

Reporting Asylum and Refugee Issues

Briefing and Terminology Guide for Indonesian Media

Civil society organisations in Indonesia promote best practice, accurate and unbiased reporting of asylum seeker and refugee issues. This guide offers Indonesian journalists practical assistance on terminology for refugee issues, and best practice for use of photographic images, filming and interviewing.

It also offers general background information on asylum seekers and refugees in Indonesia.

Introduction

As of December 2018 there were approximately 14,000 registered asylum seekers and refugees in Indonesia. The Government allows them to remain in Indonesia until a more durable solution is found.

To facilitate media understanding of asylum seeker and refugees issues and terminology we invite you to read this media overview and take note of our guidelines for sensitive and accurate reporting on asylum seekers and refugee issues.

Internationally

The media plays a key role in how refugees and asylum seekers are perceived and, ultimately, how they are treated. Around the world, inaccurate, sensationalist, misleading and inflammatory stories have harmed relations between people seeking asylum and host communities, and led to increased tensions or even violence toward vulnerable people.

Indonesia

There continues to be widespread confusion in Indonesia about the difference between asylum seekers and refugees, illegal immigrants and economic migrants. Imprecise or sensationalist reporting adds to this confusion. Mis-reporting can result in increased suspicion towards refugees and asylum seekers, causing an atmosphere of fear and hostility in the community, while accurate and sensitive reporting can bring communities together to support and learn

from each other.

Anyone may legally seek asylum. It is not illegal to seek asylum. Illegal migrants are not the same as asylum seekers. Foreigners who undertake criminal activity in Indonesia are a completely separate issue. To address this confusion we include a terminology guide below.

Asylum and immigration issues are complicated areas of public policy and debate. Balanced and well-informed media coverage of refugee issues gives readers and policy makers impartial and considered access to sides of a story that may otherwise be lost or misrepresented.

Photography and filming guide for asylum seekers and refugees in Indonesia.

Ask permission before taking photos or recording Asylum Seekers and Refugee community members.

Make sure the person you are photographing or filming gives **informed consent**. This means they understand where their image may be published, for what reason, and the intended audience.

When publishing images that may identify individuals, please remember

People fleeing persecution leave family members behind in their home country. Sometimes the individuals, groups or government they are fleeing continue to demand information from family members they are forced to leave behind. These family members may face retribution if their relative/s in Indonesia are identified.

People fleeing persecution may face death threats or attacks by the agents of the country they are fleeing. There have been many instances around the world of asylum seekers and refugees being approached, threatened, kidnapped and even killed while seeking asylum in other countries. For some asylum seekers, identification may increase the danger they face.

Normal considerations of respect for personal privacy apply to asylum seekers and refugees, particularly children. If someone does not want to answer intrusive questions about a time in their past that was very traumatising for them, or does not want to answer any questions, please respect this.

Indonesian communities are generally very supportive and understanding after learning why asylum seekers come to Indonesia. In some instances however, identification in the media may lead to discrimination and hostility from a local community where asylum seekers and refugees hope to live quietly and make friends with their neighbours.

Publication of inaccurate media reports (and fake news) may negatively impact community relations, interactions with locals, and even their application to UNHCR for refugee status.

Terminology

Be precise and consistent when using terms related to seeking asylum.

Asylum seeker

Anyone who has left their country of origin because they were persecuted, are too scared to return and have registered with UNHCR in Indonesia is officially known as an asylum seeker. After registering, asylum seekers are given a UNHCR Identification card with their basic information, and allowed to remain in Indonesia while they wait for a more permanent solution (durable solution).

An asylum seeker may be an individual: a man, woman or child alone; or a family unit of husband, wife and children; one parent and children, or even a group of related people, such as an aunt or grandparent who fled their home country with nephews and nieces.

Refugee

After an asylum seeker has applied to UNHCR and their application has been considered under international refugee law criteria, they may be recognised as a refugee. They move onto the Durable (permanent) Solutions pathway. Resettlement is one of the permanent solutions, however only a small number of refugees are resettled to a third country every year. In 2017 less than 200,000 of the 25 million recognised refugees worldwide were offered resettlement. Less than 01%. It is only possible to be officially resettled to a country that has signed the International Refugee Convention. Indonesia has not signed the convention. Please refer to the Refugees and Asylum Seekers Information Centre (RAIC Indonesia) website to read in detail about the durable solutions available to refugees. www.raicindonesia.org

NOTE: All asylum seekers and refugees are subject to Indonesian law while they remain in

Indonesia. If they breach Indonesian law they can be charged and jailed in the same way any other person in Indonesia would be. They cannot however, be removed from Indonesia and returned to their home country (deported) as this would breach of a basic principle of international law, known as 'refoulement'. Refoulement means a person cannot be returned to a place where they would be at risk of persecution.

UNHCR?

The Office of the *United Nations High Commissioner for Refugees* <http://www.unhcr.org/about-us.html>, This UN body has a mandate to provide protection to asylum seekers and refugees around the world, as well as investigating and making decisions on applications for refugee status.

Country of Origin?

This is the country of nationality of the person seeking asylum, or if they are stateless, the country of their habitual residence (the country they spent the most time in before seeking asylum).

Where do all of these definitions come from?

These definitions are noted in international conventions; The 1951 Convention Relating to the Status of Refugees (Refugee Convention) and 1967 Refugee Protocol. The precise legal definition in Article 1 of the Refugee Convention refers to a refugee as a person who:

'owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.'

