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ALTERNATIVE A SEAN NETWORK ON BURMA  
campaigns, advocacy & capacity-building for human rights & democracy

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# ROHINGYA, ASYLUM SEEKERS & MIGRANTS FROM BURMA: A HUMAN SECURITY PRIORITY FOR ASEAN

- **ASEAN must be proactive in pressuring Burma's military regime, the State Peace and Development Council (SPDC) to cease perpetuating the severe persecution and economic mismanagement that has been forcing millions of people to flee to neighboring countries.**
  - **ASEAN has helped create this human security crisis by its decades-long tolerance of the regime's economic crimes, war against civilian communities, and systematic persecution of religious, ethnic, and political groups.**
  - **ASEAN members have passively stood by as the regime implemented illogical policies that nurtured corruption and transnational crime, strangled small and medium enterprises, and wrecked the agricultural sector.**
  - **ASEAN members are now compounding the problem by criminalizing the regime's victims, abusing them, and deporting them. In doing so, ASEAN undermines its own declared aspiration to be a regional community.**
  - **The thousands of Rohingya boat people are only the tip of the iceberg. Millions of Burmese have fled the country in the past decade, with two million in Thailand alone. In the past year, there has been an exodus of ethnic Chin fleeing famine, Karen fleeing an intensified military offensive, cyclone Nargis survivors seeking shelter, and people fleeing a climate of fear caused by the harsh crackdown in the lead-up to Burma's 2010 election.**
  - **ASEAN members must ensure that refugees and migrant workers are treated humanely. ASEAN cannot continue to treat Burmese migrant labor as 'disposable' commodities – using them when they are needed and sending them back to suffer in Burma when they don't.**
  - **The number of arrivals in Southern Thailand has increased four-fold over the past three years. Between October 2006 and March 2008, about 9,000 Rohingya boarded boats in Bangladesh and Burma and headed for Thailand and Malaysia. Since November 2008, an estimated 538 boat people are known to have died at sea. ASEAN has been aware of the plight Rohingya since the early 1990s, when nearly 250,000 fled to Bangladesh.**
  - **The UN recognizes that the exodus of Rohingya creates "complex humanitarian situations in the region." The Thai government also acknowledges that boat people represent a regional issue.**
  - **Governments of Thailand, Malaysia, and Bangladesh do not provide any legal status to the Rohingya, which leaves them vulnerable to abuse, arrest, deportation, and lack of access to education and healthcare.**

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- **Migrants from Burma suffer abuse at the hands of unscrupulous labor brokers, government-sponsored vigilantes, and employers.**
- **ASEAN countries, especially Thailand, Malaysia, and Singapore, benefit immensely from cheap migrant labor from Burma. According to an ILO study, the over 2 million Burmese migrant laborers in Thailand contribute as much as 6.2% of Thailand's total GDP.**
- **Forcing migrants and asylum-seekers back to Burma, where the regime continues to perpetrate serious economic mismanagement, religious persecution and political repression is not a viable solution. It is doubtful if the regime will receive them back, since the Rohingya are not even acknowledged as citizens of Burma.**
- **ASEAN must include this human security crisis on the formal agenda of the ASEAN Summit scheduled for February 27 in Hua Hin, Thailand. It must insist that the regime stops its campaign of persecution against ethnic, political and religious groups.**
- **ASEAN should also adopt a regional approach on asylum-seekers and migrants that is reflective of the humane and human rights values encapsulated in its own Charter.**

## **INTRODUCTION**

With the formal enactment of the ASEAN Charter in December 2008, there must be a comprehensive approach to the issue of migrant labor and refugees in the region. With regards to the main source of the problem, ASEAN must be proactive in pressuring Burma's military regime, the State Peace and Development Council (SPDC) to address the root causes that force people to flee persecution or to escape the pervasive poverty that exists in Burma to look for a better life elsewhere.

The arrival of Rohingya boat people places a burden on receiving countries. In April 2007, six UN human rights experts, including the Special Rapporteur on human rights in Burma, recognized that the thousands of Rohingya who fled to neighboring countries created "complex humanitarian situations in the region."<sup>1</sup>

ASEAN members must also ensure that migrant workers and refugees are treated humanely and cooperate with UN agencies to this end. The ASEAN charter requires adhering to the principles of democracy, the rule of law and good governance, respect for and protection of human rights and fundamental freedoms. This surely includes the humane treatment of Burmese migrant labor. ASEAN cannot continue to treat Burmese migrant labor as 'disposable' commodities – using them when they are needed and sending them back to suffer in Burma when they don't.

