

COUNTRY FACTSHEET: THAILAND

Last Updated: 4 September 2018

OVERVIEW

Thailand is not a signatory to the 1951 UN Convention relating to the Status of Refugees or its 1967 Protocol and does not have a formal national asylum framework. In the absence of legal protection, refugees and asylum seekers have no legal status and remain at risk of arrest, arbitrary and indefinite detention, constant discrimination, deportation, and possible *refoulement*. Access to justice is limited and exploitation and abuse of refugees and asylum seekers by Thai authorities is rife.

The vast majority of refugees in Thailand are ethnic minorities from neighbouring Myanmar. There is also a sizable population of stateless Rohingya refugees who are fleeing violence and persecution in Myanmar, and in their attempts to reach Malaysia are often smuggled and trafficked through Thailand. The number of refugees and asylum seekers in Thailand has lowered in the past 2 years, likely due to resettlement and spontaneous returns.



FIGURES AT A GLANCE

- As of 31 July 2018, there are **102,223** refugees and asylum seekers residing in Thailand.
- **97,444** refugees, mostly from the ethnic minorities of Karen and Karenni of Myanmar, are living in 9 'temporary camps' along the Thai-Myanmar border.
- **4779** urban refugees are mainly living in the province of Bangkok¹. This constitutes **80%** of the urban refugees registered with UNHCR. This has lowered significantly from 2016, whereby there were close **8000** urban refugees and asylum seekers².
- A total of **1461** asylum seekers are living in Thailand. This includes the **254** individuals located at the border camps, awaiting the Thai Provincial Admissions Board review. The number of urban asylum seekers has reduced by **67%** from a total of **4440** asylum seekers in 2016³. to **1207** in July 2018.
- **103** Myanmar refugees have returned through voluntary repatriation in the first half of 2018⁴.
- Nationalities and ethnicities represented in Thailand's diverse refugee population include those from Pakistan, Viet Nam, Cambodia, Palestine, Syria and Somalia

¹ UNHCR Thailand, 'Refugees in Thailand' (31 March 2018) accessed from <https://www.unhcr.or.th/en>

² UNHCR Global Focus: UNHCR Operations Worldwide, 'Thailand' (4 September 2018) accessed from <http://reporting.unhcr.org/node/2552?y=2016#year>

³ UNHCR Global Focus: UNHCR Operations Worldwide, 'Thailand' (4 September 2018) accessed from <http://reporting.unhcr.org/node/2552?y=2016#year>

⁴ UN High Commissioner for Refugees Regional Office Bangkok Thailand, figures provided via email correspondence with APRRN, (4 September 2018)

RECENT PROGRESS IN THAILAND

- In September 2016, Prime Minister Prayut, in a speech at the Leaders' Summit on the Global Refugee Crisis on September 20, 2016 in New York, committed to end the detention of refugee children in Thailand and to establish an effective refugee-screening mechanism. The Prime Minister also committed to ensure that refugee returns to Myanmar would be voluntary and to increase refugees' access to education, healthcare, and birth registration in Thailand.⁵
- In January 2017, Thailand adopted Cabinet Resolution 10/01, B.E. 2560 which helps develop policies concerning the screening and management of undocumented migrants and refugees.⁶ This is a potentially positive step towards providing domestic legal status and basic rights to refugee and asylum seekers as well as ensuring the right to asylum as guaranteed by Article 14 of the Universal Declaration of Human Rights. While this Resolution lays the groundwork for developing effective procedures to identify and manage undocumented migrants and refugees, a screening mechanism that employs discriminatory or overly restrictive criteria could entrench rather than resolve outstanding concerns regarding asylum protections in Thailand.

AREAS OF CONCERN

Urban Refugees in Bangkok

- As of 31 July 2018, approximately **6240** urban refugees and asylum seekers are located in different parts of Thailand, primarily in Bangkok. **4779** accounts for **80%** of refugees registered with UNHCR, and **1207** are still seeking asylum.
- The lack of a protective legal framework for refugees and asylum seekers leads to continued arbitrary arrests and detention, with many facing difficulties related to prolonged displacement.
- Some progress was seen relating to alternatives to detention (ATD) for children and on the establishment of a national screening mechanism. However, children as young as three-months old are still being detained and some are separated from their mothers due to procedural reasons.

