Indonesian migrant workers activism in Hong Kong

ANJANI TRI FATHARINI *

Department of International Relations, Universitas Gadjah Mada, Yogyakarta, Indonesia

Abstract

Indonesian domestic migrant workers frequently experience violation toward human rights and become one of the most vulnerable people in society. Hong Kong is one of the most favorable countries for the domestic worker because of its pro-active policy, a site of many Indonesian migrant workers, facing many problems of migrant workers protection particularly on forced labor issues. In that situation, Indonesian migrant workers in Hong Kong organize collective action to struggle for their rights. This article focuses on the reason why the Indonesian Migrant Workers Alliance (JBMI) can develop in Hong Kong. The JBMI is interesting because it is the biggest alliance of Indonesian migrant workers and consist of several organizations that work together in the name of one collective voice. The research method is the qualitative method by using primer data. The primer data obtained by interviewing some Indonesian migrant workers that active in organizations. This article explains the reason why JBMI can develop in Hong Kong by using political opportunity structure theory. JBMI can develop in Hong Kong because of: 1) the characteristics of the hybrid regime in Hong Kong provide openness for collective actions, by facilitating broad political spaces for migrant workers in Hong Kong, and 2) the awareness of Indonesian migrant workers in Hong Kong to manage the available resources.

Keywords: Indonesian Migrant Workers, Migrant Workers Movement, JBMI, Collective Actions, Hong Kongs Politics

Received: 9 May 2018 / Accepted: 30 May 2018 / Published: 18 June 2018

BACKGROUND

Migrant workers that work in domestic sectors become the most vulnerable people in society (Abella, 2002). Domestic migrant workers are vulnerable to the violations of human rights as the result of injustices determined by gender, race, ethnicity, country of origin and social status (Menegatti, 2016). Indonesian domestic migrant workers frequently experience violation toward human rights and become one of the most vulnerable people in society.

Recent trend shows that there is significantly increasing number of Indonesian migrant workers in Hong Kong each year and at the same time there is a decreasing of total Filipina migrant workers. Indonesian migrant workers more favorable for the dealer agencies because they are more submissive and has limited knowledge about their rights (? , ?). The limited knowledge about their rights makes many migrant workers, especially women, suffered and did not know where to ask for help (Zarempka, 2000).

Study about migrant workers from Indonesia tends to discuss their problems and capture them as vulnerable one. The study about their movement is still rarely encountered. This study aims to show that although there is a stigma about the migrant domestic worker that helpless and weak, in fact they are strong enough to fight for their own sake.

The topic of political opportunity in some states has been written by some scholars. Piper (2006) argue that Singapore and Malaysia have strict rules in immigration, rigid contract, and the state that is not tolerable with civil activism also the stigma of migrant workers. So, the self-organize of migrant workers is difficult (Piper, 2006). Bal (2016) also shows that there is a limitation on activism in Singapore and use the term labour inactivism (Bal, 2016).
On the other hand, Hsia (2009) and Constable (2009) shows that the Hong Kong regime gives political spaces for migrant workers. However, both kinds of literature only mention about economy aspect not political systems. That is why this paper intend to fill the gap by explaining about the Hong Kongs political aspect which supporting the migrant workers activism. Hsia (2009) argue that Hong Kongs primary interest is the economic especially high demand on domestic migrant workers to meet the interest of expatriate. As a result, the Hong Kong government is more lenient against the demand of migrant workers (Hsia, 2009).

Some studies have explained about migrant workers movement in Hong Kong. But the study about Indonesian migrant workers activism is rarely found and none has explaining about JBMI. For instances, Hsia (2009) write about Asian Migrants Coordinating Body (AMCB), alliances across nation-state in Hong Kong, that successly working together (Hsia, 2009). Then, Lopez-Wui and Delias (2015) writes about Mission for Migrant Workers (MFMW) and Asian Migrant Center (AMC) which initiated by Filipina activist. This two organizations then organizes migrant workers by provide services and political advocacy for fellow migrant workers (Lopez-Wui & Delias, 2015).

This article focuses on the reason why the Indonesian Migrant Workers Alliance (JBMI) can develop in Hong Kong. The JBMI is interesting because it is the biggest alliance of Indonesian migrant workers and consist of several organizations that work together in the name of one collective voice. The research method is the qualitative method by using primer data. The primer data obtained by interviewing some Indonesian migrant workers that active in organizations. The writer interviewed the representative from organizations that are the part of JBMI networking directly in Hong Kong on August 2017.

