

Country Overview

Thailand's refugee rights crisis continues to be a problem. Although Thailand has been hosting refugees by humanitarian ground over the past four decades, Thailand is still not a State Party to 1951 Refugee Convention and its 1967 Protocol as well as does not have domestic law on asylum. Thailand continues to operate under 1979 Immigration Act, which considers asylum seekers and refugees as illegal immigrants and subjects them to arbitrary arrest, detention and deportation. While the international supports for refugee operations in Thailand have been significantly reduced over the years, the budget will not be met for 2015.¹ In reality, refugees have been displaced and found in mixed migration all throughout the country. Apart from the protracted and encamped refugees from Myanmar, there is a large population of urban refugees who predominantly reside in Bangkok.

Those refugees residing in camps along Thailand's western border struggle to maintain basic human rights. Thailand's bordering refugee camps have currently hosted over 120,000 refugees since the influx from Myanmar in 1984. UNHCR provide records in 2015 stating that more than 120,000 Myanmar refugees still reside in the nine border camps; an additional 40,000 are not registered to Thai authorities.² A large majority of these individuals rein from ethnic minorities in Myanmar of Karen and Karenni, all of whom were forced to flee (and refuse to return) due to fear of persecution by the Burmese military, atrocious human rights abuse, and the destruction of communities and traditional cultures.³

In addition to border camp refugees, many of the urban refugees in Bangkok fled from war and bloodshed primarily from Syria and Pakistan as well as from over 30 countries in various regions; they succumb to poor treatment from Thai authorities as they wait for the necessary refugee status determination conducted by UNHCR and durable solutions. Mass and random arrests of refugees are the norm and are typically followed by harsh and unlawful treatment by the frequently-found corrupted authorities. Notwithstanding whether they are pregnant women, infants, children or sick, the arrested urban refugees are placed in dire conditions in immigration detention centers (IDC) for many years until they could leave for third country resettlement.

Whether intentionally or by default in its Immigration Law which does not recognize lawful asylum, Thailand violated the principle of non-refoulment and deported asylum seekers and refugees to the country that they would face persecution and torture. Recent case of the forceful deportation of Uighurs to China against the international demarche to Thai Government marked in this record.

Rohingya people are the ethnic group from Myanmar who fled from religious discrimination and systematic persecution. Myanmar has refused to acknowledge Rohingya people as citizens making them stateless without laws to protect their human rights. In recent years, there are evidences that influxes of Rohingya people travelled by boat to Thailand with their destinations are Indonesia, and Malaysia became victims of human trafficking and subject to various forms of abused resulting in many deaths in the makeshift camps in the South of Thailand. They are vulnerable to traffickers and are often captured and held for ransom or sold. Within the past couple of months, at least 1,700 Rohingya people were abandoned at sea when traffickers became wary of potential arrest from Thai government officials.

¹ The UN Refugee Agency, Global Appeal, 2015

² *The UN Refugee Agency Thailand country brief, covering resettlement in alternative counties and national/international staff working within refugee camps*

³ The Border Consortium, December 2014

Key areas of concern:

Right to Education

- Right to education for many urban refugee children who follow their parents to the relative safety of Bangkok is often abused or unattainable.
- There are cases of urban refugee children waiting up to seven years for the necessary paperwork to be recognized as a refugee or found a durable solution in third country resettlement. This results in seven years without proper schooling. In one instance, a *Bangkok Post* reporter explains the plight of a Palestinian refugee: "Since they arrived in Bangkok, the children have not played outdoors and cannot attend school. Nobody in the family can leave the building, even to go to supermarkets or hospitals, because of the risk of being arrested by police."⁴
- Right to an education is one of the key issues that the Thai government/NGOs have yet to implement into all nine refugee camps. Literacy rates stand at a 60% average.⁵
- Education within border camps is not accredited by Thai Ministry of Education and staffed by refugees and outside volunteer organisations, those who are generally present without visa/permit and limited qualifications.
- Thai government does not officially allow refugee children to access Thai formal education system or even the primary education which is considered as one of the fundamental children rights.

Right to Skills and Employment

- Limited vocation training programs have been conducted in the border camps but the utilization of skills that they learnt could not happen because the refugees are not allowed to work.
- Camp regulations prohibited travel outside the camp and earn income in the camp, many refugees have to resort to bribes in having small businesses in the camp or to travel to work illegal outside the camp. Though this corruptive system seems to work by allowing meagre of incomes for desperate refugees who struggle to have the needs of their families met, it forced them into accepting various forms of abuses, extortion, sexual and gender-based violence perpetrated by corrupted officials, employers or host communities.
- Urban refugees situated in Bangkok are caught in a cycle of arrest, release, and arrested again. This not only is a drain on financial resources but also hampers any attempt to find employment.
- It is extremely unlikely for a vast majority of asylum seekers and refugees to be able to work legally; a work visa would be necessary and hard to get once the initial entry visa has expired.⁶
- For urban refugees who do find illegal work, they are normally exploited by their employers and paid well below the minimum wage. They constantly live in fear of being arrested and extorted by corrupted officials.

