



COUNTRY OPERATIONS PLAN

Country: Thailand

Planning Year: 2004

UNHCR REGIONAL OFFICE THAILAND COUNTRY OPERATIONS PLAN FOR 2004

Executive Summary

The situation in Thailand during the last year has gone through major changes that will impact the UNHCR programme for the year 2004. Thailand and Myanmar have made positive headway in improving bilateral relations. It is expected that the current trend in the improvement of relations between Thailand and Myanmar will continue during 2004.

Simultaneously, the Thai authorities' demand to UNHCR to pursue the repatriation of Myanmar refugees is expected to gain further momentum. Indications that the Royal Thai Government (Government) will request UNHCR to consider repatriation to so-called "safe areas", rather than to places of origin, have already been seen. Any repatriation process would be conditional on the creation of conditions conducive to sustainable voluntary return in safety and dignity, including, inter-alia, an improved political situation in Myanmar, amnesty for returnees, and UNHCR's unrestricted access to both sides of the border to monitor repatriation and return. UNHCR will continue to pursue a permanent presence in the refugee camps before any organised repatriation is considered.

The presence in Thailand of large numbers of illegal migrants from Myanmar has been one of the major issues on the Government's agenda for the past several years. There are reportedly some 2-3 million illegal migrants in the country - most from Myanmar. There are likely to be persons among the group of illegal migrants who would qualify for refugee status. However, the government has made the access to a working mechanism for seeking refugee status so difficult that most people would prefer to remain illegal and unregistered than to face the threat of arrest, detention and deportation.

The movement of refugees living in camps is severely restricted. They are allowed to move out of the camp only with formal permission granted by district authorities. Any refugee found outside the camps is arrested and risks being deported. UNHCR will continue to approach the government to request flexibility on this issue; UNHCR has regularly intervened with the authorities in cases of refugees arrested for being outside camps, often with success. Restrictions on movement will likely continue in 2004 as a means of convincing refugees to consider eventual repatriation.

Thailand is not a signatory to the 1951 Convention or the 1967 Protocol, and consequently the government has not enacted legislation related to refugees. Refugees are termed as 'displaced persons' and camps are referred to as 'temporary shelters'. Refugee status determination is conducted by UNHCR for Myanmar and other refugees. The Provincial Admission Boards (PABs), originally established to decide admission to the camps, seem to have lost their utility, having been completely inactive over the past two years. Again the policy of the Government seems to be to discourage further registration in the camps.

A few of the refugee camps are situated very close to the border and have been attacked several times in the past. Although there have been no recent reports of attacks on camps, it does present a serious protection problem for refugees. UNHCR has for the past several years advocated the relocation of these particular camps to safer locations at a reasonable distance from the border, though the government has thus far refused to consider such proposals.

At the time of this writing, the government's drive to eradicate drugs from the country is going full speed. Serious charges have been made against the government by local and international human right groups in response to the increasing number of persons killed in the 'war on drugs.' The number of extra-judicial killings just in the months of February and March 2003 is reported to be over 1,500. The government's efforts initially concentrated in urban areas but have recently expanded to the border areas. Security at the border has been heightened and many homes in villages along the border have been searched. As a result, Burmese political dissidents hiding along the border face a greater risk of being identified, arrested and deported.

As in previous years, the majority of assistance to refugees in the camps along the border will continue to be provided by NGOs directly funded by donors in 2004. UNHCR will provide international protection to refugees and asylum seekers by working in close co-ordination with NGO partners. Particular attention will be paid to ensuring non-refoulement and physical protection, addressing SGBV issues, administration of justice in the camps, the right of movement, registration and issuance of identification documents, relocation of refugee camps away from the border, and initiating dialogue with refugees toward finding durable solutions. The protection of extremely vulnerable individuals will be a priority in UNHCR's work through identification, tracing and regular follow-up.

Psychosocial support and mental health services will be provided to the victims of SGBV, and the Thai authorities will be encouraged to prosecute perpetrators. The community and their representatives will be involved in all matters related to the management of daily life in the refugee camps, though the Thai government will be responsible for ensuring the implementation of the rule of law. Consultancies will be conducted to improve response to SGBV incidence in the camps, and information will be gathered on foster family and other psychosocial mechanisms. Special attention will be paid to recovery for victims of SGBV through the provision of mental health treatment and counselling as well as legal services.

Thailand's accession to the 1951 Convention and the 1967 Protocol will continue to be encouraged. To this end, UNHCR will provide technical and material support towards drafting and adopting national legislation on asylum. Similarly, the UNHCR mandate will continue to be promoted through raising awareness on refugee protection within the general public, civil society, human right groups, NGOs, the media, state functionaries, academicians, and universities.

