. The *PPSW*, for example, kept information on migrant workers in destination countries, including employers' addresses and 'phone numbers and migrant workers' cellular 'phone numbers. NGO volunteers contacted the workers to know their conditions in their work places. They communicated in many ways, such as surface mail and 'Short Message Systems' (SMS) via cellular 'phones. Any inconvenience or mistreatment faced by migrant workers could be expressed to the NGO volunteers. The volunteers helped to liberate the migrants from violent action and explained the ways to seek assistance, i.e. where to go and the name of person(s) to be contacted. The *PPSW* also had collaborative relations with similar NGOs in Indonesia to ensure migrant workers were free from violation. In addition there was another kind of protection provided by the *PPSW* for migrant workers. The NGO volunteers helped the workers who sent money home but whose family members did not receive the money. In this case, NGO volunteers offered support in tracing the money and identifying any

problems in sending it to the workers' home countries. In some cases their efforts worked well and workers' family members got the money.

Another NGO which has affiliations and networks with similar NGOs in many countries, namely Migrant Care, made significant efforts to help migrant workers who were in need of protection. In the case of migrant workers experiencing abusive treatment from their employers, the NGO volunteers tried to free the workers from the violation. Since they have networks with other NGOs, Migrant Care volunteers asked the collaborative NGOs in host countries for assistance. They also appealed to the governments of the host countries to help the migrants be released from the bad treatment. In an extreme situation, for example, when migrant workers are threatened with being sentenced because of a crime committed voluntarily or involuntarily, NGOs forced the Indonesian government to use a diplomatic approach to ensure a just sentence for the migrant workers.

In some cases, female migrant workers who suffer from abusive treatment do not work until the end of their contracts. They are sent home because of inability to continue working due to severe sickness. Some of them suffer from mental depression because they can not cope with the abusive treatment of their employers. It is common to find that migrant workers who are forced to go home earlier have to pay for their own medical treatment, with their families responsible for all efforts for their recoveries.

Many local NGOs took action to help ('forced') return migrants to get funding for medical treatment. *SBMI*, for example, in July 2010 helped a female migrant worker who was sent home to Indramayu from Malaysia by her employer because she was very sick (an interview with an *SBMI* personnel member). She experienced ghastly violation, including being raped by her employers. She was sent home in a perilous health condition. As she reached home, she was hospitalized and her family had to pay for all medical treatment and medications for her to recover. Since the family had not enough money to cover all the medical costs, she did not get sufficient treatment. The head of *SBMI* of Indramayu then approached and 'forced' the local government to pay for her hospitalization. This effort involved a local journalist in the 'forcing' group, which made the local government endorse the payment for her medical treatment

### ***Protection at the post employment stage***

This is the stage when migrant workers have completed their work contract overseas and are going back to their countries of origin. As their contracts finish, migrant workers are sent home by their employers through labour agencies that collaborate with the labour sending company in Indonesia which sent them overseas. All parties involved in international labour migration related activities have to make sure that the workers arrive in their hometowns safely. This is a critical time for the returned migrants because they are vulnerable to mistreatment, for example, to be cheated by people who offer a transportation service to their village but charge a huge fee. Apart from being charged an enormous amount of money for transport home, there are other problems potentially faced by migrant workers, especially females, as they arrive in the home country. They are vulnerable to being robbed during their trip from the airport to their hometowns/villages

since they are assumed to bring much money home. In some cases, they are also susceptible to be physically abused if they are very reluctant to give money to those who demand it. There is no specific form of protection for returned migrant workers who face such problems. The only way to protect them is to educate and make them aware of any harm that could possibly befall them. This can be done through socialization in the pre employment (pre deployment) phase.

To anticipate the potential problems faced by the returned migrants, *UPT P3TKI (Unit Pelaksana Teknis Pelayanan, Penempatan dan Perlindungan Tenaga Kerja Indonesia – Technical Operations Unit of Services, Placement and Protection of Indonesian Migrant Workers)* in Surabaya, for example, had ‘an arrival counter’ at the Surabaya Airport for returned migrant workers. This government office placed its officers at the counter to assist returnees who needed help to go back to their hometowns. In the case the returnees had to take another flight to their hometowns, if on the same day there was no scheduled flight, they were transferred to a transit place provided by the local government and stayed one night before leaving for their places of origin. This was usually the case with returned migrant workers from East Nusa Tenggara who arrived at Surabaya Airport in the afternoon, while the flight leaving for Kupang was available the next day. The arrival counter at the Surabaya Airport for this group of workers was a kind of protection offered by the government to prevent them from mistreatment on their way home.

It is widely known that protection for migrant workers in the post employment period was very limited. They were only protected in terms of travelling from their work countries to their hometowns. As a matter of fact, there is another kind of protection needed by returned migrant workers. They actually need to be helped in spending and managing the money they earned overseas. They are supposed to have the capacity to spend the money productively, not only to fulfill consumption needs. Some NGOs, like *Yayasan Paricara* in Tulungagung District, East Java, conducted activities to protect returned migrant workers in terms of financial matters. The NGO organized training for ex workers to provide them with the ability to run economic activities using the money earned as migrant workers. The ex migrant workers were trained in various skills such as sewing, cooking, and handcrafting. It is expected the gained skills will help them to survive economically and make a living for their families.