**Indonesian Migrant Workers in Hong Kong**

Indonesian migrant workers dominated by women, and international migrations offer social and economic opportunity for Indonesian women that migrated (Williams & Widodo, 2009). Migration from Indonesia begin hundred years ago and rapidly increase since the 1960’s and 1970’s until today. Many people choose to migrate because of an economic issue to improve their lives and escape from poverty. Furthermore, the high unemployment rate in Indonesia also encourages the individual to seek employment aboard to earn a larger salary than in Indonesia (International Organization for Migration, 2010).

Since 1985, Indonesian migrant workers arrived in Hong Kong in small number. After the 1990s, Indonesia government and Hong Kong government cooperate to make Hong Kong as one of the receiving countries of Indonesian migrant workers. This cooperation brings the increase in migration from Indonesia to Hong Kong to seek a job. Hong Kong becomes one of the biggest receiving country for most the Indonesian migrant workers because of its pro-active policy toward migrant workers. Many people assume that working in Hong Kong is much better than other destination countries. However, it does not guarantee the absence of systematic problems. Even a number of Non-Government Organizations (NGOs), trade unions and activists believe that Hong Kong still needs to improve the social welfare of migrant workers (International Labour Organization, 2007).

Indonesian migrant workers in Hong Kong is facing many problems, particularly forced labor issues. Based on the research of (Justice Centre, 2016), Indonesian migrant workers are 70.5% more vulnerable to be in forced labour situation than non-Indonesians (Justice Centre, 2016). According to the International Labour Organization (ILO);

"Forced labour is all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily."

Forced labour happens in various economic activities, such as domestic work. The indicators of forced labour activities include prohibition against freedom of movement, unpaid and migrant workers personal document is kept As many problems affecting high number of Indonesian migrant workers in Hong Kong, then it encourages the emergence of non- state actors or civil society. In Hong Kong, migrant workers movement that initiated by Indonesian, as part of civil society struggle, is establishing one collective action in framework of Jaringan Buruh Migran Indonesia (JBMI) by employer or agent, sexual or physical violence, threat and intimidation (International Labour Organization, 2018).
Amnesty Internasional reported that problems of Indonesian migrant workers in Hong Kong includes: contractual deception, underpayment, excessive and exploitative works hours, denial of weekly rest day and holidays, excessive agency fees, circumventing the law on recruitment, physical/psychological abuse and threats, removal and retention of documents, and manipulated contract termination (Amnesty International, 2014).

About the JBMI

Jaringan Buruh Migran Indonesia (JBMI) was established in 2012 as an alliance of several Indonesian grass-roots migrant organizations in Hong Kong. Members of JBMI include Asosiasi Tenaga Kerja Indonesia (ATKI), Indonesian Migrant Workers Union (IMWU), Gabungan Migran Muslim Indonesia (GAMMI), Persatuan BMI Tolak Overcharging (PILAR) and Liga Pekerja Migran Indonesia (LiPMI). JBMI have been growing in Taiwan, Macau and Indonesia. JBMI is independent and not-bounding. The members cooperate with others organizations independently.

The initial momentum of JBMI emergence was started in 2009, when the Indonesian government planned to revise Ordinance No. 39/2004 about Placement and Protection of Indonesia Migrant Workers. Indonesian migrant workers in Hong Kong responded to the issue by established Aliansi Cabut UU 39 in 2009 and changed into JBMI in 2012. At first, this alliance focused on gaining support of the ordinance revises because the ordinance itself has not fully covered the rights of migrants. But today, it becomes a platform for collecting unity voice toward many issues regarding their rights and protections.

The JBMI works not limited to cases assistance and advocacy. Sringatin, the coordinator of JBMI and leader of IMWU, said that JBMI is also encouraging the empowerment of Indonesian migrant workers in order to understand the labour laws in depth and be able to solve their own case also fellow migrants. This is related to the sustainability of the movement and if anyone returns to Indonesia they can continue and build the movement in Indonesia (Sringatin, JBMI and IMWU, 19 August 2017).

