

Indonesia

PROGRESS UNDER THE GLOBAL STRATEGY BEYOND DETENTION 2014 -2019, MID-2016

IN INDONESIA, UNHCR welcomes the implementation of alternatives to detention (ATDs) by the Government, though immigration detention continues to be used as a tool to manage irregular movements in the region. ATDs are provided by the Government for children, pregnant women, those with specific medical conditions, and those who have obtained refugee status from UNHCR. In 2015, over 4,400 persons were detained for immigration-related purposes, including more than 3,000 asylum-seekers and 830 children.

The National Action Plan (NAP) for Indonesia was developed through a process that involved consultation with a range of stakeholders, including the Coordinating Ministry for Political, Legal, and Security Affairs and national and international NGOs. Based on reports of detention monitoring conducted by the National Human Rights Commission (*Komnas HAM*), a detention working group was formed in 2015 involving UNHCR, immigration authorities, *Komnas HAM*, and relevant NGOs, to facilitate implementation of the NAP in line with the Global Strategy.



KEY DEVELOPMENTS

- Increase in the number of shelters specialised in the reception of UASC in 2015, expanding to more than 250 the number of children who benefit from this ATD.
- Introduction by the Department of Social Affairs of a new system of guardianship managed together with IOM, employing social workers through Quantum, an organization specializing in childcare. This arrangement provides for a more focused approach than the previous system, which was organized directly by the Department's staff. Quantum assisted the Government in providing experienced social workers and guardianship as well as in providing education for the UASC using the method of home schooling.
- Initiation by the Coordinating Ministry for Political, Legal and Security Affairs in November 2015 of efforts to advocate with local authorities to further expand shelters for unaccompanied or separated children (UASC) managed by the Department of Social Affairs with support from IOM.
- Signature by *Komnas HAM* and UNHCR in July 2015 of an MoU on strengthening cooperation in promoting and monitoring the implementation of measures to ensure the human rights of refugees and asylum-seekers in Indonesia, which includes an agreement to conduct formal joint monitoring of detention facilities and two-way referral mechanisms involving the two parties.

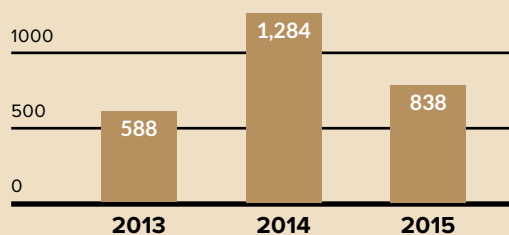
Activities undertaken by UNHCR and partners during the roll-out period of the Global Strategy

UNHCR's unhindered access to detention facilities allowed **regular monitoring visits** in all detention centres and interception sites, with the frequency of the visits ranging from weekly visits in detention centres where UNHCR also provides daily services, such as access to counselling and protection interventions, to between 1 to 3 monthly visits in other detention centres where UNHCR has no regular presence. Monitoring is also routinely conducted by other UNHCR staff who visit detention facilities for registration purposes, RSD, and resettlement interviews. Discussions with detaining authorities are part of all monitoring visits, and advocacy and protection interventions are conducted as necessary based on the recommendations that come out of these visits. A UNHCR-led **participatory assessment** conducted with immigration staff and detainees in three detention centres revealed a high degree of awareness of detention-related international standards on the part of immigration officials. It also highlighted difficulties in complying with these standards due to insufficient resources, leading to overcrowding and poor living conditions.

Through identification of vulnerable persons and protection intervention, UNHCR supported the Government with the implementation of an informal **child-sensitive screening and referral mechanism to ATDs and care arrangements** organised with IOM and detention authorities, involving discussions to assess the needs of persons of concern. UNHCR has also advocated for the expansion of ATDs, including by engaging the Government to develop SOPs for a systematic referral mechanism and vulnerability screening tool.

GOAL 1 End the detention of children

NUMBER OF CHILDREN DETAINED

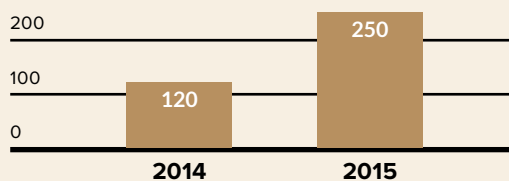


Source: UNHCR registration database

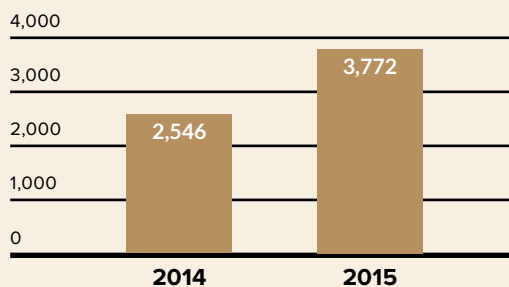
⊘ Legal framework does not ensure that children are not detained.

