Indonesia’s Responses on Human Rights Violations Against Indonesian Migrant Workers in Hong Kong (2011-2013)

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Abstract- Working abroad is an ordinary phenomenon in Indonesia. It becomes an interesting study in International Relation as globalization develops.

Hong Kong is one of destination countries for Indonesian Migrant Workers since 1990. However, many human rights violations often occurred against the workers. Most of them work in private sector as a domestic worker who are potential to be violated. Most of the violations are early termination of employment, communication cut off, uncertain employment contract, excessive deduction of salary, unpaid wage, torture, and extorting. Even though Hong Kong has the law of manpower on foreign domestic workers, the violation still happen. The total number of violation against Indonesian migrant workers constantly increase during 2011 – 2013. This research finds several responses of Indonesian government toward the issues in finding solutions and maximizing the protection for Indonesian migrant workers in Hong Kong.

Theoretically, the research employs the first track of Multi-track Diplomacy in which Indonesia government actively promotes in finding solutions to the issues. This research utilizes qualitative research with descriptive analysis method. It uses qualitative data, gathered from various sources and in depth interviews with Indonesia government representative.

Keywords- Indonesian Migrant Workers (IMW), Hong Kong, Indonesian Government, Human Right Violations

I. INTRODUCTION

Working abroad is one of the alternatives to choose considering less of jobs and opportunity in Indonesia. Working in other county is believed as the best strategy to earn financial support and to improve the quality of the family’ economy.

At the beginning of the 1890s, the mobilization known as migration phenomenon happened in Asia. Especially for Indonesia, most of the mobilization was motivated by economic reason. The number of migration significantly increased. Indonesian Migrant Workers (IMW) widespread to Suriname, New Caledonia, Siam and Sarawak with a total number of 10,000 workers in that time.[1]

Through globalization, people can freely move and travel over the places in the world for multiple reasons. Every destination country competes to promote the potentials and profits of working, such as higher wage, tourism sites (religious site in Middle East region). In addition, Indonesia has six popular destination countries cooperated for years, are Saudi Arabia, Malaysia, Singapore, Hong Kong, Syria, and Taiwan.[2]

Especially Hong Kong, there are two attractiveness that becomes the special reasons for IMW to choose Hong Kong: firstly as a freedom country and as a well-organized country for foreign workers, and secondly as a place with the highest wage among the six destination countries[2] Nonetheless, the research finds the violations that fully inflicted for IMW, specifically the human rights violations, either physically or non-physically. For instance, early termination of employment contract, communication cut off, uncertain and inconsistent of the employment contract, deduction of wage, unpaid wage, torture, and extorting.[3]

The state must be present in this issue. According to the Indonesian law, government obligates to protect and to ensure the rights of every Indonesian citizenship, including people who are beyond Indonesia territorial. Thus, the research will focus more on how government takes part and responds to the issue of human right violation against the violations of IMW in Hong Kong from 2011 to 2013. The research states that government has diplomatic strategic to cover the IMW, because government can formally push Hong Kong government and communicate with third party to gain the prominent purposes. The cooperation model between Indonesia and Hong Kong in term of foreign migrant workers can be categorized asPrivate to Private (P to P). Meaning that third party (private agency) has prominent role in placing the IMW.

II. INDONESIA-HONG KONG RELATIONSHIP ON MIGRANT WORKERS

Historically, the migration phenomenon has begun since the 1870s from Europe to United Stated of Amerika estimated about 60 million people motivated by expansion and colonization. In the 1890s, it begun in Indonesia with popular destinations were Suriname and South America; working as a slave under Dutch colonization.[4]

On the other hand, Hong Kong became a popular destination country for IMW in 1985, and increased in the
At least 80,000 IMW migrated to Hong Kong, and growth to 16,000 people per years.[5] P to P cooperation model is the model which the agency and the employer are private sector. The government’s role is only making the mechanism and rules of the placement policy. Both governments (Indonesia and Hong Kong) give direct orders toward the trusted and chosen private agency to place the IMW in Hong Kong.[6]

Hong Kong is the fifth ‘favorite’ country for the IMW since 2011 to 2013 after Malaysia, Taiwan, Saudi Arabia, and Uni Emirate Arab. Comparing to these states, Hong Kong is the only state that has clear regulation for foreign migrant workers in informal sector, called as the Employment Ordinance. It regulates the rights of employer such as standard minimum wage, working hours, freedom of union and communication, etc.

Table: Placement of Indonesian Migrant Workers in Hongkong (2010-2013)[7]

<table>
<thead>
<tr>
<th>Year</th>
<th>Placement</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>37,337</td>
</tr>
<tr>
<td>2011</td>
<td>50,031</td>
</tr>
<tr>
<td>2012</td>
<td>45,478</td>
</tr>
<tr>
<td>2013</td>
<td>41,759</td>
</tr>
</tbody>
</table>

The data describe that the various and a total number of Human rights violation toward IMW are 73 cases, with early termination of employment contract as the worst case by 29 cases. Then, the lowest case is the unpaid wage.

Comparing the data cases, the total number of cases relatively fewer than the total placement in 2010 to 2013. But this becomes very important and significant when talking about the human rights as the human right is the basic principle of human being and the basic of life that must be respected by all people including the employer in this case. Moreover, United Nations has decided through the Declaration of Human Rights for people all over the world.

