

Dreams turn to nightmares for Indonesia's migrants

The number of Indonesian migrant workers has soared in the past ten years, but the authorities have failed to protect them. Unions have an important part to play.

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In July 2002, news reports around the world featured the fate of 500,000 Indonesians working without proper authorization in neighbouring Malaysia. Along with irregular workers from other countries, the workers had been given a deadline by which to leave Malaysia. The country's new immigration laws were due to take effect on 1 August, 2002. The new law provided for foreigners working without correct authorization to be fined and imprisoned, and to receive six strokes of the cane.

As the deadline approached, tens of thousands of migrant workers and their families queued at ports in an effort to leave Malaysia. On their return to Indonesian soil, many were stranded, some with few resources and a long way from their home villages. Despite several months' warning, the Indonesian authorities were poorly prepared to deal with the chaotic situation that developed along parts of the country's border with Malaysia. In Kalimantan, the Indonesian province which borders Malaysia's Sabah state, a transit town, Nunakan, turned into a heaving mass of human misery. Some 30,000 workers and their families entered the town, camping in squalid conditions. Some were on their way from Malaysia; others were trying to get back in. It was reported that as many as 70 people, including young children, died in the Nunakan camps.

In the past, the problems facing the expelled Indonesian migrants might have been ignored. However, in Indonesia today there are growing calls to defend and uphold basic rights of workers, whether they are employed at home or abroad. The situation which unfolded in mid-2002 sparked unprecedented concern at the fate of Indonesia's migrant workers.

The regional dimension

Early reports suggested that Malaysia's decision to crack down on irregular migrants had been sparked by disturbances at certain workplaces employing Indonesian workers. However, the downturn in the world economy and its impact on the economic climate in Malaysia seemed to be a major factor behind the decision.¹ Earlier, following the financial crisis of 1997, a fall in growth rates, lack of employment opportunities and a drop in foreign direct investment, had led a number of governments in the region to send foreign workers home. However at the same time, as economic conditions worsened in sending countries, more people sought to migrate, if necessary using irregular methods.

Recognizing the problem, governments of the region met in Thailand in April 1999 and pledged, in the Bangkok Declaration on Irregular Migration,² to

work cooperatively to address the social, economic, and humanitarian and security problems involved. Whilst the Declaration was mainly concerned with the problems of governments, rather than migrant workers, it urged “humane and safe” return of irregular migrants. However, the events of mid-2002 suggested a breakdown in co-operation between governments.

Some have argued that in order to tackle problems associated with migration within the region effectively, more thought must be given to measures to boost the economic performance and employment creation of its countries, as a way to help control and regulate the flow of labour. Senior Indonesian ministers have accepted that some of the areas that were the main source of migration to eastern Malaysia had been starved of economic development. It would be very timely for ASEAN (Association of South-East Asian Nations) countries to consider some of these issues within the larger framework of economic development in the region.

Indonesian labour migration

Indonesia is the fourth most populous country in the world, with more than 215 million people. The number of Indonesians seeking to work overseas has grown rapidly in the past ten years. Official figures suggest that the number of workers migrating each year rose from less than 90,000 in 1990 to an average of 375,000 per year between 1996 and 2000.³ However, it is widely accepted that the number is actually substantially higher than this, because of the extent of irregular migration.

The huge growth in migration has been spurred by very high unemployment at home, and low earnings opportunities. As more and more workers settle abroad, and establish their own support networks, it becomes easier for others to join them.

The most popular destination for migrant workers has been neighbouring Malaysia. Almost 40 per cent of regular migrants go to Malaysia, working in plantations, construction and as housemaids.

The second main destination for Indonesian migrants is Saudi Arabia, which attracts 37 per cent of migrants, mainly young women seeking employment as housemaids.

The remittances from migrant workers are extremely important for the Indonesian economy. It has been estimated that by the late 1990s workers were sending back to Indonesia as much as US\$1 billion every year.

Indonesia’s migrant labour force has a number of characteristics:

- A large proportion of workers either travel abroad without proper authorization, or overstay work permits.
- A large number return home before the expiry of their contracts, particularly from the Gulf States, suggesting serious unhappiness with the situation they found in the receiving countries.
- The level of educational attainment of Indonesian migrants is generally low, and most head for low-skill occupations, particularly as domestic servants, as plantation workers and in construction.

Improving the Indonesian situation

Although the number of Indonesian migrant workers has soared in the past ten years, yielding substantial revenue for the country, the authorities have failed to provide a proper framework of protection for these workers. Worse than that, in many cases authorities at various levels have been involved in corruption and in the extortion of money from migrants. The debacle of the returning workers from Malaysia has now spurred debate in Indonesia about policies on migrant labour, the appropriate regulatory framework, and other key issues.

Increasing the export of labour has been a key policy of the Indonesian Government. However, some would argue that by focusing so much on exporting labour, the Government is ignoring its responsibility to create a domestic economy that can

generate jobs for the country's workforce. A review of employment policy and the role and management of migration within that policy is urgently required.

