

14. The Situation of Refugees

“Everyone has the right to seek and to enjoy in other countries asylum from persecution.”

– Article 14 (1), Universal Declaration of Human Rights

14.1 Background

The year 2006 witnessed a dramatic increase in the number of refugees fleeing persecution across Burma’s frontiers in search of refuge in neighbouring countries. According to figures published by the U.S. Committee for Refugees and Immigrants (USCRI), there were approximately 725,500 Burmese refugees residing in Bangladesh, India, Malaysia and Thailand during 2006. Of this number, the vast majority – approximately 470,900 – sought refuge in Thailand. Bangladesh provided for 150,000, while Malaysia and India offered refuge to 55,000 and 49,600 refugees respectively.¹ According to these figures, a further 75,000 refugees had fled Burma in the past year; up from the previous year’s total of 650,000.²

One of the largest outflows of refugees came from Karen State where the SPDC, with the support of their allied ceasefire armies, has been waging a callous military offensive against unarmed civilian villagers since November 2005. Under the offensive, unarmed villages have been the deliberate targets of military-style assaults and their inhabitants forcibly relocated and exploited for forced labour and extortion. All forms of dissension have been met with direct violence. Those who fail to comply with orders have faced torture, arrest, and in a disturbing number of cases, have been fired upon on sight. (For more information, see Chapter 8: Ethnic Minority Rights). While thousands have poured across the border into Thailand, an estimated 25,000 abandoned their villages to adopt a life of uncertainty as internally displaced persons (IDPs) hiding in forests from the SPDC army patrols who hunt them. (For more information, see Chapter 13: Internal Displacement and Forced Relocation).

As a result of the SPDC’s efforts to consolidate its control and squash all forms of armed and unarmed resistance across the country, many regions have undergone ever-increasing militarization to the point where many civilians have fled their homes, not just from the constant military presence, but rather the increased violations of human rights that invariably accompanies increased militarization.

Under the 1951 Convention on the Status of Refugees (Refugee Convention), states are prohibited from returning a refugee to any area *“where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”* Similarly, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) also prohibits the return of *“a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.”* In violating the principle of *refoulement* and forcibly repatriating Burmese refugees and asylum seekers back to areas where they are vulnerable to persecution, the governments of Bangladesh, India, Malaysia and Thailand have continued to violate the principles delineated in both Conventions. None of the governments hosting the majority of refugees from Burma have ratified either of these Conventions, with the only exception being India who is a state party to the CAT. However, the principle of *refoulement*

is now considered universal under customary international law and must be obliged by all nations, regardless of whether they have signed the convention or not.



Karen refugee children standing inside the barbed wire fence of Mae La refugee camp, Thailand. Mae La is the largest refugee camp in Southeast Asia, which, in December 2006, was home to approximately 50,000 Burmese refugees, the majority of whom are ethnic Karen. *[Photo: Clear Path International]*

14.2 Burmese Refugees in Thailand

2006 Demographics of Refugees and Asylum Seekers in Thailand

At the end of 2006 the Thailand Burma Border Consortium (TBBC) reported a population of 150,608 refugees from Burma living in nine border camps in Thailand.³ This figure represented an increase of 7,691 since the end of 2005, at which time the TBBC reported a camp population of 142,917 persons.⁴ The cause of the increase was reported as being a result of the influx of Karen refugees fleeing the SPDC army offensive in northern Karen State which has continued largely unabated since it commenced in late 2005. (For more information, see Chapter 8: Ethnic Minority Rights). Moreover, the relocation of urban refugees to the camps along the border also accounted for the increase in the camp population. Approximately 2,100 urban refugees resettled to the camps in accordance with the deadline through the official relocation process with additional numbers making their own way to the camps.⁵ Furthermore, more than 3,000 urban refugees living in the Mae Sot area of Tak Province were transferred to Nu Po and Umpiem Mai camps in September 2006, pending third country resettlement.⁶ Of this number, approximately 1,000 were transferred to Umpiem Mai camp while the remaining 2,000 went to Nu Po.⁷

Refugees in Camps

According to the UNHCR, between February and May 2006 about 2,000 people from Burma fled to Thailand after what has been described as the most intensive military in Karen State since 1997. The SPDC military operation against the Karen created a 15-fold surge of refugees crossing into Thailand. Some groups maintained that the resulting influx of refugees into Thailand occurred with greater a frequency than at any time since the SPDC overran the border in 1997.⁸ In July 2006, the TBBC reported that 1,300 Karen had arrived in the Mae Ra Ma Luang refugee camp since the dry season offensive started in late-November 2005.⁹ However, as the camps quickly became filled to capacity, approximately 1,800 refugees were forced to live in makeshift shelters under plastic tarpaulins.¹⁰ A report released by the Karen Women's Organization (KWO) in May 2006, maintained that up to 70 percent of Karen fleeing the latest assaults by SPDC forces are women and children.¹¹ Meanwhile, Refugees International, (RI) declared that the refugee outflow from Burma represented the largest of its kind in Southeast Asia today.¹²

According to information published by the TBBC, refugees originating from Karen State represent by far the largest proportion of the registered camp population with 62 percent of the total. Those originating from Karenni State account for 13 percent, while Tenasserim Division making up 9 percent, and Pegu Division and Mon State each accounting for 5 percent. Refugees originating from other parts of the country are also represented in smaller numbers.¹³

The TBBC provides residents of the refugee camps with their basic needs. Registered refugees in the nine official camps in Thailand receive provisions of food, clothing and building material, as well as medical assistance. However, many of the daily workings of the camps are organized by the refugees themselves. The Karen, Karenni, and Shan camps have organised committees to represent the camp populations. The make up of the refugee committee varies from camp to camp but generally consists of around 15 active members, half of whom are appointed and the other half elected. They oversee camp activities,

coordinate NGO assistance, and connect with the Royal Thai Government, the UNHCR, and security personnel.¹⁴ Most camp committees are responsible for services and activities in the areas of supplies, health, education, camp affairs, and security. Where the camp is divided into separate zones, there are smaller zone committees, and with section committees below that. Furthermore, in a few camps, each section has “ten household leaders” who act as a focus point to convey information between the section committee and the ten households that they are responsible for.¹⁵

When aid organizations first started responding to the needs of refugees from Burma in Thailand approximately 20 years ago, they provided approximately 50 percent of the staple diet required by the refugees. With increasing restrictions placed upon the movement and activities of refugees by the Thai government, however, the ability of refugees to forage and find food for themselves has diminished. By 1997, relief organizations were providing 100 percent of the daily food needs of refugees. While aid organizations, such as the TBBC, may be justified in claiming that the rations they provide are adequate for the daily nutritional needs of refugees, the reality is that most registered refugees share their rations with non-registered refugees.¹⁶ As of July 2006, the food basket provided to each adult refugee per month contained: 15 kg rice, 1 kg yellow beans (legumes), 1 kg AsiaMIX (a blended food mix), 750 grams fish paste, 1 litre vegetable oil, 125 grams dried chilli, 330 grams iodized salt, and 250 grams sugar.¹⁷ Quantities of food distributed to children were less than these values.

In addition to their food ration, refugees in the camps also received an allocation of charcoal and building materials for the construction and repair of houses. The Thai government does not allow permanent building materials to be used in the refugee camps, as it deems the refugee population to be only temporarily displaced. This means large amounts of bamboo and thatch must be found for the repair of houses, schools and community buildings each year. TBBC also distributes used clothing to refugees on behalf of international relief organizations. In 2006, every refugee received one article of warm clothing from the Lutheran World Relief (LWR) and children under the age of five received a set of new clothes, while the families of newborns received baby kits from UNICEF. In addition, every refugee in camp receives a locally woven *longyi* (sarong) every two years. In 2006 special weaving materials were provided for 382 Kayan women in Ban Mae Nai Soi to weave their own traditional clothing using back-strap looms.¹⁸

Health conditions in camps in Thailand continued to remain tenuous throughout 2006. In April 2006, there was an outbreak of cholera in Tham Hin camp. Members of the camp committee and medical workers announced that there were 13 serious cases, and 50 hospitalizations. It was reported that the number of people suffering went from 40 to 370 people within one week. “*In the camp people live in very narrow and crowded places, so it is easy to spread virus one people to another*”, said a member of the camp committee.¹⁹

The marked and rapid increase in third country resettlement has caused concern among many local organisations. The Students and Youth Congress of Burma (SYCG) reportedly lost 30 members, including some leaders, to resettlement over the last year. Over the last two years, the All Burma Students’ Democratic Front (ABSDF) lost approximately 60 members. Resettlement is a particular concern for organizations when the people leaving are skilled and experienced, or where they hold some particularly important position within the organization. An official at the Mae Tao Clinic (MTC) in Mae Sot said that they lost 40 trained medics to resettlement in 2005 and 2006.²⁰ Members of the Karenni community met in November

2006 to discuss similar problems faced in their community by resettlement. As a result they called on the UN to provide more planning for departures of at least three months to provide local organizations with more time to train suitable replacements of key staff.²¹

Partially in response to these concerns, the UNHCR and the Committee for Coordination of Services to Displaced Persons in Thailand (CCSDPT) organized resettlement workshops in January 2006 and again in November 2006. The workshops included representatives from a community based organization, NGOs, the International Organization for Migration (IOM) and U.S. resettlement agencies. In addition to hearing the perspectives of the various participants on resettlement and their experiences with resettlement, the workshop endeavoured to make plans for the future. Participants concluded that while resettlement was a long-term solution to the prolonged refugee situation, the departure of skilled local staff to third countries could have a negative impact on the remaining community. One figure estimated that by the end of 2007, as many as 40 percent of local NGO workers will have left the country.²²



Monthly food rations distributed to every registered adult refugee by the Thailand Burma Border Consortium (TBBC) in refugee camps in Thailand. [Photo: TBBC]

Refugees outside Camps

As of June 2006, it was estimated that there were more than 200,000 refugees residing outside the camps.²³ This number consists of different groups, including a vast number of Shan refugees, who, according to Thai authorities cannot be considered to be refugees, and urban refugees, mostly political activists and journalists working in exiled opposition groups. Under existing Thai laws, these groups are not officially recognised as refugees and as such are not accounted for in any official refugee population figures.

