

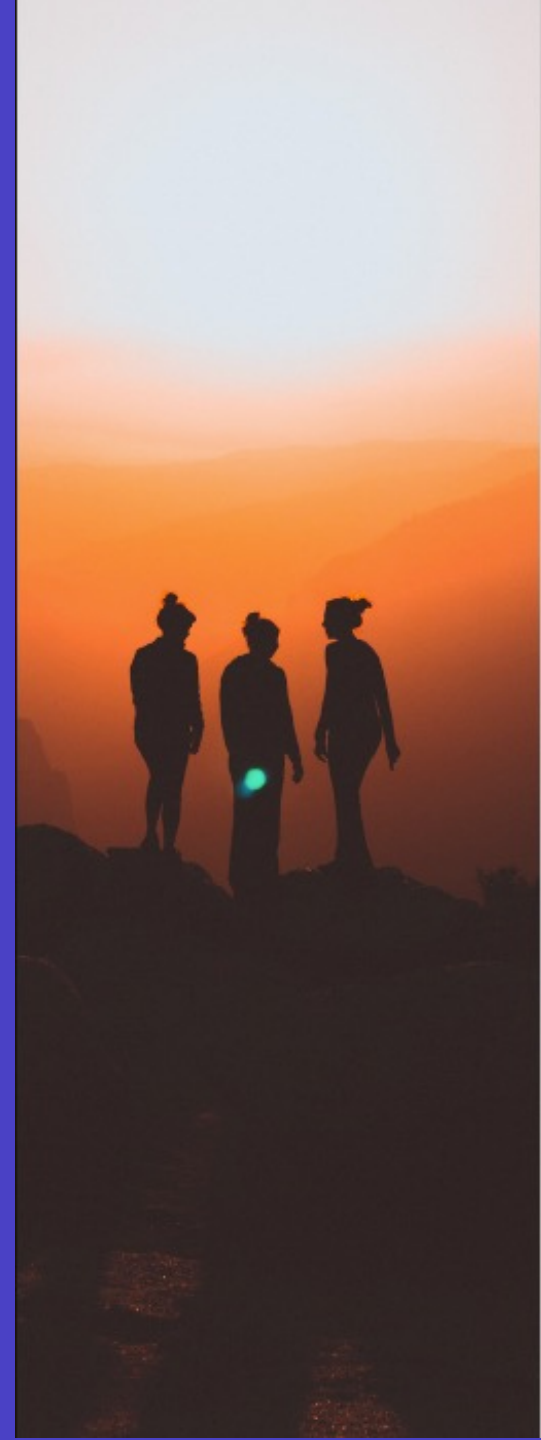
Refugee protection in Indonesia: social inclusion of marginalised sexual and gender identities

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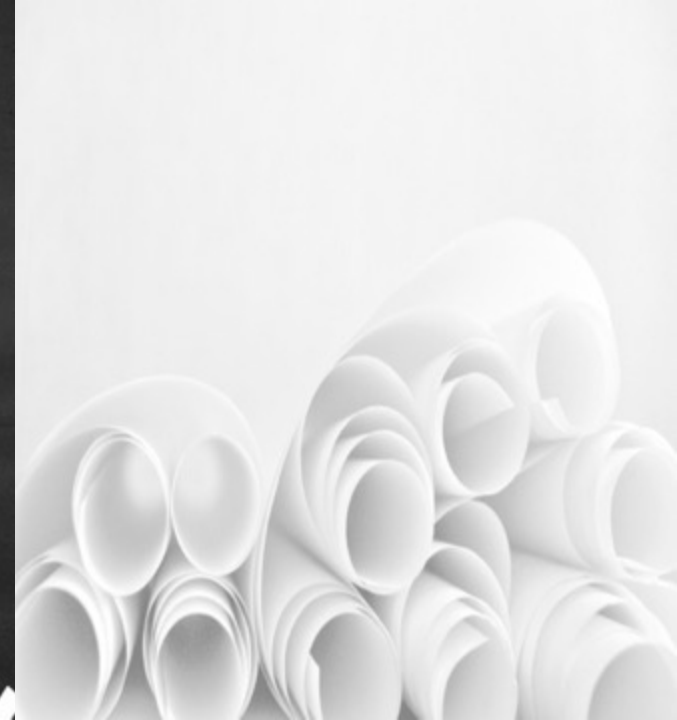
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Outline