For the moment, however, the high levels of unemployment in Indonesia and the relatively low earnings of workers will continue to encourage workers to seek employment abroad. Alongside a more effective employment and economic development policy, a new framework for labour migration is urgently needed. That framework should seek to put an end to the corrupt practices that riddle the system at present, and improve protection for workers.

A recent ILO analysis identified four key areas of development which could begin to improve the situation.

Firstly, it is apparent that a large number of prospective migrant workers are either not aware of or for other reasons do not wish to go through, the formal system for obtaining work abroad. The system needs to change so that workers are more inclined to use the proper process and can see clear advantages in doing so. Until now, responsibility for migrant workers has rested with the central office of the Ministry of Manpower and Transmigration, with other ministries having various related roles. As part of a decentralization process presently under way in Indonesia, more responsibility for migration is likely to be passed to local offices. This could be an opportunity to improve the position, but the way in which local offices respond will need to be closely monitored.

Secondly, the Government is contemplating the development of a new law that would provide a framework for migrant workers' protection. It is considering two drafts, one its own and one prepared by a non-governmental organization, Kopbumi, an umbrella organization for a range of groups active in migrant workers' issues. It is to be hoped that the recent problems associated with workers' arrival home from Malaysia will encourage the Parliament to prioritize consideration of a new law on migrant workers.

The third issue identified has been the need for resources to be available to de-

velop services related to migrant workers. Despite the huge increase in the volume of workers leaving Indonesia, there has not been a corresponding increase in resources for agencies concerned.

The fourth and most critical issue is the need for any new decentralized structures to develop systems and management which would make the administration of migrant labour more effective, whilst providing enhanced protection for workers. This would include development of new and effective information systems for migrant workers.

The problems facing Indonesia's migrant workers

Indonesia's migration business is conducted through a range of agents, brokers, middlemen and government officials. The private recruitment agencies that send workers through legal channels are registered with the Government, but at the village level, agents often work for both government-licensed and illegal recruiters.

There is a widely held feeling that the official migration process is too complex, too costly and too centralized. It often results in workers' having to travel considerable distances to get through registration, preparation and training processes and official services are viewed as ineffective and of little value. The failures of the official migration system are a significant factor in the growth of such a huge level of irregular migration from Indonesia.

Whilst regular workers might expect to receive better conditions during their period abroad, there is in fact a similar range of problems facing workers whether they pursue regular or irregular migration. The need to pay illegal fees to middlemen and officials, problems during their journeys, problems with terms of employment and a lack of advice and information can all be found amongst both groups of workers. Some of the problems faced by workers identified in studies of Indonesian migration have been:

- Lack of accurate information to migrant workers on the entire migration “experience”.
- Illegal fees and payments demanded by a range of middlemen and officials.
- Need to pay for “services” that provide no benefits.
- Lack of effective social protection.
- Sexual abuse of female workers.
- Poor conditions in pre-departure camps where legal workers may stay for lengthy periods.
- Contract substitution, with one contract to show the authorities and another “real” contract with inferior terms.
- Employment of workers, particularly irregular workers, on terms and conditions below legal minimum standards.
- Problems with payment of debts incurred to recruiters and middlemen.
- Some situations of forced and bonded labour.
- Deaths resulting from unsafe departures, particularly sea crossings of irregular workers to Malaysia.
- Restrictions on freedom of expression and association.
- Illegal confinement.
- Extortion vis-à-vis migrant workers returning home with money.
- Increasing trafficking of women and children.

Information needs of migrant workers

One of the main issues identified by the ILO⁴ has been the importance of providing accurate information to workers at each stage before migration, whilst they are abroad, and on their return. Information can help people to make the right choices, be aware of their legal rights and know of sources of further information and support.

At present, prospective migrants rely on information from family members, friends or “sponsors” who act as the local

agents of the recruiting companies. Sponsors are in fact the main source of information, but often provide little or misleading information.

Information before deciding to migrate

The lack of accurate information to workers in the initial stages of considering whether to migrate is a major problem. In the absence of clear information on their rights, workers can fall prey to a range of illegal practices. They may be required to pay illegal fees or be presented with conditions that will affect their earnings throughout their contracts.

At the pre-migration stage, prospective migrants need to be informed extensively and accurately about:

- approved procedures, correct channels and how to use them, as well how to avoid irregular intermediaries, transporters, recruiters;
- documents required, including a placement agreement between the recruiting company and workers, the employment contract to be concluded between the employers and worker, passport, visas or other authorizations required;
- clearances required, e.g. medical certificates, training or language certificates;
- countries recommended as destinations or any to which government discourages movement;
- any local blacklisted recruitment companies;
- how long it takes to complete the process of moving abroad, and the length of various stages involved;
- what fees can be charged by intermediaries, government officials, doctors, training institutions and transporters; and
- complaint procedures and redress mechanisms if workers feel improperly treated by intermediaries, recruitment companies or government officials.