Right to Healthcare

- Many asylum seekers who arrived in Bangkok are in a dire state of health yet are too scared to visit doctors or hospitals out of a fear of arrest and lack financial means.
- For refugees detained in the IDC, doctors can be summoned but their instructions are frequently ignored by IDC guards and staff.
- Health concerns within border camps is a high focus with minimal access to basic healthcare. Still diseases such as malaria, dengue fever and tuberculosis are highly

⁴ *Bangkok Post*, 13th September 2015

⁵ *TBC, 2013 education statistics covering all camps even those with no secure teaching or education programs*

⁶ *Resource Centre at Urban Refugees.org*

regular and go untreated due to the lack of healthcare. This has worsen since the international assistances had been significantly reduced.

- Thai authorities have reinforced greater restrictions towards movement and encouraged declining humanitarian assistance (January, 2015)⁷
- Border camp funding cuts from 2013 have increased the already high malnutrition rate and levels of food consumption have decreased.⁸

Protection and Security

- Thailand does not recognize the status of refugees nor personal identity document issued by UNHCR. Holders of UNHCR's document do not have any protection from arrest and detention by Thai polices.
- The bomb attack at Erawan shrine on August 17th, 2015 in Bangkok led to an increased agitation and unwarranted fearfulness towards refugees from Thai authorities.
- For example, mass arrests, which lack evidence or grounding, are happening on a frequent and large scale. In one case, around 70 refugees were crammed into the back of a truck to be sent to the IDC, a violation of rights, and without any sort of evidence. Recently, over 200 asylum seekers were round up in one day in which many of them are young children.
- Cases of abuses during the arrest underscored lack of awareness on human rights and human dignity among the Thai officials. In one instance, an asylum seeker woman was reportedly thrown down from the back of police's pick-up truck during the transfer after the arrest.⁹ Asylum seeker children with fear of the arrest went up on the solar panels on the top of their apartment buildings, while their parents were being put away by Thai authorities.¹⁰
- Many asylum seekers are forced to pay a monthly fee to the police, often 200 THB or more, to avoid arrest. This is both unlawful and lacks any coherency in the Thai policy towards refugees. In some cases, individuals are dragged from their beds or torn away from their homes and taken to the IDC for indefinite detention. There is one case of a man being held in the IDC for fourteen years.
- A Palestinian asylum seeker says he was arrested only a few days after the Erawan Shrine blast on August 17, which killed 20 people, but he was never questioned as a suspect. "Fifteen agents came to the building with cameras at 6am," this individual sadly tells the *Bangkok Post*.¹¹
- There are frequent reports of arrest near offices of NGOs providing assistances to urban refugees in Bangkok.
- In border camps, stability protection is on high alert for both children and adult refugee dependants. Due to temporary border camps being under control of the Thai government, fear from closure threats (significantly in 2015) are greater than before.
- UNHCR has brought light to the "long-standing human rights abuse" felt by refugees. Concerns of fear of deportation, duration in camps, dependent on charity for survival and the inability to work/gain an income are prominent concerns.¹²
- For refugee born in the camps, birth certificate is still not issued to many refugee children as the implementation varied from one camp to another but the most common among all camps are those children born from the unregistered parents in

⁷ *Karen News*, 19 January 2015, *restrictions to humanitarian assistance has created speculation of the close deportation of refugees and closure of temporary camps*

⁸ *The UNHRC, Thailand Factsheet, September 2014 covers significant figures of a needed USD 32.8mil, currently statistics for these numbers stand at 35% funded, 65% gap*

⁹ Confidential source

¹⁰ Confidential source

¹¹ Ana Salva, *Bangkok Post*

¹² *East Asia Forum* articles contribute to the human rights abuse and human insecurity concerns held within refugee individuals and families

the camp are denied birth certificate by Thai camp authorities. Despite Thai Government announced as its policy to universal birth registration with retroactive effect for children born in the camps, its implementation is very limited.