IV. RESPONSES OF INDONESIAN GOVERNMENT TOWARD THE HR VIOLATIONS

In the last decades, Indonesian government has strongly and actively endeavorto regulate the recruitment and placement of IMW, and initiate many programs for IMW to access their justice both in Indonesia and destination country. Moreover, the program will also be implemented in other destination country of IMW which the situation in Hong Kong become a background as a prominent base line contributing to the arrangement of Indonesian government policy on IMW.

According to Servulus Bobo Riti, the Sub-director of Asia and Africa Regions of Foreign Relation Directorate of BNP2TKI, stated that Hong Kong situation is better than other destination in term of regulation and wage. It motivates the Indonesian government to arrange the
regulation that has adjusted to every country condition for
other destination countries.[2]

Indonesian government have expanded the obligation for
protection through Consulate General of Republic of
Indonesia in every destination country, including Hong
Kong. It became a historical momentum to take attention
toward IMW by ratifying the convention of United Nation
of migrant workers.[9]

Regarding the issue of human right violation in Hong
Kong, the research finds that Indonesian government
through The National Board and Placement and Protection
of Indonesia Overseas Workers or BNP2TKI and
Consulate General of Republic of Indonesia in Hong
Kong has responded with two models of diplomatic
strategies; short and long terms of responses.

First, the short-term response of government is making
good cooperation and relation with Indonesian trade
union. This strategy used because most of IMW are united
or gathered in the trade union, considered Hong Kong is
cosmopolitan country with free country of foreign migrant
workers, and Hong Kong government fully allow this
activity for every foreign migrant workers, especially
IMW.

Trade unions in Hong Kong are mainly domestic workers
who organize them-self to unite and to safeguard their
interests. In fact the background of origin country is very
dominant, including Indonesian trade union such as
Coalition of Indonesian Migrant Workers Organization
(KOTKIHO).[10] For IMW, the function of the trade
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activity for every foreign migrant workers, especially
IMW.

One of the program involving the trade union is the
launching of Kartu Tenaga Kerja Luang Negeri (KTKLN) in
2011. This program is to identify the identity of IMW
in case the passport was lost, arrested by agencies and
employers. Cooperated with KOTKIHO, the IMW could
extend the legality of KTKLN in every year. Moreover,
KOTKIHO Consulate General of The Republic of
Indonesia in Hong Kong also provides courses and beauty
salons for IMW in 2013 which had graduated 150 of
IMW.[11]

Second, long term responses were establishing the
Indonesian Migrant Workers Crisis Centre both in Hong
Kong located in Consulate General of Republic of
Indonesia and in Indonesia through BNP2TKI in 2011 and
publishing the KTKLN in 2012.

The Indonesian Migrant Crisis Centre was purposed to
intensively communication between IMW to government
authority in Hong Kong, and Consulate General RI in
Hong Kong and government in Indonesia. It was
established as most of IMW complains and problems were
about the human rights violation which need to be handled
intensively and in a long time process.

The main function of IMW Crisis Center is to service and
to optimize every complain that come from IMW overseas
either by phone, SMS, FAX, e-mail, complain form, or
direct complain to crisis center in Indonesia. The advantage of IMW Crisis Center is that IMW is easier to
complain all their problems and the government is easier
to response it, because the flow of information regarding
to IMW’s complains has been centralized in one
institution or organization.

According to HeryPrajitno, Coordinator of Crisis Centre
of BNP2TKI convey that, "The main purpose of the
establishment of Crisis Center is facilitating and nearing
services for the people. Thus, between the government
(BNP2TKI) and IMW and his/her families interconnect
one and another without any bureaucratic confine”.[14]

Other advantage of Crisis Centre is providing list of
recommendation for proper agencies and its insurance for
every legal IMW. It means that government can protect
the IMW before placement time through the agency,
including control the agency, then to prevent the
infrasion of the law of placement to Hong Kong.

At the same long responses, the publication of KTKLN in
2012 becomes the other respond of Indonesian
government, called Kartu Tenaga Kerja Luang Negeri
(KTKLN).[15] The purpose of the KTKLN is to optimize
the control of Indonesian government in recording IMW’s
data as database to give the services for placement and
protection for every IMW orderly, easily, and
professionally. Hence, it is easier for the Indonesian
government to keeping tracks of overseas workers.

Melvin Jhon Raffles H states that the total of KTKLN
published in Hong Kong since 2012-2013 are 87.247
pieces of card, and the total of KTKLN is the total of
placement to Hong Kong.[16]

V. CONCLUSION

To conclude, the placement of IMW in Hong Kong does
not equal to the quality of protection rom the employer.
The data above shows that the violation of rights toward
IMW still exists, thus the role of Indonesia government is
important to protect them either diplomatically or non-
diplomatically. Several programs have been implemented
such as making good communication through cooperation
form with trade union in Hong Kong, called as short-term
responses. Then, Indonesia government establish the crisis
center of IMW located in Consulate General of RI in
Hong Kong, and publish the identity card of IMW named
KTKLN. These all programs are purposed to protect every
IMW without any distinction where IMW from. It means
Indonesia actively upgrade its efforts in giving the
protection for IMW.
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