JBMI have qualified and experienced counsellors in IMWU, ATKI, GAMMI, PILAR, and LiPMI. These counsellors are united in one organization, Mission for Volunteer (MOVER). Haryani, coordinator of MOVER, said that MOVER is established in 2015 and have a task to help Indonesian migrant workers in Hong Kong which have problems or cases. The consultation posts are open every Sunday at Causeway Bay (Haryani, MOVER, 22 August 2017).

JBMI is responding to the issues that need much support and celebrating the big events like international labour day and women day. For instance, while celebrating international women day, JBMI held forum and action. Public performances that have used is Indonesian art performances, speak out, and rally to Indonesian Consulate General (ATKI, 2018).

Moreover, JBMI, AMCB, and some Filipina organizations are frequently carrying out joint actions. For example is the representative of AMCB and JBMI submit a claim petition to the Labour Department Hong Kong. The petition is about demand on raising salary, raising allowance for food, providing food security and decent accommodation for migrant workers (International Muslim Women Union, 2017).

Demand on raising salary and food allowance is annual action. The action usually held every October and September and there must always be raising in October. Minimum allowable wage and food allowance for foreign domestic workers in Hong Kong is increasing every year because of the result in migrant workers movement efforts, and JBMI also plays an important role as a collective voice.

POLITICAL OPPORTUNITY IN HONG KONG

Tilly and Tarrow (2015) argue that political opportunity structure includes regime and institution that facilitate or compress political actor collective action. The characteristic of state regime influences opportunity or challenge for the political actor while making a claim. The regime characteristics include six dimensions: 1) various centre of power that provide challenger opportunity to aim for majority of regime; 2) openness to new actors that provide access for them on making a claim toward elite; 3) political instability; 4) the availability of allies because of political instability; and 5) freedom for making claim or facilitates collective claim; and 6) decisive changes in point 1 to 5 (Tilly & Tarrow, 2015).
Hong Kong is implementing hybrid regime as Hong Kong Special Administrative Region (HKSAR), part of Peoples Republic of China (PRC) in One Country, Two Systems (OCTS) framework since 1 July 1997 based on Sino-British Joint Declaration and Basic Law (Central Intelligence Agency, 2018). The hybrid regime is one regime that implements democracy and non-democracy side by side (Tilly & Tarrow, 2015). The characteristics of the hybrid regime in Hong Kong provide openness for collective actions, by facilitating broad political spaces for migrant workers in Hong Kong. Hong Kongs hybrid regime characteristics include pro-democracy and pro-Beijing as the centre of powers, openness to new actors, political instability provides the emergence of potential allies, and freedom for claiming by the availability of freedom to associate and public space.

**Pro-democracy and Pro-Beijing as Centre of Powers**

In Hong Kong, the centre of power divided as pro-democracy and pro-Beijing. Fong (2017) argue that the OCTS framework in Hong Kong produces peripheral nationalism under central state and boost the development of counter-mobilization. OCTS framework created for preparing Hong Kong integration with China after a certain time, but Hong Kong society is insecure by the possibility of decreasing in Hong Kong autonomy. Moreover, peripheral identity grows as the result of insecurity and trigger the wave of local mobilizations that aim to oppose integration strategic with Beijing (Fong, 2017). Albert (2018) argue that a wide generation gap and high numbers of economic inequality, both strengthen political division in Hong Kong. Public opinion divided into a party that intends to sustain the current Hong Kong political system, with a party that supports to fundamental reform of Basic Law. On the other hand, Beijing views all kind of protests and political voices that pro-democracy as the potential challenge toward China one-party rule (Albert, 2018).

**Openness to New Collective Actors**

Based on the estimated informal between NGO in Hong Kong, there are almost a thousand NGO in many types: charity, association, or non-profit business organization, and many more (Sim, 2003). Domestic migrant workers in Hong Kong is not active in politics but highly visible, vocal and influential. Protest action aim at multiple directions of many levels of powers (Constable, 2009).

Civil society in Hong Kong is variously based on their ideology orientations, organization form, and relations with the political society. Moreover, civil society in Hong Kong is relatively free and strong. In contrast, the civil society itself is slow in democracy development. Hong Kong dependency toward Chinas power is the cause of the difficulty on democracy development. Ngok (2008) argue that hybrid regime shapes direction and objection of civil society development, which is demobilized democratic movements. Movements in Hong Kong have strong defensive shape but at the same time unable to make efforts to drive institutional reformation (Ngok, 2008).