The Rohingya boat people are the tip of the iceberg and the most recent symptom of a much-larger crisis which has already caused millions to flee Burma in the past decade - with two million having fled to Thailand alone. In the past year, there has been an exodus of:

- Ethnic Chin fleeing widespread famine that affected 100,000 people, or 20% of the total Chin population. In July 2008, it was reported that more than 700 people had fled to Mizoram, India, due to food shortages in Chin State.<sup>2</sup>
- Karen fleeing the intensified SPDC's military offensive in Eastern Burma. Between February and July 2008, over 750 Karen villagers, arrived at the Thai-Burma border.<sup>3</sup>

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<sup>1</sup> Irrawaddy (04 Apr 07) More Rohingya boat people detained in Thai waters

<sup>2</sup> CHRO (Jul 08) Food Scarcity and Hunger in Burma's Chin State

- Cyclone Nargis survivors seeking shelter. Over 100 survivors arrived in Mae Sot, Thailand, from the Irrawaddy delta in the immediate wake of Nargis<sup>4</sup>, while more migrants from affected areas have continued to reach Thailand and other parts of ASEAN.

## ROHINGYA\*

ASEAN has been aware of the Rohingya's plight since the early 1990s, when nearly 250,000 fled to Bangladesh. In March 1992, Malaysian Foreign Minister Abdullah Badawi [now Malaysia's PM] said that the Rohingya refugee crisis "could no longer be regarded as Burma's domestic problem because the action by Burmese troops has burdened neighboring countries and may disrupt regional stability."<sup>5</sup> Singapore's Foreign Ministry said that the influx of large numbers of refugees from Burma into Bangladesh was creating "a potential area of instability for the region and human suffering."<sup>6</sup>

The SPDC refuses to recognize that the Rohingya are part of Burma's ethnic minority groups.<sup>7</sup> The SPDC defines Rohingya as "Bengali Muslims." In a letter dated 9 February, SPDC Consul-General in Hong Kong Ye Myint Aung said that "Rohingya are neither Myanmar people nor Myanmar's ethnic group" and that they are as "ugly as ogres."<sup>8</sup>

## Persecuted in Burma

In Western Burma's Arakan State, the SPDC has continued to deny the almost one million Rohingya their basic rights of citizenship and has subjected them to systematic discrimination, exploitation, and abuse. Human right violations include:<sup>9</sup>

- Restrictions of movement
- Restricting marriages
- Arbitrary arrests and imprisonment
- Forced labor
- Arbitrary taxation
- Confiscation of land and other personal belongings
- Constant harassment by SPDC authorities
- Forced displacement and relocation.<sup>10</sup>

The SPDC has also stepped up religious persecution against Rohingya, including:

- Arrest, fines, and prison sentences for renovation of mosques<sup>11</sup>
- Closure and destruction of mosques and madrassas<sup>12</sup>

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<sup>3</sup> Irrawaddy (05 Feb 08) More Karen Refugees Flee to Thai Border; Irrawaddy (01 Jul 08) Fighting between KNLA and DKBA Continues; Irrawaddy (09 Jul 08) Thousands of Karenni IDPs hide in jungle

<sup>4</sup> Irrawaddy (06 Jun 08) Cyclone victims migrating to Thailand; Irrawaddy (17 Jun 08) Cyclone survivors arrive in Thai cities; Mizzima News (05 Jun 08) Over 100 cyclone victims reach Thai-Burma border

<sup>5</sup> FEER (10 Mar 92) Title unknown

<sup>6</sup> New Straits Times (12 Mar 92) Islamic nations slam Myanmar for persecuting Muslims

<sup>7</sup> NLM (30 Jan 09) Rohinja not included in national races of Myanmar

<sup>8</sup> Daily Star (13 Feb 09) Myanmar envoy brands Rohingyas 'ugly as ogres'; Mizzima (13 Feb 09) Burmese consular says Rohingya do not belong to Burma

\* This section on Rohingya updates Altsean-Burma's previous briefer "Rohingya and Muslims in Arakan State: Slow-burning genocide" - BN2006/1028: 8 August 2006. Available at: <http://www.altsean.org/Reports/Rohingya.php>

<sup>9</sup> HRC, 7<sup>th</sup> session, Report of the Special Rapporteur on the situation of human rights in Myanmar, 5 March 2008, UN Doc A/HRC/7/18, Para 78

<sup>10</sup> Kaladan News (16 Sep 07) Rohingya families maybe sent to Coco Island; Kaladan News (15 Sep 07) Orders to relocate 12 Rohingya families in Kyaukpuru; Kaladan News (18 Sep 07) Two villages to be shifted from Maungdaw Township

