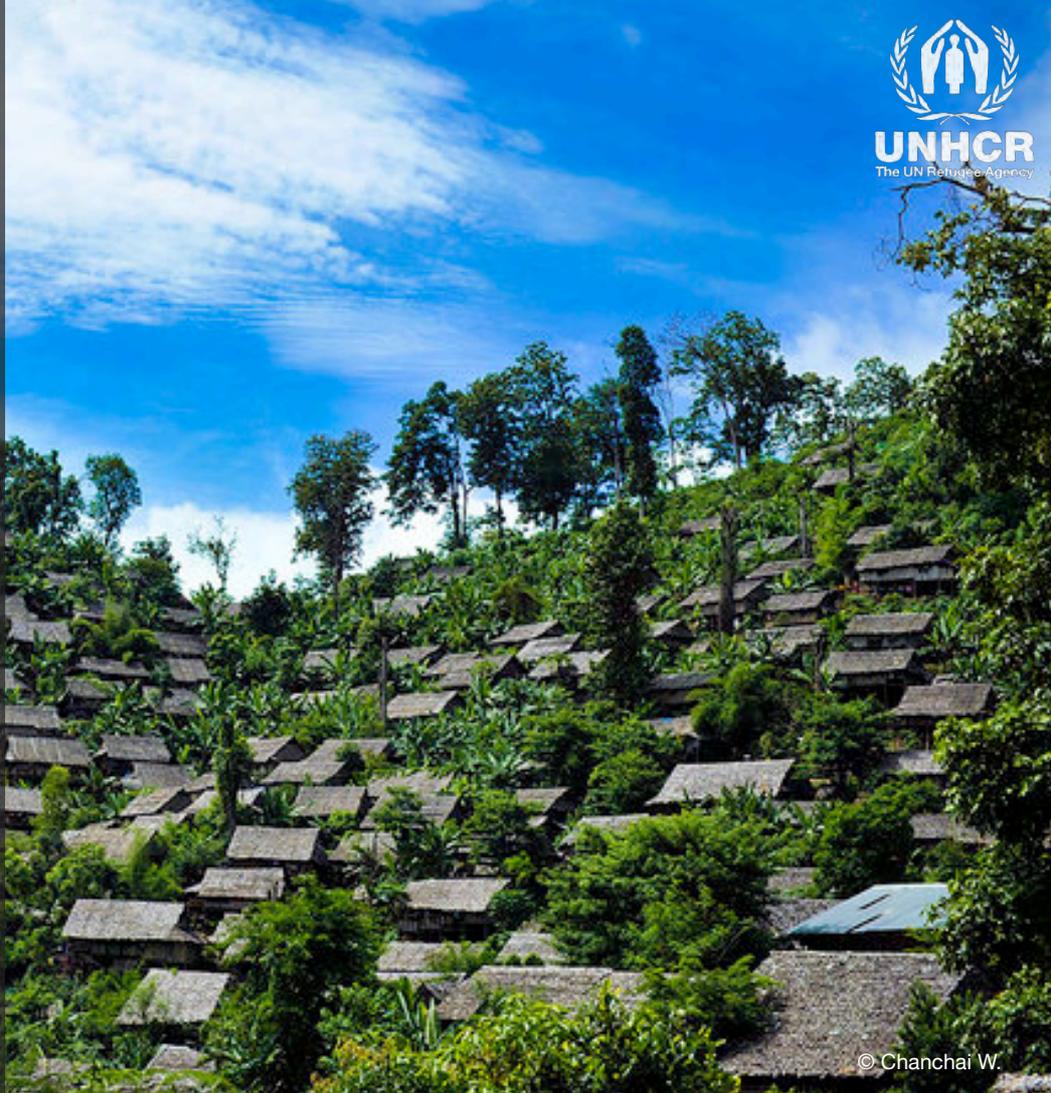


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Thailand Protection: Challenges and Achievements

UNHCR and protection partners have accompanied Myanmar refugees over decades of displacement. The impact of protection activities on the well-being of refugees has been substantial even though more remains to be done and a durable solution for some 128,000 persons need to be secured.