- Research background
- Research questions
- Methodology
- Research approach
- Indonesia case study - emerging findings
- Implications

Introduction



OfERR staff and Tamara at researcher training in Chennai, India (Photo credit: OfERR, 2019)



- Experience of conducting research in partnership with NGOs and refugee-led organisations for longitudinal study (2018 - 2021 'I'm Prepared')
- Focus on women's empowerment and gender equality
- Australian citizen, but previous experience working/living in Indonesia, Thailand and Malaysia
- PhD candidate at University of Sydney
- Senior Research Consultant at UTS - Institute for Sustainable Futures working on international development with government and NGO partners

Research background and questions



OfERR staff at researcher training in Tiruchirappalli, India (Photo credit: Tamara Megaw, 2017)

Research background

- Queer refugees face even higher levels of discrimination and violence due to their diverse sexual orientation, gender identity and expression (SOGIE) (Rosenberg 2016)
- To access their rights and protection, refugees learn to turn their multi-faceted experiences into coherent stories based on their minority identity (Koçak 2020)
- Providing authenticity requires telling specific stories and performativity (Sari 2020)
- Erasure of complex life narratives and diverse sexual and gender identities as they attempt to make themselves intelligible to humanitarian actors
- Recognition of the fluid nature of sexualities and identities subjective to an individual, who may have had to hide or deny their identity
- Displacement and precarity of seeking asylum does not only disrupt, but also creates possibilities for renegotiation of gender roles and norms (Grabska 2011)

Community- based protection



Refugee-led protection programs with a focus on self-empowerment, agency and collective decision-making.

The 'community' in community-based protection is not necessarily fixed but can be a "complex expression of identity, affiliation and association which is itself in a constant process of becoming" (McConnachie 2019, p. 19)

Meeting of Karen/Karenni refugees as part of community-based protection program (Photo credit: The Border Consortium, 2018)

Working research questions

- In which ways refugee minorities **form their gendered and sexual identities**, in a 'process of becoming' within their experience of forced migration and oppression?
- To what extent do community-based protection initiatives **support sexual and gender minority refugees to (re)orientate** to their host countries?
- Can a **community-led approach** to protection provide fulfilment of **collective rights** for refugees, and **individual rights** for sexual and gender minority refugees, when **solidarity** is built on common lines of ethnicity, national identity or cultural values?

Research focus

Empirical

- **A place-based approach** to deepen empirical understanding of refugee-led initiatives for community protection
- Learning about **the extent of social inclusion** within community-based protection programs in Southeast Asia

Theoretical

- Deconstruct **heteronormative frames of gendered knowledge** (McQuaid 2020), focusing on subjugated masculinities and femininities as well as beyond the gender binary
- Contributing to gender and migration studies

Methodology



Conceptual framework

Intelligibility and visibility

- The identity of a body is interpreted by others through a 'matrix of intelligibility' that determines the limit of gender (McQuaid 2020)
- The role of colonialism, and globalisation in imposing cultural imperialistic ideas of sexuality, not taking into account non-Western cultures and histories (Hawley 2001)
- Certain minority refugee groups are visible, while others remain hidden (Moore 2018)

Orienting framework

- Believable visions of a good life that one can believe they may integrate in their life (Schuhmann & Knibbe, 2019)
- Orientation processes are complex in a globalising world
- Finding moral orientation helps to form identity, and it is possible to build a richer, multi-faceted and multi-layered self