According to the United States Committee for Refugees and Immigrants (USCRI), over 300,000 Shan refugees are believed to have arrived in Thailand since major forced village relocations began in 1996.²⁴ These refugees are believed to be mostly living and working on farms, orchards and construction sites throughout northern Thailand. Some 5,000 Shan refugees are also sheltering in three informal Shan refugee camps along the Thai-Burma border; all located close to the bases of the opposition Shan State Army – South (SSA-S).²⁵ Although Shan refugees are not generally acknowledged as such by the Thai authorities, the TBBC continues to supply food and shelter items to around 600 refugees in one small camp in Wieng Heng District of Chiang Mai province, most of whom had fled from fighting and human rights abuses in May 2002.²⁶

Shan refugees arriving in Thailand during 2006 mostly fled from central Shan State due to forced relocations, forced labour, extortion and other human rights abuses committed by SPDC army forces. One particularly motivating push factor during this period was demand for forced labour by the SPDC to plant physic nuts.²⁷ (For more information, see Chapter 5: Deprivation of Livelihood). According to the TBBC, in the first half of 2006, the number of Shan refugees arriving in Thailand's Fang District dropped significantly from levels of up to 1,000 per month that have been consistently reported in recent years, to around 300 per month. It was believed that one factor contributing to the reduced rate may be increased travel restrictions inside Shan State, especially for women under the age of 25, and the increased levels of taxation at check points. Negotiating passage through checkpoints on the Thai border has also reportedly become more difficult with only five to ten people being able to cross at one time, compared to rates of up to 40 to 50 people in the past.²⁸

In January 2006, 109 formerly stateless ethnic Shan residing in Mae Fah Luang District were granted Thai citizenship. This group represented the first of Thailand's thousands of Shan émigrés to receive citizenship. Thailand's Department of Provincial Administration formally granted citizenship and Thai identification cards to altogether 1,109 immigrants and members of "hill tribe" communities.²⁹

Thai Government Policy towards Refugees and Asylum Seekers

Thailand is one of the main destinations for asylum seekers, political dissidents and others fleeing the oppressive policies and practices of the SPDC military regime. While Thailand directly borders Shan, Karenni, Karen and Mon States as well as Tenasserim Division, asylum seekers from all states and divisions of Burma flee to Thailand in search of security and protection. However, Thailand is not a party to the 1951 Convention Relating to the Status of Refugees or the subsequent 1967 Protocol, and does not determine refugee status according to the UN definition. Instead, Thai authorities have primarily used the blanket term "*fleeing fighting*" to define who is eligible for protection in the camps. The Thai government does not refer to those in the camps as refugees as defined by the UNHCR, but rather as "*displaced persons*".³⁰ The status of refugees from Burma in the camps is regulated

by *ad hoc* administrative arrangements, while refugees outside the camps fall under provisions of the Immigration Law and are considered illegal migrants.³¹ Thai government policy states that the country's nine official refugee camps situated along the Thai-Burma border are temporary shelters. The camps are run by the government which only permits UNHCR to visit during the day. Residents are forbidden to come and go freely; if found outside, they can be arrested and deported back to Burma. Although Thailand does not yet allow refugees in the camps to work, it did allow Burmese refugees outside the camps to register for migrant worker permits. However, the identities of those registering as migrant workers in Thailand were shared with the SPDC, deterring many refugees from applying. The permits also required the sponsorship of particular employers in designated areas, inhibiting worker mobility and bargaining power.³² Thailand has only recently acknowledged that the Karen refugees are unlikely to be able to return to Burma any time soon and has accepted resettlement as a solution for some of them.³³ However, until this year the Thai authorities only allowed small numbers of refugees to be resettled in third countries. They feared that large-scale resettlement would act as a pull factor and encourage even greater numbers to come across the border.³⁴

Change of the Thai Government

On 19 September 2006, Thaksin Sinawatra, the Prime Minister of Thailand from 2001 to 2006, was deposed by a military coup on charges of corruption and sewing divisions within the Thai nation.³⁵ One of the immediate side effects of the military takeover was the closure of the major border trade points with Burma. This represented the first time since 2001 that Thailand had unilaterally closed its border with Burma.³⁶ On 1 October 2006, former Royal Thai Army (RTA) commander General Surayud Chulanont was appointed prime minister, after which the situation along the Thai-Burma border again became tense when he decided to take tough measures against SPDC-backed United Wa State Army (UWSA) forces in an attempt to clamp down on cross-border drug trafficking.³⁷ A series of counter-narcotics operations and clashes with pro-junta ethnic militias along the Burma border while Surayud was the head of the army suggest that the widely respected career soldier has never been particularly sympathetic to the junta.³⁸ However, since the coup, there have not been any significant changes in the situation for refugees. Still, signs of positive change were seen in October, when Surayud promised an improvement of standards in the nine official refugee camps run by the Royal Thai Government. Moreover, Surayud's administration announced that it was planning to issue refugees with identity cards allowing them to move freely outside the camps and to work legally among the Thai labour force.³⁹ The year 2007 will bear witness to whether General Surayud's administration will carry out its promises in practice.

Policy for Refugees in the Camps

Most refugees have been living within the confines of the camps for long periods, some for up to 20 years. They have no right to employment and, if caught outside the camps, are liable to arrest and deportation. At the same time, conditions in their country of origin are not conducive to repatriation, and the number of refugees has continued to rise as more people flee ongoing human rights abuses in eastern Burma. In 2005, the Thai authorities showed awareness of the negative consequences of prolonged encampment, and willingness to make a transition to more durable solutions. This new approach, which was advocated by the UNHCR and several NGOs, has received praise from the international community. The constructive dialogue among stakeholders resulted in a number of key developments,

including a major resettlement program involving ten countries, introduced in 2005.⁴⁰ Furthermore, the authorities have increasingly permitted more educational opportunities in the camps, and in 2006 an agreement was reached to establish legal aid centres for refugees, which is intended to improve protection in the camps. (See below for more information).

The Ministry of Interior (MOI) under the Thaksin administration had told refugees in Mae La refugee camp in July 2006 not to leave the camp without authorized permission, and warned that if they were arrested, their names would be deleted from the list of recognized refugees and deported back to Burma.⁴¹ Thankfully, Thailand's policy toward the more than 150,000 refugees from Burma underwent some positive changes during 2006. In September 2006, the new military government announced that it planned to ease restrictions on travel outside the confinement of camps for education and, eventually, also for employment.⁴² Included in the plan was the enhancement of the current education services within the camps by adding courses in both the Thai and English languages. The goal is to enable them to further their studies at vocational schools and universities in courses to be provided via online distance programs or at educational institutions outside the camps.⁴³

Moreover, following the UN High Commissioner for Refugees' visit to Thailand in August 2006, progress was made towards the issuance of identity cards (ID) to all refugees, the inclusion of refugees in the Thai HIV/AIDS program and the setting up of pilot income-generating projects in the camps.⁴⁴ The implementation of these projects would mean that the ban which prohibits Burmese refugees and asylum seekers from taking up jobs may be lifted. The lifting of the ban sprung from the Thailand's National Security Council's (NSC) view that refugees should be equipped with professional skills necessary for third country resettlement.⁴⁵ In February 2006 the NSC agreed to let Burmese refugees commence vocational training in the camps. Furthermore, the ID cards would provide registered refugees in the camps semi-legal status and allow them the chance to legally seek jobs in Thailand.⁴⁶ According to the MOI, the program was expected to be ready for implementation in camps in Tak Province by March 2007.⁴⁷

Although the need to consider national security priorities and to control refugee movements is repeatedly emphasised by the Thai government, there is now a general recognition of the benefit of allowing refugees more access to skills training and education as well as income generation and employment opportunities.⁴⁸ The first important policy change to emerge from this process was formal MOI approval for NGOs to expand occupational training with income generation possibilities during 2006.⁴⁹

Detained, Arrested and Deported Refugees

Registered refugees living or travelling outside the camps, asylum seekers waiting to be processed by the Provincial Admission Board (PAB) and undocumented asylum seekers have been subject to arrest, detention and deportation on the charge of illegal entry as the Thai authorities have cracked down on illegal migrants. The vulnerability of refugees and asylum seekers to arrest and deportation has been of particular concern since June 2003 when Thai authorities and the SPDC signed a Memorandum of Understanding (MoU) agreeing to officially deport 400 undocumented migrants every month to Burma, providing the SPDC and UNHCR with the names of the detainees in advance.⁵⁰ According to USCRI, in 2006, as in previous years, Thailand deported up to 10,000 undocumented Burmese nationals per month in an informal process without handing them over directly to SPDC but also without informing the UNHCR. Many of them were members of persecuted ethnic minorities and

democracy activists, who possessed a very well-founded fear of persecution. As abuse, extortion and detention of deportees upon return to Burma have been documented on numerous occasions, both of these methods of deportation have raised concerns for the fate of asylums seekers and refugees. When UNHCR has been able to identify refugees scheduled for formal deportation, it could sometimes negotiate their return through the informal process, however, deportations have been frequently conducted despite UNHCR intervention.⁵¹

Two incidents of detainment of Burmese refugees were heavily reported in newspapers in late 2006. The first of these took place on 18 October 2006, following the military coup, when two Burmese campaigners were detained in Bangkok for collecting signatures for a petition demanding the release of the “88 generation” student leaders and political prisoners in Burma. Since the military coup on 19 September 2006, Thai authorities have not tolerated any form of political activity.⁵² The two men were arrested by police as illegal immigrants as neither of them owned a passport, and in spite of the fact that one of the men held UNHCR refugee status.⁵³ The second case took place in southern Thailand in December 2006, when three boats carrying a total of 272 Rohingya landed in Thailand. All 272 aboard were arrested and detained for illegal entry to Thailand.⁵⁴ The nearly 300 boatpeople were from various villages in Sittwe, Maungdaw and Buthidaung Townships of Arakan State, and maintained that they fled Burma because of the oppression against ethnic minorities.⁵⁵

The UNHCR and the Refugee Status Determination Process

Response to Influx of Karen Refugees

In response to the influx of Karen refugees throughout 2006, the UNHCR cooperated with the Thai government and NGOs to ensure that the new arrivals were admitted to the camps and provided with adequate shelter and protection. However, official assistance, shelter and food rations varied between the camps. Shelter has been a major concern as the capacity in some refugee camps was overwhelmed. Thus, some refugees were forced to live in makeshift shelters made of plastic sheeting which could not withstand the heavy rains that affect the area. However, at the end of May 2006, Thai authorities agreed that proper bamboo houses will be built to accommodate the new arrivals.⁵⁶ The new arrivals have generally not been processed by the PABs but this varies between provinces. The question of whether they will be permitted to remain permanently or provisionally is not clear. At the end of 2006 they were being accommodated but Thai policy can be subject to change. There is no specific official Thai policy regarding the arrival and entrance of those fleeing the ongoing offensives. They are subject to Thailand's policy for all Burmese refugees.⁵⁷

First Legal Assistance Centre for Burmese Refugees

On 22 November 2006, the UNHCR opened the first of seven legal assistance centres for Burmese refugees in the border camps, with the goal of promoting the rule of law and providing justice to the victims of violent crimes in the camps, as well as improving their access to the Thai legal system.⁵⁸ The centres were designed to act as an information hub on human rights, protection and the Thai legal process, and also offer individual counselling for camp residents who have suffered human rights violations or been implicated in crimes.⁵⁹ In the past there have been numerous complaints by refugees regarding the lack of legal assistance to protect them from rights abuses by the authorities within the camps or to help them take their complaints to court.⁶⁰ According to Kirsten Young, the UNHCR Regional Assistant Representative for Protection, the centres will “*act as the agency’s ‘eyes and ears’*”

*in the camps and help channel cases to the Thai justice system, as well as building the capacity of the refugee traditional justice mechanisms to handle cases in a manner consistent with basic human rights principles”.*⁶¹