<sup>11</sup> Kaladan News (19 Mar 08) Fined for renovation of mosque in Maungdaw; Kaladan News (28 Mar 08) Twelve sentenced to seven years in jail for renovation of mosque; Kaladan News (09 Sep 07) Eight detained by Nasaka for mosque renovation

<sup>12</sup> Kaladan News (22 Jul 07) Nasaka destroys mosque in Arakan; CSW (Aug 08) Briefing: Burma

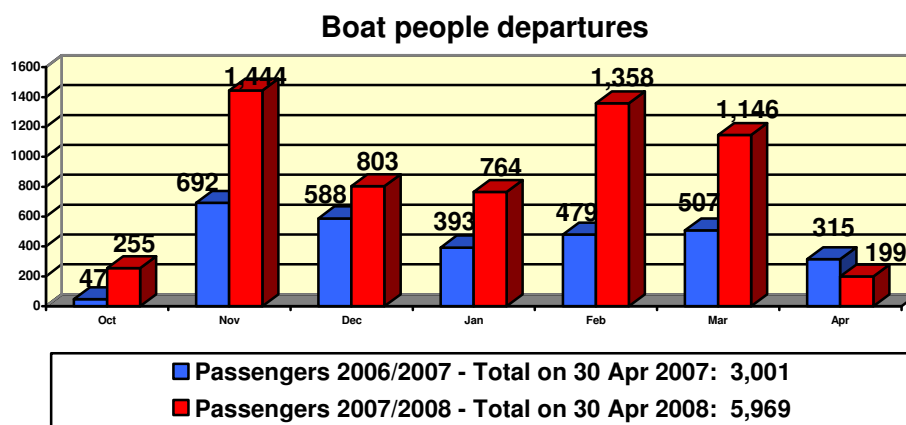
Local authorities in Rangoon recently banned prayers in homes,<sup>13</sup> it is expected the ban will be widened.

On 2 April 2007, six UN human rights experts, including the Special Rapporteur on human rights in Burma, released a statement calling on the SPDC to stop discriminating against Rohingya.<sup>14</sup>

In addition to the ongoing persecution, many Rohingya flee hunger and malnutrition caused by the military regime's self-serving and misconceived policies. During the past two years, the SPDC has forced farmers in Arakan State to sell their rice at below-market prices, banned the transport of rice to Arakan State from other areas of Burma,<sup>15</sup> and restricted the delivery of humanitarian aid to the region. In October 2007, the World Food Program (WFP) said that they had been providing food aid to the Rohingya for ten years and food shortages had not improved.<sup>16</sup> In January 2008, the WFP announced plans to increase its food assistance to Rohingya in Northern Arakan State but warned that their main challenges in distributing the aid were SPDC restrictions on travel.<sup>17</sup> In September 2008, WFP said that the needs of Rohingya in Northern Arakan State remained critical and noted that, 44% of households in the area had insufficient food and 27% of children under five suffered from "moderate to acute" malnutrition.<sup>18</sup>

## Boat people

Many Rohingya, desperate to flee persecution and starvation, have attempted to escape to Thailand and Malaysia in overcrowded boats not suited for ocean travel.<sup>19</sup> Human traffickers and human smugglers promise them a better life and good jobs. Instead, the Rohingya find themselves in boats with faulty engines and an inadequate supply of food and water to make the long trip. The annual "sailing season" normally runs from October-November to March-April when seas are usually calm. Most boats leave from Cox's Bazaar District in Southern Bangladesh. There have also been reports of Rohingya boat people departing - or attempting to depart - from Akyab, the capital of Arakan State.<sup>20</sup>



Source: Arakan Project

<sup>13</sup> Mizzima News (09 Jan 09) Muslims proscribed from worshipping in residential flats

<sup>14</sup> Irrawaddy (04 Apr 07) More Rohingya boat people detained in Thai waters

<sup>15</sup> DVB (18 Feb 08) Rice export restrictions drive up prices; Narinjara News (10 Jul 07) People face acute rice shortage in Northern Aarakan; Mizzima News (12 Sep 07) Burmese Smuggle Rice from Bangladesh

<sup>16</sup> Independent (19 Oct 07) Five million Burmese are going hungry, warns UN

<sup>17</sup> AP (10 Jan 08) UN Agency Says Myanmar Food Aid Hampered

<sup>18</sup> DPA (16 Sep 08) WFP faces 11.2-million-dollar shortfall in Myanmar

<sup>19</sup> Kaladan News (26 Jan 08) BDR pushes back 19-Burmese national to Burma

<sup>20</sup> Kaladan News (27 Feb 08) Akyab becomes main port for travel to Malaysia; Kaladan News (01 Apr 08) Thirty five boat-people jailed, 42 others detained in Burma

Between October 2006 and March 2008, about 9,000 Rohingya boarded boats in Bangladesh and Burma and headed for Thailand and Malaysia.<sup>21</sup> [See *Boat people departures chart*] The figure is likely to underestimate the number of boat people, as many departures are difficult to document.

