

Indonesia Immigration Detention Profile

Profile Updated: January 2016

Although Indonesia has one of the largest populations in the world—which is spread out over a massive archipelago of thousands of islands—it hosts fewer migrants and refugees than many other countries in Southeast Asia. Foreigners represent only 0.1 percent of its total population.[1] However, the International Organization for Migration (IOM) describes Indonesia as “a key transit country for irregular migrant movements.” In 2013, the country intercepted approximately 9,000 migrants.[2]

As of 2015, Indonesia had a detention estate comprised of 13 long-term immigration detention centres (*rudenim* or *karantina* in Indonesian)[3] and 20 temporary detention facilities[4] located in 12 of the 33 provinces of the archipelago, which had a combined capacity of roughly 3,000. Like transit countries in other regions of the world, the growth of Indonesia’s detention capacities has been largely driven by the policies and practices of nearby destination countries, namely those of Australia.[5]

In addition to controversial policies like the “Pacific Solutions” that aim to prevent and deter the arrival of asylum seekers by sea by using extra-territorial (offshore) processing centres, Australia has also signed agreements with Indonesia for increased interception and detention of asylum seekers who apparently seek to make to Australia. Australian NGOs have denounced this “Indonesian Solution,” arguing that their government in effect pays Jakarta “hundreds of millions of dollars to detain and warehouse asylum seekers.”[6]

According to academic research findings, from 2011 to 2013 Australia channeled more than \$90 million through the International Organization for Migration (IOM) for programmes in the region, “including the upgrade and refurbishment of existing detention facilities” in Indonesia. During the same period, Australia gave the UN High Commissioner for Refugees (UNHCR) some \$12 million for protection activities in the region, including support for resettlement.[7]

Australia claims that it does not *directly* fund immigration detention in Indonesia and other countries. Rather, it earmarks funds under the opaque wording of “providing care and maintenance to intercepted irregular migrants in Indonesia, Papua New Guinea, and East Timor.”[8] As part of the Management and Care of Irregular Immigrants Project (MCIIP I) launched in 2007, the IOM assisted in the refurbishment of detention centres in Tanjung Pinang (capacity was increased from 100 to 400 people with a surge capacity of 600 people) and Jakarta.[9] Likewise, among the activities included in MCIIP II (2011-12) was “*Quarantine Facility Renovation*” in Batam, Balikpapan, and Semarang, as well as “Updating of the Standard Operations Procedures and Guidelines for Human Rights in Immigration Detention Centres.”[10]

Law Number 6 of 2011 “Concerning Immigration” provides that foreigners can be placed in immigration detention to prevent unauthorized entry, stay or exit and to effect removal.[11] There is virtually no limit to detention as Article 85 of the law allows detention for up to ten years without judicial review. There is also no legal framework regulating the detention of persons of concern to UNHCR. Nearly 6,000 refugees and asylum seekers were detained in Indonesia in 2014.[12]

Children can be detained under Indonesian immigration law and hundreds of children are detained every year, including unaccompanied children, who are often detained with unrelated adults.[13] The UN Committee on the Rights of the Child has called on Indonesia to “Cease the administrative practice of detaining asylum-seeking and refugee children.”[14] UNHCR and numerous NGOs like Jesuit Refugee Services-Indonesia have pressured the country to end the detention of children and to ensure that alternatives to detention that meet international standards are adopted and implemented.[15]

Overcrowding in detention centres is a recurrent complaint. Conditions at facilities can also vary considerably across the archipelago. In some detention centres, migrants can freely move about while in others detainees remain locked up in cells. Human Rights Watch has described conditions as “appalling” and denounced the lack of basic sanitation and bedding. There have been numerous reports of guards physical violence abusing detainees, including unaccompanied migrant children.[16]

Despite numerous criticisms of Indonesia’s immigration detention practices as well as its role in encouraging detention in the country, the Australian government has argued that “standards of health, hygiene, human rights and security in Indonesian detention facilities are matters for the Indonesian Government.”[17]

Endnotes

[1] Department of Economic and Social Affairs, Population Division, United Nations, Website: <http://www.un.org/en/development/desa/population/publications/>, United Nations, 2015.

[2] IOM Indonesia, January 2014 Newsletter, <http://www.iom.ch/files/live/sites/iom/files/Country/docs/IOM-Indonesia-Newsletter-for-January-2014.pdf>.

