

***THE LIMITS OF TRANSNATIONAL ACTIVISM:  
ORGANIZING FOR MIGRANT WORKER RIGHTS IN  
MALAYSIA AND SINGAPORE***

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## **Abstract**

Over the last decade, numerous feminist activist groups in different Asian countries have emerged to campaign for migrant worker rights. Increasingly, they are forced to engage internationally, either through their involvement in transnational networks and social movements, or by incorporating understandings of the 'global' into local and national activist practices, as migrant worker issues entail cross-border negotiations at different levels. However, as differently situated actors with diverse agendas, motivations and priorities, they face a range of challenges and contradictions in addressing worker's rights within a transnational frame. This paper examines the limits of transnational feminist activism through case studies of transnational and national organizations advocating for migrant worker rights in Malaysia and Singapore.

### **The Limits of Transnational Activism: Organizing for Migrant Worker Rights in Malaysia and Singapore<sup>1</sup>**

Globalization is a two-edged sword. While it has created unprecedented economic opportunities, it has also intensified social inequalities within and across national borders. The unskilled migrant worker population is one such group that has been especially vulnerable to abuses and exploitation because of the absence of both national and international laws to protect them. Female migrant workers, in particular, tend to suffer the most as global demand for female domestic workers continues to grow. Women from the Philippines, Indonesia, Malaysia, Burma, and Thailand have joined the ranks of transnational female migrants working as domestic maids in North America, the Middle East, Japan, Europe, and Southeast Asia. Data on transnational migration in Southeast Asia is extremely difficult to verify due to the large numbers of 'illegal', 'unofficial' or 'undocumented' migrants. In Singapore, there are estimated to be over 150,000 foreign domestic workers (FDWs), made up of a third each from the Philippines and Indonesia, and a significant minority from Sri Lanka (Almenoar and Tan, 2004). This equates to approximately one foreign domestic worker to every seven households (Yeoh et al., 2004). In Malaysia, there are more than 161,000 documented domestic workers, the majority of whom hail from Indonesia and the Philippines (Chin, 2003). In addition, there are estimated to be almost as many undocumented migrant women working as maids in Malaysian homes (Tenaganita, 2005).

The feminization of transnational labour migration has attracted considerable scholarly attention (see for example Constable, 1997; Chin, 1998; Anderson, 2000; Parreñas, 2001). Scholars and activists have documented the tenuous position that FDWs face in relation to labour laws and citizenship rights. This group of workers face problems such as low wages, high debt repayments to employment brokers, difficult working conditions (including the absence of rest days), constant surveillance by their employers, and physical and sexual abuse. Both sending and receiving states, as well as traditional labour movements, have been slow to respond to these problems and for this reason over the last decade numerous migrant activist NGOs have

emerged to campaign for migrant worker rights. While much of the literature on these groups has focused on Hong Kong and the Philippines (Law and Nadeu, 1999; Law, 2003; Sim, 2003), there is also a growing body of work on other receiving countries, including Japan (Gurowitz, 1999; Piper and Uhlin, 2002), Malaysia (Gurowitz, 2000; Chin, 2003), and Singapore (Lyons, 2005b).

In addition to these locally-based groups, a number of regional and global networks have emerged to address and promote migrant worker rights. One example of a global network is Migrante International, which is made up of 95 Filipino organizations in 22 different countries. It is staffed by former migrants and activists and works to address issues such as the cause of migration at home in the Philippines, as well as the rights of migrant workers at home and abroad (Migrante International, 2006). An Asian-based regional network, Migrant Forum Asia, consists of over 260 NGOs, associations and trade unions of migrant workers, as well as individual advocates from both sending and receiving countries throughout Asia. It acts as a facilitator and regional communication point between member-organizations and advocates, addressing issues related to discriminatory laws and policies, violence against women migrants, unjust living conditions, unemployment in the homeland and other issues affecting migrant workers (Migrant Forum Asia, 2006). International human rights organizations, such as Amnesty International and Human Rights Watch (see Human Rights Watch, 2004, 2005), UN agencies such as UNIFEM (2006), as well as international trade unions (Piper, 2006) have also begun to address migrant worker issues

Nicola Piper (2005: 106) suggests that migrant worker activism is by definition a transnational activity because migrant workers are transnational subjects. She categorizes migrant worker NGOs into four different types of 'transnational organizations': 1) local citizens campaigning on behalf of non-citizens; 2) activists following their compatriot migrant workers to the destination country and campaigning on their behalf from there; 3) migrants campaigning for their interests and challenging the government in both countries of origin and destination; and 4) migrant workers or their compatriot activists campaigning on behalf of all migrants of various nationalities. Research on these groups reveals a complex diversity of structures and objectives - some are associated with local women's movements, while others are affiliated with religious groups, unions, civil rights groups, and even government organizations. Some adopt gender-specific responses to the plight of domestic workers, while others organise around religion, class, as well as race/ethnicity or nationality (i.e. advocating on behalf of women with a common country of origin).

Despite the increasing role and presence of these organizations, we know little about the intersection between transnational women's movements and activism in support of female migrant workers (but see Mackie, 2001; Silvey, 2004). In part, this absence can be explained by the tendency for research on migrant worker organizations to focus on one aspect of these workers' identities, that is their status as migrants (migration studies) or as workers (labour studies), and rarely to focus on their complex multiple identities as 'female migrant workers'. Expanding on previous work, this paper examines the intersection between feminism, workers' rights and transnational activism by asking three inter-related questions: 1) to what extent do organizations working to support the rights of domestic workers utilise the lens of gender in their activism?; 2) what role have local and/or national women's movements played in relation

to migrant worker activism?; and 3) what role have transnational feminist networks played in supporting local/national NGO efforts in relation to migrant worker rights? Using case studies of two organizations, one each from Singapore and Malaysia, this paper sheds light on a range of factors that support and inhibit transnational feminist activism in support of the rights of female migrant workers in Southeast Asia.