Access to Safety and Services

The Royal Thai Government has provided those fleeing armed conflict and persecution with access to safety and humanitarian assistance in nine Temporary Shelters or camps along its border with Myanmar. The Provincial Admissions Boards (PABs) of which UNHCR is a member, determine the asylum claims of those cases presented to it, and to-date over 102,000 refugees have been registered by the Ministry of Interior and UNHCR.

Official registration by PABs however stopped in 2006. Access to services including food, shelter, health and education is assured by NGOs to all 128,000 residents of the nine camps, irrespective of whether they have been formally registered or not.

Following UNHCR advocacy efforts to ensure family unity and family reunification, the Royal Thai Government agreed that the PABs re-convene to consider the

- ◆ Over 220,000 persons fleeing violence have been admitted to safety since 1984
- ◆ A Protection database on Unaccompanied Minors and Separated Children has been set up, coupled with inter-agency Monitoring Mechanisms for Child Protection

applications of unregistered refugees whose immediate family members were under resettlement process or have already been resettled abroad. These so-called 'Fast Track' PABs are also considering unregistered individuals who have serious protection concerns or suffer from an urgent medical condition that cannot be treated in Thailand, so that resettlement is also afforded to them as a durable solution.

Locations of Refugee Temporary Shelters along the border



Dignity in Exile

UNHCR ensures that focused attention is provided to the most vulnerable members of the refugee community, this includes unaccompanied, separated or neglected children, female headed households, and unaccompanied older persons, persons with disabilities or persons with a gender identity not recognized by the community. In partnership with both international NGOs and community-based organizations, UNHCR has established projects to address gender-based violence (GBV) through prevention and response interventions as well as monitoring and reporting mechanisms on issues such as child protection. UNHCR also provides protection training to the refugees and humanitarian workers in the nine camps.

- ✦ Child Protection Framework in place.
- ✦ Awareness, prevention and response to GBV in place.

Birth registration constitutes a priority need for refugees. According to the 2008 Civil Registration Act of Thailand, all children born on Thai territory are entitled to a birth certificate. Following discussions, the Royal Thai Government extended the implementation of the act to refugee children. Since September 2010, over 6,000 birth certificates have been issued in the refugee camps, and the backlog of those children born in the camps before 2010 but not yet provided a birth certificate is slowly being addressed. Efforts need to continue so that children have an existence before the law in Thailand but also in their country of return or resettlement.

- ✦ Since 2010, birth registration for over 6,000 refugees born in the camps.
- ✦ Access to Thai Justice made possible.

It is important that refugees have full access to the Thai justice system and are able to avail themselves of the protection of Thai law in situations when crimes are committed against them. A program of Access to Justice was established with the IRC Legal Aid Centers which provide the option for refugees to seek justice through Thai law, if they so wish. This, for example, is particularly important for survivors of gender-based violence (GBV) who may prefer to settle their case outside the camp boundaries to avoid stigmatization and to ensure a judgment proportionate to the severity of the crime committed.

