

UNHCR has been established in Thailand since 1977. With the influx of refugees from South-East Myanmar less than a decade later, UNHCR worked alongside the Royal Thai



Refugee camp in Thailand in 1997

Government and the refugees themselves to secure their protection while in exile and identify solutions to their plight. Numerous missions to the border evolved into a permanent presence in Mae Hong Son, Tak and Kanchanaburi provinces in 1998, and then in Mae Sariang in 2008.

Whereas basic services were well covered by non-governmental and community-based organisations along the border, UNHCR’s interventions focused primarily on three critical areas for refugee protection, namely access to safety, rights in exile, and the realization of solutions.

Access to safety

As civil strife was raging in Kayin, Kayah and Mon States and in Thanyinthari Region in the 1980s, groups of refugees headed towards



the Thai border while others went into hiding in the Myanmar jungle. Thailand has a long and generous tradition of providing asylum, and generally opened its borders to people in need of protection and assistance, be they from Viet Nam, the Lao People’s Democratic Republic, Cambodia or Myanmar.

In several circumstances, however, access to safety needed to be negotiated with authorities at the local level along the Thai-Myanmar border so as to prevent refoulement. Since 1984, some 220,000 persons from Myanmar were admitted to safety. Access became more predictable in 2000 with the establishment of the Provincial Admissions Boards (PABs) composed of civilian and military authorities, that reviewed the reasons for flight of groups of new arrivals in order to provide them with formal protection.

Protection in numbers: Over 220,000 persons fleeing violence have been admitted to safety since 1984

UNHCR is a member of the PAB and worked closely with the concerned district offices responsible for the nine temporary shelters (camps) which submitted cases for the PABs’ consideration. Criteria for admission were gradually expanded over the years and harmonized between provinces. Following formal admission,

new arrivals were then registered by the Ministry of Interior and UNHCR and issued with documentation anchoring their legal protection.

PABs however did not meet after 2005, even if several sessions did continue to process registration data from 2005 and registered a further 35,700 refugees between 2006 and 2009.

UNHCR has continuously advocated for a formal reconvening of the PABs to regularize the situation of those arrivals that were never formally admitted to the territory. In 2009, a pre-screening pilot project was conducted by the authorities with support from UNHCR in 4 camps of 4 provinces with a view to a future processing by the PABs. The last armed confrontations leading to an influx of refugees took place in November 2010.

In 2012, the Royal Thai Government agreed that the PABs convene to consider the applications of unregistered refugees whose immediate family members were already registered and under resettlement consideration, or who have been resettled abroad. These so-called “Fast Track” PABs are also considering unregistered families who face serious protection concerns or suffer from an urgent medical condition,



A UNHCR officer and a Royal Thai Government Officer discussing with Myanmar refugee family regarding their registration in Ban Mai Nai Soi camp in September 2012.

so that resettlement is afforded to them as a durable solution.

Registration exercises were conducted jointly by MOI and UNHCR at various stages of the operation since 1998. In the last verification exercise, in 2005, all 102,000 refugees living in the 9 temporary shelters were registered individually, their biodata collected and a picture taken for the issuance of official household registration documents. Registration constitutes an essential safeguard against forcible return to Myanmar of persons found outside camps. UNHCR therefore continues to promote the need for a comprehensive registration exercise to be conducted.

UNHCR supported in particular:

- *A Protection database on Unaccompanied Minors and Separated Children coupled with inter-agency Monitoring Mechanisms for child protection*
- *Birth registration for 6000 refugees born in the camps.*
- *Referral mechanisms in response to gender-based violence (GBV); Access to Thai Justice channels across camps.*

The current registration database contains detailed information allowing for a more targeted planning of protection and assistance interventions. In particular, information on the composition of families permitted the reunification of hundreds of households between camps or with later arrivals. Information on persons with specific needs such as disabled, chronically ill or traumatized persons, single parent households, unaccompanied children or older persons

without family support, led to tailored interventions by UNHCR and other humanitarian actors to mitigate the challenges they faced during exile.

Dignity in exile

Through a gender, age and diversity-sensitive approach, UNHCR established a dialogue with all segments of the refugee community to identify their strengths, concerns and vulnerabilities. In doing so, UNHCR staff paid particular attention to the most exposed and vulnerable members of the community, including unaccompanied or separated children, older persons, female headed households, adolescents, or persons with a sexual orientation or gender identity not recognised by the community. This approach unveiled a number of protection risks and gaps. Joining-up with other organisations, UNHCR established projects to address these gaps such as GBV prevention and response projects¹, or monitoring and reporting systems for Child Protection as a component of its broader protection monitoring. UNHCR also provided training and encouraged all agencies to mainstream protection in their activities

Birth registration has and continues to constitute a priority need. According to the 2008 Civil Registration Act, all children born on Thai territory are entitled to a birth certificate. Following discussions with UNHCR, the Royal Thai Government extended the implementation of the law to refugee children in September 2010.