## **Understanding the context**

The comparison of Singapore and Malaysia is important because it provides an opportunity to consider the ways in which different national contexts impact on the opportunities for domestic worker NGOs and networks to advocate for workers' rights. On migrant rights issues both governments have demonstrated "little tolerance for public discourse that casts its practices in a negative light" (Chin, 2003: 65). In part this can be explained through their similar governance structures and tight control over the space of civil society. The countries share a common heritage that includes British colonial rule and ethnically diverse populations. Both have witnessed strong economic growth in the last two decades. The activities of migrant worker groups in both countries are curtailed by strict rules governing the formal registration of NGOs, a strong interventionist stance by the state, restrictions placed on the activities of international NGOs and other agencies, and often-fraught diplomatic relations with the two major migrant-sending countries – Indonesia and the Philippines (Singam et al., 1997; Koh and Ooi, 2000; Chin, 2003; Weiss, 2003). These relations have undergone change over time, and are influenced by the character of other bilateral and multilateral ties (eg. relations with the United States and other 'western' countries), as well as relations between Singapore and Malaysia themselves. Migrant worker activists have found themselves having to focus on the roles played by national governments at both the bilateral and multilateral levels in order to mediate between local and transnational groups.

In both countries, the Internal Security Act (ISA) is used to discipline the actions of groups seen to be politically threatening. The Act was introduced during British colonial rule and used against suspected communists. It allows arrest and detention without trial for up to 60 days, and unlimited extensions beyond the initial detention. Both the Singaporean and Malaysian governments have used the ISA against those individuals or groups that they consider a threat to national security. The Societies Acts of both countries are another significant colonial legacy. In Singapore, while the Constitution guarantees freedom of association (Article 14) in principle, organizations with more than 10 members or committees with more than five members are required to register under the Societies Act or the Companies Act (Tanaka, 2002). Individuals who participate in groups that are not officially registered face the threat of arrest and imprisonment for participating in 'illegal assemblies'. All registered organizations are expressly prohibited from engaging in 'political activity'. This combination of legislation and government policy has restricted the emergence of activists groups.<sup>2</sup> As a consequence, most registered societies tend to be professional associations or welfare-oriented groups. In Malaysia, Article 10 of the Malaysian Constitution guarantees freedom of speech, expression, peaceful assembly and association. The Societies Act of Malaysia covers all groups of seven or more people except those covered by other legislation such as trade unions and co-operatives. The Act has been amended several times, most recently in 1983 after a campaign by NGOs to address the Act's

wide definition of 'political activity' (defined as any society that issues public statements). Although the narrow definition of a 'political society' was subsequently removed, the legislation continues to restrict the activities of NGOs (Weiss, 2003: 31-2).

While both countries are recognized as having strong authoritarian governments that tightly control access to a small sphere of civil society activity, Malaysia has a much larger and vibrant NGO sector than Singapore.<sup>3</sup> There are many groups active in the fields of women's rights, the environment, consumer affairs, and civil and political rights. Despite this diversity, however, these groups continue to face difficulties on the ground. For example, the 1971 Sedition Amendment Act limits their activities by removing from public discussion four issues: Malay rights, citizenship rights for non-Malays, the status of the national language and Islamic religion, and the rights and privileges of the King and Sultans (Eldridge, 2002: 93). The Printing Presses and Publications Act 1984 has also been effectively used to reduce public criticism or reportage of issues or events that question the ruling party (see below a discussion of this issue in relation to migrant worker rights). In both countries, opportunities for NGOs to advance their causes depends in large part on the extent to which their goals are congruent with the state's own ideology and interests (Lyons, 2000b; Weiss and Hassan, 2003b). Moderation, consultation, and consensus are key modes of operation by NGOs as they negotiate the constraints of state-civil society relations. When NGOs threaten the ruling party's political foundations, however, the state uses both legislation and other means to clamp down on activists.

In relation to transnational connections, while activist groups in other countries mobilise around international support and standards, the anti-West/anti-US position of both the Singaporean and Malaysian governments (as evidenced in the rhetoric surrounding 'Asian values') has made such connections more complex. Locally-based NGOs in both countries are wary of receiving funding from overseas sources for fear that this may result in government suspicion about their activities (Perera and Ng, 2002; Weiss, 2003). In Singapore, foreign-based NGOs find it difficult to become formally registered, and without registration cannot operate locally. In a 2004 statement explaining changes to the registration process for NGOs, the government stated that groups whose activities were related to religious, ethnic, civil and political rights, or the governance of Singapore, needed to be carefully screened because they may potentially give rise to 'law and order' problems and carry out activities that may be prejudicial to the national interest. In addition, these groups needed to be scrutinised closely to ensure that "foreign elements do not hijack [them] to serve a foreign agenda which is contrary to our national interests" (Senior Minister of State (Law and Home Affairs) Ho Peng Kee cited in Parliamentary Debates Republic of Singapore: Official Report, 2004: [37]). This has resulted in a very small international NGO presence and very few transnational linkages between local, regional and global groups.<sup>4</sup> In contrast, Malaysia is home to an unusually high number of multinational NGOs and transnationally-oriented Malaysian NGOs (Weiss, 2004), and this has enabled many local groups to develop effective transnational links, particularly on Third World or Islamic issues (Eldridge, 2002).

This brief discussion of the socio-political context facing NGO activists in Singapore and Malaysia provides the backdrop against which to examine opportunities for transnational feminist activism to emerge. In the following sections, these issues will be further elaborated

using examples drawn from two migrant worker organizations – Transient Workers Count Too in Singapore, and Tenaganita in Malaysia.