**Political Instability and Availability of Allies for Challengers**

Political instability in Hong Kong describes by high demand for democratic participation in government. After 1997, the survey showed that public opinion dominated by support toward political reform to be a democracy (Constable, 2009). The political instability then makes a space for the availability of potential allies for collective actors. In political opportunity structure, one actor has many potential allies for supporting them in making claims (Ngok, 2008).

Right wings group (pro-democracy) give support for migrant workers and push Hong Kong government to review policy about domestic migrant workers. Emily Lau Wai-Hing, leader of Democratic Party assume that some rules (in this context is the two-week rule) make the migrant worker more vulnerable. Moreover, Labour Party supporter, Lee Cheuk-Yan, assume that the Hong Kong system is failing to protect the migrant worker (Lam, 2015). A pro-democracy legislative in Hong Kong also push the government to enact legislation against human trafficking and forced labour (Yeung, 2017).

**Freedom to Associate and the Availability of Public Space Facilitates Claim Making**

In Hong Kong, self-organizing of migrant workers movement can run effectively. It is supported by the importance of freedom to associate and freedom to establish the political organization (Piper, 2006). Therefore,
migrant workers movement able to suppress regime in Hong Kong. The government allow protest in peace and not threatening Hong Kongs economy (Constable, 2009).

Hong Kong applies ILO 87 about Freedom of Association (International Labour Organization Convention) in the Basic Law (Hong Kong Constitution). In Chapter III: Fundamental Rights and Duties of the Residents, article 27:

*Hong Kong residents shall have freedom of speech, of the press and publication; freedom of association, of assembly, of the procession and of demonstration; and the right and of freedom to form and join trade unions, and to strike* (The Government of Hong Kong, 2012).

Based on the article 27 above, there is not diversification between local workers with a migrant. It means, migrant workers are allowed to establish and join with union and association (Hsia, 2009).

Besides freedom of association, migrant workers in Hong Kong have a certain place to gather depending on their country origin. In the late 1990s, Victoria Park in Causeway Bay become a major place for Indonesian migrant workers to gather and meet up (Constable, 2007). Victoria Park location is strategic because its near with Indonesia Consulate General in Hong Kong. Moreover, many Indonesian stores and Indonesia Bank in the area.

Many kinds of activities take place in Victoria Park by Indonesian migrant workers, especially on Sunday morning. A migrant worker in Hong Kong has one free day every week and the policy is written in Foreign Domestic Helpers Rights and Protection under the Employment Ordinance (The Government of Hong Kong, 2017). The leader of ATKI, Maesaroh, assume that Indonesian migrant workers association, alliances, and union utilize the availability of that public spaces to run socialization of collective voice in respond certain issues and to persuade people or another group to join JBMI (Maesaroh, ATKI, 22 August 2017).

So, why Hong Kong that has not ratified United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is accommodative with migrant workers demand? Hong Kong dependence on migrant workers is a factor why Hong Kong is open and gives access to the migrant workers movement. The development of domestic migrant workers in Hong Kong can be seen as an opportunity for financial gain for both parties (Yip, 2014). The increasing of Hong Kong dependence on migrant workers is counterbalanced by the actions of migrant workers and pressure from civil society to improve legal protection against exploitation and abuse or violation of the rights of migrant workers (Bal, 2016).

Beside the political opportunity in Hong Kong, the opportunities for migrant movement on making collective action cannot be effective without the willingness from migrant workers itself to manage the available resources. Eni, leader of IMA and PILAR, said that the purpose of their collective action based on the awareness to help others in order to prevent them from experiencing the same problems. Moreover this movement is looking for a solution to a problem they have experienced before. At the same time, they are giving information and educating fellow migrant workers about labour law and policy (Eni Lestari, IMA, 23 August 2017).

**THE AWARENESS OF INDONESIAN MIGRANT WORKERS IN HONG KONG**

The awareness of migrant workers is shaped by their personal experiences in the past and supported by an activist from Filipina. This two factors then encourage the Indonesian migrant workers to establish self-organized movement in collective ways.

**Migrant Workers Experiences**

The establishment of Indonesian migrant workers collective action through the process of transition from their personal emotional experience. The mutual feelings of violation of their rights then become a milestone for collective action. Melucci (1996) argue that to define a collective identity, an emotional level is needed that allows them to feel like part of the unity (Melucci, 1996).