Many boats never reach their destination. Engines often fail several hours after leaving port and the refugees are taken to destinations determined by ocean currents. In the most tragic situations, the boats sink in the Bay of Bengal or in the Andaman Sea. In the 2007/2008 season, two boats sank and at least 165 boat people drowned.<sup>22</sup> Another boat was rescued 280 km off the coast of Sri Lanka after 22 days at sea, but 17 of the 67 passengers had already died.<sup>23</sup> In the 2008/2009 season an estimated 538 boat people died at sea.<sup>24</sup>

## 2008

- **7 November:** One hundred twenty boat people left for Malaysia from Moshkhali in Cox's Bazaar District, Bangladesh. On 10 November the boat stopped in Teknaf, Bangladesh, and passengers were driven off after being told that they were in Thailand.<sup>25</sup>
- **9 November:** One hundred boat people left for Malaysia from Shapuri Dip, Bangladesh.<sup>26</sup>
- **10 November:** Two boats, carrying 60 and 80 people respectively, left for Malaysia from Shapuri Dip, Bangladesh.<sup>27</sup>
- **11 November:** One hundred and fifty boat people left for Malaysia. It stopped in Shapuri Dip due to engine trouble. Passengers fled from the area out because they feared arrest.<sup>28</sup>
- **24 November:** Na Sa Ka Area 7 personnel seized an engine boat carrying 47 boat people. The boat people were released after each paid a 100,000 kyat bribe.<sup>29</sup>
- **1 December:** About 100 boat people from Maungdaw and Buthidaung Townships in Arakan State left for Malaysia. On 7 December, Thai authorities arrested the boat people when they arrived in Thailand.<sup>30</sup>
- **8 December:** SPDC soldiers apprehended about 108 Rohingya boat people in Thilawa Port, Rangoon Division, after a storm had swept off-course their boat.<sup>31</sup> The boat had left for Malaysia from Cox's bazaar district on 30 November.<sup>32</sup>
- **15 December:** Ninety-seven Rohingya and Bangladeshi boat people left for Malaysia from Bahar Sara in Cox's Bazaar district. Their boat returned to Bangladesh on 4 January 2009 after being stopped several times by the SPDC Navy.<sup>33</sup>
- **29 December:** Indian authorities said that about 300 of 412 boat people from Bangladesh and Burma were presumed dead in the Bay of Bengal. The boat people had left for Malaysia from Bangladesh on six small boats.<sup>34</sup>

## 2009

- **2 January:** Thai Navy in Phangnga intercepted a boat carrying 60 Rohingya.<sup>35</sup>

<sup>21</sup> Arakan Project (Jan 09) Boat people departures chart

<sup>22</sup> IHT (27 Nov 07) Bangladesh police detain 2 suspected people-traffickers, sinking boat death toll reaches 6; Narinjara News (13 Mar 08) Migrant boat sinks, 115 missing

<sup>23</sup> Reuters (03 Mar 08) Myanmar and Bangladesh boat people perish off Sri Lanka

<sup>24</sup> Straits Times (18 Jan 09) Boat people feared dead

<sup>25</sup> Kaladan News (13 Nov 08) Five engine boats with boat-people leave for Malaysia (corrected)

<sup>26</sup> Kaladan News (13 Nov 08) Five engine boats with boat-people leave for Malaysia (corrected)

<sup>27</sup> Kaladan News (13 Nov 08) Five engine boats with boat-people leave for Malaysia (corrected)

<sup>28</sup> Kaladan News (13 Nov 08) Five engine boats with boat-people leave for Malaysia

<sup>29</sup> Kaladan News (15 Dec 08) Four engine boats leave for Malaysia with boat-people in a month

<sup>30</sup> Kaladan News (15 Dec 08) Four engine boats leave for Malaysia with boat-people in a month

\* Tal makeshift camp is sometimes referred to as Dum Dum Meah makeshift camp

<sup>31</sup> DVB (11 Dec 08) Over 100 migrants from Arakan arrested

<sup>32</sup> Kaladan News (15 Dec 08) Four engine boats leave for Malaysia with boat-people in a month

<sup>33</sup> Kaladan News (05 Jan 09) Rohingyas leave for Malaysia by boat in search of greener pastures

<sup>34</sup> Reuters (29 Dec 08) India widens sea search for 300 missing migrants