### **Transient Workers Count Too (TWC2) in Singapore**

Before examining the specifics of the group Transient Workers Count Too (TWC2) in Singapore, I provide a brief overview of the role that other groups, including women's rights organizations, have played in relation to migrant worker activism. For many years in Singapore the rights of foreign women working as domestic maids were 'off-limits' to civil society activists. Like many topics deemed 'too sensitive' or 'taboo' for activist intervention, the issue was never publicly identified by the state in its official statements as an area that was 'out-of-bounds'.<sup>5</sup> Its association with the 'Marxist Conspiracy', however, meant that few NGOs were willing to address it. The Marxist Conspiracy is a term used to describe the arrest and detention under the ISA of 22 people in May 1987 for threatening the state and national interests (Rodan 1993: 92). Among those arrested were Catholic social workers and lay workers from the Geylang Catholic Centre for Foreign Workers. This group advocated for higher wages, social security benefits, job security and employment conditions for all foreign workers (Mauzy and Milne 2002: 130). At the time of their arrest, the government claimed that Catholic organizations were "a cover for political agitation" to "radicalise student and Christian activists" (cited in Haas 1989: 59). Those arrested were detained without trial. Some later confessed and were rehabilitated with an agreement not to enter into 'politics'. The Geylang Center was subsequently closed.

Some members of Singapore's main feminist organization, the Association of Women for Action and Research (AWARE), were involved in the so-called Marxist Conspiracy. The organization was silent on the arrests, and many members still believe that they narrowly escaped arrest and the closure of the organization (Lyons, 2004). The arrests were interpreted by AWARE's executive committee as a clear signal that domestic worker rights were 'off-limits' in relation to its own work on women's rights. This partly explains the long-term reluctance of the local feminist movement to address the needs of foreign women working as domestic maids. AWARE adopts a cautious and conservative approach to its activities. Working within the framework provided by the OB markers, members are never completely sure how the organization's statements will be received and are forced to respond carefully (Lyons, 2000a, 2000b). Fear of negative perceptions or closure means that AWARE tempers its public statements or limits its activities to avoid criticism. AWARE very rarely makes public statements about the status or rights of women in other countries, preferring instead to focus its attention on local issues. AWARE's failure to address the issue of migrant women working in Singapore did not go unnoticed. On one of the few occasions in which AWARE broke its self-imposed silence on women overseas, it found itself the target of a backlash against its own failure to take a stand on the issue of FDWs in Singapore.<sup>6</sup>

Another Singaporean-based women's group, the Singapore Council of Women's Organizations (SCWO), a government sponsored umbrella group of professional and volunteer-based NGOs, has also been silent on the issue of migrant workers. In contrast, UNIFEM Singapore, one of the very few international agencies operating locally, has made migrant workers the target of its work on skills training and re-integration schemes, and in its campaigns against human

trafficking. All three organizations have very strong ties with regional and international women's networks and often participate in these networks as Singaporean NGO representatives. While these conferences and forums could be regarded as part of a transnational (feminist) advocacy network<sup>7</sup>, their infrequency and the multiple nature of the issues covered (gender mainstreaming, violence against women, women's empowerment, etc), means that they do not constitute examples of collaborative action around specific events or issues (i.e. transnational activism). And, although the topic of female migrant workers may have been raised at some of these events, it has generally not been conceived as a 'feminist' issue in Singapore.

Until recently, the labour movement has also been silent on issues surrounding migrant labour in Singapore.<sup>8</sup> In the absence of a local or international NGO or trade union presence in Singapore to deal with the rights of domestic workers, religious groups and foreign embassies stepped in and filled the void. Their actions, however, have been largely ad hoc. During the 1990s, concerned about the linkage between Catholicism and the Marxist Conspiracy, Christian churches were extremely careful in their public dealings with domestic workers. As the numbers of Indonesian foreign workers rose, several mosques began to provide support and training services to Muslim maids through their women's programs.<sup>9</sup> Both groups acted informally to assist 'runaway' maids to contact embassy officials when they needed assistance. These ties became stronger in the 1990s as increasing pressure was placed on sending countries by overseas workers and their families to address the needs of their citizens working abroad. In Singapore, these claims were crystallised around the arrest and execution of a Filipina domestic worker, Flor Contemplacion, in 1995.<sup>10</sup> Several years after the Contemplacion case, the Catholic Archdiocese of Singapore established the Commission for Migrants and Itinerant People (ACMI) in order to formalise its involvement with migrant workers. One of its goals is to reach out to 'strangers' (including migrant workers, foreign students, travellers and refugees) "who have experienced injustice, oppression and alienation" (The Commission for Migrants and Itinerant People 2001). It runs services to assist domestic workers facing problems (including abuse or non-payment of wages) as well as training programs to assist with skills upgrading.

Through the late 1990s, the numbers of domestic workers arriving in Singapore began to rise markedly. Reports of physical and sexual abuse of maids by their employers, maid deaths, as well as incidents of assaults or theft carried out by maids also began to increase. The increasing visibility of these issues has made them difficult to ignore. In December 2001, the death of a 19-year old Indonesian woman, Muawanatul Chasanah, who died after months of brutal assault by her employer, gained significant attention in the Singaporean media. Her employer's neighbour was quoted in the media as saying: "Even if I knew, I wouldn't have called the police, it's not my business. He can do what he wants, that's his problem" (Ho and Chong 2002). These comments prompted a number of Singaporeans to meet informally with the goal of addressing attitudes towards and treatment of domestic workers in Singapore. The group called themselves TWC2.

