



MIGRANTS REFUGEES

Migration profile of INDONESIA

Executive Summary

The Republic of Indonesia is now the world's fourth most populous democracy, with an estimated 262,787,403 people (July 2018), and the largest Muslim-majority nation. At 87.2%, Islam is the dominant religion while 7% are Protestant and 3.33% are Roman Catholic. The current President Joko Widodo has brought numerous positive changes in governance since 2014. Although a secular state, there is increasing Islamization in the country with the existence of Muslim fundamentalist and terror groups wanting to set up a caliphate in South East Asia. Emerging from dependence on agriculture, Indonesia has the largest economy in South-East Asia and is an emerging economic powerhouse.

Besides sending out migrants, Indonesia is also a magnet for foreigners and investors, who are keen to expand their horizons in this country, especially those from China. There are an estimated 9.8 million internal migrants, approximately 4.5 million documented international migrants, about 16,000 IDPs, and 13,840 refugees and asylum seekers from some 49 different countries, with half originating from Afghanistan. Many refugees are boat people turned away by Australia. They are deemed to be illegal and face grave challenges concerning housing, healthcare, education and job opportunities. The Government has estimated that a significant 1.9 million of the 4.5 million Indonesians working abroad are exploited in forced labor and debt bondage in Asia and the Middle East, primarily in domestic service, commercial sex industry, factories, construction, manufacturing, on Malaysian palm oil plantations, and on fishing vessels throughout the Indian and Pacific Oceans. Indonesia is in Tier 2 of the USA TIP Report.

In 2016, Indonesia passed the Presidential Decree no. 125 for the care of refugees. Indonesia signed the Palermo Protocol in 2007 and passed a law (Law no. 21 of 2007) on Human Trafficking Crime. The country also signed the 1990 UN Convention on the Protection of the Rights of Migrant Workers and their Families in 2012. Unfortunately, the implementation of these laws is still far from satisfactory. There is greater collaboration between the Government, civil society organizations (CSOs) and Faith Based Organizations in caring, supporting and advocating for the rights of the vulnerable people on the move. IOM and UNHCR, JRS and several Protestant groups are key partners in dealing with refugees and asylum seekers in particular. There is a coalition of CSOs called 'Suaka' (literally means asylum) that campaigns for the ratification of the Refugee Convention. Migrant Care, Migrant Institute, Garda Migran, Indonesian Migrant Workers Union, and Association of Indonesian Migrant Workers work with migrant workers. The local church in Indonesia, in particular, the female religious

congregations like the Good Shepherd congregation, has been actively involved alongside many civil society organizations in combating human trafficking. However, there is a need for more assistance particularly in advocacy and research, increased staffing, financial support, networking and coordinated actions that cut across dioceses, religious congregations, church and non-church institutions, and to include the stakeholders.

B. Country Profile

I. Basic information

The Republic of Indonesia is the largest country in Southeast Asia. It is now the world's fourth most populous democracy, with an estimated 262,787,403 people (July 2018), and the largest Muslim-majority nation. At 87.2%, Islam is the dominant religion while 7% are Protestant and 2.9% are Roman Catholic; in addition, there are Hindu 1.7%, other 0.9% (includes Buddhist and Confucian), unspecified 0.4% (2010 est.) The major ethnic group are the Javanese (40.1%) and the Sundanese (15.5%). Jakarta is the country's capital. More than half of the Indonesian population live in urban areas (54%). 13.8% of the rural population still lived below the rural poverty line in 2014. The weather is tropical, hot and humid, but more moderate in the highlands. With a total land mass area of 1.9 million square meters, Indonesia is the world's largest archipelagic state.

Since World War II, Indonesia's history has been turbulent, with challenges posed by natural disasters, corruption, separatism, a democratization process, and periods of rapid economic change. The Republic of Indonesia has a presidential system and President Joko Widodo is the current head of state and government. He was elected in 2014 and has brought numerous positive changes in governance. The civil law system is based on the Roman-Dutch model and influenced by customary laws.