<sup>35</sup> Kaladan News (05 Jan 09) Rohingyas leave for Malaysia by boat in search of greener pastures

- **4 January:** A boat carrying 60 people, including Rohingya and Bengalis, left for Malaysia from Sonar Para in Cox's Bazaar district.<sup>36</sup>
- **7 January:** A boat carrying 193 boat people, mostly Rohingya, was found by fishermen off Sabang Island in Indonesia's Aceh province after being towed back to sea by Thai authorities.<sup>37</sup>
- **12 January:** Forty Rohingya and Bangladeshi boat people left for Malaysia from Cox's Bazaar.<sup>38</sup>
- **16 January:** Thai authorities intercepted a boat carrying 46 Rohingya near an island in Southern Thailand.<sup>39</sup>
- **17 January:** Indian authorities rescued 152 boat people on the Andaman and Nicobar islands.<sup>40</sup>
- **27 January:** Thai Navy detained 78 Rohingya boat people found drifting near the Surin Islands in Phangnga.<sup>41</sup>

## Regional implications

An estimated one million Rohingya live in Bangladesh, Thailand, Malaysia, the Middle East, and beyond.<sup>42</sup> Bangladesh, Thailand, and Malaysia are not parties to the 1951 Refugee Convention or its 1967 Protocol. As a result, Rohingya refugees receive little or no legal protection in these countries.

## Bangladesh

The situation for Rohingya in Bangladesh remains dire. Many end up in camps in Cox's Bazaar district, Southern Bangladesh. Two official UNHCR camps, Nayapara and Kutupalong are home to about 27,000 Rohingya refugees.<sup>43</sup> In addition, about 9,000 Rohingya live in the unofficial Leda site, while another 4,000 live in a settlement near Kutupalong.<sup>44</sup> There are also more than 200,000 Rohingya living outside the various camps and unofficial sites.<sup>45</sup> Both the UNHCR camps and the unofficial sites are overcrowded and several independent organizations have widely reported on the inadequate living conditions.<sup>46</sup>

On 2 July 2008, Bangladeshi authorities began moving the about 9,000 Rohingya living in the Tal makeshift camp to the newly established Leda unofficial site located in Cox's Bazaar's Nhila sub-district.<sup>47</sup> The move was in response to international pressure and designed to improve living conditions, with better housing and sanitation facilities.<sup>48</sup> The new camp reportedly had better facilities and camp residents expected to obtain refugee status by the UNHCR.<sup>49</sup> However, while living conditions were dire in Tal camp, residents had small income generating schemes, informal work arrangements in Teknaf, access to firewood, and access to the river for fishing.<sup>50</sup> In the new site, access to water is limited and residents do not receive food rations. Access to education is limited because Bangladeshi authorities are

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<sup>36</sup> Kaladan News (05 Jan 09) Rohingyas leave for Malaysia by boat in search of greener pastures

<sup>37</sup> AFP (07 Jan 09) Foreigners stranded near Indonesia; Jakarta Post (10 Jan 09) Myanmar boat people take up refuge in Sabang; BBC (15 Jan 09) Thais 'leave boat people to die'

<sup>38</sup> Kaladan News (13 Jan 09) Another engine boat with boat-people leaves for Malaysia

<sup>39</sup> BBC News (16 Jan 09) Thais hold more migrants amid row

<sup>40</sup> AFP (18 Jan 09) Indian Coast Guard rescues migrants, Thailand accused

<sup>41</sup> Bangkok Post (28 Jan 09) More boat people caught off Phangnga

<sup>42</sup> Refugees International (19 Dec 08) Rohingya: Burma's forgotten minority

<sup>43</sup> UNHCR (23 Jul 08) UNHCR cards give refugees in Bangladesh individual identities

<sup>44</sup> Refugees International (19 Dec 08) Rohingya: Burma's forgotten minority

<sup>45</sup> Refugees International (19 Dec 08) Rohingya: Burma's forgotten minority

<sup>46</sup> MSF (May 07) Stateless Rohingyas in Bangladesh: No one should have to live like this; HRW (26 Mar 07) Rohingya Refugees from Burma Mistreated in Bangladesh; CSW (Aug 08) Briefing: Burma

<sup>47</sup> Narinjara News (04 Jul 08) Burmese Refugees Moved to Better Camps in Bangladesh

<sup>48</sup> CSW (Aug 08) Briefing: Burma

<sup>49</sup> Narinjara News (04 Jul 08) Burmese Refugees Moved to Better Camps in Bangladesh