The group's name was a reference to the short-lived 'The Working Committee' (TWC) formed in late 1998 and disbanded a year later (see Singam et al. 2002).<sup>11</sup> The aim of the new TWC2 was to "promote respect for domestic workers through education, and secure better treatment of domestic workers through legislation and other means" (The Working Committee 2 2003). Like

its predecessor, the TWC2 was an ad-hoc group with a one-year limited life-span. International Day to Eliminate Violence against Women on 25 November 2003 marked the culmination of its year-long efforts. Braema Mathi, a Nominated Member of Parliament<sup>12</sup> and member of AWARE, chaired the committee. Throughout 2003, TWC2 undertook a very successful media campaign aimed at raising public awareness about the range of issues faced by foreign domestic workers. As the year-long program reached its conclusion, a new group consisting of former TWC2 members announced that they would be seeking registration under the Societies Act for an organization called 'Transient Workers Count Too' and that they would retain their original acronym (TWC2). The group applied for formal registration under the Societies Act in January 2004, and received approval in August 2004. In its Constitution, Transient Workers Count Too has signalled a broadening of its objectives beyond the needs and interests of foreign domestic workers to all 'transient workers'.<sup>13</sup>

The TWC2's work has been informed by a range of circulating transnational discourses about the local, regional and global factors that have led to the feminization of transnational labour. This is evident in the group's decision to describe maids as 'workers', as well as in its campaign to improve 'conditions of work'. Both of these terms (and the claims that underpin them) draw on international labour rights discourses that are common to many migrant worker NGOs elsewhere. This focus is evident for example in relation to the TWC2's focus on the standardization and regulation of working hours and tasks, equality of wages, the incorporation of domestic workers into the Employment Act, and the right of domestic workers to 'live out'.<sup>14</sup> By replacing the value-laden term 'maid' with 'foreign domestic worker', the TWC2 sought to highlight the common experiences of all domestic workers regardless of nationality. In an environment where employment agents actively market 'maids' on the basis of national characteristics (e.g. Filipinas are good with children, Indonesians are better at manual labour) and where market differentiation has real consequences in relation to conditions of work (particularly wages and rest days), highlighting the similarities between women migrant workers serves an important political purpose.<sup>15</sup> This type of 'trans-ethnic' advocacy is crucial in a context where strong Filipino transnational advocacy networks have had the greatest success in improving the conditions of employment for Filipina domestic workers (Piper, 2005).

In using the term 'foreign domestic worker', however, the TWC2 sought to highlight these women's shared status as 'migrant workers' rather than as women. For example, these claims did not extend to another important aspect of these women's rights as 'female' migrant workers, namely their reproductive rights. The current laws governing domestic workers require any woman found to become pregnant or to have contracted a sexually transmitted disease during her contract to be forcibly repatriated. The regulation of domestic worker sexuality is enforced through a program of compulsory 6 monthly medical check-ups. This issue, however, has largely been set aside by the TWC2 in its public campaigns because of a perception amongst its membership that the issue would gain little sympathy from either the government or public, which is supportive of the restrictions placed on Singapore's guest worker program.<sup>16</sup> Failure to address this issue has meant that the TWC2 lost the opportunity to link up with local women's rights organizations in their campaigns regarding reproductive policy and government surveillance of Singaporean women's reproductive decision-making, and for the two groups to thus make an important connection between reproductive rights of all women (regardless of nationality).



Focus on the status of all domestic workers as 'migrant workers' had another important consequence. It meant that the TWC2 was unable to focus on the particularities of FDWs' experiences as national subjects. In other words, it was unable to address the specificity of national debates that link economic restructuring and globalization with the increasing feminization of transnational migration. Instead, in the absence of a critique of globalization and its impact on citizenship and human rights, the TWC2's activities remained narrowly focused on national issues. The 'maid problem' was thus presented as a national issue requiring Singaporean families to re-organize the way they manage household work (and thus reduce the demand for maids). Among the issues that the TWC2 avoided was recognition that middle-class Singaporean women (including some members of the TWC2) are consumers of other (poorer) women's labour. This dilemma reflects ongoing debates within feminist theory about middle-class women's reliance on working-class women's transnational labour (see Anderson 2000).

Although the TWC2 has not taken up the issue of reproductive rights for female migrant workers, its work has addressed another important element of women's rights campaigns - violence against women. In its first year of activism, the TWC2 pursued a vocal anti-violence campaign that linked the culture of abuse towards maids to a wider system of abuse towards all women (see Singam, 2003). Unfortunately, although the TWC2 focused on the link between violence and patriarchy, this message received little public attention and was not supported by the state.<sup>17</sup> In the press, maid abuse was largely understood as an individual act by 'sick' employers and thus a national shame (Yeoh, Huang, and Devasahayam 2004). The message that "They (FDWs) are just like us (Singaporean women)", was not only ignored by the state and the mainstream media, but also by local women's groups. Although both the SCWO and AWARE have had a long-term interest in action against violence against women, and were listed as TWC2 'partners', neither publicly joined with the TWC2 to highlight the structural basis of gender violence against FDWs.<sup>18</sup> The TWC2's interaction with local women's organizations is a by-product of its own members' personal histories. Braema Mathi, TWC2's foundation president, was also President of AWARE when TWC2 was formed. Several prominent members of AWARE, including a number of ex-Presidents, were also actively involved in establishing the group. Despite these strong ties and inter-linking memberships, and although both groups were publicly and privately supportive of each other, an alliance did not emerge between the local women's movement and the TWC2 on sites of commonality between foreign domestic workers and Singaporean women *as* women.

Like the larger Singaporean women's movement, the TWC2 has had limited contact with NGOs based overseas and it remains largely isolated from transnational activist networks. Members of the organization have participated in regional conferences and forums, and are thus part of an emerging transnational advocacy network on migrant worker rights, but these interactions have not translated into concrete examples of cross-border collaboration. Similarly, although the TWC2 engages in frequent 'dialogue' with non-Singaporean stakeholders such as diplomats in the embassies of sending countries, this too is not part of a strong cross-border focus. In this regard, the TWC2's actions are consistent with other Singaporean NGOs. It may also reflect the organization's underpinning objective to address issues facing migrant workers at the national level. This focus became clear in late 2004 when members of the public accused the TWC2 of damaging Singapore's international reputation by focusing on instances of violence by

Singaporean employers. In justifying its anti-violence campaign, the TWC2 claimed that its focus had always been internal and that it had never initiated contact with non-Singaporean journalists (The Working Committee 2, 2003: 7). The TWC2 asserted that although foreign journalists reported on their work, advocating beyond the borders was not part of its mission. It makes no claims to be engaged in a transnational movement of activists interested in improving the lives of migrant workers everywhere nor of addressing the forces of globalization that compel millions of people to seek work beyond the borders of their own nation-states. Instead, its concerns lay much closer to home: changing the mindsets and actions of Singaporeans.