The promotion and implementation of human rights in Indonesia needs to be improved. The rights to freedom of expression, of peaceful assembly and of association continue to be arbitrarily restricted. Blasphemy provisions have been used to imprison those who peacefully exercise their rights to freedom of religion and belief.

Indonesia has the largest economy in South-East Asia, and has posted gradual improvements since 2014. It has moved from dependence on agriculture to become an emerging economic powerhouse. High fertility and population growth are no longer pressing problems. However, migration, poverty, unemployment, inadequate infrastructure, corruption, a complex regulatory environment, and unequal resource distribution among its regions are still part of Indonesia's economic landscape.

Indonesia is base for several terrorist groups, some affiliated to the ISIS network. The Jemaah Islamiyah (JI) aims to overthrow the Indonesian Government and, ultimately, establish a pan-Islamic state across Southeast Asia. Indonesia was the world's fourth largest emitter of greenhouse gases in 2015. The shocks of climate change are already being felt in Indonesia, with

more frequent droughts, heat waves and floods, and will pose an increasing threat to the country's development. It has created negative effects on livelihoods, food and water security, ecosystems, infrastructure, etc.

Current challenges faced by Indonesia include: alleviating poverty, improving education, preventing terrorism, consolidating democracy after four decades of authoritarianism, implementing economic and financial reforms, stemming corruption, reforming the criminal justice system, addressing climate change, and controlling infectious diseases, particularly those of global and regional importance.

II. Migration

Indonesia is currently experiencing fluidity in migration patterns, which is impacting the socio-economic and political situations in this vast country. It is very common for Indonesian workers to leave their families and villages to work in cities, factories, construction sites, mines, and plantations within and outside the country. With a population of more than 262 million across an archipelago comprised of 17,508 islands, Indonesia has been reported as a source, destination, and transit country for migrants. IOM states that "complex migration patterns are influenced by natural disasters, demands for labour in what is a rapidly developing country, and economically driven migrations related to climate change and environmental degradation." However, Indonesia is also a magnet for foreigners and investors who are keen to expand their horizons in this emerging economic powerhouse. It is a new destination for international migrants, especially professionals, managers, technicians and operators. The Government policies in creating the districts of Batam, Bintan, and Karimun as "Special Economic Zones" have attracted foreigners and foreign direct investments. Jakarta, West Java, the Province of Riau Islands, Bali and East Kalimantan are preferred areas of settlement for foreigners. The diversity of foreigners in Indonesia has increased from 18 source countries in 2001 to 176 in 2011. The percentage of foreigners from Asian countries has increased. Since 2010, the Chinese have become the largest group of foreigners, overtaking the Japanese. Some observers suggest that with the rising number of foreigners, there may be competition with the locals in the labour market, business, school, housing and consumer goods and services in the near future.

Internal migrants

Internal migrants in Indonesia constitute a significant population. Internal migration tends to be mostly rural-urban. Migration is motivated by the desire to improve standards of living. Nearly 9.8 million individuals were estimated to be temporary internal migrants in 2010. This number significantly outstrips the number of international migrants from Indonesia, which is estimated at 4,579,903 (UNDESA 2017).

Internally displaced people

There are about 16,000 IDPs in Indonesia. The causes for displacement are: inter-communal, inter-faith, and separatist violence between 1998 and 2004 in Aceh and Papua; and religious attacks and land conflicts in 2012 and 2013. In 2018, most of the IDPs were in Aceh, Maluku, and East Nusa Tenggara. In Indonesia, as in other countries, UNHCR only provides protection and assistance to internally displaced persons (IDPs) when requested by the government, such as during the tsunami disaster in Aceh and Nias in 2004. At this time, no internally displaced persons are being assisted by UNHCR in Indonesia.