*SBMI* in Indramayu also conducted a similar program, called the Reintegration Program. Under this program, the NGO trained ex migrant workers, including females, in entrepreneurship skills. Specifically, they were trained to manage and expand their small scale economic activities with a special focus on financial matters. Unfortunately, this activity which was supported by the ILO, was only able to cover a small number of returned migrants due to the limited budget available. As a consequence, only a few of the returnees benefited from that valuable activity. A similar activity was carried out by *PPSW* in Sukabumi, West Java in many selected villages. Training was given in groups that had been created previously. Each group consisted of 8 – 10 returned migrant workers. Again, the activities only covered a small number of returned migrant workers due to the limitations of the budget to run the training. Since there was no government budget for the activities, the NGO had to be self funded. Budget limitations brought about an inability of

the NGOs to hire professional trainers for all training activities. Therefore, it was common to find the trainers from among local people who had particular skills.

All efforts to protect migrant workers during the post employment phase seem not to sufficiently meet their needs. They actually need other kinds of help, for example, to market their products. It was common to find that many smallscale industries faced difficulties in selling their products because of the limited market network they had. As a consequence, the industries could not grow bigger. Another support needed for the returned migrants is financial capital; sufficient to run a productive economic activity.

#### 4. CONCLUSION

One of the crucial issues related to international labour migration is protection for the workers at all phases of their employment. This is particularly important for female domestic workers. Due to culture and the nature of their work, female domestic workers are among the most vulnerable to exploitative and abusive behaviour. Therefore, many parties involved in their employment overseas should be responsible for provision of the protection and safety in working and social circumstances during their time abroad.

As a major female migrant worker sending country, Indonesia has launched instruments aimed to protect this group, i.e. Indonesian Government Act No. 39/2004 on the Placement and Protection of Overseas Indonesian Workers, which was followed by the Instruction of the President of the Republic of Indonesia No. 6/2006 on Policy Reformation of the System of Placement and Protection of Overseas Indonesian Workers. There are also rules and regulations launched by the Ministry of Manpower concerning Placement and Protection of International Migrant Workers. However, those were insufficient to provide optimum protection since some Articles of the Act were assumed not to provide proper and sufficient protection for the migrant workers. Therefore, many parties, mainly NGOs and women's groups concerned with the issue, forcefully demanded the government revise the regulation, especially Act No. 39/2004. The revision refers to the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (ICRMW) and it is still in progress. The revision has gone through many consultative meetings, including with the Indonesian Parliament that has the authority to revise the regulation.

Regarding the minimum protection required by migrant workers, NGOs have carried-out activities to prevent the workers from violating behaviour. The NGOs organized various activities to make protection available for migrant workers from the predeployment to the return phases. During the predeployment phase, NGOs conducted advocacy to supply potential migrants with all the information regarding working overseas, i.e. ways and places to apply to be migrant workers; document prerequisites for transferring overseas as migrant workers; and working conditions, including the habits and culture internalized in destination countries. This is important since different habits and culture may lead to miscommunication, which may in turn threaten migrant workers with violating behaviour. Advocacy also means to strengthen prospective migrants' mentally due to uncertain circumstances they will face and the anxiety over leaving their families behind. During the employment phase, NGOs consistently supported migrant workers to

ensure they acquired protection properly. NGO volunteers kept contact with the workers through various ways, i.e. surface letters, telephones, and Short Message Systems (SMS). Migrant workers could report their conditions to the volunteers. In the case of the workers having problems, such as abusive treatment, being involved in crime (voluntarily or involuntarily), NGO volunteers offered assistance to the workers. NGOs appealed to the host governments in order to halt abusive treatment and help the workers to be punished fairly. Therefore, NGOs had networks with similar NGOs in host countries. At the return phase protection was still provided for the migrant workers. One of the many efforts was to make sure they reached home safely and prevent any kind of 'robbery' since some of the returnees brought cash. As ex migrant workers stayed in their hometowns, NGOs organized activities to protect them, especially in economic matters. NGO volunteers assisted ex migrants to carryout productive economic activities. This facilitated their survival economically, which in turn prevented them from having to repeatedly work overseas.

Although the activities were worthwhile in provision of protection for migrant workers, they only covered a limited number of the workers. This was because NGOs organized the activities in certain areas, mainly in their work locations. There were still many migrant workers who could not be reached by such activities, which may have led them to be threatened with abusive actions during all the phases of their employment, in the origin and also in host countries.

The main problem facing the NGOs in conducting the migrant protection related activities was lack of financial support. This was because they had to provide all the budget to fund the activities. In fact, some local NGOs were selffunded and it was not rare to have a limited budget to run all their activities. In some cases, the activities relating to protection and empowerment of the migrants were supported by other funding institutions, however, it was not in a regular and continued plan. Furthermore, another problem seemed to impede the attempts to protect migrant workers: the lack of NGO personnel to manage the activities. It became worse because of the size and scope of the areas that should be covered. Indeed, some are in remote areas, which were hard to reach.

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