While the TWC2 does not openly engage with activists across borders, they clearly engage with other types of transnational actors (i.e. FDWs), as well as transnational ideas (including international human rights discourses). Despite its strong connections with the local women's rights movement, this has not extended to a comprehensive engagement with women's rights issues. Its advocacy efforts for migrant women could have provided an important opportunity for local women's rights activists to address the intersection between domestic violence against all women, and the 'private' nature of violence against domestic workers (that is, a critique of the public/private dualism implicit in state policy-making), or the commonalities between local workers and foreign workers. Instead, the TWC2 remains largely focused on migrant women and groups such as AWARE on local women, thus reinforcing an us/them dualism. Similarly, in calling for other alternatives to Singapore's reliance on the labour of female migrant workers, the TWC2 could have joined with local women's groups in questioning the state's dominant discourse of nation-building that relegates women's primary role as mothers and wives, but instead, it did not adopt an independent position on the latest population policy. In other words, the group has yet to address the substantive issues of class, gender, ethnicity and citizenship that underpin the demand for domestic migrant labour, as well as the factors that constrain the rights of these workers as women.

### **Tenaganita in Malaysia**

Workers' rights organizations and trade unions in Malaysia are much greater in number and more diverse than their Singaporean counterparts. Although they were quite militant in the early post-Independence years, most trade unions have had their activities curtailed to suit the economic needs of the government. Enterprise-based unions and agreements have replaced industrial trade unions and they lack resources for effective negotiation and are discouraged from forming federations (Eldridge 2002: 96). However, unlike Singapore, labour organizations in Malaysia have been active in mobilising migrant labour. The Trade Union Act allows legally resident migrant workers to become union members, although this right is often excluded from workers' individual contracts. Sahabat Wanita, a national organization of women's workers, does not deal specifically with migrant women workers, but refers them instead to migrant worker organizations. At the same time, however, Sahabat Wanita sees its role as one of education and changing the mindsets of local workers about the needs and conditions of migrant workers, who are often perceived as taking away local jobs (Cabrera-Balleza, 1999).

Local women's organizations are also more numerous in numbers and more vocal in their advocacy than similar groups in Singapore. In the mid-1990s, for example, it was estimated that

there were over 250 women's organizations in Malaysia (Ariffin, 1999). While many of these groups are professional associations or charitable organizations, many adopt a specifically feminist orientation in their work.<sup>19</sup> Most have focused their attention on domestic issues, particularly campaigns to eliminate violence against women, and have rarely included non-citizens in their activities. A minority of women's groups, including Women's Aid Organization (WAO), SUARAM (Voice of Malaysians) and All Women's Action Society (AWAM) have addressed issues to do with migrant worker rights issues (Gurowitz, 2000). In some instances, these organizations have worked in partnership with Malaysia's most visible migrant worker organization, Tenaganita.

Tenaganita (or 'Women's Force') was formed in 1991 to "promote and protect the rights of all women and migrant workers within a globalized world" (Tenaganita Admin, 2004). Unlike the TWC2, Tenaganita is registered as a non-profit company and does not have a membership base like a traditionally structured NGO.<sup>20</sup> Instead, it works with a large number of volunteers (estimated at over 1000) and uses a subscription basis for membership to specific programmes (Tenaganita, 2005). Tenaganita's activities are organised under several programs that seek to "empower, organize and consolidate migrant and women workers not only in Malaysia but regionally" (Tenaganita Admin, 2004). These programs are: 1) National Focal Point - collates and shares information through a website, newsletter and publications on migration, migrant workers and women workers; 2) Migrants Rights and Health Desk - an advocacy and support service; 3) Community Based Interventions to Promote Health care and reduce HIV/AIDS Vulnerability; 4) Domestic Workers Program; 5) Arrest Detention and Deportation - legal support and campaigns; and 6) Trafficking in Women and Children Desk (HumanTrafficking.org, 2006).

Tenaganita's work is informed by a women's rights framework. It has been successful in establishing reform amendments to rape laws, model contracts for overseas domestic helpers, and a domestic violence act (Claude and Issel, 2004). This strong women's rights focus can in part be attributed to its strong links with women's rights organizations. Like the TWC2, Tenaganita's founder and key members have also been closely involved with women's rights groups. For example, Tenaganita's co-founder, Irene Fernandez was also founder of the Women's Development Collective (WDC) to support women's organizations; foundation president of the All Women's Action Society (AWAM); co-founder of the human rights group SUARAM, Suara Rakyat Malaysia (Voice of the Malaysian People); and a member of a group that worked to change the legislation on rape and bring about the enactment of the Domestic Violence Act in Malaysia.

Since its inception, Tenaganita has adopted a focus that deliberately links the local, national, regional, and international. Within this framework, the rights of women workers, both Malaysian nationals and foreigners, and migrant workers more generally, are explicitly linked to processes of globalization. Tenaganita's slogan is "Join us today to humanize globalization and bring dignity to workers and women". What is striking, is that while both Tenaganita and the TWC2 address the issue of 'dignity'<sup>21</sup>, in the case of Tenaganita, dignity is broadened to include the needs of women and workers everywhere, whereas in the case of the TWC2 it is narrowly interpreted to refer to the humane treatment of foreign domestic workers in Singapore only. Tenaganita makes a clear link between Malaysia's economic development and prosperity and

the work of migrant workers. It calls for the recognition of their role in economic growth, regardless of their immigration status:

I want to state that there is no such thing as 'illegal' human beings. For me, the whole world belongs to all of us. We are one earth. The only difference is that we have defined the boundary whereby we define our nation, our citizenship. So they [migrant workers] don't have the same documents that we have. That's why we [Tenaganita] refer to them as 'undocumented' (Irene Fernandez cited in Tenaganita, 2005).