According to the UNHCR, the centre at Ban Mae Nai Soi camp is the first of its kind, not only in Thailand, but around the world. The centres will receive funding from Italy and be run by the International Rescue Committee (IRC). They are scheduled to open in three more refugee camps before the end of 2007. Two centres will be located in Ban Mae Nai Soi, a Karenni camp in Mae Hong Son province. Four are to be set up in Thailand’s largest refugee camp, Mae La, in Tak province, while the seventh centre will be built in Karenni camp 2, Ban Mae Surin.⁶²



Villagers from Kho Kee village in Toungoo District of Karen State as they arrived at the Salween River on 23 September 2006. These villagers had just walked for weeks in the hope of gaining access to a refugee camp in Thailand, although the camps were already swollen beyond capacity and had been closed. The ongoing SPDC army offensive had forced these villagers to abandon their homes. They assembled whatever possessions they could carry and left their lives behind in search of safety. Unable to gain access to the camps in Thailand, these villagers were instead taken to the Ee Htu Htah IDP site on the banks of the Salween River [Photo: KHRG]

Detention, Deportation and Protection

In 2006 there were numerous cases of refugees who left the camps and asylum seekers who had in previous years registered with the UNHCR being arrested and deported by the Thai authorities. In 2006 the UNHCR continued to advocate for asylum seekers and refugees detained in the police or immigration detention centres (IDC). However, most often their advocacy was in opposition to Thai immigration law. Key protection issues for refugees have been arrest and deportation and incidents of violence and sexual and gender based violence (SGBV) inside the camps.⁶³ Thai Authorities allowed the UNHCR to place a staff member at the IDC in Bangkok, and allowed a local partner to monitor detention in and around Bangkok. However, UNHCR were not allowed to monitor all facilities, and Thai authorities did not regularly inform the agency when they detained refugees or when they were scheduling informal deportations. Certain non-governmental legal aid organizations were allowed limited access to prisons.⁶⁴

The Provincial Admission Boards (PABs), Registration and Camp Transfer

Provincial Admission Boards (PABs) were set up by the Royal Thai Government in 1999 to handle the admission process of refugees from Burma seeking entry into the refugee camps. At that time the PABs would grant camp admission to those determined to be fleeing from armed conflict, but not those fleeing persecution or human rights violations. From mid-2000 until 2001, when the PABs ceased functioning, they rejected the majority of cases on the basis that they did not fulfil the required condition. During this PAB process, the UNHCR's role was limited to observer status.

In mid-2003, the Thai government resurrected the PABs, following its policy to narrow the avenues of protection available to asylum seekers from Burma to that of the refugee camps. In January 2004, the UNHCR was instructed by the Thai authorities to discontinue its mandate of refugee status determination, but continued to register refugees for the Thai government process. However, in October 2005 the UNHCR was instructed to also discontinue this process. Throughout 2006, the UNHCR continued to accept statements, but was unable to register asylum seekers to be processed by the PABs. The majority of the 1,500 Persons of Concern (POCs) transferred to the camps in March 2004 following the termination of UNHCR's refugee status determination procedure at the end of 2003, have now left for resettlement to third countries. A few hundred remain in the camps and many of these have been rejected by one or more countries. For those falling into this category, resettlement options are becoming very limited.⁶⁵

Since 2004, Thai government policy has been that all urban refugees, formerly registered by the UNHCR as POCs, must be relocated to the border camps. Since the camp transfer, newly arrived asylum seekers who come to urban centres such as Mae Sot are no longer able to register with the UNHCR.⁶⁶ However, unlike the former PABs, the UNHCR now has been granted participant status. In July 2006, the PABs had provided some 27,000 refugees with documents, effectively regularizing their status.⁶⁷ Only a small amount of applicants were rejected by the PABs in 2006. Those rejected are not entitled to international protection and are subject to Thai immigration laws.⁶⁸

Since the PABs assumed administration of the refugee status determination and admission processes to refugee camps, their mandate has been to evaluate the claims of both new arrivals to the camps and urban refugees seeking entry to the camps. As of the end of June 2006, the PABs had already approved nearly 25,300 of those arriving after the 1999 registration, including 1,037 in Ratchaburi Province, 24,100 in Tak Province, and 108 in Mae Hong Son Province, with around 9,300 still to be considered in Mae Hong Son Province. Of this number, 4,064 were from the pre-2003 group, and 5,266 that had arrived later.⁶⁹ The procedure for relocation of urban asylum seekers to the camps varied from province to province. The relocations were carried out through the cooperation of the UNHCR and local Thai authorities.⁷⁰

In 2004, 274 people in Sangklaburi, were granted Non-Indochinese (NI) refugee registration papers by the Thai government. On 10 and 11 October 2006, approximately 45 families comprising 180 asylum seekers were relocated to camps near Sangklaburi.⁷¹ In July 2006, over 10,000 asylum seekers holding PAB registration slips from January 2004 and October 2005 registered for relocation in Mae Sot and Bangkok. Of those, roughly 2,300 registered with the UNHCR and with the provincial authorities as part of the camp transfer process.⁷² More than 3,000 Burmese refugees living in the Mae Sot area in Tak Province were

transferred to Nu Po and Umpiem Mai camps in September 2006, pending their decision to apply for third country resettlement.⁷³ In December 2006, relocation for those in Bangkok was still pending.⁷⁴

Some urban asylum seekers did not relocate to the camps. Reasons for asylum seekers not entering the camps are varied: some did not receive the information and some chose other solutions. Many politically active refugees did not wish to relocate to camps as they would not be able to continue political activities there. Those who did not enter the camps are now regarded illegal by Thai Authorities, as they would be if they had not registered. They are not receiving financial support or protection from the UNHCR. However, the UNHCR states it will try to prevent people from being deported if they are deemed in need of protection, yet at the same time, the UN agency emphasises that the refugees were instructed that protection was available in the camps.⁷⁵

Situation of Women in Refugee Camps

For the most part, the refugee camps are organized around nuclear family units, with the number of single mothers in camp being relatively low. The average family consists of 4.7 persons, with only six percent of families being headed by single women.⁷⁶ Corien Jonker, a Dutch politician who spent a month in mid-2006 visiting three of the refugee camps along the border noticed that men and women reacted differently to restrictions imposed by camp life, particularly the ban on working and enforced enclosure. According to her observations, *“The men have largely become lethargic and apathetic, and some of them abuse alcohol. ... The women, on the other hand, have reacted to their exile by becoming much more active. I saw many dynamic women who are taking advantage of any opportunity they get”*.⁷⁷

While most of the administrative and leadership positions in camp are taken up by men, this has been changing in recent years. As of July 2006, 30 percent of positions on camp committees were held by women and 10 percent of section committees. In Mae La, new election rules required female candidates to stand in each section as well as participate in the selection committee. Five women were elected to the committee, increasing the rate of women’s participation in that camp by 30 percent.⁷⁸

In addition to representation on the central camp committee, women in Karenni and Karen camps have their own organisation to raise awareness and promote women’s issues. The Karen Women’s Organisation (KWO) operates in every Karen camp while the Karenni Women’s Organisation (KnWO) work in the Karenni camps. Some of their activities include training, workshops, research, documentation, advocacy, social services, competitions and celebrations.⁷⁹

Furthermore, the UNHCR has committed to strengthening the participation of local women in direct and indirect management of camps, including the distribution of ration items and food. In the latter half of 2006, the participation of women in the distribution of food and non-food items increased from 11 percent to 35 percent. In the field of supply management, an additional 96 new paid positions were opened specifically for women.⁸⁰

Information and family planning options have been difficult to come by for women in the refugee camps and are often restricted to married women. The Planned Parenthood Association of Thailand (PPAT) has been implementing education and awareness programs about family planning and reproductive health in refugee camps and Karen villages in Tak

and Mae Hong Son Provinces. The PPAT has been also holding clinics for health checks and birth control assistance for couples of child-bearing age. The group aims to provide basic health education to the camp population as well as address the increasing birth rate in the camps and the spread of HIV/AIDS.⁸¹

Domestic violence continued to be a concern in the refugee camps throughout 2006. Many theories have speculated on the causes of the violence. One such theory states that the increased and enduring militarization of their homeland has led to a construction of masculinity that relies heavily on violence. Another theory maintains that within the camps, the inability for men to work and provide for their families has challenged traditional conceptions of gender roles. The reliance on others for family livelihood may lead some men to feel frustrated and powerless.⁸² (For more information, see Chapter 7: Rights of Women).

Situation of Children in Refugee Camps

The TBBC estimates that there are approximately 6,500 children in camps who are separated from their families. Immediate concerns for all children, but particularly for these unaccompanied minors include inadequate foster care, boarding house arrangements, sexual and other forms of abuse, the lack of family tracing, gaps in birth registration, and the recruitment of child soldiers.⁸³ In terms of camp government, children are represented through their respective youth organizations. In the Karen camps, this is through the Karen Youth Organization (KYO), whereas the Karenni receive representation through the Karenni Youth Organization (KnYO).

The refugee camps often offer young people their first chance at a stable education. Free education is available to all children up to tenth standard (the completion of high school). At camp schools, students often learn their own language (Karen or Karenni) in addition to Burmese and sometimes English. Recent changes in Thai government policy towards refugees means that Thai language courses might also be added to the curriculum in the near future, making the number of languages students are required to learn extremely high.⁸⁴ The new initiatives by the Thai Ministry of Education, however, could also provide young refugees with the opportunity to get education beyond tenth standard through online distance learning, or at vocational schools and universities outside camps.⁸⁵ Moreover, in some of the camps, various NGOs and private foundations provide additional education extending beyond the standard secondary level, known as “*post-ten*” programs.