<sup>50</sup> Kaladan News (08 Sep 08) Refugees block clinic and staff

concerned that construction of a school would attract a new influx of refugees.<sup>51</sup> By September 2008, 17 adults and eleven children at the Leda site had died.<sup>52</sup> The deaths were caused by pneumonia, malaria, fever, edema, asthma, starvation, and complications during childbirth.<sup>53</sup> In addition, security issues for women have not been resolved. On 16 September 2008, four local youths gang-raped a 25-year-old refugee at the entrance of the site while her child watched.<sup>54</sup> Tensions between site residents, local officials and area residents have run high and there have been violent confrontations between the groups.<sup>55</sup>

In July 2007 and again in May 2008, Bangladeshi authorities and the SPDC renewed their official commitment to forcibly repatriate the Rohingya refugees living in official camps in Bangladesh to Burma.<sup>56</sup> Activists slammed the decision and said that if the Rohingya were free from oppression in Burma, there would be no need to force them to go back.<sup>57</sup> Since then, there have been no forced repatriations from the camps. However, Bangladeshi authorities have continued to arrest and deport scores of Rohingya caught crossing the Burma-Bangladesh border.<sup>58</sup>

## Thailand

It is estimated that over 7,500 Rohingya boat people have arrived in Southern Thailand since the 2006/2007 sailing season.<sup>59</sup> The number of arrivals has increased four-fold over the past three years.<sup>60</sup> From 26 November to 25 December 2008, Thai authorities detained 659 Rohingya boat people in eight separate incidents.<sup>61</sup>

Some Rohingya found work in commercial plantations, farming, and factories. Most preferred to continue on their journey to Malaysia.

In 2006/2007, those apprehended by Thai authorities were taken to Mae Sot and then deported to Burma. Once in Burma, they were detained in horrific conditions by the SPDC-aligned armed group Democratic Karen Buddhist Army.<sup>62</sup>

Rohingya in other areas of Thailand also experienced increased scrutiny. On 20 July 2007, 100 Rohingya refugees who had camped out on Mae Sot's football pitch were urged to return to Burma.<sup>63</sup> On the same day, Thai Army's General Boonsang announced that Thailand was willing to assist in the resettlement of Rohingya refugees, within their "limited resources."<sup>64</sup> However, on 28 March 2008, Thai PM Samak Sundaravej said that Thailand's Navy was investigating resettling Rohingya on a deserted island.<sup>65</sup>

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<sup>51</sup> CSW (Aug 08) Briefing: Burma

<sup>52</sup> Kaladan News (08 Sep 08) Refugees block clinic and staff

<sup>53</sup> Kaladan News (05 Sep 08) 29 unregistered refugees die in Leda camp in two months

<sup>54</sup> Kaladan News (18 Sep 08) Burmese refugee woman gang raped

<sup>55</sup> Kaladan News (08 Sep 08) Refugees block clinic and staff; Kaladan News (12 Sep 08) Locals attack refugee ration trucks to Leda camp

<sup>56</sup> Narinjara News (16 Jul 07) Flag Meeting Between Nasaka and BDR Held in Cox's Bazar; Mizzima News (23 Jul 07) Burmese Deputy Foreign Minister meets Bangladesh counterpart; Irrawaddy (29 May 08) Bangladeshi Govt to Repatriate Rohingya Refugees

<sup>57</sup> Irrawaddy (29 May 08) Bangladeshi Govt to Repatriate Rohingya Refugees

<sup>58</sup> See Altsean-Burma's Chronology for individual incidents:

<http://www.altsean.org/Chronology/Chronology2008/DisplacementChronology2008.htm>

<http://www.altsean.org/Chronology/Chronology2007/DisplacementChronology2007.htm>

<sup>59</sup> Asia News (15 Jan 09) Thailand persecutes Muslim minority

<sup>60</sup> Reuters (20 Jan 09) UN seeks access to Myanmar refugees held in Thailand

<sup>61</sup> Asia News (15 Jan 09) Thailand persecutes Muslim minority

<sup>62</sup> HRW (27 Mar 07) Rohingya Refugees from Burma Mistreated in Bangladesh; DVB (19 Jan 07) More Rohingyas arrested in Thailand

<sup>63</sup> Irrawaddy (20 Jul 07) Uncertainty over Rohingyas' fate in Thailand

<sup>64</sup> Irrawaddy (20 Jul 07) Uncertainty over Rohingyas' fate in Thailand

<sup>65</sup> Bangkok Post (29 Mar 08) Samak wants Rohingya put on an island



In January 2009, the Thai government announced a crackdown against undocumented migrants.<sup>66</sup> On 22 January, new Thai PM Abhisit Vejjajiva said that Thailand would push Rohingya out of the country, as they affected “security, economy and the opportunities of Thai laborers”.<sup>67</sup> Two days earlier, Abhisit had suggested that boat people get into distress on purpose as a tactic to get into third countries.<sup>68</sup>