The transnational frame that informs Tenaganita's activities is apparent in the types of linkages that it has forged regionally and internationally. Unlike the TWC2 in Singapore, Tenaganita has formed links with a number of regional and international organizations. For example, several Tenaganita members have held executive positions in the Asia Pacific Forum on Women, Law and Development (APWLD). The APWLD is a regional NGO that seeks to enable women in the region to use law as an instrument of change for the empowerment of women in their struggle for justice, peace, equality and development. It actively promotes the concept of human rights as enshrined in UN conventions, such as CEDAW (Asia Pacific Forum on Women Law and Development, 2006). The APWLD has a Labour and Migration program that has worked to develop an acceptable working definition of domestic work in order to work towards state recognition of domestic work as work.

In addition, Tenaganita receives strong support from CARAM Asia (Coordination of Action Research on AIDS and Mobility), an NGO based in Malaysia with partner organizations throughout South and Southeast Asia. CARAM Asia seeks to "empower migrant workers and their communities through the promotion and protection of their rights and the creation of an enabling environment at all stages of migration to reduce HIV/AIDS vulnerability" (CARAM Asia, 2004). The idea for the formation of regional network of organizations committed to action-research on Mobility and HIV/AIDS was mooted at a regional workshop organised by Tenaganita in 1994. The network was formed as a Tenaganita initiative in 1997 after a series of workshops on Migration and HIV/AIDS. Free University Amsterdam played a key role in its establishment, and is listed as a 'special partner'.

Dr Irene Fernandez, Director and co-founder of Tenaganita, sees a direct links between national and transnational processes, as evident in the expansion of the global economy, and thus the importance of addressing global issues locally:

Decisions on the economy of countries are more and more determined by transnational corporations, with local elite and governments as parts of the process of promoting globalization. It benefits all of them, but contributes to the erosion of democratic rights (Irene Fernandez cited in Claude and Issel, 2004).

This quotation points to the centrality of globalization in understanding the place of women workers, including foreign domestic workers, in Malaysia. In contrast, the TWC2's activities pay little attention to forces of globalization, and few connections are drawn between local workers and migrant workers, except in terms of 'reducing demand'.

Tenaganita's vocal position on the human rights of migrant workers has drawn the attention of the Malaysian government. Irene Fernandez is the defendant in the longest running trial in Malaysia's history. She was charged in 1996 under Section 8A(2) of the Printing Presses and Publications Act (1984) (PPPA) for 'maliciously publishing false news'. In this case, 'malice' was defined as "whether or not the accused took 'reasonable measures' to verify the truth of the news" (Amnesty International, 2000). Fernandez was arrested in March 1996 after she passed a copy of a Tenaganita report entitled 'Abuses, Torture and Dehumanized Treatment of Migrant Workers at Detention Camps' to the Malaysian English daily, the *New Straits Times*. During 1994 and 1995, researchers from Tenaganita compiled over 300 interviews with undocumented migrant workers released from detention camps in Malaysia. The workers interviewed were mainly from Bangladesh, Indonesia and the Philippines. The report, issued in August 1995, documented cases of widespread ill-treatment of undocumented workers and "alleged patterns of human rights violations in the camps, including beatings, sexual abuse, malnutrition, dehydration, and denial of access to medical treatment" (Amnesty International, 2003). In some instances, these abuses led to deaths from malnutrition, beri-beri and other treatable illnesses (Amnesty International, 1996). Tenaganita called on the government to open the detention centres up for inspection and to set up an independent inquiry to investigate allegations of abuse. In September that year, the Deputy Minister of Home Affairs appointed an independent Visitor's Panel to study conditions in the camps, but the Panel's findings have never been released.

Fernandez was convicted in November 2003 and is currently free on bail pending an appeal. If the appeal is not upheld, she may face a prison sentence. As a result of the police investigation, Tenaganita's bank account has been frozen and its members harassed. Among the issues that Fernandez was questioned about during her arrest and subsequent trial were the connections the organization has with overseas groups, and particularly the source of Tenaganita's funding (Multinational Monitor, 1996). Fernandez has had her passport impounded by the court, thus restricting her travel overseas. While Irene Fernandez's trial points to the extreme measures that the Malaysian government uses to silence public debate over the rights of migrant workers and the extreme difficulties facing civil society actors who work in this arena, the trial itself has become a focal point for intensified national and transnational activism. Fernandez herself recognizes the importance of the trial in shaping national activism around women's and worker's rights:

The trial has had a consciousness-raising effect educating the people about what is really happening... When I walk down the street, people stop me and say, 'we believe in what you're doing'. Indeed, women's organizations and migrant groups are organizing at the grassroots level more than ever. So, while free speech may be suppressed, free association is taking on new life (Irene Fernandez cited in Claude and Issel, 2004).

As an indicator of the extent to which the Fernandez case has generated grassroots support, in November 2003, 91 Malaysian NGOs comprising women, consumer, human rights, environmental groups, peoples organizations and trade unions, came together to launch a campaign to support Irene Fernandez. Under the banner "Keep Irene Free, Defend the Defenders", the coalition aims to collect a million signatures nationally and internationally (Fernandez, 2003). Their activities support the views of Meredith Weiss and Saliha Hassan

(2003a) who argue that collective action through broad coalition networks may provide one means for advancing social change in Malaysia. Amnesty International and other international human rights and migrant worker rights organizations have monitored the trial and campaigned for repeal of the PPPA legislation. The outcome of the appeal is still pending and may take several more years.

## Conclusion

The feminization of transnational migration has attracted the attention of numerous activists working at the national, regional and global levels. This comparative study, however, points to problems that these activists face as they attempt to advocate across national borders. Singapore and Malaysia are major receiving countries of migrant labour in the region, and like migrant workers elsewhere, domestic workers in both countries face a range of problems. Transnational activists seeking to advocate on their behalf face legal barriers to cross-border engagement, while local actors have to deal with the constraints of working in a narrowly defined sphere of civil society. In Singapore, locally-based migrant worker activists are wary of associating too closely with international groups. Instead, they limit their activities in such a way that they remain supportive of the state's own claims about acceptable civil society. Transient Workers Count Too has tested the boundaries of the 'OB markers' through its campaigns to address a transnational phenomenon. However, it has done so by focusing specifically on 'national' issues and deliberately avoiding affiliations or alliances with non-Singaporean based networks or organizations.