In December 2005, the Royal Thai Government announced that new educational opportunities for refugee children would soon be available inside the camps. Thai and English language training and some vocational training were to be offered through the Office of Non-Formal Education.⁸⁶ Slated to begin implementation in April 2006, the vocational training classes included training in computers, mechanics as well as lessons in Thai culture. Funding for the program was provided by UHCR, as were materials such as textbooks, televisions, satellite receivers, computers and solar power generators. Other organizations, such as the Dutch NGO, ZOA also began implementing Thai and English language classes.⁸⁷ From April to December 2006, the Thai language classes were very popular but extremely understaffed. In one case, there were only four Thai language teachers responsible for 500 students.⁸⁸

Cultural norms, intensified by the lack of opportunities for their future and a lack of sexual education have contributed to early marriage in the refugee camps for many youths. According to Thramu Zipporah, the headmistress of one of the “post-ten” schools in the Mae La Oon refugee camp, “*Some students get married when they are in the seventh or eighth standard [typically aged between 16 and 18 years of age]. And the problem is after marriage they are unable to attend the school again even though they wish to continue*”. Although early marriage can help combat depression and boredom for young people, it often restricts their future academic options. As a result of the increased competition among young refugees for one of the coveted places within one of the post-ten schools, many schools will not accept married students.⁸⁹

When the Committee on the Rights of the Child (CRC) met in January 2006 to discuss the situation of children in Thailand, they concluded that Thailand had done little to address their concerns regarding birth registration, statelessness, and asylum seeking children. The CRC expressed particular concern to the status of the children of ethnic minorities, asylum seekers and migrant labourers and had urged Thailand to prioritize the provision of health and educational services to these particularly vulnerable groups.⁹⁰

Currently, any child born in a refugee camp to parents from Burma is effectively stateless. Under Thai law, these children are not given birth certificates and are not eligible for Thai citizenship. In addition, these children are not eligible for Burmese citizenship as they were born outside the country to parents who left illegally. Instead of birth certificates, those born in the refugee health centres or delivered by refugee parents in hospitals in Thailand can only be issued with “*delivery certificates*”.⁹¹

The CRC also urged Thailand to consider the situation of child soldiers in the refugee camps. In particular, the CRC is concerned about the provision of services, especially counselling, to this group and to other children who have witnessed violence. The CRC furthermore expressed deep concern about the lack of protection available for the children of refugees and asylum seekers and the possibility of their *refoulement*.⁹²

The security of children in refugee camps, particularly child soldiers and unaccompanied minors is not just of concern to the CRC.⁹³ In late 2005 and throughout 2006 the UNHCR, along with a committee of representatives from various other agencies and organizations met to discuss Child Protection issues. Recognizing the risks of unaccompanied minors in the camps, the group began a survey of boarding houses which found that some of these houses housed more than 150 children.⁹⁴

Situation of Specific Ethnic Groups of the Refugee Population

Situation of “Burmese Muslim” Refugees

It was reported in January 2006 that approximately 30,000 “*Burmese Muslims*” live in border refugee camps. Approximately 8,000 of this number are housed in the Mae La refugee camp to the north of Mae Sot.⁹⁵ Though Muslim is not one’s ethnicity, but rather one’s religion, this group nonetheless is typically collectively cast together as members of the same group, regardless of their ancestry.

Situation of Karenni Refugees

In May 2006, following ceasefire talks between the junta and the Karenni Nationalities People's Party (KNPP; the main Karenni resistance group) had completely deteriorated; the SPDC officially labelled the KNPP a “terrorist organization”. The SPDC called upon the Royal Thai Government to send members of the group, alleged to be hiding in refugee camps, back to Burma to stand trial.⁹⁶ According to TBBC figures, in December 2005, there were 22,333 Karenni refugees registered in the border camps in Thailand.⁹⁷

On 15 June 2006, the Royal Thai Government announced plans to consolidate three Kayan refugee camps into a single settlement.⁹⁸ Kayan refugees have been seeking asylum in northern Thailand for over twenty years. Thailand, for its part, has greatly profited from their presence, exploiting their traditions and cultures as a tourist attraction. The proposed unified Kayan settlement would force many people to relocate their homes, not for their safety or for environmental concerns, but to make it easier for foreign tourists to access the sites. Tourists to the “long-neck” camps must pay an entry fee of 250 baht to visit and take photographs with the women. While some of this money goes to Thai authorities, much of it ends up in the hands of the KNPP. The women, themselves, however, are typically paid as little as 1,500 baht a month.⁹⁹

Situation of Mon Refugees

In 1995, Mon refugees in Thailand were repatriated to an area controlled by the New Mon State Party (NMSF) and set up new camps just across the border, afraid to return to their homes or move any further inside the country. Four such Mon Resettlement Sites have been established. These camps are largely dependant on humanitarian aid, however, the local political situation has dictated that the level of assistance reaching the refugees has decreased. The TBBC continues to supply the camps with support, particularly with rice and other forms of food assistance.¹⁰⁰ SPDC army checkpoints on the roads to the camps in addition to road closures on the Thai side of the border interrupted the provision of rice in 2005.¹⁰¹ In late 2005, frustrated by their lack of access to the sites, Médecins Sans Frontières (MSF) officially pulled, resulting in a large number of ongoing health concerns in 2006.

In January 2006, children in the Che-daik resettlement site were suffered from an outbreak of chicken pox. Che-daik is located approximately 35 kilometres west of the border town, Three Pagodas Pass. Almost every child from the approximately 100 homes which make up the site was infected and following the withdrawal of MSF, the site had no medicine to treat them. Medical workers were particularly concerned about the possibility of children becoming blind if the infection reached their eyes. Another Mon resettlement site, Halochanee, reportedly had enough supplies to last six months, but other camps had no means to treat the infection should they also suffer an outbreak.¹⁰²

Malaria continued to be a problem in Halochanee throughout June and July 2006 during the onset of the annual monsoon. Medical workers in the community said that as many as two-thirds of those they had treated had contracted malaria, the majority of whom were women and children.¹⁰³

The Mon National Health Committee (MNHC) appealed to the international donor community in 2006 to help fill the gap left by the withdrawal of MSF in the resettlement sites. The appeal was successful and a number of aid and donor agencies responded by ensuring that medical provisions would be in place in 2007.¹⁰⁴

Situation of Shan Refugees

According to the *World Refugee Survey* in 2005, there were reportedly 300,000 Shan refugees residing in Thailand. None of these were recognized by the Royal Thai Government as being legitimate refugees. Because of the large numbers of Shan labourers in Thailand, the government has put a blanket label on all Shan people in the country, regardless of how or why they crossed the border. As a result it is extremely difficult for aid organization to provide legitimate aid to the group and their access to health care and educational opportunities is limited.¹⁰⁵

The Shan, however, continue to seek refuge in Thailand, despite their lack of legal status in the country. The *World Refugee Survey* maintained that as many as 700-1,000 Shan refugees entered Thailand each month during 2006.¹⁰⁶ However, the TBBC stated that some data, though unreliable, has suggested that these numbers may have dropped to around 300 per month during 2006. The Shan State Army – South (SSA-S) maintains four informal refugee camps in areas under their control along the Thai-Burma border. These camps are believed to provide refuge to some 5,000 individuals.¹⁰⁷

The TBBC provides support to 600 refugees in one small camp in Wieng Heng District of Chiang Mai Province. The residents of this camp, for the most part, fled fighting and the associated human rights violations near their homes in 2002.¹⁰⁸

There is also an “unofficial” Shan refugee camp located at Doi Tailang. This camp is estimated to house as many as 15,000 Shan refugees, including an estimated 230 orphans. Residents reported that in 2000, there were only 250 people in the camp. Unlike official refugee camps, residents of Doi Tailang can leave to find work as illegal migrants and return back to safety when they need to. However, doing so puts them at risk of being arrested by Thai authorities and deported back to Burma. The camp also only has very basic medical care and education in the camp.¹⁰⁹

Timeline of Major Refugee-Related Events on the Thai-Burma Border in 2006

January

In January 2006, a group of 301 Karen refugees arrived at the Mae Ra Ma Luang refugee camp in Thailand.¹¹⁰

February

On 4 February 2006, Prime Minister Thaksin Shinawatra and a delegation of foreign diplomats visited Mae La refugee camp.¹¹¹

On 5 February 2006, a 14-year-old girl in Mae La camp accused a Royal Thai Army soldier of raping her.¹¹²

On 9 February 2006, human rights violations committed by SPDC LID #66 forced hundreds of villagers from Thanduang Township to flee their homes and either hide in the forest or make for the Thai-Burma.¹¹³ Of this number, 67 villagers reached one of the refugee camps and were cared for by members of the Karen Refugee Committee (KRC).¹¹⁴

On 23 February 2006, for the first time, members of ASEAN Inter-Parliamentary Myanmar Caucus (AIPMC) visited the Karenni refugee camps in Northern Thailand. The group included government representatives from Thailand, Cambodia, Indonesia and Malaysia.¹¹⁵ Following the visit, the representatives called for Burma to be ejected from ASEAN if they failed to show any genuine political progress over the coming year.¹¹⁶

In February 2006, Thailand's National Security Council (NSC) allowed refugees living in camps to take a step towards legal employment by permitting more vocational training initiatives inside camps.¹¹⁷

In February 2006, a total of 355 new Karen refugees arrived at Mae Ra Ma Luang refugee camp in Thailand.¹¹⁸

March

Between 1 March and 17 March 2006, a further 141 Karen refugees arrived at Mae Ra Ma Luang refugee camp in Thailand.¹¹⁹

April

On 24 April 2006, five Burmese legislators sought refuge in the Karen refugee camps, fleeing feared persecution by the military regime. Of the group, two were reported to be Saw Tar Ru Too, 65, an MP from the National Union Party (NUP), and U Chit Tun, 60, a member of the National League for Democracy (NLD).¹²⁰

From 25 – 27 April 2006, the Royal Thai Government (RTG) opened registration for those wishing to be considered as refugees in Sangklaburi in Kanchanaburi Province. Fewer people attended the registration than expected, possibly fearing arrest. Those who did apply for and were subsequently granted refugee status moved into a refugee camp to await third country resettlement.¹²¹

On 28 April 2006, U.S. Secretary of State Condoleezza Rice issued a waiver of the 2001 Patriot Act, permitting Karen refugees to resettle in the United States even if they had provided material support to armed resistance groups. With the waiver, some 9,300 ethnic Karen refugees housed in the Tham Hin refugee camp in Thailand's Ratchaburi Province were no longer considered supporters of terrorism.¹²²

May

In early-May 2006, SPDC army troops launched a renewed offensive against several civilian villages and KNU bases, causing many villagers to flee to Thailand. More than 1,000 ethnic Karen crossed the border into the northern Thai province of Mae Hong Son in the first weeks of May as a result of demands for forced labour and other human rights violations in Burma. They sought refuge at a camp in Mae Hong Son's Sop Moei District and were accommodated at the Mae Ra Ma Luang refugee camp.¹²³ The UNHCR office reported 400 refugees

crossing the border in the first week of the month, bringing the total number of refugees since the beginning of February to around 2,000.¹²⁴

On 29 May 2006, 60 Karenni villagers fled Karenni State to seek refuge in Thailand, where they entered the Ban Kwai refugee camp (Karenni Camp 1). The refugees were placed in a holding centre until they could be registered by the Thai authorities and UNHCR officials. They claimed to have been threatened, and used for forced labour by SPDC.¹²⁵

Thailand's acting Prime Minister, Chidchai Wannasathit, reportedly spoke out against the military offensive in Karen State, noting that Thailand must shoulder the burden for many of those who become displaced.¹²⁶

June

In mid-June 2006, the Australian Immigration Minister, Senator Amanda Vanstone, visited the Mae La refugee camp. During her visit she announced Australia's promise to take up to 1,400 refugees from the area during 2007 and instituted a grant worth A\$500,000 (US\$367,000) to improve the quality and standard of camp education.¹²⁷

On 20 June 2006, the Canadian government announced that it would accept 810 "high priority" refugees for resettlement. Those to be resettled were mostly members of the Karen community. Particularly vulnerable cases such as single women or women who had been the victims of sexual or gender-based violence (SGBV) were high on the list. Other cases considered included political activists, the mentally ill who lack access to proper treatment, and members of the Burman community who are a distinct minority in the camps and face discrimination. As many as 500 of those taken were processed through the UNHCR in a group resettlement scheme, while the remaining 300 refugees were to be resettled through private sponsorship.¹²⁸