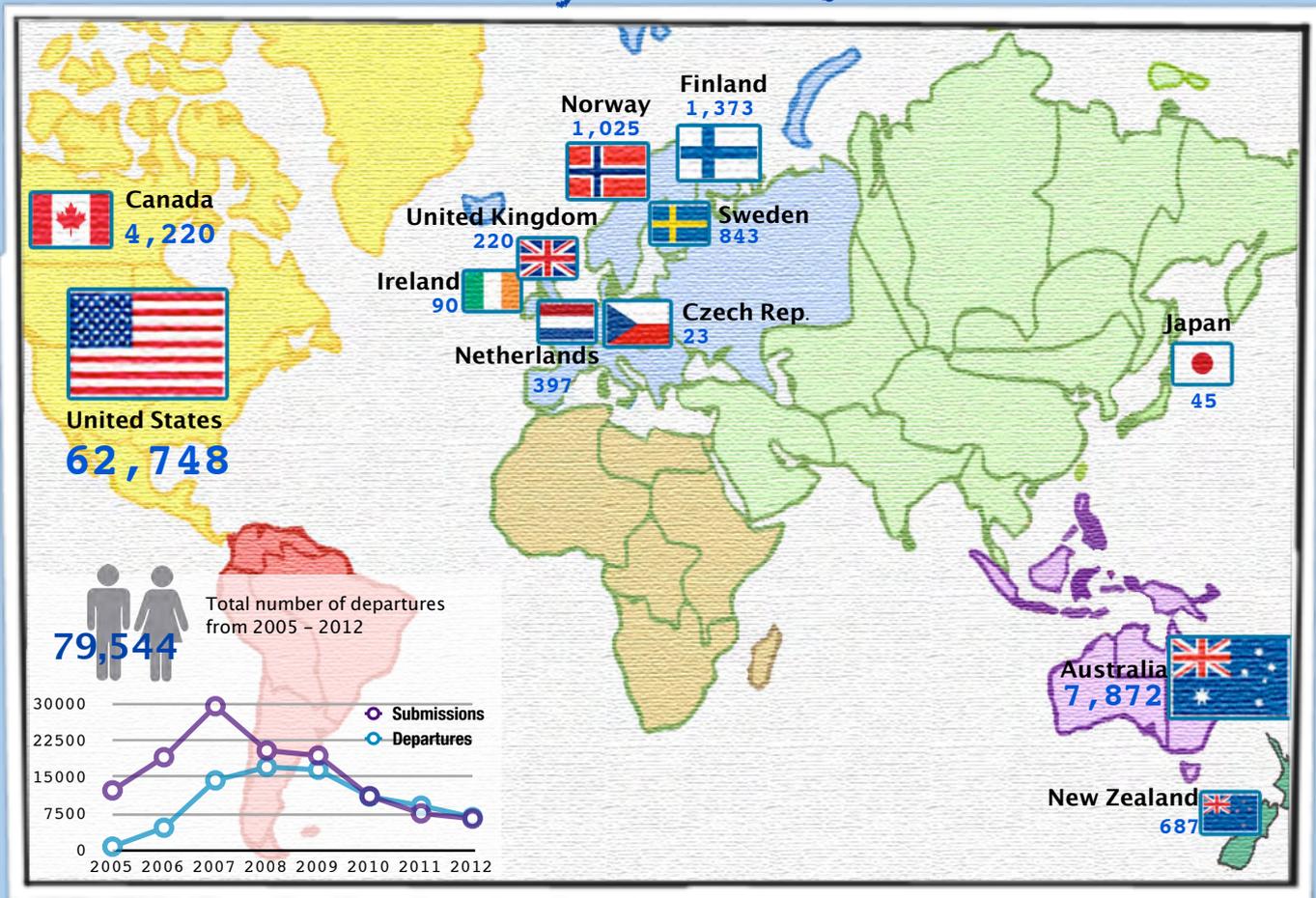


Realizing Solutions

Since 2005, close to two-thirds of the original refugee population has been able to start a new life in a country of resettlement. Since 2010, developments towards peace and reconciliation in Myanmar have led refugees to start exploring a possible future return and to seek safeguards in this regard. UNHCR teams in both Thailand and Myanmar are working with refugees and other concerned actors to that end.

Resettlement

Destinations for Myanmar Refugees 2005-2012



PROGRESS in 2013 (as of 30 June) Submissions 5,793 Departures 3,980

- ✦ First family members admitted under the Fast Track PAB have been resettled in May.
- ✦ USA initiatives rolling announcement for closures of group resettlement programme. The programme is now closed in 5 locations: Tham Hin, Ban Don Yang, Mae La, Nupo and Umpiem. Resettlement referrals will continue on an individual basis.