In Malaysia, women's and worker's movements are much more diverse and active than they are in Singapore. In part, this may be explained by the different historical trajectories of the two governments and the differential size, geographical spread and ethnic and religious make up of their populations. Unlike the TWC2, rather than focusing on consciousness-raising activities, Tenaganita addresses the needs of migrant workers through policy, research and advocacy work. It explicitly employs a transnational frame into its activities by focusing on two issues: 1) the intersecting interests of national governments and multinational corporations in the exploitation of workers; and 2) the common experiences of workers, regardless of nationality. By focusing on structural issues rather than the abusive behaviours of individual employers, Tenaganita's activities transcend the implicit individualism of the TWC2's campaigns. The focus on globalization is enhanced through Tenaganita's national, regional and international linkages.

This does not mean, however, that the ruling government plays a less significant role in shaping the nature of state-civil society relations in Malaysia. The Irene Fernandez case clearly shows that the Malaysian government is willing to use repressive legislation to crush alternative or critical voices. Rather than limiting the opportunities for transnational engagement, however, Irene Fernandez's trial has become another focal point for re-asserting a global focus to Tenaganita's activities. At the grassroots level, it is a rallying point for coalition building among diverse NGOs. At an international level, the campaigning of human rights organizations has not only focused attention on the conditions of migrant workers and worker's rights activists, but

also enhanced Tenaganita's interactions with a range of regionally and internationally based organizations.

These two case studies are clear reminders that transnationalism does not transcend difference but is embedded within it. For transnational activism to be successful, feminists must consciously delineate the boundaries of their engagement and pay close attention to the different situations 'on the ground' in those places where they seek to forge alliances. There are fewer opportunities to do this in Singapore and for this reason local groups such as the TWC2 must develop creative responses to the limitations imposed by state forces. In other contexts local groups such as Tenaganita may welcome transnational linkages. But these transnational engagements should proceed in such a way that they do not jeopardise local groups.

These two case studies also point to the important role that rights discourses play in the activities of NGOs. The ways in which the concept of 'migrant worker rights' is understood has a significant impact on both the form that activism takes at the local level, as well as the opportunities for cross-border and transnational coalitions to emerge. Nicola Piper (2006: 20) argues that thinking about the 'transnationalization of rights' requires us to shift the focus beyond 'international' rights standards to the incorporation of a recognition of the rights of workers vis-à-vis the sending and receiving countries (e.g. citizenship rights or labour rights in both places), as well as their 'new' rights as transnational subjects. These new rights need to take into account the diverse forms that migration takes and the transnational lives that migrant lead. For example, return and re-migration may make citizenship acquisition undesirable to many migrant workers and thus change our conception of the meaning of citizenship in both the 'home' and destination countries.

This understanding of transnational rights, however, remains focused on questions of migration and labour.<sup>22</sup> What remains unexplored is the gendered dimension of migrant workers' lives and the intersection between the lives of women who migrate and thus who do not. Although women's rights activism has informed the work of both the TWC2 and Tenaganita, this has not led to sustained and deep alliances between feminist/women's rights activists and activists advocating for the rights of (female) migrant workers. This lack of alliance-building on gender issues is also reflected in the absence of a visible feminist transnational presence in the field of migrant worker activism in Southeast Asia. While global and regional networks often employ the lens of gender in their analysis of the causes and effects of the feminization of transnational labour migration, and although many of their member organizations adopt an explicitly feminist ideology in their work, we have yet to witness the emergence of an identifiable transnational feminist network or social movement addressing the rights of female migrant workers in Asia. This absence is all the more remarkable given the large numbers of women from throughout the region who migrate as legal as well as undocumented workers.<sup>23</sup>

This study demonstrates that the barriers to developing effective transnational feminist alliances are varied and complex. At the both the local and global levels, multiple debates over the meanings attached to human rights, workers rights and women's rights have had a significant impact on the ability to find 'common ground' from which to address the needs of female migrant workers. In order to address these problems, sustained attention must be given to the local context, including the nature of civil society, the role of the state, and the relationship

between local women's rights, feminist, and migrant worker organizations. The extent to which local organizations are able to incorporate a transnational frame of reference into their activism and advocacy work depends not only on historical factors and the current socio-political context, but also on their class locations and their ideological reference points. Their ability to develop effective transnational alliances is also shaped by prior histories of successful alliance formation at the local, national and regional levels. Sustained attention to the particularities of these issues is essential if we are to understand the possibilities for transnational feminist activism.



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<sup>2</sup> For example, in Singapore a group called 'People Like Us' representing the interests of gays, lesbians and bisexuals has twice been refused registration on the grounds that homosexuality is not socially acceptable in 'conservative' and 'traditional' Singapore (People Like Us, 2000).

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<sup>3</sup> It is much smaller, however, when compared to Thailand, Indonesia and the Philippines.

<sup>4</sup> This may be changing with recent government support for improved regional links between NGOs and the suggestion that Singapore may become a ‘hub’ for international NGO offices (The Straits Times, 2004).

<sup>5</sup> The governing elite refers to ‘Out-of-bounds markers’ (OB markers) as points that delimit acceptable civil engagement. Ho (2000: 186) describes these as “issues that are too sensitive to be discussed in public for fear of destabilising or jeopardising public peace and order”. The ruling PAP government is responsible for determining the limits of the OB markers, a task that it largely performs retrospectively with the result that what actually constitutes ‘unacceptable political engagement’ is unclear.

<sup>6</sup> In 1998, AWARE presented a petition to the Indonesian Embassy decrying the treatment of ethnically Chinese women in Indonesia who were raped during a series of racial clashes that year. In receiving the petition, a spokeswoman for the Indonesian Embassy pointed out that Indonesian women were frequent victims of violent abuse while working as domestic workers in Singapore, an issue that AWARE had not addressed (Zakaria, 1998).