Refugees and asylum seekers

Many refugees and undocumented people find themselves in the archipelago as a result of Australian policies designed to deter people from reaching Australia by boat. Although Indonesia is not a signatory to the 1951 Refugee Convention, as of Dec 2017, it hosts roughly 13,840 refugees and asylum seekers from some 49 different countries, with half originating from Afghanistan.

Domestic law governs the legal status of immigrants in Indonesia but makes no reference to asylum seekers or refugees. The law focuses on criminalization, describing any person without a visa as an 'illegal immigrant'. They live in limbo, in UNHCR-facilitated housing or in community housing or living among locals (for asylum seekers). Some 4,273 persons of concern are currently detained, including women and children. They are kept in 13 immigration detention centres and some 20 makeshift detention facilities across Indonesia. Refugees and asylum seekers experience severe mental health problems as they cannot work or get an education and have little hope of resettlement elsewhere. In 2018, just 556 refugees were able to leave Indonesia to start a new life in a third country.

III. Emigration and skilled migration

Indonesia has posted relatively high economic growth since 2014. The economic integration within Indonesia and with other countries, as well as rising income and education, has resulted also in a rapid rise of emigration. Many Indonesians are no longer trapped in their country and are looking at the whole world as a wonderful opportunity to work, study, live and visit as tourists. There are hundreds of thousands of Indonesians who go abroad as students, or as labourers (known as "Tenaga Kerja Indonesia" or TKI). The Indonesia government estimates that there are currently 4.5 million Indonesians working abroad and a large number are undocumented. It is reported that 80% of these Indonesians are women who migrate to work abroad in the domestic and caregiver sectors. Moreover, irregular migration through Papua New Guinea, Timor-Leste, Malaysia and Singapore is also increasing. Common destinations for Indonesian migrant workers are countries in Southeast Asia, East Asia and the Middle East, with Malaysia and Saudi Arabia as the top two destinations. The majority of migrant workers work in low-skilled occupations. In 2015, the Government of Indonesia announced a

moratorium on exporting domestic workers to 21 countries in North Africa and the Middle East due to the lack of labour laws protecting Indonesian workers in these countries.

Studying overseas is an emerging trend in Indonesia. The preferred countries are United States of America, United Kingdom, Australia, Singapore and Malaysia. Another emerging trend is the increasing number of Indonesians settling in other countries through marriage, especially Taiwan. This is facilitated by commercial matchmaking agencies and internet access.

IV. Victims of human trafficking

Indonesia is a major source, and to a much lesser extent, destination and transit country for women, men, and children subject to forced labour and sex trafficking. Each of its 34 provinces is a source and destination of trafficking. The government estimates that 1.9 million of the 4.5 million Indonesians working abroad, are undocumented or have overstayed their visas, increasing their vulnerability to trafficking. The actual figure is likely higher as a significant number of migrant workers traditionally circumvent government overseas placement and permitting requirements, often at the instigation of traffickers.

Malaysia remains the top destination for Indonesian migrant workers. The government estimates more than one million of the 1.9 million Indonesian workers in irregular status are in Malaysia. A significant number of Indonesians are exploited in forced labour and debt bondage in Asia and the Middle East, primarily in domestic work, the commercial sex industry, forced labour in agriculture, service industry, mining, construction, manufacturing and on fishing vessels throughout the Indian and Pacific Oceans. Indonesian women and girls are subjected to sex trafficking primarily in Malaysia, Taiwan, and the Middle East. Indonesia also faces a huge problem of child trafficking involving children and underage teenagers, particularly on the resort islands of Bali and Batam, with its victims – both boys and girls – usually from poor families or broken homes or both. The government has been urged by international human rights organizations to try to get control of the problem, but so far it has been depressingly ineffective, aiding only a tiny fraction of victims. Although the Government of Indonesia does not fully meet the minimum standards for the elimination of trafficking, it is making significant efforts to act on the 2015-2019 National Action Plan to Eradicate Trafficking in Persons. In 2018 Indonesia remained on Tier 2 of the USA Trafficking in Persons report.