Financial and material support will be provided to the government to ensure better protection for refugees. In the same way, provincial and district offices will be provided support to enhance their capacity in protecting asylum seekers and refugees. Efforts will be made to ensure that refugees have proper access to the Thai justice system. Appropriate training will be provided to government and NGO staff working in the refugee camps to support this initiative.

Resettlement to third countries will continue to be an important and viable durable solution for Myanmar and non-Myanmar refugees in Thailand. It is expected that approximately 230 refugees will be resettled in 2003 and 305 will be resettled in 2004.

Main Programme Goals and Objectives

Refugees at the Thai-Myanmar border

The majority of the refugee caseload from Myanmar living in refugee camps is of the Karen and Karenni ethnic minorities. In addition, there are an estimated 300,000 ethnic Shan refugees living along the border among the local population, whom the Thai authorities have not allowed admission to camps. UNHCR has not been given access to these refugees.

As a result of the policies of the Myanmar government toward minority groups, people continue to cross the border into Thailand to seek asylum. Under existing arrangements and practices, the Government advocates that admission will be granted only to those 'fleeing fighting,' while UNHCR's position is such that all persons 'fleeing the consequences of fighting' – including forced labour, forced relocation, excessive taxation, physical abuse, and other human rights abuses – should be provided protection. UNHCR will continue to impress upon the government the need to respect the right of asylum, reception and admission to new refugees from Myanmar.

UNHCR will focus on achieving the following objectives in 2004:

- Obtaining unhindered access to asylum seekers and political dissidents to determine if they are persons of concern to the Office
- Pursuing the establishment by the Government of a fair and predictable procedure for status determination and admission of new arrivals
- Establishing and maintaining permanent presence in the refugee camps
- Facilitating the re-registration of refugees in the camps and issuance of individual identification
- Ensuring that registration is updated in a timely manner by accounting for new arrivals, departures, births and deaths
- Raising awareness among refugees and asylum seekers of their rights and obligations
- Creating a better understanding toward refugees
- Preserving internal and external security in the camps
- Ensuring the implementation of the rule of law in the camps by the Government, and access of refugees to the Thai justice system
- Ensuring that refugee children are not recruited for military purposes
- Ensuring the civilian nature of the camps
- Pursuing the relocation of camps at a reasonable distance from the border
- Ensuring that the physical and social needs of vulnerable groups are met
- Pursuing resettlement as a durable solution for reasons of protecting and family reunification

Repatriation will remain a valid option for refugees in Thailand, though political and social changes in Myanmar will be a precondition. UNHCR will gather information on the conditions in places of origin and will provide such to refugees to ensure informed decision-making with regard to voluntary repatriation. Given the current political climate and conditions in Myanmar, no organised repatriation project is envisaged for 2004 at this stage. However, a contingency plan for repatriation will be prepared and presented should conditions improve substantially, and in the event repatriation is initiated, UNHCR will ensure the voluntary nature of return.

Refugees in Urban Areas

While the Government does not recognise the status of persons determined by UNHCR to be refugees, this Office will continue in 2004 to ensure that such refugees are granted effective temporary asylum in Thailand until durable solutions are found. It has been observed over the past two years that the number of refugees applying for refugee status has increased steadily. It is anticipated that this increase will

continue during 2004, which will require UNHCR to mobilize resources to provide protection and assistance to refugees in urban areas.

The year 2002 and the first quarter of 2003 have witnessed large scale arrests and deportation by the Thai authorities of political dissidents from Myanmar. This represents a shift in Thai policy towards members of Burmese opposition groups, and this has resulted in large numbers of political dissidents applying to UNHCR for recognition as refugees.

UNHCR will focus on achieving the following objectives in 2004:

- Ensuring access to UNHCR by all those wishing to claim status
- Ensuring that refugee status determination (RSD) procedures for all cases claiming refugee status are carried out in a fair and timely fashion
- Intervening with the authorities on the arrest, detention and deportation of potential asylum seekers and political dissidents
- Monitoring the conditions of detained refugees and asylum seekers to ensure that they are treated in accordance with international standards
- Providing assistance to the urban refugee caseload
- Identifying and processing cases for resettlement in third countries
- Seeking durable solutions for urban refugees
- Seeking the admission of urban Myanmar refugees to camps by the Government

Public Information, Promotion and Training Activities

UNHCR's goals in the area of public information, promotion and training activities will remain the same as those in 2003. The main objectives will be:

- Promoting Thailand's accession to the 1951 Convention and the 1967 Protocol
- Increasing public awareness of the plight of refugees
- Changing negative attitudes toward the presence of refugees in Thailand
- Strengthening relationship with academia, civil society, NGOs, and human rights groups to create a better operating environment for UNHCR and refugees