<sup>7</sup> Keck and Sikkink (1998) define transnational advocacy networks (TANs) as informal and shifting structures based on shared values through which NGOs, social movement activists, international agencies, and government officials exchange information and resources.

<sup>8</sup> Most independent unions were closed down or weakened in the 1960s, and replaced by a state-sponsored National Trades Union Congress (NTUC) that acts as an umbrella group for affiliated organisations that are largely supportive of the government’s economic and labour policies (Rodan, 1996: 100). The NTUC established a Migrant Workers Forum in 2002 in an effort to “better safeguard the interests of migrant workers”, but as Piper points out, this was largely in response to lobbying by NGOs (2005: 111).

<sup>9</sup> Such activities include religious instruction as well as English language tuition.

<sup>10</sup> The execution caused a diplomatic rift between the Philippines and Singapore as speculation mounted over her guilt. For a discussion of the Contemplacion case, see Hildson et al. (2000). As a result of this, and other cases, migrant worker welfare became a significant issue in for bilateral relations between receiving and sending countries throughout Southeast Asia. The Philippines Government established the Overseas Workers Welfare Administration (OWWA) as part of the Department of Labor and Employment. The OWWA runs a range of services for overseas

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Filipino workers, including refuges for maids in a number of countries. In Singapore, the OWWA half-way house for runaway maids through the Philippines Embassy.

<sup>11</sup> The original TWC operated as an informal network of individuals and representatives of NGOs and voluntary welfare organisations (VWOs) with the goal of building links between differently situated civil society actors, in order to re-invigorate the sphere of civil society in Singapore. By deliberately limiting its life span to one year, and focusing its activities on ‘network building’ rather than pursuing the interests of a particular client or membership group, the TWC was able to avoid the otherwise restrictive requirements of registration under the Societies Act. Several members of the original TWC joined together with other activists to establish TWC2.

<sup>12</sup> The Nominated Member of Parliament (NMP) scheme was introduced in 1990 to co-opt alternative non-partisan voices into parliament. NMPs are nominated by members of the public, NGOs or Voluntary Welfare Organisations (VWOs), and appointed by the government for a term of 3 years. While NMPs share the same parliamentary privileges and immunities as normal MPs, they have limited voting rights and do not play a role in the running of town councils.

<sup>13</sup> For a discussion of The Working Committee 2’s activities and campaigns, see Lyons (2005b) and Gee and Ho (2006).

<sup>14</sup> Under the conditions of their employment contracts and Work Passes, all FDWs are required to live in the homes of their employers. This leads to a situation in which domestic workers find themselves ‘on-call’ twenty-four hours a day. The separation between ‘working hours’ and ‘leisure hours’ thus becomes blurred. In addition, migrant workers are rarely permitted to bring friends or relatives into their employers’ homes. The TWC2 argued that allowing migrant workers to live outside the workplace would better replicate the conditions of other ‘workers’ and improve the conditions of their daily lives.

<sup>15</sup> For a discussion of the common stereotypes used to market maids to potential employers, see Lyons (2005a).

<sup>16</sup> Another related issue not taken up by the TWC2, and which male and female migrant workers share, is restrictions on the right to marry and bring their families with them during the period of their employment contract. Under the conditions of their work permits, domestic workers in Singapore (like other Work Pass holders) are forbidden from marrying local citizens. Any woman found to have married a Singaporean man is immediately deported and barred

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from re-entering the country. A former Work Pass holder who marries a Singaporean man in another country at the end of her contract faces difficulty in obtaining a re-entry visa to live with her husband. Similarly, while professional ‘foreign talent’ (whose employment and visa class are covered by a different law) can apply for dependant’s passes for their spouse and children, Work Pass holders cannot. Paradoxically, women working as maids leave the care of their own children to relatives while they raise their employers’ children. Many women become estranged from their spouses and children after many years abroad. For an overview of regulations concerning the employment of domestic workers see Ministry of Manpower (2004).

<sup>17</sup> For example, the TWC2 applied repeatedly to the Singapore Police Department to hold a public event to mark International Day Against Violence Against Women on the 25<sup>th</sup> November 2003. Its application to stage a public walk against violence against women was rejected on the grounds that it could pose ‘law and order’ problems. Its second attempt, to stage an outdoor public performance and talk about violence against women was rejected on the grounds that speeches were not allowed outdoors except at Speaker’s Corner. In its third attempt, the TWC2 applied for a public entertainment licence to stage a ‘song and dance’ performance but was also knocked back (Tan, 2003).

<sup>18</sup> In part, this may reflect concerns about overstepping the state’s OB markers by working closely with an unregistered NGO. For further discussion of this issue see Lyons (2005b).

<sup>19</sup> At the same time it is important to keep in mind that in both Malaysia and Singapore there is considerable reluctance amongst many organizations and individuals to publicly identify with the term ‘feminist’ (see Ariffin, 1999; Lyons, 1999).

<sup>20</sup> In both Singapore and Malaysia, NGOs have two options in regards to official registration – they can opt to register under the Societies Act or the Company Act. For a discussion of these two options see Shigetomi (2002).

<sup>21</sup> TWC2’s campaign uses the slogan “Dignity Overdue”.

<sup>22</sup> Piper also points to the absence of a discussion about the rights of those ‘left behind’.

<sup>23</sup><sup>23</sup> This absence stands in direct contrast to the growing feminist anti-trafficking movement. However, it is important to note that global concern for human trafficking has also begun to shape the nature of advocacy and activism in support of female migrant workers. A number of migrant worker NGOs have found their traditional sources of international funding have been diverted to anti-trafficking efforts, while others have found a new



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lucrative funding source in anti-trafficking agencies. The impact of this on local and transnational feminist activism on migrant worker issues is outside the scope of this paper, but deserves more sustained research analysis.