

The challenges we face in a non-signatory country

JN Joniad

Refugee journalist JN Joniad has been living in Indonesia since 2013, unable to move on and yet unable to access his basic rights.

After fleeing genocide in Myanmar in 2013, I became trapped in Indonesia. I had hoped to seek refuge in Australia but was confined to a hotel room for three months and then transferred to a detention centre where I was detained for nearly two years. I still consider myself to be luckier than most refugees who are often detained for more than five years. For the last eight years, I have been living in Indonesia without access to basic rights.

Indonesia has not acceded to the 1951 Refugee Convention. In the absence of effective domestic protection mechanisms, asylum seekers and refugees are considered illegal. There is no law to protect refugees from indefinite detention, mistreatment by officials, and corruption. Even if asylum seekers are recognised as refugees by UNHCR, there is no guarantee of freedom or safety. If they are lucky enough to leave the detention centres, they are then moved into IOM-supported community housing. In 2015, I was released into community housing where I thought I would be free, but what I found was continued suffering with no basic rights nor any certainty about my future.

In the IOM accommodation, posters on the wall outline the rules and restrictions

refugees must obey. A strict curfew is implemented between 10pm and 6am, and we can neither visit friends nor receive guests. Our movement is restricted and we are not allowed to travel more than 20km from our accommodation. We must report all our movements to security and are barred from vehicle ownership. We are even barred from love! We are banned from marrying outside our community or entering a relationship with a local Indonesian. A few refugees marry locals but are refused marriage certificates; they are not allowed to stay with their wife, nor are they allowed to bring their wife into their own accommodation.

“Why is it a problem to live with my family? Am I not human? They said we are safe and free here, but why am I prevented from working to feed my children?” asks Nur Islam, a Rohingya refugee with four children who is married to a local woman and has been living in Indonesia for eight years.

We are not allowed to work. We cannot even pursue an education. In 2016, I tried to enrol at Hasanuddin University (in Makassar, South Sulawesi) but was refused even though I have all the required qualifications. The

dean told me that the immigration authority does not accept my refugee status.

We have no property rights. Our refugee cards are not accepted in agencies such as banks so we cannot open a bank account. We are also denied national health-care services. Those living in community housing receive only limited medical assistance, and many have died due to delayed medication and treatment. Insomnia is very common, as are anxiety and depression.

Indonesian citizens are widely known as tolerant people but they have hardly ever raised their voices in support of refugees. When we protested in front of the UNHCR office against cruel treatment by immigration officers in Makassar in 2019, local people complained to the police that we were disturbing them. Twenty-eight of my friends were imprisoned in solitary confinement and many were beaten. I was threatened with detention and my life was made so hard – due to my journalism which I use to advocate for refugee rights – that I had to flee from Makassar to Jakarta in 2020.

What we are asking

Many of Indonesia's refugees – like me – originally intended to seek asylum in Australia but Australia has shut its door to refugees (though it provides funding to IOM to offer us free fares and \$2,000 if we agree to repatriate). We are pressured from all sides to accept so-called voluntary repatriation despite the war and persecution that are still ongoing in the countries that we fled. In the IOM accommodation, a poster hanging on the wall says that the resettlement quota is very limited, and that IOM will help those willing to return to their country. UNHCR also tells us to go home as we will probably never be resettled.¹

The government does not consider refugees to be a priority. Denying us the possibility of local integration, yet too concerned about the responsibilities and costs that it would incur if it were to sign the Refugee Convention, Indonesia simply hands refugees over to the care of international agencies such as UNHCR and IOM.

One of the reasons given for Indonesia's reluctance to sign the Refugee Convention is its lack of resources to implement refugee protection. If citizens do not enjoy full access to health and education, 'non-citizens' should certainly not receive any privileges.² However, in an amendment to its 1999 law No 39, Indonesia has recognised the right to seek asylum and is party to core international human rights Conventions and has adopted human rights standards into its domestic legislation. It is therefore bound by international and domestic legal obligations to uphold these rights. The most important provision relevant to asylum-seeker and refugee protection is the recognition that everyone has equal rights to the enjoyment of the rights outlined in these Conventions, without discrimination. Although Indonesia honours the principle of *non-refoulement*, it is alleged to have – on many occasions – towed a stranded Rohingya migrant boat back to sea.³

The first thing that Indonesia's government could do to reduce our suffering is to lift all restrictions. A good policy initiative would be to issue Refugee Temporary Stay Permit Cards to refugees in transit to resettlement, thus allowing us to work legally. Such a policy would not only improve refugees' health and dignity but would also enable us to pay taxes to the Indonesian government. More importantly, we would be able to contribute to the local economy through our labour, talents and allegiance, building communities and working with all Indonesians towards a brighter future. We also ask Indonesia to use its influence with Australia to ask for an increase in Australia's annual refugee intake from Indonesia.

We, as refugees stuck in Indonesia, seek the intervention of the international community to bring about a solution and a safe future.

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1. <https://jakartaglobe.id/context/refugees-go-home-or-wait-years-for-resettlement>

2. Missbach A (2016) *Troubled Transit: Asylum Seekers Stuck in Indonesia*

3. www.bbc.co.uk/news/world-asia-32701199