How is this UNHCR process possible in Indonesia if our government has not signed the 1951 Refugee Convention.

The Indonesian government has graciously allowed the UNHCR to operate in Indonesia since 1979, when many people in Southeast Asia were fleeing their country in search of safety. The majority of staff employed by UNHCR Indonesia are Indonesian nationals. UNHCR manages the application

process in Indonesia.

Who is allowed to seek asylum?

EVERYONE – It is a fundamental human right to seek safety and request asylum under international law. There is no such thing as ‘illegal asylum seekers’. This term is inaccurate and misleading. There are illegal migrants, and there are asylum seekers, they are not the same.

The Indonesian Constitution Article 28G(2) includes the right to be free from torture, inhuman or degrading treatment and to seek political asylum.

What happens to asylum seekers who do not meet the legal criteria to be refugees?

An ‘unsuccessful asylum seeker’ is a person or family who have exhausted all their legal avenues in seeking asylum. In most cases UNHCR facilitates return to their country of origin. Sometimes the country of origin might refuse to accept any returnee, or return may not be possible for a number of different reasons.

Who are ‘economic migrants’?

UNHCR describes a ‘migrant’ as someone who makes a conscious, voluntary choice to leave their country of origin. Persons who leave their home country to look for work are often known as economic migrants. They are not forced to flee because of persecution, and can safely return home any time they choose. Refugees cannot return home for fear of further persecution.

What rights do Asylum Seekers and Refugees have in Indonesia?

Asylum seekers and refugees in Indonesia are not permitted to work and receive no social benefits from the Government of Indonesia. They are allowed to reside here only so long as they have current UNHCR Identification. Asylum seekers and refugees cannot legally marry (religious marriage is possible), cannot apply for citizenship, bank account, drivers licence, and are not able to attend university. Children are allowed to attend school, however in reality due to language difficulties, costs, and a lack of understanding within local communities, this is often very difficult.

What should I call someone who enters Indonesia without travel documents? Are they illegal?

This depends on their reason for entering. Entering Indonesia through any port (by air or by water) without valid travel documents for the purpose of asking for asylum is not illegal. It is never illegal to seek asylum. People-smugglers are committing a crime but asylum seekers are not.

If an individual's only intention when entering Indonesia without a valid visa is to look for work, this person *may* be an illegal migrant.

NOTE: Not all asylum seekers enter Indonesia without travel documents or by boat. Some asylum seekers enter Indonesia legally, then for many different reasons decide to apply for asylum as they are scared to return to their home country.

So, how do we define ‘illegal migrant’?

The term ‘illegal migrant’ could apply to someone who:

- entered Indonesia without permission or visa from the Indonesian government, then remained in Indonesia without contacting the authorities or registering with UNHCR.

It could apply to someone who :

- had a valid visa to enter Indonesia, but remained after their travel documents expired, without contacting immigration or registering with UNHCR.

NOTE: Asylum seekers registered with UNHCR Indonesia are allowed to remain in the country while their application is being considered. The 1951 Refugee Convention acknowledges that someone fleeing persecution may enter a country by irregular means (and often without any documents) in order to claim asylum.

What drives people to seek asylum?

Ask yourself how bad would a situation have to be, to make you feel you had no other choice but to leave Indonesia, never to return. Never to see your family again. Mother, father, brothers, sisters, grandparents, nieces and nephews. Never to see your friends again. Never to see your hometown again. Never to eat your favourite foods again and have them taste the same way they did at home. To be so scared you feel you have no other option but to flee your country. This is the situation

many asylum seekers are in. They feel they have no other choice if they want to survive.

Interviewing refugees and asylum-seekers

Asylum-seekers and refugees have a right to be heard, and many have amazing stories to tell. However, fear of reprisals ‘back home’, negative coverage, language difficulties and some small level of public hostility towards refugees in Indonesia may mean asylum-seekers and refugees are reluctant to talk to the media.

When asking questions, be aware of the impact your reporting may have on the person’s life in Indonesia, or any family still in the country of origin. Be sensitive to requests for anonymity. Often people may be too polite or scared to say no. It is up to you to practise ethical journalism.

Media are asked to respect the concerns of individuals who may be reluctant to talk about their personal story, because their memories may be extremely traumatic and painful, and to talk about that very bad time in their lives can trigger memories and make people feel they are reliving the trauma. This called PTSD – Post Traumatic Stress Disorder - and symptoms can last for many years, especially if the person experiencing PTSD does not have access to a healthcare professional.

Fact check!

A failure to distinguish between fact, fiction, gossip and fake news can have alarming consequences. Please check any facts and figures quoted by people you are interviewing before publication. UNHCR and RAIC Indonesia (Refugee and Asylum Seekers Information Centre) are both resources to check facts and figures. You can also contact the author of this media guide to check facts and make sure your publication will not put anyone in danger.

For information on the work of RAIC Indonesia please visit www.raicindonesia.org

For statistics and information on the work of UNHCR Indonesia please visit <http://unhcr.or.id>

For statistics and information about the work of UNHCR International please visit <http://www.unhcr.org/about-us.html>

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This document is available in English and Indonesian from the website of Refugees and Asylum Seekers Information Center, a refugee led organisation. www.raicindonesia.org