Indonesian migrant workers who are currently active in organization have experience as victims of rights violations during their work. Such violations for example overcharged, unpaid or underpayment, employed in two places, passport and other documents is retained by agency, and many more. Rosi, leader of GAMMI said:

*I was underpayment and terminate. Then I lived in Bethune House shelter. From there, I learned how to organize, organizing masses, and how to handle cases.* (Rosi, GAMMI, 20 August 2017)

Maesaroh also said that she started to know about migrant organization because she was a victim.
I came to Hong Kong in 2009 and worked to take care of two children. My employer hired me in two places and not give me a holiday. At first, I heard from Filipina friends that work in two places is illegal. If is known by immigration, the migrant worker will be arrested. Then I tried to find migrant worker organizations in Hong Kong. (Maesaroh, ATKI, 22 August 2017)

On the other hand, PILAR active members, Sumber and Leni, clarify that it is true if their personal experiences make them able to explain the others for not to be afraid to fight together (Sumber and Leni, PILAR, 20 August 2017).

My own experience in 2007, when I was only two years working in Hong Kong, that my passport was kept by the agency. Then my contract is terminated by employer before two months of finishing. At that time, I did not know what should I do. Then I met with Eni Lestari and she told me about my rights and things to do. From there I have strength and realize that agency is extorting us. (Sumber, PILAR, 20 August 2017).

Filipina Activist Roles

Piper (2015) argue that Filipina activist existence and leadership is very prominent and contributes to spreading the transnational and diaspora networks in various countries as the result of their government policy about exporting migrant workers since 1970s. In Hong Kong, the Filipina activist is actively providing leadership training for migrant. The training program the result in the establishment of other domestic migrant labour unions and also inspires migrant worker who already return, such as Indonesia, to establish migrant rights based organizations (Piper, 2015).

NGOs strategy to organize migrant workers can happen because of the openness of the political situation in Hong Kong. The NGOs organize migrant workers by migrant workers empowerment framework, and give them knowledge and capacity in order to be able in providing services to others and able to conduct political advocacy (Lopez-Wui & Delias, 2015).

Filipina activist roles can be seen where four organizations elaborated to establish ATKI. The four organizations itself are MFMW (Mission For Migrant Workers), the Bethune House Migrant Womens Refugee, APMM (Asia Pacific Mission for Migrants) and Unifil (United Filipinos). MFMW, Bethune House and APMM have role a to in helping migrant workers to establishing their own organizations. When their own organizations formed, MFMW, Bethune House and APMM will become supervision and let the organizations run by their self. Whereas, Unifil supported the self-organize organizations in networking matters (Hsia, 2009). In addition, the Asia Migrant Center also started providing counselling for migrant workers in 1990s and then changed their focus on organizing migrant groups. For instances is help on establishing the first Indonesian migrant workers union, IMWU (Asato, 2004).

MFMW and Bethune House does help migrant workers to develop their sense of personal subjectivity which encourages them to understand that all of their circumstances or experiences is the result of forced migration. So, start from those experiences then can help them in improving their quality of life (Hsia, 2009).

CONCLUSION

Hong Kong is a unique city under the central government of China that applying hybrid regime. The uniqueness of Hong Kong political systems and the characteristics of a hybrid regime which provides openness for collective actions then can explain why JBMI can develop in Hong Kong. Political spaces for migrant workers in Hong Kong can be seen not only in economic interest of this city, but also from political situation.

In Hong Kong, pro-democracy and pro-Beijing wings make migrant workers can aim to the existening centre of powers. The openness to new actors then makes JBMI can make their alliance. Potential allies are also important and emergence from the political instability. The resources like freedom of association and the availability of gather space are avail for the collective actions.

The awareness of Indonesian migrant workers in Hong Kong to manage the available resources is also important. JBMI as the biggest alliances of Indonesian migrant workers, build from the personal experiences then become their power to fight back. There is the presence of resistance toward the effect of forced labour and global
capitalism. Moreover, the roles of Filipina activist is effectively helping Indonesia migrant workers to realize their rights.

Finally, this study intend to give a contribution of literature about Indonesian migrant workers, particularly in self-organizing migrants movement. I intend to shows the power of migrant domestic workers that identic with vulnerability.

ACKNOWLEDGMENT

This research is funded by the Indonesia Endowment Fund for Education (Lembaga Pengelola Dana Pendidikan), Ministry of Finance, Government of Indonesia.

REFERENCES