## **Malaysia**

Malaysia is a Muslim country with a sizable Rohingya community. As a result, it is the preferred destination for Rohingya boat people leaving from Burma and Bangladesh. There are about 12,000 Rohingya registered with UNHCR in Malaysia.<sup>69</sup>

In 2006, the Malaysian government began registering the Rohingya for IMM13 permits, which granted them temporary work status. However, the permit registration process has since stalled and Rohingya have continued to live without any protection.<sup>70</sup>

The Malaysian government’s failure to provide any legal status to the Rohingya has subjected them to the same vulnerabilities as other Burmese migrants, including arrest, deportation, and a lack of access to education and healthcare.

On 22 March 2008, thugs from the infamous RELA “Volunteer People’s Corps” rounded up more than 500 people from Burma. Two hundred Rohingya refugees were among those arrested.<sup>71</sup> Between 14 September and 22 October 2008, Malaysian authorities arrested 38 Rohingya refugees.<sup>72</sup>

## **MIGRANT WORKERS**

### **ASEAN’s most valuable import commodity**

The saga of migrant labor from Burma is a story filled with misery, abuse, and death at the hands of unscrupulous labor brokers, government-sponsored vigilantes, and employers. ASEAN countries, especially Thailand, Malaysia, and Singapore, have benefited immensely from cheap migrant labor from Burma.

Economic hardship and human rights violations are the main reasons for the exodus from Burma. In their host countries, the migrants are severely limited to their ability to seek legal redress for inhumane treatment and exploitation. They also lack access to basic healthcare and are not covered by important provisions of labor and employment laws. Most migrant laborers, whether legal or undocumented, live in constant fear of deportation.

## **Thailand**

In Thailand, Burmese migrant labor is concentrated in agriculture, the garment industry, construction, fishing fleets, and seafood processing. Burmese migrant labor is also present in the hotel and restaurant industry and many young Burmese women are employed as housekeepers. In Thailand, it is estimated that there are two million migrant laborers from Burma, 75% of whom are undocumented<sup>73</sup>. A 2007 study by the ILO estimated that Burmese

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<sup>66</sup> AFP (22 Jan 09) PM vows migrant crackdown

<sup>67</sup> AFP (22 Jan 09) PM vows migrant crackdown

<sup>68</sup> AFP (20 Jan 09) PM: Rohingya reports ‘exaggerated’

<sup>69</sup> Mizzima News (31 Jan 07) UNHCR concern over arrest of Burmese in Malaysia

<sup>70</sup> Refugees International (19 Dec 08) Rohingya: Burma’s forgotten minority

<sup>71</sup> Irrawaddy (24 Mar 08) Hundreds of Burmese Migrants Rounded Up in Malaysia

<sup>72</sup> Star (17 Nov 08) Rohingyas in dire straits in Johor

<sup>73</sup> IOM (20 Oct 08) Situation Report on International Migration in East and South-East Asia



migrant labor contributed US\$11 billion to the Thai economy, a figure that represents 6.2% of Thailand's total GDP.<sup>74</sup> The same study noted that most of the Burmese migrant laborers in the garment industry in Tak Province were paid at 60 to 70 baht per day while the legal minimum wage was set at 133 baht/day.

Tragic news reports document the precarious existence and death of Burmese migrant laborers in Thailand.

- **13 July 2007:** Thai police used an unknown gas to force sleeping Burmese migrant workers (including pregnant women) from their homes near Bangkok. Over 30 were arrested.<sup>75</sup>
- **9 April 2008:** 54 undocumented Burmese migrants, including children, died in a sealed freezer truck while being transported from Ranong to Phuket.<sup>76</sup> The adult survivors received two-month suspended sentences and a 1,000 baht fine for violating Thailand's immigration laws.<sup>77</sup>
- **16 December 2008:** Thai authorities sentenced 15 migrant workers from Burma, including a 15-year-old girl, to four years in jail for working in Bangkok with fake work permits. The workers had paid their employer 6,000 baht (US\$170) for the permits. The Thai employer, who provided the permits, escaped punishment.<sup>78</sup>
- **12 January 2009:** Thai authorities arrested over 170 undocumented migrant workers from Burma during a raid on a shrimp processing factory in Mahachai, Samut Sakhorn Province, Thailand.<sup>79</sup>

## Malaysia

In Malaysia, migrant workers from Burma are also exploited and deported. Estimates for the number of Burmese migrant workers in Malaysia run as high as 500,000.<sup>80</sup> As the Malaysian Immigration Act of 1959/1963 does not distinguish between undocumented migrant workers and refugees, all those without valid residency status are subject to arrest, detention, and deportation.<sup>81</sup>

Malaysia's vigilante thugs, RELA, which is empowered by law to enter any premises and arrest undesirable persons and suspected undocumented migrants<sup>82</sup>, increased their attacks on migrant communities including registered refugees during the last two years.<sup>83</sup> Hundreds of people have been rounded up and detained, including pregnant women and children.<sup>84</sup> Many were deported. Many others went into hiding.