UNHCR actively worked with the Royal Thai Government and interested countries to identify solutions for refugees who wished to resettle abroad. More than 83,000 refugees from the nine camps have been able to start a new life in 14 countries. Resettlement also constituted a protection option for refugees facing a compelling medical situation or who were exposed to a particular protection risk in Thailand, such as survivors of GBV.

Myanmar Operation Overview

Highlights

UNHCR has supported displaced and conflict-affected communities throughout south-east Myanmar since 2004. In June 2013, the agency signed a new Letter of Understanding (LoU) with the Government of Myanmar which sets out a framework for UNHCR's engagement over the next three years. The LoU will allow UNHCR to broaden the scope of its protection work with internally displaced persons (IDPs), refugees and returnees. It also recognizes the essential need to establish conditions conducive to potential return. In UNHCR's current area of operation in the south-east (Kayah, Kayin and Mon States, and Tanintharyi Region) there are an estimated 230,400 IDPs, in addition to 128,000 refugees, mostly from Kayin State, living across the border, in Thailand.

General, Security, Access

Agreements to cease hostilities between the Government and ethnic armed groups have yet to lead to national peace accords. The situation is nonetheless evolving in a positive direction, with tentative hopes emerging for durable solutions for IDPs and refugees. However, ongoing protection risks, including sporadic outbreaks of fighting, widespread landmine contamination, limited livelihoods, land-related issues, poor infrastructure and basic services continue to pose profound challenges for durable solutions in the immediate future. Restrictions on humanitarian access remain a significant obstacle to monitoring and assistance in most areas.

Community mobilization and access to basic services

UNHCR's working partnerships in the south-east have proven very effective. By the end of 2012, UNHCR and its partners, had together engaged in over 3,000 projects in the south-east, including repair and construction of water points, schools, clinics, shelters, and the provision of furniture and equipment to education and health facilities.

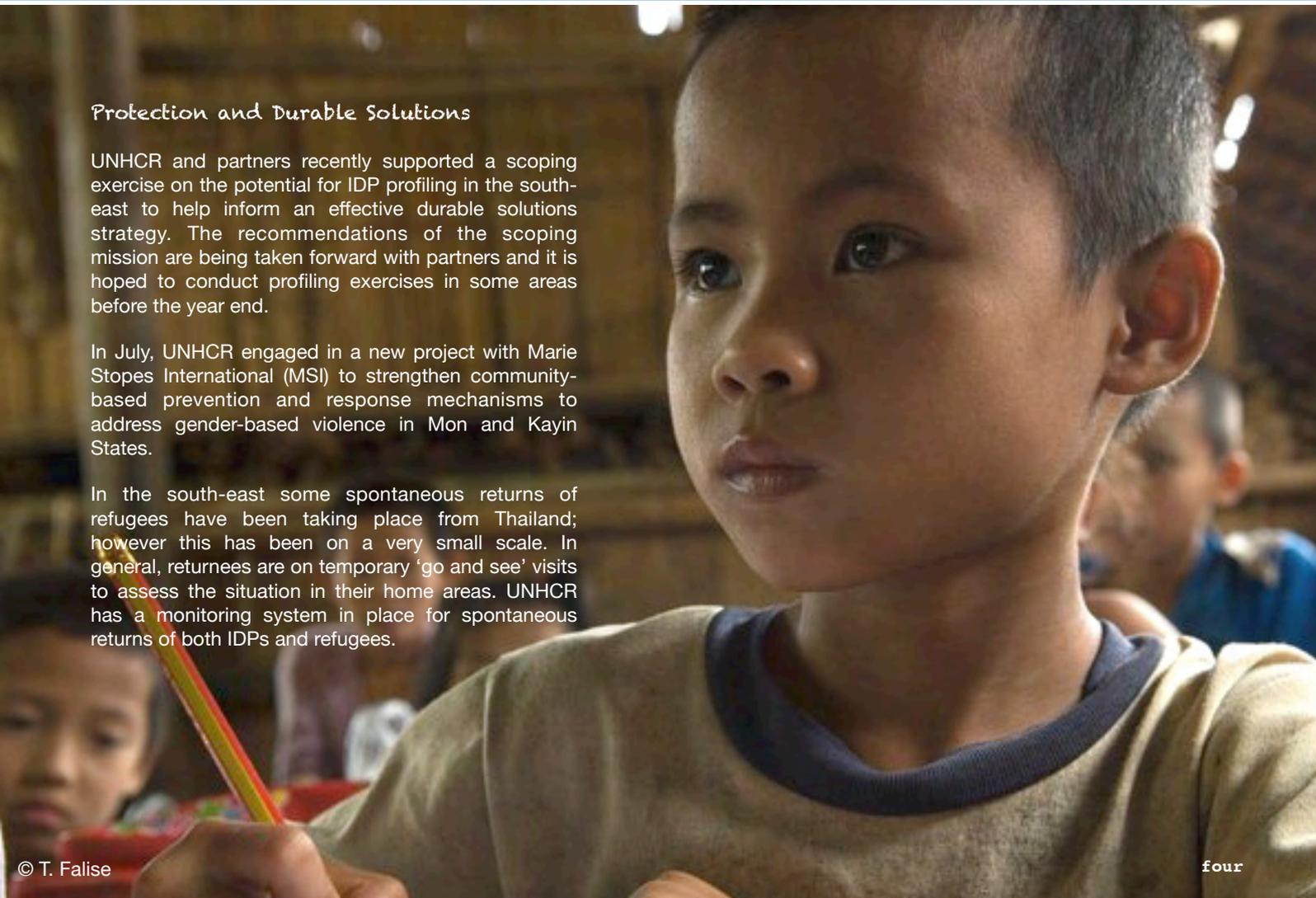
As part of ongoing community mobilization efforts, UNHCR is also currently working with the Myanmar Red Cross Society (MRCS) to strengthen community-based organizations and provide life skills training in a number of areas including first aid, health education and hygiene awareness.