¹ e.g. UNHCR-ARC GBV prevention and response project.

Since then, over 6,000 birth certificates have been issued to newborn children in the nine settlements.

The backlog of cases to be issued birth certificates remains substantial, particularly among unregistered



UNHCR staff visit refugees in a Mae La camp in 2010

refugees. Efforts need to continue so that children have an existence before the law both in their country of asylum but also ultimately in their country of return or resettlement.

Dignity in exile also means a meaningful participation in camps life. A day-to-day dialogue was nurtured with camps committees, and over the years UNHCR has advocated for increasingly broad and representative camp committee and section leaders elections. Women still only represent a minority in the camp committees and more efforts are needed for women and other segments of the community to actively participate in the camp structures.

Refugees, as all human beings, have both rights and obligations *vis-à-vis* the law of their host country. They are protected by the national justice system for crimes committed against them. It is therefore important that they have access to the Thai justice system and can exercise their rights. A programme of Access to Justice was established with the IRC Legal Aid

Centres² which provides the option for refugees to seek justice through Thai law if they so wish. This is particularly important for survivors of gender-based violence who may prefer to settle their case outside the camp boundaries to avoid stigmatization or pressure within their own community, or to ensure a judgement proportionate to the severity of the crime committed.

This programme was at times not fully understood by members of the refugee community who felt more comfortable with crimes being handled by the community itself. Asylum represents an opportunity for refugees to gain enhanced awareness and aim for no less for

Protection in Numbers:

Since 2005 some 83,000 refugees or 2/3 of the initially registered refugee population have been able to resume a normal life in a new country.

themselves than internationally agreed standards of due process and choices. In that sense, partnership with refugees consisted for UNHCR in pursuing the dialogue also on these difficult issues until a common understanding is reached.

Realizing solutions

While no genuine prospect for voluntary repatriation was in sight over the past decades, UNHCR actively worked with the Royal Thai Government and interested

² In camps where LACs do not operate, UNHCR refers cases directly.

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



UNHCR Resettlement staff interview Myanmar refugee family who apply for resettlement in Mae La camp 2009.

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. The resettlement process will be maintained, although on a lower scale, while the prospect for voluntary return starts to become a realistic option for the refugees. Since 2010, developments towards peace and reconciliation in Myanmar have led refugees and refugee committees to explore a possible return and to seek safeguards in this regard.

UNHCR established a presence on the Myanmar side of the border since 2004 and has implemented over 1800 basic infrastructure and 1100 community services projects in the South East region with a view to preparing for voluntary return of refugees and IDPs while assisting populations still in displacement.

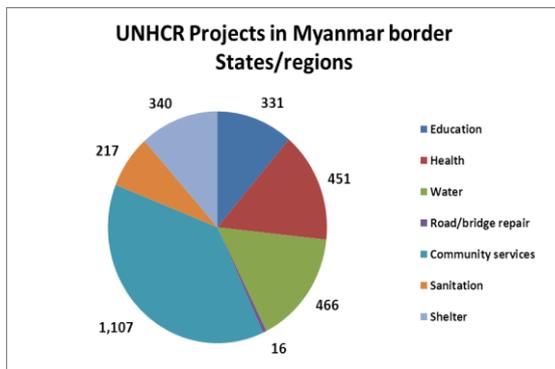


Myanmar refugees attending Resettlement project training in Mae La Oon camp, Mae Hong Son province.



Latrine and water point project in Ka Ton Si village, Kayin State.

As further preparedness measures, UNHCR organized consultations with the agencies along the border in 2004 regarding solutions for Myanmar refugees in Thailand. In 2011, a comprehensive emergency preparedness and contingency planning process was conducted together with the Royal Thai Government, international NGOs and local CBOs. The contingency plan remains a living document and process including influx simulation exercises along the border.



In light of the interest of refugees in the developments regarding conditions that would allow for voluntary return, UNHCR will continue to monitor the situation in close consultation with the refugees themselves. UNHCR is advocating for the necessary conditions for sustainable refugee return in its discussions with the Country of Origin (Myanmar) and the Country of Asylum (Thailand) which would help pave the way for the establishment

of a tripartite framework for a safe, dignified and voluntary repatriation in conformity with international standards. UNHCR and partners will then disseminate objective information among the refugee population to ensure that all individuals are able to make an informed decision about their future. A comprehensive survey and profiling exercise will be conducted in the coming months by the Mae Fah Luang Foundation to assess the intentions and concerns that refugees have regarding their future and the options available to them in terms of durable solutions. Refugees' wishes will evolve over the course of time as they continue to observe the changes taking place back home in Myanmar. This dynamic will be closely assessed so that UNHCR can accompany people's choices while not influencing them.

UNHCR Thailand

April 2013