August

On 15 August 2006, the first group of 23 refugees from Tham Hin were resettled to the United States. By the end of the month, a further 551 had been resettled,¹²⁹ including 47 that left Tham Hin camp on 28 August¹³⁰ and 63 who left on 29 August.¹³¹

In August 2006, Antonio Guterres, the United Nations High Commissioner for Refugees paid a visit to Thailand. During talks with Prime Minister Thaksin Shinawatra, the High Commissioner expressed his pleasure to see that there had been improvements in the Thai government's attitude towards identity cards for refugees, the inclusion of refugees in Thailand's HIV/AIDS program and for the creation of pilot income generation projects in the camps.¹³² After the meeting, the Prime Minister ordered the Public Health Ministry to send medical teams to the border camps to work on the AIDS problem there.¹³³

September

On 20 September 2006, the border between Thailand and Burma at Tachilek was closed following the *coup d'état* in Thailand to depose Thai Prime Minister Thaksin Shinawatra on 19 September 2006.¹³⁴ The closure affected the official border crossing points in: Mae Sai, Mae Sot, Three Pagodas Pass and Ranong, as well as the smaller local crossing points at Huey Pheung, Nampiangdin, Huey Ton Noon and Saohin in Mae Hong Son province.¹³⁵

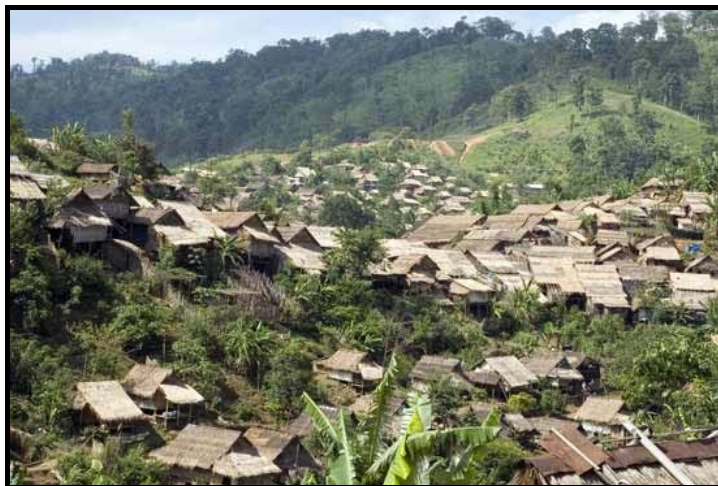
October

In the second week of October 2006, Thailand's post-coup Prime Minister, Surayud Chulanont met with the head of UN agencies and declared that improving the conditions of refugees from Burma was his third-highest priority.¹³⁶

November

On 16 November 2006, the *Bangkok Post* reported that senior officials of the Interior Ministry were working on guidelines for the legal employment of refugees from Burma.¹³⁷

On 22 November 2006, the UNHCR opened the first legal assistance centre in Ban Mae Nai Soi refugee camp in Northern Thailand.¹³⁸



Umpiem Mai refugee camp in Tak Province, Thailand. First established in 1999 through the consolidation of a number of camps, Umpiem Mai is now home to approximately 19,500 primarily Karen refugees. [Photo: TBBC]

14.3 Burmese Refugees in Bangladesh

The Burmese refugee population in Bangladesh can be divided into three broad categories:

1. Rohingya refugees residing in one of the two official refugee camps;
2. Rohingya refugees classified as illegal immigrants living outside the camps; and
3. Buddhist Arakanese (Rakhine) refugees recognized as POCs by the UNHCR residing mostly in Dhaka, the Chittagong Hill Tracts, and in Cox's Bazaar District.

Bangladesh has not signed the 1951 Refugee Convention and does not have a legal framework through which refugees can seek and be granted protection. The Government of Bangladesh limits UNHCR assistance to those residing in the two official refugee camps and to individual Arakanese who have received POC status. Though many new Rohingya asylum seekers have continued to flee to Bangladesh in search of refuge, they have been denied access to the camps. As a result, new arrivals have no choice but to remain outside the camps as illegal migrants without protection or assistance and vulnerable to arrest and deportation. Regardless of their status in Bangladesh, refugees from Burma live in appalling conditions, whether it is in the camps, the slums or the jungles.¹³⁹

Bangladesh has received two major exoduses of Rohingya refugees with steady and continuous trickles of new comers at all other times. The first major exodus occurred in 1978 following Operation *Naga Min* ('Dragon King'), when General Ne Win attempted to drive all "foreigners" out of the country. The campaign gave rise to extrajudicial killings, rape, and other acts of violence causing approximately 200,000 Rohingya to flee across the border to Bangladesh. Following the repatriation of these refugees, which in many cases was involuntary, the regime enacted a new Citizenship Law in 1982, denying the Rohingya citizenship of Burma, effectively rendering the Rohingya stateless. The Rohingya are not considered one of the 134 national ethnic races according to the regime. Without citizenship, the Rohingya are particularly vulnerable to abuses and extensive restrictions. In 1990, the increased military presence in Arakan State led to an increase in human rights abuses perpetrated against the Rohingya. As a result, during 1991 and 1992, approximately 250,000 Rohingya once again fled to Bangladesh. Then, from 1992 to 1994, Bangladeshi authorities forcibly repatriated over 50,000 refugees from this group. However, the UNHCR did not gain access to oversee the mass repatriation program until April 1994. The voluntary nature of the exercise was highly questioned by humanitarian agencies working in the camps. There were reports that officials withheld food from refugees and had beaten them as a means to coerce them into returning to Burma. In 1997, the repatriations halted and commenced again the following year but only in very limited numbers.¹⁴⁰

Since the mass repatriations in the mid-1990s, access to the refugee camps in Bangladesh has been denied to new arrivals. This has happened in spite of the fact that the situation facing the Rohingya in Burma has become increasingly desperate, sending more refugees and asylum seekers across the border into Bangladesh where the government considers them to be illegal economic migrants and not *bona fide* refugees. In being denied access to the camps, these refugees are also denied humanitarian assistance.¹⁴¹

Since then, repatriation has continued, albeit in much smaller numbers. By 2005, approximately 236,000 Rohingya were repatriated while approximately 20,500 remained in the two refugee camps at Kutupalong and Nayapara in the Cox's Bazaar area. The Government of Bangladesh has consistently argued that all the Rohingya refugees must

return to Burma. The government's position was highlighted in a 17 February 2005 discussion in Parliament when the issue of Rohingya refugees was raised. Minister of Home Affairs, Lutfozzaman Babar reported both the size of the remaining camp population and the fact that the Bangladesh Rifles (BDR), border security forces, were ordered to turn away new refugees. In the same discussion, the Bangladeshi Foreign Minister Mohammad Morshed Khan noted that 95 percent of the Rohingya refugee population had already returned to Burma and the government was actively working to complete the repatriation of the remaining 5 percent.¹⁴² In February 2006, Khan reiterated his concern over the remaining refugees while presenting Pia Prytz Phiri, the new UNHCR representative for Bangladesh, with her official letter of accreditation. At the meeting he reportedly expressed that "*he was unhappy with the process*", and had urged Phiri to speed it up.¹⁴³

The repatriation process has long been impeded by the fact that the SPDC had not cleared the remaining refugees in the camps for return to Burma. Furthermore, the SPDC created extensive bureaucratic procedures that deliberately complicated and stalled the repatriation process. In 2003, following improved diplomatic and economic relations between the two countries, the SPDC lifted conditions obstructing repatriation and agreed to accept the remaining refugees in the camps who opted for voluntary repatriation. The regime's apparent willingness to receive the refugees was reiterated on 24 February 2005 in a meeting between SPDC Foreign Minister Nyan Win and Bangladeshi Prime Minister Begum Khaleda Zia. During the meeting, Prime Minister Zia raised the issue of the remaining refugee population, to which Nyan Win gave assurances that the SPDC would soon receive the residual Rohingya refugee population.¹⁴⁴ Though by 2006, the refugees remained in the camps and little had actually changed. In early-May 2006, Bangladeshi Food and Disaster Management Minister Chowdhury Kamal Ibne Yusuf was reported to have said that "*[t]he relationship between Bangladesh and Burma is now better than in the past*", adding, "*We are trying in our own way to send the refugees back to their own land*".¹⁴⁵ Later that month, on 19 May 2006, Bangladeshi Foreign Secretary Hemayet Uddin met with his counterpart, SPDC Deputy Foreign Minister U Kyaw Thu where once again assurances were given for the repatriation of the remaining 21,172 officially registered Rohingya refugees, pending their clearance by the junta. The approximately 8,000 that had already been cleared by the regime were reportedly soon expected to return to Burma.¹⁴⁶ However, no repatriations have taken place since.

In August 2006, with little headway made in the repatriation process, the Government of Bangladesh called on the international community to assist by facilitating third country resettlement of the refugees. Food and Disaster Management Minister Chowdhury Kamal Ibne Yusuf told journalists that Bangladesh was no longer able to afford to keep the refugees and that "*We have urged the U.S. and the UN to try to relocate the Myanmar refugees in a third country*".¹⁴⁷

Rohingya Refugees in Nayapara and Kutupalong Refugee Camps

In 1991, 14 camps were erected to accommodate the mass of Rohingya refugees in Bangladesh, of these only Nayapara camp near Teknaf and Kutupalong camp near Ukhia remain. The Bangladeshi authorities only recognize 21,000 refugees in the camps but a UNHCR verification exercise suggests that the figure is closer to 28,000.¹⁴⁸ In January 2006, a delegation of foreign diplomats and UNHCR officials reported on the "*appalling*" living conditions endured by refugees in the camps.¹⁴⁹ Overpopulation and sub-standard shelters contribute to poor sanitation and the spread of disease. Refugee homes have not been repaired for 15 years and there have been reports of huts being eaten by termites and refugees

being forced to use latrine doors to prop up their shelters. The Bangladeshi government does not allow improvements to be made in the camps on the basis that it may serve as a “*pull factor*” and attract more refugees. The government opposed UNHCR’s plan to build semi-permanent structures for refugees, however, it has approved a pilot project to test new, improved shelters in one of the camps.¹⁵⁰



A group of Rohingya refugees in a refugee camp in Bangladesh. Targeted persecution has forced over 200,000 Rohingya to flee Burma. Unwelcome in Bangladesh and denied their rights in Burma, the Rohingya are among one of the most oppressed minorities in Burma. At the end of 2006, approximately 20,000 Rohingya refugees remained in Bangladesh. [Photo: RI]