GOAL 2 Ensure that alternatives to detention (ATDs) are available

NUMBER OF PLACES AVAILABLE IN CARE ARRANGEMENTS FOR UASC

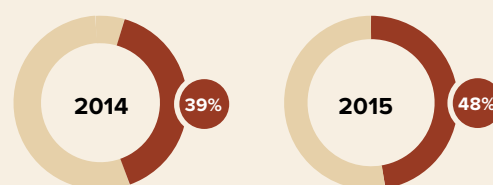


NUMBER OF PLACES AVAILABLE IN ATDs FOR FAMILIES



Source: UNHCR and IOM records

PERCENTAGE OF PERSONS IN ATDs (out of total number of persons detained)



Source: UNHCR registration database

TYPES OF ATDs:	2013	2014	2015
Deposit or surrender of documentation			
Reporting conditions			
Directed residence	☑	☑	☑
Residence at open/semi-open reception/asylum centres ¹	☑	☑	☑
Release on bail/bond			
Provision of a guarantor/surety			
Community supervision arrangements			

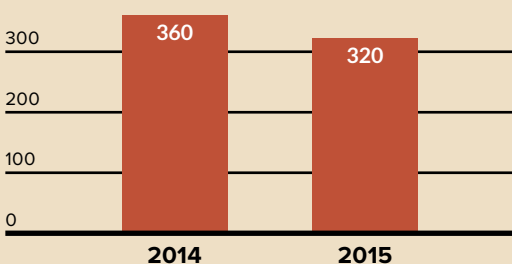
☑ available in legislation ☑ used in practice

¹ Semi-open temporary shelters.

- ⊘ No mechanism allowing asylum-seekers to stay legally in the community.
- ☑ When residing in the community, asylum-seekers have access to basic rights (accommodation, medical and psychological assistance, education, legal assistance).
- ☑ Case management* is provided in ATDs.

GOAL 3 Ensure that conditions of detention meet international standards

NUMBER OF MONITORING VISITS ORGANIZED BY UNHCR AND/OR PARTNER(S)



- ⊘ Indonesia is not a party to the *Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*.

LEGEND: ☑ Yes ⊘ No ⊙ Partially

N/A Not available U Unknown

SOURCE: All indicators were compiled based on UNHCR and/or UNHCR's partner(s) monitoring visits and observations, except if otherwise stated.

* See UNHCR *Detention Guidelines*, p.44.

UNHCR also developed **age-appropriate pamphlets** for children and others released from detention, including guidance around integration into the local community. The pamphlets are distributed and explained during the registration process and during other awareness raising activities, and are available in English, Bahasa Indonesia, Farsi, Arabic, Somali, and Urdu; an animated version of the pamphlet specifically designed for children and persons who are illiterate is also available. UNHCR is currently developing a child-friendly animated video outlining UNHCR procedures, local cultural norms, and Indonesian laws and regulations.

Gaps and challenges

Opposition in some localities continues to hinder the establishment of new community-based accommodation centres, though the authorities plan to replicate in different locations the ATD model for UASC tested in Medan, Makassar, and Jakarta, including establishing such facilities for female UASC, through a joint process involving UNHCR, IOM, and various government agencies. Overcrowding is a recurring problem in all detention facilities and has been exacerbated over the past years due to an increasing number of refugees and asylum-seekers who have self-reported to immigration authorities because of their inability to financially support themselves. Unpredictability in the transfer of detainees between detention centres worsens overcrowding and makes it difficult for UNHCR to maintain accurate records of those detained, and the distances required to travel to detention centres in locations where UNHCR is not present create a significant financial burden for UNHCR. Finally, limited detention safeguards in national legislation, such as the absence of detention reviews and the right to challenge detention before a court of law, as well as the lack of implementation of such safeguards in practice, remain key challenges to support the improvement of the detention situation in Indonesia.



TRAININGS ORGANIZED IN INDONESIA DURING THE REPORTING PERIOD

1 on Asylum Law, including UNHCR *Detention Guidelines*

3 on Child protection

NUMBER OF PERSONS TRAINED IN INDONESIA DURING THE REPORTING PERIOD

60 on Asylum Law, including UNHCR *Detention Guidelines*

79 on Child protection

Next steps

UNHCR has developed a proposal outlining options for care arrangements for children, including foster care, which is to be discussed with the Ministry of Social Affairs and other government partners, as well as IOM, in 2016. A comprehensive discussion with partners and government counterparts to develop a national policy that promotes ending the detention of children, identifying ATDs, and improving conditions in detention will be conducted, to advocate for appropriate amendments to the 2011 *Immigration Law*¹ and enactment of the draft Presidential Regulation that will hopefully end the detention of refugees and asylum-seekers. Finally, UNHCR will engage with relevant authorities to develop screening mechanisms and SOPs for reception points to avoid the detention of children and other vulnerable persons.

For more information, please contact Jeffrey Savage, savagej@unhcr.org.
UNHCR Indonesia, August 2016.

¹ Law of the Republic of Indonesia No. 6 of 2011 Concerning Immigration, available at: <http://goo.gl/tpuVBC>