V. National legal framework

In 2016, Indonesia passed the Presidential Decree no. 125 which basically adopts much of the provision listed in the 1951 Refugee Convention apart from the right to work and citizenship. Instead of the immigration law (in which case they are considered illegal migrants and subject to deportation), asylum seekers and refugees are now covered in this decree. But even before this decree was issued, in principle the Indonesian government did not deport asylum seekers unless they have committed crimes.

Indonesia signed the Palermo Protocol in 2007 and passed a law (Law no. 21 of 2007) on Human Trafficking Crime. The country also signed the 1990 UN Convention on the Protection of the Rights of Migrant Workers and their Families in 2012 and passed a law (Law no. 18 of 2017) on the Protection of Indonesian Migrant Workers, which adopts some of the protection measures mandated in the convention. Significantly, the law on human trafficking is basically a very strict adoption of the Palermo protocol. On the other hand, the law on migrant workers lacks several key provisions but still, it is a big improvement on the previous law. Unfortunately, the implementation of these laws is still far from satisfactory.

VI. Main actors

Government actors

The Indonesian Government's Ministry of Manpower and Transmigration, the Ministry of Law and Human Rights, the Ministry of Social Affairs, the Ministry of Child Protection and Women Empowerment are the ministries tasked with implementation of the national laws governing migration and human trafficking. Accordingly, the central and local governments, especially these ministries mentioned above, must oversee and implement the laws together and in partnership with their local counterparts in the regions. In refugee issues, civil society organizations (CSOs) and UN bodies play dominant roles whereas the government is very limited. In migrant worker issues, the government works alongside CSOs although the results are not always favourable. In trafficking issues, the government established a task force at the province level comprising government bodies and CSOs to tackle the crime, but results vary from place to place.

Other actors

IOM and UNHCR, JRS and several Protestant groups are key partners in dealing with refugees and asylum seekers in particular. Many CSOs like Migrant Care, Migrant Institute, Garda Migrant, Indonesian Migrant Workers Union, and the Association of Indonesian Migrant Workers work with migrant workers. There is a coalition of CSOs called 'Suaka' (literally means asylum) that campaigns for the ratification of the Refugee Convention.

The Bishops' Conference runs the office of the Justice, Peace and the Pastoral Care for Migrants and Itinerant People Commission and many dioceses have corresponding commissions at their level. However, there is a need to deepen their involvement at parish levels. The local church in Indonesia has been actively involved alongside many civil society organizations in combating human trafficking. Many female religious congregations are active in human trafficking issues. They join the Talita Kum Network and have provided shelters and accompaniment for victims of trafficking, but they are in need of more assistance particularly in advocacy and research work.

The Good Shepherd congregation runs the Good Shepherd Services for Women and Children (GSSWC Indonesia), anti-trafficking programs in East Nusa Tenggara, empowerment programs,

prevention of trafficking in Marau, Kalimantan and rural ministry in Flores. JRS has undertaken to accompany asylum seekers in Medan Immigration Detention Center (2009), asylum seekers in Cisarua (2010) and asylum seekers in Surabaya Immigration Detention Center (2012) as well as in Yogyakarta refugee community housing.

Advocacy against human trafficking faces two problems. One is staffing. Most people work part-time in diocesan anti-trafficking offices; the priests involved double as parish priests or schoolteachers. Second is the lack of coordination across dioceses, religious congregations, church and non-church institutions.

Since 2015, Indonesian religious leaders have urged the Indonesian authorities to ratify the 1951 UN Convention relating to the Status of Refugees. Christian, Muslim and Buddhist leaders refer to the tragedy of the Rohingya and Bangladesh migrants as a humanitarian issue, not a religious problem, one that touches the whole nation.

The fluidity in migration patterns has greatly impacted the socio-economic, cultural and political situations in this vast country. The Church is encouraged to deepen her dialogue, networking and collaboration with Government, CSOs, FBOs and all stakeholders involved to provide more life-giving care and support and to advocate for the many vulnerable groups of people on the move.

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