Information before departure

Having decided to migrate, workers need a range of information specific to the country of destination and their intended occupation. Some categories of pre-migration information are also relevant at the pre-departure stage. Workers also need additional information on:

- Indonesian identity papers and passports, including what to do when intermediaries or employers ask for the passport;
- documentation for travel and entry into the country of destination;
- documentation regarding their employment;
- contact details for Indonesian diplomatic authorities in destination countries and, where they exist, details of labour attachés;
- contact details for representative offices of the recruitment company;
- contact details for other organizations active on employment and human rights in the country of employment (this could include trade unions); and
- contact details for authorities in the destination country who could assist in case of problems.

Information when abroad

On arrival in their destination country, workers are again in the hands of brokers and agents. Many have not received the kind of information mentioned above, and even if they have, it can still be extremely difficult for a worker to have a problem dealt with.

Over 62 per cent of Indonesians working abroad are women. Most have little education and are engaged in domestic work.⁵ Women domestic workers around the world are less protected and may face greater exploitation than any other group of migrants. The fact that most live in the home of their employer means that they are separated from other workers, and this

often leaves them in a vulnerable position. Indonesian newspapers frequently carry stories of sexual abuse of young female domestic workers overseas. Many are required to work extremely long hours, and domestic workers are often excluded from the provisions of labour legislation. Upon their arrival, the employer or agent will often take their travel documents, under the pretext of “safekeeping”.

At present, information services for Indonesian workers abroad are extremely poor, and in some countries non-existent. Workers who face problems with employers, agents or others often have nowhere to turn. The return of many Indonesian workers before their contracts have been completed, especially women working as domestic helpers in the Gulf States, can be seen as evidence of the harsh conditions of employment which they face.

Problems on return

The fourth stage at which workers need to be aware of their rights is when planning their return. A widely reported problem is the rampant extortion at the main transport terminals when they arrive back. Problems at Jakarta Airport led to the establishment of a special terminal for migrant workers, run by the Ministry of Manpower and Transmigration. However, returning workers have continued to face problems of extortion at the terminal and on their onward journeys to their home villages. Despite persistent reports of returning workers’ having to pay illegal fees and other inappropriate payments, little has been done to rectify the situation.

What can unions do?

Reaching out to the unorganized and vulnerable needs to be a key part of ensuring the future relevance of the trade union movement. This requires a new effort on the part of unions, particularly in the case of migrant workers.

At times, difficult issues may be involved. The presence of migrant workers

can create problems for trade unions in receiving countries, who may consider that a flow of cheap and unorganized workers could depress wage structures and weaken the bargaining position of organized workers. Where possible, it would be helpful for unions in sending and receiving countries to strengthen their contacts concerning migrant labour, through meetings and other regular channels. In today's increasingly connected world, such contacts are easier than ever before and should become a priority.

There are some examples of Indonesian migrant workers organizing, with support from trade unions or non-governmental organizations (NGOs). In Hong Kong, Indonesian workers recently marched and demonstrated in front of the Indonesian consulate, raising issues of protection and corruption. Unions in Malaysia have also made some efforts to organize among migrant workers. However the vulnerability of these workers, when they seek to organize, remains a major problem.

Planning a strategy

Although the concerns of migrant workers and workers in the formal employment sector may seem far apart, there are in fact some clear linkages and common interests:

- Many trade union members in the formal urban economy come from villages and areas that also send workers abroad. *There are family and community ties linking trade unionists with migrant workers.*
- The key issue of self-organization to promote better working conditions, which applies to the formal sector, can also be applied to migrant workers, but new and imaginative approaches are required.
- Basic legislative protection and enforcement, which are critical for workers in the trade union movement, are also critical for migrant workers. The skills

of unions in seeking to improve labour legislation can be used to advance a legislative framework favourable to migrant workers.

- Respect for the ILO's fundamental principles and rights at work applies to all workers.

Unions need to develop a strategy looking at how they can help migrant workers, the key interventions required, and how those interventions can be made. The strategy should aim to increase protection of workers before their departure, whilst they are working abroad, and on their return.

In developing a strategy for migrant workers, unions need to think about the role of *targeted education*. Unions could use their education activities in areas that send large numbers of workers abroad, as a vehicle for reaching out to communities directly involved in migration.

The skills and networks available to trade unions should lend themselves to:

- working with NGOs and others who have a history of support to migrants;
- public information campaigns;
- providing advice to prospective migrant workers prior to their departure;
- organizing and recruiting migrant workers;
- organizing support groups;
- monitoring and reporting abuses; and
- improving cooperation between trade unions in sending and receiving countries.

Notes

¹ P. Ramasamy: "Asia News Network", in *Jakarta Post* (Jakarta), 9 September 2002.

² See <http://www.thaiembdc.org/info/bdim.html>

³ Internal ILO document, 2001.

⁴ Graeme Hugo and W.R. Bohning: *Providing information to outgoing Indonesian migrant workers*, ILO SEAPAT Working Paper No. 7.

⁵ Sidney Jones: *Making Money off Migrants: The Indonesian exodus to Malaysia*, 2000.