- **12 March 2007:** RELA arrested 48 Chin asylum seekers from Jalan Imbi in Kuala Lumpur and took them to Seminyah detention camp for deportation.<sup>85</sup>
- **4-5 August 2007:** RELA detained 150 UNHCR-registered refugees from Burma during raids in Central Selangor State.<sup>86</sup>
- **8 August 2007:** Malaysian authorities detained 77 undocumented migrants from Chin State living in Bartam Valley, Cameron Highland.<sup>87</sup>

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<sup>74</sup> [www.ilo.org/public/english/region/asro/bangkok/download/yr2007/fact\\_migrant07.pdf](http://www.ilo.org/public/english/region/asro/bangkok/download/yr2007/fact_migrant07.pdf)

<sup>75</sup> NMG (14 Jul 07) Thai police arrest migrant workers using gas

<sup>76</sup> Reuters (10 Apr 08) Myanmar migrant recalls container horror

<sup>77</sup> AFP (11 Apr 08) Thai court jails Myanmar container survivors for three days

<sup>78</sup> DVB (18 Dec 08) 15 migrant workers jailed in Thailand

<sup>79</sup> IMNA (13 Jan 09) 170 migrant workers arrested in raid on Thai factory

<sup>80</sup> NCGUB (25 Jun 07) Burma Human Rights Yearbook 2006-2007

<sup>81</sup> HRW (14 Jan 09) World Report 2009

<sup>82</sup> HRW (14 Jan 09) World Report 2009

<sup>83</sup> Project Maje (Jul 08) We Built This City: Workers from Burma at Risk in Malaysia

<sup>84</sup> Irrawaddy (24 Mar 08) Hundreds of Burmese Migrants Rounded Up in Malaysia

<sup>85</sup> Chinland Guardian (12 Mar 07) RELA raids continue in Malaysia

<sup>86</sup> AP (06 Aug 07) Myanmar activists call for a halt to refugee crackdown in Malaysia

<sup>87</sup> Khonumthung News (10 Aug 07) Malaysian Authorities intensify crackdown on Burmese refugees

- **7 January 2009:** Malaysian authorities arrest around 300 Burmese migrant workers in a raid at Pasar Budaya market in Kuala Lumpur.<sup>88</sup>

On 15 January 2009, it was reported that the US Senate was investigating allegations that Malaysian government officials had been extorting money from foreign migrants in connection with human trafficking network. The allegations stated that government officials take migrants, mostly Burmese, from Malaysian detention facilities and then transport them to the Thai-Malaysian border. At the border, government officials demand money from the migrants. If they are able to pay, they are allowed to stay in Malaysia. If unable to pay, the migrants are turned over to human traffickers in Southern Thailand.<sup>89</sup>

### **What will ASEAN do in the wake of the global recession?**

Now that the global recession has hit, Burmese migrant workers are losing their jobs by the thousands. In November 2008, 3,000 migrant workers lost their jobs in Mae Sot, Thailand.<sup>90</sup> Falling commodity prices and decreased consumer spending has hit all sectors of the economy. The garment industry and agricultural sectors have been especially hard hit. The solution so far has been to lay-off, dismiss, jail, and deport Burmese migrant laborers. Political leaders in Thailand, Singapore, and Malaysia have taken an “out of sight, out of mind” approach to Burmese migrant laborers in their zeal to return them to Burma. The fallacy in this approach is the assumption that these workers and their dependents will be able to survive in Burma once they return.

The conditions inside Burma that forced Burmese people to look for work in other countries has not changed, In fact, they have worsened as many farming families have been robbed of the means of feeding themselves. Until ASEAN and the rest of the region are able to help secure a durable solution in Burma, people will continue to leave by the tens of thousands.

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<sup>88</sup> DVB (09 Jan 09) 300 migrants arrested in raid in Kuala Lumpur

<sup>89</sup> AFP (15 Jan 09) US probes Malaysian officials' link to human trafficking

<sup>90</sup> IMNA (04 Dec 08) Migrant factory workers from Burma hit by Thailand's economic slowdown