Protection and Durable Solutions

UNHCR and partners recently supported a scoping exercise on the potential for IDP profiling in the south-east to help inform an effective durable solutions strategy. The recommendations of the scoping mission are being taken forward with partners and it is hoped to conduct profiling exercises in some areas before the year end.

In July, UNHCR engaged in a new project with Marie Stopes International (MSI) to strengthen community-based prevention and response mechanisms to address gender-based violence in Mon and Kayin States.

In the south-east some spontaneous returns of refugees have been taking place from Thailand; however this has been on a very small scale. In general, returnees are on temporary 'go and see' visits to assess the situation in their home areas. UNHCR has a monitoring system in place for spontaneous returns of both IDPs and refugees.





Coordination and Partnership

UNHCR convenes a South-East Consultations Platform meeting every two months, which acts as a forum for donors, humanitarian agencies, NGOs and government partners to develop a common understanding of the operational environment and challenges, and forge strategic partnerships in preparation for support to the sustainable return and reintegration of IDPs and refugees.

UNHCR also engages in inter-agency coordination with partners on the ground in all areas of the south-east where the agency is currently operational. Quarterly cross-border meetings between UNHCR teams in Thailand and Myanmar, which began this year, have facilitated information sharing and joint planning on durable solutions issues. The next meeting will take place in September.

Mission to Kayah State

In June, UNHCR undertook a rapid review of its operation in Kayah State. This followed the ceasefire and peace negotiations held between the Government of Myanmar and the Karenni National Progress Party (KNPP) on 19-20 June in Loikaw, leading to an eight-point agreement, including reference to a possible resettlement* scheme for IDPs.

In Shadaw Township, IDPs have been returning gradually over the last 12 months to 10 villages that had been abandoned for more than 15 years, located in an area previously contested between the Government and the KNPP. A small number of refugees have returned to the same villages (around 40 individuals have been recorded and issued with civil documentation by the authorities) and others are travelling back and forth from Thailand's refugee camps on extended informal 'go and see' visits.