[3] Ophelia Field and Alice Edwards, “Alternatives to Detention of Asylum Seekers and Refugees,” UNHCR, Division of International Protection Services, POLAS/2006/03, April 2006, <http://www.unhcr.org/5666a2ea9.pdf>.

[4] United Nations High Commissioner for Refugees, “Beyond Detention 2014-2019 – National Action Plan Indonesia,” UNHCR, November 2015, <http://www.unhcr.org/5666a2ea9.pdf>.

[5] Amy Nethery and Rafferty-Brown, Brynna, Taylor, Savitri, "Exporting Detention: Australia-funded Immigration Detention in Indonesia," in *Journal of Refugee Studies Vol. 26, No. 1*, revised March 2012. <http://jrs.oxfordjournals.org/content/26/1/88.abstract>; International Organisation for Migration, “Immigration and Border Management,” Factsheet, IOM Indonesia, December 2014. <http://www.iom.or.id/sites/default/files/Factsheet%20-%20IBM.pdf>. See also, Flynn, Michael, “How and Why Immigration Detention Crossed the Globe,”

Global Detention Project, Working Paper No. 8. April 2014. <http://www.globaldetentionproject.org/publications/working-papers/diffusion.html>

[6] Refugee Action Coalition fact sheet. The Indonesian Solution. December 2009. http://www.refugeeaction.org.au/?page_id=51

[7] Amy Nethery, Brynna Rafferty-Brown, and Savitri Taylor, "At the discretion of management - Immigration detention in Indonesia," in *Immigration Detention - The migration of a policy and its*

human impact, Nethery and Silverman (eds), 2015; Australian Immigration Department, "Answer to Question Taken on Notice, Additional Estimates Hearings," 11 February 2013, (AE13/0279); Australian Immigration Department, "Answer to Question Taken on Notice, Budget Estimates Hearings," 27-28 May 2013, BE13/0316.

[8] Australian Immigration Department, "Answer to Question Taken on Notice, Additional Estimates Hearings," 11 February 2013, AE13/0279.

[9] Amy Nethery, Brynna Rafferty-Brown, and Savitri Taylor, "Exporting Detention: Australia-funded Immigration Detention in Indonesia," in *Journal of Refugee Studies Vol. 26, No. 1*, revised March 2012, <http://jrs.oxfordjournals.org/content/26/1/88.abstract>; International Organisation for Migration, "Immigration and Border Management," Factsheet, IOM Indonesia, December 2014, <http://www.iom.or.id/sites/default/files/Factsheet%20-%20IBM.pdf>.

[10] IOM Indonesia, "Management & Care of Intercepted Irregular Migrants Project – MCIIP 2," <http://www.iom.or.id/what-we-do/immigration-and-border-management/mciip-2>.

[11] Law of the Republic of Indonesia Number 6 of 2011 Concerning Immigration, (Undang-Undang No. 6 tahun 2011 tentang Keimigrasian), <http://www.imigrasi.go.id/phocadownloadpap/Undang-Undang/uu%20nomor%206%20tahun%202011%20-%20%20english%20version.pdf>.

[12] United Nations High Commissioner for Refugees, "Beyond Detention 2014-2019 – National Action Plan Indonesia," UNHCR, November 2015, <http://www.unhcr.org/5666a2ea9.pdf>.

[13] Human Rights Watch, "Barely Surviving: Detention, Abuse, Neglect of Migrant Children in Indonesia," HRW, 24 June 2013, <https://www.hrw.org/report/2013/06/23/barely-surviving/detention-abuse-and-neglect-migrant-children-indonesia>.

[14] Committee on the Rights of the Child, "Concluding observations on the combined third and fourth periodic reports of Indonesia," United Nations, CRC/C/IDN/CO/3-4, 10 July 2014, <http://uhri.ohchr.org/document/index/4cbccb2b-753b-47f5-8f0e-ab50707146f9>.

[15] JRS-Indonesia, Website: Detention, <http://jrs.or.id/en/campaign/detention/>.

[16] Human Rights Watch, "Barely Surviving: Detention, Abuse, Neglect of Migrant Children in Indonesia," HRW, 24 June 2013, <https://www.hrw.org/report/2013/06/23/barely-surviving/detention-abuse-and-neglect-migrant-children-indonesia>.

[17] Amy Nethery, Brynna Rafferty-Brown, and Savitri Taylor, "At the discretion of management - Immigration detention in Indonesia" in *Immigration Detention - The migration of a policy and its human impact*, Nethery and Silverman (eds), 2015.