Rohingya refugees are not permitted to access local education or health services. Although health centres do exist in the camps, there have been several cases of refugees being denied treatment despite suffering serious medical conditions. In one incident in Nayapara camp in May 2006, a four-year-old girl died of anaemia after being refused proper medical care.¹⁵¹ Education is available to children up to the age of 12 but there is a shortage of qualified teachers and, as a result, most of the children in the camps are illiterate and are deprived of the skills needed to help them in the future. A further problem is that the Government of Bangladesh only allows lessons to be conducted in Burmese even though the Rohingya’s native language is Bengali dialect similar to the language of the local Bangladeshi community.¹⁵²

Freedom of movement for Rohingya refugees is heavily curtailed. They are prohibited from leaving the camp to seek outside employment, yet are also not permitted to engage in income-generation activities within the camp. Despite these heavy restrictions, some refugees have secured external employment in low-level jobs such as pulling rickshaws or doing manual work. Those refugees who work outside the camp are vulnerable to abuse and exploitation, often earning half the amount a Bangladeshi worker would earn for the same work. Camp guards also often charge a fee for leaving and re-entering the camp. Most refugee families are entirely dependent on humanitarian assistance, yet in March 2006, the UNHCR further scaled down its subsistence allowance. The change, which took effect in June 2006, reduced the subsistence allowance by a further 50 percent. Exceptions were made for those in the community who are particularly vulnerable including the elderly, the handicapped and disabled, and single women.¹⁵³ As a result of the inability to supplement their dietary needs,

65 percent of children in the refugee camps are reported to be chronically malnourished and 13 percent suffer from acute malnutrition.¹⁵⁴

Both Nayapara and Kutupalong refugee camps are organised and managed by the Bangladeshi authorities. The Government of Bangladesh appoints unelected camp volunteers to act as refugee leaders. Refugees are prohibited from establishing their own management committees to oversee the delivery of food, water, sanitation, health or education. Corruption and abuse in the camps continues to be reported. In May 2006, the *Kaladan News* reported that a female refugee in Nayapara camp had been raped and killed by a camp guard, although the authorities did nothing.¹⁵⁵

UNHCR Disengagement and Forced Repatriation

In 2003, the UNHCR announced its intention to phase out its involvement with the Rohingya refugee population while promoting self-sufficiency and encouraging voluntary repatriation. The administration of assistance programs in the camps was to be transferred to the Bangladeshi authorities, who, in September 2004 formally rejected the UNHCR's proposal as they did not feel they had the capacity to manage such a program. The Bangladeshi government reaffirmed their stance that repatriation was the only workable solution for the long term.¹⁵⁶

Immediately following the announcement of the UNHCR's intended disengagement plan in 2003, evidence of forcible repatriation began to emerge. The number of repatriated refugees in 2003 reached 3,000 though, in 2004, through increased UNHCR protection staff presence in the camps, the number fell to 210. Only 92 refugees were repatriated in 2005, while in the first quarter of 2006, not a single Rohingya refugee was repatriated. The U.S. Assistant Secretary for Population, Refugees and Migration Affairs, Ellen Sauerbrey, reported that she found no evidence of forced repatriation on her visit to Bangladesh in August 2006. Repatriations that have taken place were of prisoners, decided on a bilateral basis between Rangoon and Dhaka. However, refugees continue to report coercion to repatriate by camp officials.¹⁵⁷ In May 2006, the Disaster Management Minister of Bangladesh urged the UNHCR to help refugees repatriate to Burma, citing the continual flow of refugees between the two countries as placing too much pressure on the limited resources of the Bangladeshi government.¹⁵⁸ Bangladeshi authorities have appealed for other countries to offer resettlement to refugees, saying it could not afford to keep them any longer.¹⁵⁹ Some European countries have made "very limited" offers to receive Rohingya refugees, while the U.S. emphasized the need to continue to exert pressure on the military junta in Burma in order to reach a solution to the problem. In August 2006, a resettlement program began which was organised by the Canadian Embassy and the UNHCR. The first group of Rohingya refugees flew to Canada for resettlement at the end of the year.¹⁶⁰

Unofficial Rohingya Refugees

The unofficial Rohingya refugee population, living outside of the two official camps, is estimated to be between 100,000 to 200,000 persons. Since the mass repatriation in 1994, access to the camps has been denied to new arrivals. This includes those who were repatriated and who subsequently returned to Bangladesh after facing renewed persecution in Burma. The Bangladeshi government regards Rohingya from Burma as "economic migrants" despite the fact that they fled Burma in order to escape a multitude of human rights abuses and, as such, they are classed as illegal immigrants in Bangladesh. Most have settled

in the Cox's Bazaar and Teknaf areas of southern Bangladesh. As a result of their status as illegal immigrants, they are not entitled to any humanitarian assistance. The unofficial Rohingya community is often subject to harassment from local people and are blamed as the cause of a number of social and environmental problems by the Bangladeshi media.¹⁶¹ For example, in October 2005, 25 Rohingyas were arrested on suspicion of being involved with Islamic militants. Following this, the Ministry of Home Affairs ordered the arrest of all Rohingya refugees living outside of the camps. Subsequently, between 6,000 and 10,000 Rohingya refugees were forced out of their homes and forced to take shelter on the banks of the Naf River. Both the UNHCR and the European Union (E.U.) called for them be allowed to move to safer ground and promised humanitarian aid if this was granted but the Bangladeshi authorities refused their requests.¹⁶²

Between 10,000 and 14,000 members of the unofficial Rohingya population live in the makeshift Dum Dum Meah camp near Ukhiya, approximately six kilometres north of Teknaf. The camp is situated between the bank of the Naf River and a highway. The river floods regularly, making refugee shelters vulnerable of being washed away and the highway has claimed a number of refugee children's lives. Refugees leaving the camp to look for firewood and other provisions are frequently exposed to abuse and harassment from the local Bangladeshi community. Both the UNHCR and delegates from the E.U. visited Dum Dum Meah camp during 2006 and have condemned the Bangladeshi government for the conditions endured by the refugees sheltering there. The United Nations declared it a state of humanitarian emergency, while the E.U. expressed concern over the "*miserable*" conditions experienced by Rohingya refugees outside of the official camps and asked the Bangladeshi authorities to "*rehabilitate*" undocumented refugees from Burma.¹⁶³ In response to this, in April 2006, the Bangladeshi authorities permitted Médecins Sans Frontières – Holland (MSF) to document the Rohingya refugees in Dum Dum Meah camp and to provide them with some humanitarian support including latrines, blankets, and food. An MSF clinic was established at the site of the makeshift camp soon after.¹⁶⁴



A photo of Dum Dum Meah camp on the outskirts of Ukhiya near Teknaf, Bangladesh. Between 10,000 and 14,000 "unofficial" Rohingya refugees reside in this camp. Conditions endured by the residents are deplorable. The shelters are poorly made and safe drinking water, adequate healthcare, and food are all extremely scarce. As a result, this site was declared a "*humanitarian emergency*" by visiting members of the UN in 2006. [Photo: RI]

The unofficial Rohingya population continues to grow with frequent reports of refugees fleeing human rights abuses in Burma. In September 2006, the Dhaka Press Club hosted the Dhaka Seminar 2006, which among its resolutions had the following to say in regard to the Rohingya issue:

*“[I]t is the moral and constitutional obligation of the Government of Bangladesh to provide fundamental humanitarian assistance to the Rohingya Refugees who have been compelled to take temporary shelter in Bangladesh due to the ruthless repression and ethnic cleansing in Arakan by the ruling military junta of Myanmar [Burma]. This seminar further believes that such essential humanitarian assistance may be extended to the Rohingya refugees without instigating any provocation to the national sovereignty and territorial integrity of the Union of Myanmar [Burma].”*¹⁶⁵

Arakanese Refugees in Bangladesh

Approximately 120 Arakanese (Rakhine) Buddhist refugees have been recognized by the UNHCR in Bangladesh since 1988. Those recognized by the UNHCR as refugees or POCs are allowed to remain in Bangladesh but are not provided with work permits which would enable them to be legally employed. The UNHCR provided monthly financial support to the POCs until 1998 when the assistance was cut and a refugee self-reliance program was introduced.¹⁶⁶ In 2005 the UNHCR announced the discontinuation of the monthly subsistence allowance for dependent children of Arakanese POCs, though funds for education continued to be provided.¹⁶⁷

In February 2006, the Arakan Refugee Affairs Committee (ARAC), formed in 2005, stated that Arakanese refugees in Bangladesh were suffering from a lack of security and effective assistance in terms of education and health. They were also suffering from a lack of employment and acute poverty.¹⁶⁸ Furthermore, Arakanese refugees were not given the opportunity to meet with U.S. Assistant Secretary for Population, Refugee and Migration Affairs, Ellen Sauerbrey during her visit in August 2006. An Arakanese refugee, U Khaing San Lun described this as “*deplorable*” and said that Arakanese refugees were never allowed to meet with officials visiting Bangladesh to investigate the refugee situation.¹⁶⁹

On 11 September 2006, urban Arakanese refugees refused to accept the vocational training and self-reliance programs being offered by the UNHCR in Dhaka. They cited past experiences where money provided to establish small businesses had been insufficient and had run out very quickly. The refugees pressed for resettlement in a third country immediately or the UNHCR to supply them with a monthly living allowance.¹⁷⁰

Burmese Refugees in Bangladeshi Prisons

Between 400 and 500 Burmese prisoners continued to remain in detention in Bangladeshi prisons during 2006. Most of these are prisoners who have completed their sentences but cannot be returned to Burma as the SPDC does not recognize them as citizens. Some have been detained for over ten years after the completion of their sentences. The Government of Bangladesh does not allow independent monitoring of prisons even by the International Committee of the Red Cross (ICRC). However, the UNHCR has been permitted to visit some registered refugees and provide them with legal assistance. There have been reports of

Burmese prisoners being forced to do hard labour such as crushing bricks and cleaning toilets.¹⁷¹

The Memorandum of Understanding (MoU) between the Government of Bangladesh and the SPDC regarding the exchange of prisoners remained in place during 2006. On 3 March 2006 over 75 Burmese nationals were handed over from jails in Bangladesh.¹⁷² On 23 May 2006, 40 Burmese inmates were due to be exchanged for Bangladeshi prisoners. One Burmese political activist reported that the Burmese prisoners would face another six months to one year in jail in Burma in addition to fines for illegal migration.¹⁷³ Such prisoner exchanges are reported to underline the “*warm relationship*” enjoyed by Dhaka and Rangoon but there have also been cases of the SPDC reneging on the number of prisoners it has agreed to accept. In August 2006, the SPDC reportedly agreed to take 100 Burmese prisoners but in the event only accepted 60, likewise in March 2006 the Bangladeshi government attempted to press for the gradual return of over 400 prisoners but the Burmese regime indicated it was only prepared to accept 133.¹⁷⁴