Both the Government and the KNPP have confirmed their commitment to voluntary refugee return and IDP resettlement with a free and informed choice as to location, and also confirmed that assistance would be welcome both in villages where spontaneous return is taking place and under any planned resettlement* scheme. Important measures such as landmine clearance are being actively discussed.

* 'Resettlement' in the context of the Guiding Principles on Internal Displacement refers to the achievement of a durable solution for IDPs in a place other than that which they originally sought refuge or from which they were displaced.

The UNHCR team had productive meetings with a range of Government, KNPP and civil society actors, and engagement with IDP and refugee returnees in three remote villages where projects have been recently launched by UNHCR in partnership with Karuna Myanmar Social Services (KMSS). In participatory assessments with return villages, it was clear that returnees are highly self-sufficient and motivated. They expressed a need for limited assistance. Local faith-based and community-based organizations have been providing support for many years and it will be important that international interventions are undertaken in a way that reinforces local capacity.

The Government and non-state actors have expressed their views on the value of international actors, including UNHCR, in assisting in building confidence among IDPs and refugees regarding stability and prospects for return.



Coordination and Consultations (Thailand)

Parallel to the South-East Consultations Platform and operational coordination mechanisms in place in Myanmar, there is an imperative to ensure that the preparedness and planning process for solutions in Thailand is handled in an appropriate and sensitive manner, and that any eventual refugee return is conducted in accordance with the international standards and protection principles advocated within the UNHCR Framework for Voluntary Repatriation drafted in 2012. The Royal Thai Government has indicated that it “expects UNHCR to coordinate the broader consultations with stakeholders regarding preparedness and planning for the eventual voluntary return of the refugees.”

UNHCR is building synergies with all actors working within the humanitarian structure in Thailand to coordinate preparedness for solutions and the eventual refugee returns to Myanmar. Consultations with the refugees and with the broader humanitarian community have been extensive, and the ongoing dialogue will remain inclusive of all actors, particularly with the refugees and their elected, traditional, religious and community-based leaderships. Specific coordination mechanisms are being developed with all concerned stakeholders to focus on repatriation issues.