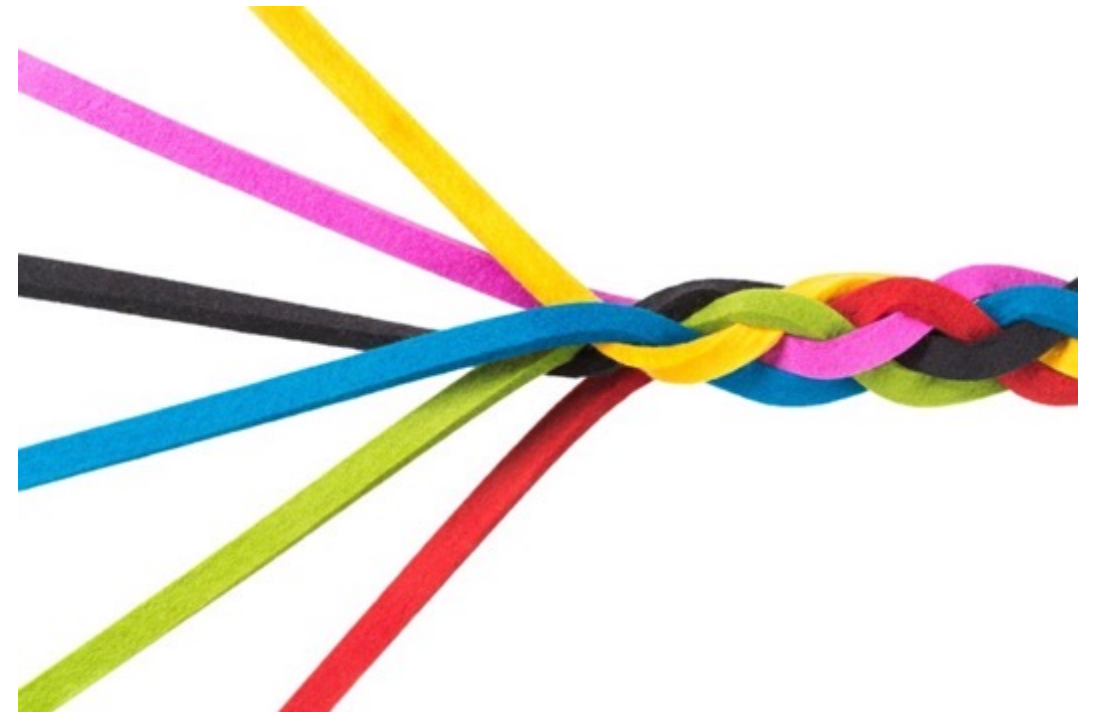
Reconstituted community

- Connection to an ethnic group from their country of origin, with gender relations and roles in flux
- Identities are not static, rather identity is the course of becoming in a context of impermanence and constant socio-political change (Hoffman, Tierney & Robertson 2017)



Host community

- How do minority refugees find affiliation and solidarity with LGBTQ+ organisations?
- Status as as non-citizens and refugees usually means certain exclusions and limitations
- Situated encounters with refugees have motivated assistance and kindness that might offer a shift in host community-refugee relations (Sadjad 2022)



Orientation of refugees to the...



"I'm Prepared" partners in gender equality discussion group at mid-term learning event (Photo credit: Tamara Megaw, 2019)

Humanitarian actors

- Challenging for humanitarian organisations to administer protection while cooperating with governments whose policies and laws put SGM refugees in danger
- Lacking understanding about distinct protection profiles of each sexual and gender minority group (Moore 2008)
- How can minority refugees safety become intelligible and visible to refugee protection agencies?