Rohingya People

- The Rohingya people continue to flee Myanmar and Bangladesh by boats to Thai borders.¹³ According to the UNHCR, it is estimated that over 25,000 Rohingyas had fled Burma and Bangladesh in the first three months of 2015 alone. Of these 25,000, it is thought that approximately 300 died of starvation, malnutrition, dehydration, or beatings from smugglers.
- After conducting the arrest, Thailand has allowed Rohingya to temporarily stay in the country until a more permanent solution can be found.¹⁴ However, the men are placed in IDC while the women and children are placed in community centers as illegal immigrants for extended period of time and many of them have already been detained for over one year.
- Thailand's willingness to aid the Rohingya is recent; prior to international pressure the boats would be turned back to sea, sometimes with enough food and fuel to travel on to Malaysia.¹⁵
- Human traffickers control many of these boats. The boats are overcrowded with little water and food given to the Rohingya. Once landed, the people are placed in "jungle camps" along southern Thailand and the Malaysian border.¹⁶ They are beaten daily and are at high risk for malnutrition, starvation, and disease. Many of the women are gang-raped with two known women who became pregnant.¹⁷
- Traffickers ransom the Rohingya for \$2,000 to \$4,000 USD.¹⁸ It is unclear what happens to the people if their family cannot pay the ransom but many reports suggested that some get sold for about \$150 USD or more to work in farms or factories or fishing boats. Those who are not sold remain in the camps and some of them become cooks or guards.¹⁹
- Until recently, Thailand has denied knowledge of these camps. The United States put Thailand as Tier 3, the same rank as North Korea, on their Trafficking in Persons report if they do not actively stop this problem.²⁰ Investigations are being conducted to shut down the camps, arrest traffickers, and anyone affiliated with them. Thailand has found many camps already abandoned with mass graves nearby. As of May 2015, the Thai government reported finding the remains of over 30 people.²¹ The accumulated numbers of bodies were found in hundreds from various buried sites.²²
- Thailand has also discovered that many Thai governmental officials have been involved in the trafficking selling persons for as little as \$400 USD.²³ Arrests of 44 officials have been made including the Lt. General of the Royal Thai Navy.²⁴

¹³ This was an issue during the last UPR in 2011. Myanmar and Bangladesh continue to deny citizenship to Rohingya keeping them stateless.

¹⁴ 2015 UNHCR country operations profile

¹⁵ Human Rights Watch report on the Rohingya boat people

¹⁶ Human Rights Watch report

¹⁷ International Business Times 2015

¹⁸ The Week news article *Thailand's death camps may be the most horrifying places in Southeast Asia*

¹⁹ Reuters special report on Rohingya in Thailand, a Pulitzer prize winning investigation from 2013

²⁰ Reuters special report

²¹ UNHCR calls for joint response in wake of "Rohingya mass grave" in Thailand

²² National Human Rights Commission of Thailand

²³ The Australian article on Thailand officials trafficking Rohingya Muslims

²⁴ Forbes article on Rohingya boat people

- Because Thailand has been shutting down the jungle camps, smugglers abandoned ships in fear that they will be arrested. At least 1,700 Rohingya people had been stranded on boats for days until someone rescued them.

Uighur People

- Uighurs, a Turkic ethnic group living in Eastern and Central Asia and predominantly in mainland China, have been routinely fleeing unrest in China's Xinjiang region to mainly Bangkok while some have made the long journey to Turkey.
- As recent as this year Thailand and its authorities have continued to deport Uighur refugees back to China. In July 2015, Thai government spokesman Werachon Sukhondapatipak told reporters that "some 100" Uighurs were deported to China on Wednesday after finding "clear evidence they are Chinese nationals".²⁵ "By forcibly sending back at least 90 Uighurs, Thailand has violated international law. In China they can face serious abuses including torture and disappearance." *Human Rights Watch*²⁶

Recommendations

- *Thailand must enact asylum law or amend its 1979 Immigration Act to allow the legal right to seek asylum in Thailand.*
- *Thailand should accede to the 1951 Refugee Convention and its 1967 Protocol as well as to the 1954 Convention on the Status of Stateless Persons.*
- *Thailand must respect the principle of non-refoulement and do not justify its action of arrest and deportation on the ground that the asylum seekers and refugees breached its immigration law.*
- *In the case of Myanmar refugees in border camps, Thailand must respect the international principle of voluntary repatriation and engage refugees in all decisions that would affect their lives, safety and human dignity throughout the process. For refugees who continue to have well-founded fear of persecution and could not return, Thailand should allow UNHCR to find other durable solutions for them.*
- *Thailand should continue to cooperate with UNHCR and civil society organizations, both international and national, in formulating the human rights-based refugee policy and the implementation.*
- *Thailand should allow safe disembarkation and temporary asylum for Rohingya boat people as well as the UNHCR full access to the Rohingya people for refugee status determination.*
- *Thailand needs to implement a long-term refugee policy to accept these individuals' fear of persecution, establishing respect and equality for refugees while maintaining their basic human rights including their rights to healthcare, work and development during their temporary asylum in Thailand.*
- *Thailand must respect the enjoyment of children rights for refugee children according to the Convention on the Rights of the Child. Particularly, all refugee children born in Thailand must be issued with birth certificate with retroactive effect. They must be allowed attend in Thai schools or Thai formal education system; if this proves unattainable due to language barrier the Thai Government is recommended to help support or set up the necessary schooling administered and accredited by Thai Ministry of Education.*
- *Thailand is encouraged to find alternatives to detention for asylum seekers and refugees as they should not be arrested in the first place for their entry and seek asylum in the Kingdom of Thailand.*
- *Thailand is encouraged to continue combating and suppressing human trafficking in situation of irregular migration, asylum seekers, refugees and stateless persons.*

²⁵ Aljazeera

²⁶ Human Rights Watch