14.4 Burmese Refugees in India

There are approximately 60,000 refugees and asylum seekers from Burma living in India. The majority of these are Chin with some Kachin, Burman and other ethnic groups. The Chin Human Rights Organisation (CHRO) has suggested that the refugees can be divided into two groups: the first group is comprised of the activists, university students and others who escaped from Burma following the 1988 pro-democracy uprising. The second group consists of asylum seekers who have fled ongoing human rights abuses perpetrated by the military junta. These abuses include rape, ethnic discrimination, forced labour and torture. The Chin, who are largely Christian, have experienced religious persecution in particular. Such human rights abuses have ensured a constant stream of refugees to neighbouring countries such as India. Initially, in response to the first influx of refugees in 1988, the Indian government established refugee camps in Champai, Mizoram State. However, in 1992 these camps were closed and all humanitarian assistance was halted. India is not a signatory to the 1951 Refugee Convention and has no legal framework through which refugee status determination can be made and protected. As a result of this, refugees are treated differently depending on their country of origin. Further complicating the issue is that the Indian government has many trade and investment projects with the SPDC and does not want the issue of Burmese refugees to become high profile and possibly interfere with those business ventures. The UNHCR thus is not permitted to meet with government officials to discuss the Burmese refugee situation,¹⁷⁵ nor are they permitted to maintain any presence in the northeastern states where the majority of refugees from Burma cross into India.¹⁷⁶

Refugees and Asylum Seekers in New Delhi

An estimated 18,000, mostly ethnic Burman, Chin and Kachin refugees were living in New Delhi in 2006. Of this number, 14,000 are believed to be registered with the UNHCR. The registration process can only be carried out in New Delhi, but frequently involves long delays. The process of Refugee Status Determination can take up to seven months or a year in some cases. After receiving POC status, Burmese refugees receive residence permits but not work permits. Consequently, finding employment is difficult as they are restricted to jobs within the informal sector where there is fierce competition from Indian workers. The informal sector also carries with it the risk of dangerous working conditions, low wages and exploitation. The residence permit has to be renewed every six months at the Foreigners Registration Office. Until 2003, the UNHCR provided all POCS with a monthly subsistence allowance of 1,400 rupees (about US\$30) per month. This allowance was intended to provide for food and housing costs. However, many refugees reported that the allowance was not adequate to meet the costs of housing and education, and as a result, some children had been forced to drop out of school.¹⁷⁷

In 2003, the UNHCR announced the phase-out of the monthly subsistence allowance and the establishment of a self-reliance program. It was argued that the monthly subsistence allowance fostered dependency among refugee populations and acted as a barrier to successful reintegration into the new community. In 2006, the subsistence allowance was provided to new refugees but phased out within the first year in all but the most vulnerable cases. Those refugees with particular medical problems may be permitted to receive the subsistence allowance for a longer period of time. The UNHCR also provided assistance with job placement and skills training. Despite this training it is difficult for refugees to become equipped with the skills required in order for them to compete with the local

workforce. Low wages mean that refugees struggle to be self-sufficient. The UNHCR thus developed a scheme whereby it “*tops up*” wages which are equivalent to less than the minimum wage for unskilled labour. However, as a result of a reduction of the UNHCR India budget by 20 percent for 2006, this scheme is unlikely to continue for much longer.¹⁷⁸

The phase-out of the subsistence allowance has been widely criticized and the UNHCR regarded as distant and difficult to deal with by many refugees. Some refugees have remained confused by the process of registering with the UNHCR. Living conditions for refugees in New Delhi have been reported to be an “*urban nightmare*” with many left homeless after being evicted, housing being generally overcrowded and refugees being subject to discrimination and harassment from local communities. Refugees have reported feeling that the UNHCR provides them with no protection from such matters. Refugees have also criticized the UNHCR for being too slow to grant POC status. In one incident, seven Burmese refugees went on a hunger strike outside the UNHCR office in New Delhi to protest against having to wait for three years to get their applications approved. In December 2006, a Chin asylum seeker was arrested and detained in the Tihar jail in New Delhi after going on a hunger strike to appeal to the UNHCR to reopen his rejected application for POC status.¹⁷⁹ Volunteer organizations have attempted to improve the living standards of Burmese refugees. In March 2006, volunteers from a water treatment project started distributing water treatment tubs among Burmese refugee communities in New Delhi and in August 2006, the Chin Students’ Union (CSU) opened an education centre to give free tuition to Burmese children.¹⁸⁰

Chin Refugees and Asylum Seekers in Northeastern India

There are an estimated 50,000 Chin asylum seekers residing in the northeastern states of India, with the majority living in Mizoram State and a smaller number living in southern Manipur State. The UNHCR or other foreigners are not allowed access to this region. There is no humanitarian assistance available to asylum seekers living in this area and they are classified by the Indian government as illegal immigrants. Most asylum seekers find employment in low-paid and low-skilled jobs such as weaving or road construction. The Chin and the Mizo, an ethnic group native to Mizoram State, are related both ethnically and linguistically but recently there has been increasing tension between the two groups. Chin asylum seekers are typically treated as scapegoats and often blamed for existing social problems including drug trafficking and rape and can become the target of eviction campaigns and crackdowns by the authorities.¹⁸¹

In 2006, Indian authorities continued to crack down on undocumented migrants. For example, in September 2006 over 30 Burmese migrant workers were arrested in Lunglei as a result of reports that a Burmese woman had bludgeoned an Indian woman about the head with a hammer. The arrested workers were mainly Chin and worked in a variety of informal jobs such as labourers and housemaids. In response to this crackdown, the CHRO sent an open letter appealing to the Mizoram people to have sympathy for the Chin and their plight.¹⁸² In the immediate wake of the crackdown, the CHRO also made an appeal to the Young Mizo Association (YMA) against the measures to evict all foreigners from the state.¹⁸³ Despite this, the Chief Minister of Mizoram announced on 11 October 2006 that all illegally settled foreigners were to be registered, leading to many refugees being evicted from their homes.¹⁸⁴

Crackdown on Chin Opposition Groups

In October 2004, the SPDC and the Government of India signed a Memorandum of Understanding (MoU) stating that the two countries promised to work to prevent armed resistance groups operating on each other's soil. In 2006, the relationship between the two countries continued to be based on trade agreements and countering insurgent groups. It is believed that there are at least 12 armed groups opposing the Indian government operating out of Burma's northern territories. In December 2006, India reportedly promised military assistance to Burma, including training for Burmese Special Forces units in counter-insurgency measures, in return for a pact by which the SPDC would help contain anti-government groups thought to be operating from Chin State into North Eastern India.¹⁸⁵ Similarly, it was reported in September 2006 that India was pursuing a closer relationship with Burma in an attempt to manage border security issues.¹⁸⁶ The SPDC, in turn, urged the Indian government to "*flush out*" Chin rebels thought to be operating from Indian jungles in the border regions.¹⁸⁷

The SPDC army units reportedly make regular forays into Indian border villages in an attempt to capture members of opposition groups. In January 2006, two Burmese pro-democracy activists were arrested by an unknown armed group in the Indian town of Moreh, beaten and then taken back to Burma and delivered into the hands of the SPDC. The two men, Chit Tein Tun and Maung Maung Oo were later discovered to have been given the death sentence by the military junta.¹⁸⁸ In November 2006, two armed Cadres of the Chin Tiger Army (CTA) were killed by SPDC army troops when the latter encroached into the border area.¹⁸⁹

14.5 Burmese Refugees in Malaysia

According to the *World Refugee Survey*, as of June 2006, there were approximately 55,000 Burmese refugees and asylum seekers in Malaysia accounting for over a third of the entire refugee population in Malaysia.¹⁹⁰ According to the UNHCR approximately 10,000 of this number were Rohingya asylum seekers while the Chin Refugee Committee (CRC) reported a population of nearly 16,000 Chin; of which less than 5,000 reside in Malaysia legally.¹⁹¹ The Rohingya are the only group entitled to refugee status as an ethnic group, yet registration of Rohingya refugees for the IMM 13 documentation was suspended in August 2006. The IMM 13 form allows the holder to work legally and send their children to school.¹⁹² In 2005, the Chin Human Rights Organization (CHRO) reported that flight to Malaysia provides a layer of security to asylum seekers from Burma because in the event of arrest and deportation they will be sent to Thailand and not back into the hands of the SPDC. However, this is a false sense of security since Thailand has returned deportees to Burma after they are sent from Malaysia.¹⁹³ During 2006, over 200 asylum seekers were deported to Thailand in this manner, though, the *World Refugee Survey* reported that in one such instance, Thailand then handed several of these deportees over to SPDC authorities who upon receiving them reportedly immediately set to brutally beating one of them.¹⁹⁴

Malaysia is not a signatory of either the 1951 Refugee Convention or the 1967 Protocol which together provide protection to the rights of refugees. Furthermore, Malaysia does not possess any specific refugee laws, while the Immigration Act of 1959 contained no clear distinction between a refugee and an illegal immigrant.¹⁹⁵ Refugees have no access to aid from international agencies and their basic needs for food, shelter, adequate sanitation, education and medical care are rarely met. Women who have been sexually abused cannot complain to authorities without exposing themselves to arrest or detention due to their immigrant status.¹⁹⁶

Under Malaysian immigration laws, refugees and asylum seekers are regarded as illegal economic migrants and are subject to severe penalties under the Immigration Act. As such, the situation facing Burmese refugees is not dealt with in great detail in this chapter. For more information, please refer to Chapter 15: The Situation of Migrant Workers where the issue is dealt with in more depth. Like all illegal immigrants, refugees and asylum seekers from Burma are vulnerable to extortion, theft, sexual abuse, arrest, deportation, and many other difficulties in Malaysia.

In August 2002, the Malaysian Parliament made a number of amendments to the 1959 Immigration Act, including prison sentences and caning for people caught without proper entry documents. Those found to have entered the country illegally or who had overstayed their visas are liable to a maximum fine of 10,000 Ringgit (US\$2,700), up to five years imprisonment and up to six strokes with the rattan (cane). Individuals arrested under these laws have reportedly been detained in overcrowded immigration detention centres for long periods of time awaiting mass deportations. In some cases, Burmese asylum seekers have been detained in this manner in excess of 12 months.¹⁹⁷

In July 2004, the Malaysian government announced its plan to expel all illegal immigrants and asylum seekers, and implement a fresh crackdown on Burmese refugees. The UNHCR has been unable to register asylum seekers in Malaysia since July 2005, resulting in 600 Burmese refugees being detained by the end of 2005. This number included as many as 400 ethnic Chin refugees.¹⁹⁸

Many Burmese refugees are illegally employed in construction work and as day labourers, while children are often forced to beg. Due to the crackdown on illegal refugees in Malaysia since 2005, there have been a string of arrests, detentions and deportations.