Methodology

- Phenomenological research design focusing on the 'life worlds' of refugees from sexual and gender minorities and reflect on their process of orientation to their host countries
- Reflective lifeworld research (Dahlberg, 2008)
- Qualitative interviews with protection stakeholders and refugee-led organisations
- Interviews and participatory photography with refugees
- Case studies of community-based protection initiatives in Indonesia, Thailand and Malaysia



Indonesia case study



Indonesian government response to refugees

- Approx. 13,000 refugees registered with UNHCR in Indonesia
- Presidential Regulation 125/2016 with a focus on rescue and shelter for refugees, removing the term 'illegal immigrants' (Prabaningtyas 2019)
- Delegation of some responsibility to municipal governments (Sadjad 2021)
- Lack of support for local integration, focus on resettlement as the durable solution (Olivia et al 2021)
- In reality, many refugees have been in Indonesia 7 – 9 years and not enough services for all
- Still denial of many human rights of refugees



Photo credit: Zik Maulan, 'Indonesian fishermen praised for rescuing Rohingya travellers as pressure grows on ASEAN states to assist, ABC, 27 June 2020, <https://www.abc.net.au/news/2020-06-27/aceh-fishermen-praised-rohingya-refugees-indonesia-australia/12400268>

Social protection for refugees



- No access to social housing or social security
- Some accommodation is provided by IOM
- Limited access to primary health care (puskesmas)
- Some access to primary and secondary education, but not tertiary education
- Refugees are prohibited from working and earning income.
- Over a third of refugees in Indonesia are not registered with the IOM, and support themselves through informal work if they do not receive remittances.
- UNHCR coordinates with international and national NGOs concerned with refugee protection to provide support and distribute cash assistance to those considered the most vulnerable.
- There are approx. 13 refugee-led organisations that provide peer support to their communities (UNHCR Indonesia, 2023)

Sexual and gender minorities in Indonesia

- Research with gender and sexual minority groups in Southeast Asia (Hegarty 2022; Loh & Luther 2019; Thajib 2022) and with gender and sexually diverse refugees in Malaysia and Thailand (Compas 2020; Rosenberg 2016)
- In Indonesia, while there has been gender and sexually diverse identities in traditional cultures, more recently LGBTQ+ people have been facing growing hostility and social intolerance.
- Based on the data collected by LBH Masyarakat (Community Legal Aid), there were 973 individuals who were victims of stigma, discrimination and violence based on diverse SOGIE in 2017 (Sarhini & Zakiah 2022).
- Transgender people particularly vulnerable to harassment.
- Refugees from sexual and gender minorities have a particular need for connection with a supportive social network, health and legal services
- Concern for physical and emotional safety of sexual and gender minorities in detention centres and interacting with the justice system (IOM, 2023)

Emerging findings

Invisibility of refugees from sexual and gender minorities

- Only a few refugees who have sought asylum based on their diverse SOGIE in Indonesia. In contrast to Thailand, where there are approximately 30 people seeking asylum based on their diverse SOGIE (Compas 2020, p. 24)
- There are also individuals who have claimed asylum on grounds other than their SOGIE and may conceal their sexual and gender identities from their families or other members of their community
- No specific outreach of protection actors to refugees from sexual and gender minorities
- UNHCR conducts an age-gender diversity mainstreaming participatory assessment
- SGM refugees came to be known through a formal referral from a protection service provider, or informal avenue of refugee to refugee, or queer activist network

“So the challenges come from traditional norms both in the refugee community itself and in Indonesian society. How people accept these minority groups so that even revealing their identity is difficult. That also makes it difficult for us at the field level to forward or address this concern to a higher level. Because the minority groups themselves say stop, I just want to share, but don't forward. So either because they are afraid of being known by their room mates, their community or by Indonesians which they understand most Indonesians do not have positive outlook towards them. That's from the field.”

Refugee service provider, September 2023

Unintelligibility of refugees from sexual and gender minority groups

- RLOs and CSOs not yet having the knowledge and confidence to address specific needs of people with diverse SOGIE
- International service providers have received training on diverse SOGIE issues but may have limited practical experience or expertise
- Referral of refugees with diverse identities to Indonesian CSO
- Can be challenging for protection actors to report criminal cases about violation of refugee rights to the police, because of language issues and concerns police will be homophobic or transphobic
- Many community development or human rights institutions in Indonesia have a binary view of gender equality