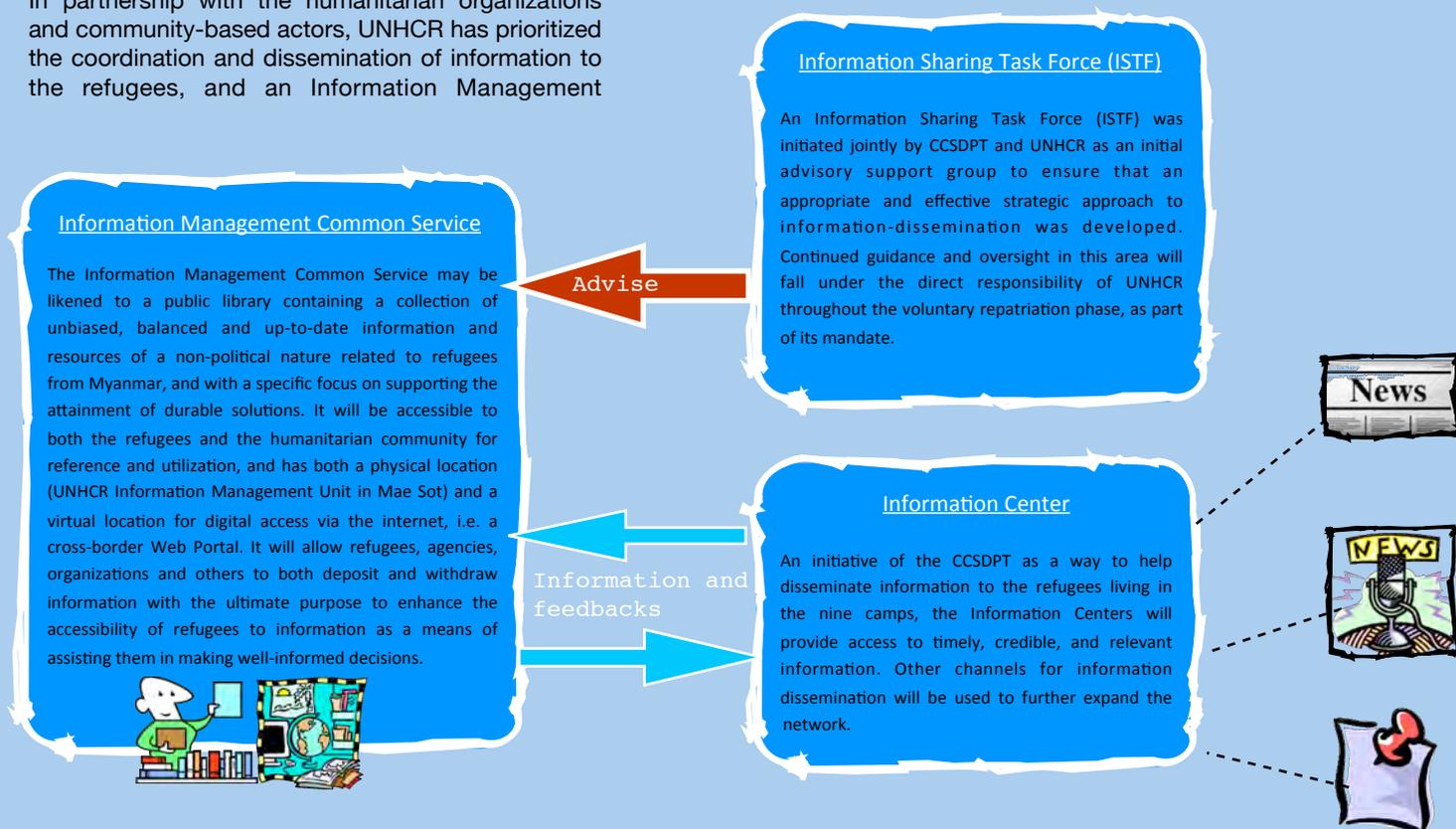


Keeping Refugees Informed

Accurate and up-to-date information about the situation back home is a key part in the decision-making process of refugees as they look to determine their future lives. Refugees must be able to make well-informed decisions as regards return to Myanmar or other durable solution options that may become available to them. Information sharing, or a lack thereof, is a genuine concern of the refugees that in general have no easy access to formal channels through which relevant information can be requested, accessed and disseminated.

Common Service has been established which will help both the refugees and the humanitarian community in the process of preparedness for solutions, planning and decision-making. This information service will help alleviate the stress and anxiety that is associated with uncertain futures; and will provide an avenue for the refugees to not only access but also contribute to the collation and dissemination of timely, credible and relevant information.

In partnership with the humanitarian organizations and community-based actors, UNHCR has prioritized the coordination and dissemination of information to the refugees, and an Information Management



Refugee Survey



UNHCR teams in Thailand have invested efforts in ensuring that refugees' voices are heard as regards their possible preferences for durable solutions. To this end, UNHCR has also requested a Thai organization, the Mae Fah Luang Foundation (MFLF), to pilot a refugee survey in May 2013.

A substantial time has been spent on informing the refugees, zone by zone and section by section, about the purpose of the pilot survey, as this is undoubtedly a very sensitive subject for the refugees. Surveyors have highlighted that it is not a mandatory exercise, not a registration exercise, and definitely not a process aimed at asking refugees to make any decision about their future now. It will be the most comprehensive survey on solutions since the refugees' arrival in Thailand. The results and analysis will support humanitarian agencies, refugee committees, concerned governments, donors and others in supporting the refugees particularly in the areas of livelihoods, household security and social-welfare activities. The pilot survey is being conducted at Mae La Temporary Shelter as the location chosen by the refugee representatives themselves. Mae La has an approximate population of 45,000 individuals (over 7,500 households).

The pilot survey will be completed towards the end of July. All the lessons learnt from the pilot process are to be duly reviewed by UNHCR, the MFLF, and the refugees themselves, to consider further steps ahead.



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