A small Chin refugee settlement in Malaysia in July 2006. The UNHCR has estimated there to be as many as 16,000 Chin refugees in Malaysia, the vast majority of whom are there without proper documentation, and as such are vulnerable to arrest and deportation.
[Photo: RI]

In February 2006, the Malaysian authorities apprehended and detained eight Chin immigrants, included four women whose husbands had UNHCR refugee status.¹⁹⁹

In April 2006, a group of 31 recognized Chin refugees were deported back to Burma by the Malaysian authorities. The group reportedly included two pregnant women.²⁰⁰

In July 2006, 22 Burmese migrants were arrested in a raid, including four children,²⁰¹ while in August, between 30 and 40 Chins were arrested during a workplace raid on a construction site of the Pavilion Residences.²⁰²

In September 2006, 30 Mon refugees were arrested and detained in Jurn camp²⁰³ and a further 52 Burmese nationals were detained in the Lenggeng detention centre following a raid in Kuala Lumpur. The detainees included five members of the Chin Refugee Centre (CRC), two of whom were responsible for teaching 120 Chin children banned from attending Malaysian schools.²⁰⁴

In October 2006, mass arrests were conducted of 172 Chin refugees in Cheras Alam Jaya, where approximately 500 Chin migrants reside.²⁰⁵ A further 500 Chins were arrested that month, including seven women.²⁰⁶ The detention of children and pregnant women is in violation of the 1989 Convention of the Rights of the Child, of which Malaysia is a signatory.

The Malaysian voluntary security organisation, *Ikatan Relawa Rakyat*, or RELA, has continued to be under frequent attack for abuse of power and use of violence against refugees and asylum seekers. The RELA have been accused of excessive use of violence and unnecessary force against refugees, the wrongful detention and mistreatment of documented migrants, the destruction of property and forced intrusion into private homes without

warrants, arrest of children and pregnant women, and the theft of mobile phones and money from refugees.²⁰⁷

On deportation, many Burmese refugees are taken to the Thai-Malay border rather than being deported back to Burma. However, there have been reports of refugees being sold to traffickers unless they are able to pay large amounts of money to their captors. It was reported that 30 Chin asylum seekers were held captive by Thai agents on the border in September 2006, of which only two were released after paying extortionate bribes to their captors. The two freed asylum seekers had said that Malaysian immigration had secretly transported them to the border and sold them to Thai trafficking agents. The armed traffickers then demanded more money from them before they would smuggle them back into Malaysia.²⁰⁸

Throughout 2006 there was evidence of greater tolerance of refugees and awareness of their needs in Malaysia, including within the field of education. There were approximately 3,800 Rohingya children in Malaysia, few of which receive any formal education. While many are educated at home this rarely goes beyond Islamic studies. Rohingya children can only be admitted to Malaysian schools if they are registered as refugees. However, Rohingya children still have to pay higher fees than Malaysian citizens and have to buy all their own books. Precious few have birth certificates, which are essential for enrolment.²⁰⁹ The situation improved somewhat in 2006 with the opening of the Harvest Centre – a school for refugee children set up with funding from World Vision. The UNHCR also pledged to create more public awareness of refugee issues and have also asked for their further protection, in addition to creating partnerships with local actors to provide shelter, healthcare, education, employment, vocational training and community services for refugee communities.²¹⁰

14.6 Burmese Refugees in Other Locations

Australia

In June 2006, Senator Amanda Vanstone, the Australian Immigration Minister, announced that Australia expected to have accepted as many as 900 Burmese refugees from refugee camps in Thailand by the end of the 2005-2006 financial year – more than double than in previous years. Senator Vanstone was also reported as saying that she anticipated the Australian government to accept up to 1,400 refugees of Burmese origin over the course of the 2006-2007 financial year under the refugee resettlement program, labelling the group as “*most in need*”.²¹¹

On 13 August 2006, eight Burmese “*boatpeople*” were found dumped on Ashmore Reef in Australian territorial waters, 610 km from Mainland Australia. The eight men were then taken to Christmas Island where they were placed under mandatory detention while the refugee status claims were processed. Though Ashmore Reef lies within Australian territorial waters, it has been removed from Australia’s migration zone, therefore placing the Australian government under no legal obligation to transport those apprehended there to the Australian mainland.²¹²

The following day, on 14 August 2006, members of Australia’s Liberal Party government revolted against Prime Minister John Howard’s plan to further strengthen Australia’s asylum policy. Three members of the House of Representatives voted against the legislation in the Lower House, while two more abstained, and at least one senator threatened to cross the floor if the vote went ahead in the Upper House.²¹³

On 21 August 2006, it was reported that at least two of the eight had claimed refugee status and were applying for asylum and the other six were expected to make similar claims.²¹⁴ Despite attempts made by the immigration lawyers, the group was later moved to the remote island of Nauru to await decision on their status claims under the government’s “*Pacific Solution*”.²¹⁵

While not explicitly stated in the report, the descriptions of the abuses these men had suffered, including the denial of citizenship and the need to secure permits before being allowed to marry, implied that these men were Rohingya.²¹⁶

Canada

In 2006, Canada opened its doors to more refugees from Burma, particularly to ethnic Karen living in camps along the Thai-Burma border, although they also accepted members of other minorities as well.

To coincide with World Refugee Day, on 20 June 2006, Canadian Citizenship and Immigration Minister, Monte Solberg announced that 810 Burmese refugees were to be resettled in ten different communities across the country. “We look forward to helping them rebuild their lives and join our society”, Solberg said. The resettlement process was scheduled to commence in August 2006 and to be completed by the beginning of 2007. The first group of approximately 100 left in early September 2006.²¹⁷

Furthermore, in December 2006, it was reported that a group of Rohingya refugees were soon going to be resettled to Canada, marking the first time that Canada had ever accepted members of the Rohingya community. One report stated that 23 individuals from five different families had been selected for the resettlement program. In early December these 23 individuals commenced their orientation training to Canadian culture and customs organized by the International Office of Migration (IOM) in Cox's Bazaar in Bangladesh.²¹⁸

Finland

On 23 August 2006, the homes of six Burmese refugees who had resettled to Finland were pelted with sticks, stones and bricks by an angry local mob following a fight between the children of the locals and refugee children.²¹⁹ Around 20 young men broke the windows of apartments housing the refugees in Suulisniemi District of Kotka city, approximately 150 kilometres east of the capital city Helsinki. The attack prompted some of the refugees to fear for their safety and to consider relocating to a different part of the country. Social Worker Virpi Kupiainen, who spoke with the refugees after the attack said that among the community, the *“predominant emotions are great anguish and fear”*, though *“behind the anguish for many are their memories of their home countries. They have thought that they would be safe here”*.²²⁰

The company that operates the apartments has reportedly since increased its security surveillance of the area.²²¹

Indonesia

On 22 April 2006, 77 Rohingya men aged between 20 and 35 became stranded on remote Rondo Island in Indonesia when the boat they were travelling in ran out of fuel as they were on their way to Malaysia to seek work. The men stated that they were not fleeing from persecution, but were seeking better livelihoods in Malaysia.²²² However, the reason that these men were unable to maintain a sustainable livelihood in Burma is because of the persecution they face as Rohingya.

According to Colonel Aswoto Saranang, the naval chief of Indonesia's Sabang Island where the men were being detained, *“They'd rather die in Sabang than return to Myanmar. They are determined to go to Malaysia, or Thailand. ... One option is to return them to international waters. But let them recover their health first and besides, the weather is not good this week”*.²²³ It was later reported on 5 May 2006 that the Indonesian government returned the men to international waters so they could continue their journey to Malaysia, against the wishes of the Burmese embassy in Jakarta who wanted them returned to Burma.²²⁴

Japan

According to a UNHCR-commissioned report released in February 2006, of the 3,544 applications for asylum that the Japanese government had received since 1981, only 330 had been recognized.²²⁵

On 29 July 2006, a group of Burmese nationals calling for democracy in Burma filed a petition with the Nagoya Regional Immigration Bureau seeking refugee status in Japan. Of

the ten men, only one of them possessed a visa allowing him to stay in Japan; all of the others had resided and worked there illegally. All of the men claimed that they would suffer persecution should they be deported back to Burma.²²⁶

South Korea

On 28 August 2006, it was reported that 47-year-old Aung Myint Swe, a Burmese refugee, who was granted asylum in South Korea in 2003 after waiting four years for his claim to be processed received absolutely no support from the South Korean government. Furthermore the only type of work that he is able to find is low paid, heavy manual labour, and as such is not able to be with his family as he is unable to support them. He is one of only 48 refugees in South Korea who originated from locations other than North Korea.²²⁷

United States

Resettlement of Burmese refugees to the United States (U.S.) has been hampered since the U.S. government first implemented the U.S. Patriot Act of 2001 following the terrorist attacks of 11 September of that same year. Afterwards, the U.S. senate approved the Real ID Act of 2005, which placed further restrictions on who could be considered eligible to resettle to the U.S. Under these Acts, anyone who has provided material support to an armed resistance movement regardless of whether it was voluntary or coerced is to be considered as a supporter of terrorism, and as such not permitted into the U.S. The vast majority of refugees in camps in Thailand fall into this category through association with groups such as the Karen National Union (KNU) or the All Burma Students Democratic Front (ABSDF). Under the constraints of the Patriot Act, both of these groups could be considered terrorist organizations.²²⁸

On 28 April 2006, however, the U.S. Department of Homeland Security announced that it was waiving the restrictions under the Patriot Act and would consider Karen refugees on a case-by-case basis, with the Tham Hin refugee camp in Thailand representing the test study of the new waiver system.²²⁹ Antonio Guterres, the United Nations High Commissioner for Refugees, said that waiving the Patriot Act would open the doors to approximately 6,000 Karen refugees who would suddenly become eligible for resettlement to the U.S.²³⁰

As many as 2,700 refugees from Tham Hin were scheduled for resettlement in the U.S. before the end of 2006. The first group of Karen to be resettled, consisting of 23 people from three separate families, left Tham Hin on 15 August 2006 bound for Chicago.²³¹ Shortly after, another 63 departed Tham Hin for the U.S.²³², while a third group of 47 left on 28 August 2006.²³³ By the end of October, over 1,100 had already resettled.²³⁴ The refugees, many of whom have spent their entire lives living in small bamboo and thatch huts would have to adjust to their new lives in various different cities across the country, including San Francisco, New York, Jacksonville, Omaha, Fort Wayne and Ithaca.²³⁵

On 11 October 2006, U.S. Secretary of State, Condoleezza Rice “*exercised her discretionary exemption authority under the Immigration and Nationality Act*” allowing Burmese Chin refugees residing in Thailand, India and Malaysia to resettle to the U.S. “*even if they have provided ‘material support’ to the Chin National Front (CNF) or Chin National Army (CNA)*”.²³⁶

This decision came shortly after a Chin woman from Burma who had previously been working in Singapore but had then moved to the U.S., was denied political asylum in June 2006 on grounds that she had supported the CNF. It was reported that while working in Singapore she had supplied \$1,100 Singaporean dollars, binoculars and a camera to the CNF and as such, under the Patriot Act, had “*engaged in a terrorist activity*”.²³⁷



Karen refugees in Tham Hin refugee camp, Thailand saying goodbye to friends and family as they leave for their new lives in the U.S. Following the waiver of the Patriot Act for Karen refugees in April 2006, thousands of refugees who had previously been deemed “*supporters of terrorism*” and as such not permitted entry into the U.S., were suddenly eligible for resettlement and approximately 6,000 refugees were accepted for resettlement to the U.S. [Photo: Kwe Ka Lu]

Endnotes

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