Emerging findings

Support for sexual and gender minority refugees' orientation

- Legal advocacy when a trans refugee was wrongfully arrested and detained
- Addressing bullying in IOM accommodation by allocating the individual to a single room
- Transferring a gay couple between cities to a safer environment
- Providing some psychosocial and health care, and priority assistance
- Limited reach as gender-affirming care such as hormonal treatments not covered; refugees have to pay for HIV/AIDS treatment
- Expediating resettlement for cases of transgender individuals suffering mental health challenges
- Limited service providers in Indonesia targeted to help sexual and gender minorities (safe houses, counsellors, health clinics) especially outside of Jakarta

Emerging findings

Inclusion in community-based protection

- Human rights approach taken by CSOs, where assistance is given to registered refugees regardless of their religion or ethnicity. This lends space for promotion of collective and individual rights for refugees
- Concern from refugee centres about responses from members interacting with sexual and gender minorities (especially trans people) due to bias and stigma
- Concern about potential conflict if the surrounding community came to see that people with diverse SOGIE were attending refugee centres
- Within social policy discussions or plans, the Indonesia government obscures the specific needs and identities of sexual and gender minorities
- Challenge for SGM refugees to be involved in leadership or co-design of community-based protection, they are excluded to the lack of safety for them

Emerging findings

Refugee perspectives

- Important that asylum seekers and refugees are given consistent and fair treatment from service providers, and correct information to make informed decisions about their lives
- There is an insufficient legal protection for refugees in Indonesia. Sometimes refugees themselves are afraid to be empowered, or considered strong and healthy, because then they are not considered vulnerable anymore.
- Some knew of students at refugee learning centres from diverse sexual orientation (gay/lesbian) but they were afraid to talk openly to others about their identity or how they felt.
- Regarding refugee-led initiatives, refugees have appreciated opportunities for gender and sexuality sensitive training, and gained more understanding about diverse SOGIE
- Felt that resistance towards people with diverse SOGIE was based on fear, and it took them more understanding to be more willing to connect with them
- Women only space important for discussion/ awareness-raising for survivors of sexual and gender- based violence (Sisterhood community centre)
- Wished to steer organisation towards becoming more inclusive and protecting diverse SOGIE rights

Implications

For advocacy (longer-term)

- Need strengthening of comprehensive adequate regulations for responding to refugees
- Advocacy regarding rights of people with diverse SOGIESC and addressing discrimination and social stigma
- Protecting sexual and gender diversity activists who can face harsh treatment
- Increasing respect for human rights of asylum seekers and refugees, including preventing gender and sexually based discrimination and violence

Implications

For protection agencies/ service providers

- UNHCR Indonesia is prioritising processing of LGBTQ+ asylum claims and resettlement - understand and address the barriers SGM asylum seekers face in communicating with and trusting UNHCR
- As with other areas of protection, need for more resources and expertise in addressing protection needs of SGM refugees e.g. community-based specialist focused on this objective
- Consider inclusive statements on websites or offices that indicate safety for SGM
- Building coordination between refugee service providers and Indonesian CSOs that have similar concerns and can help to address immediate protection needs
- Refugee-led organisations seeking support to better understand how they can include and support SGM refugees in their initiatives

Implications

For research

- Sensitivity needed around involvement of refugees in research - as they may be exposed to risk if they were found out to LGBTQ+ through connection with me
- Passive snowballing technique for sampling research participants, through established networks
- Explore tension between refugee protection for whole community and intersectional concerns for individuals/minorities
- Exploring how the different social-political context influences the inclusiveness of community-based protection initiatives

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Personal communication

Personal communication

Type of communication	No. of participants
Workshop with UNHCR Indonesia; international refugee service organisation; International Organisation of Migration	7
Interviews with Indonesian civil society organisations	5
Interviews with refugee-led organisations	2
Interviews with refugee community-based program participants	4
Interviews with Indonesian academics	5
Interviews with Indonesian National Human Rights Commission	1



Protection and preparedness training (Photo credit: KNWO, 2019)

Thank you

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