⁵ <https://www.hrw.org/news/2017/07/06/thailand-implement-commitments-protect-refugee-rights>

⁶ Human Rights Watch, 'Thailand: Implement Commitments to Protect Refugee Rights', *Thailand adopted Cabinet Resolution 10/01, B.E. 2560 which created a "Committee for the Management of Undocumented Migrants and Refugees"*, (July 2017), Press Release, <https://www.hrw.org/news/2017/07/06/thailand-implement-commitments-protect-refugee-rights>

Refugees on the Thailand-Myanmar Border

- Approximately **97,698** refugees and asylum seekers continue to live in nine 'temporary camps' along the border of Thailand and Myanmar. Out of this figure, **97,444** refugees were registered with UNHCR and **254** were asylum seekers, waiting for review by the Thai Provincial Admission Board. Comparatively, there were **102,600** registered refugees in 2016.
- **All** refugees and asylum seekers living at the border camp are from Myanmar.
- Many have lived there for over two decades, with children and youth being born in the camps.
- Due to ceasefire agreements between the Myanmar army and some ethnic groups, discussions between stakeholders about the voluntary repatriation of refugees residing in the camps have gained momentum in the last three years. **103** Myanmar refugees have returned through voluntary repatriation in the first half of 2018⁷. This number has increased, comparatively, from the first pilot in 2016 i.e. **71**.

SQUALID LIVING CONDITIONS

- The living conditions inside the camps remain harsh, with claustrophobic collection of stilted bamboo huts called home for over 30 years.
- Refugees and asylum seekers living at the border are confined by barb-wired fences with very minimal to no freedom of movement. Due to the lack of legal mechanisms, they are not permitted to leave the camps for work.
- In the past three decades, refugees and asylum seekers have survived on the charity of international donors. Recently, there has been dramatic cuts in funding for the camps and has led to a noticeable reduction in service provision, acutely affecting the most vulnerable. This includes critical needs such as food rations.

VOLUNTARY REPATRIATION

- October 2016 saw the first wave of voluntary returns organize with a total of **71** refugees returning to Myanmar.⁸ The first half of 2018 saw **103** more returns of Myanmar refugees through voluntary repatriation.⁹
- Specific related concerns include the increased militarisation and on-going presence of Burmese military troops in ethnic areas, active armed conflict in northern Myanmar, reports of ongoing human rights violations, continued placement and existence of uncleared landmines, oppressive and discriminatory

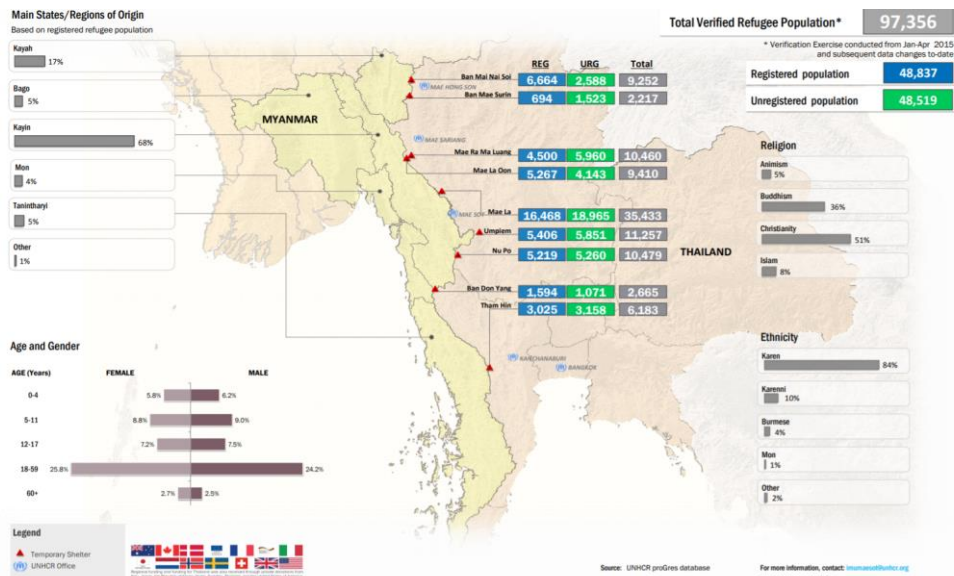
⁷ UN High Commissioner for Refugees Regional Office Bangkok Thailand, figures provided via email correspondence with APRRN, (4 September 2018)

⁸ UNHCR, "Myanmar refugees pave the way home in pilot return," (2016) accessed from <http://www.refworld.org/publisher,UNHCR,THA,581b4ce54,0.html>

⁹ UN High Commissioner for Refugees Regional Office Bangkok Thailand, figures provided via email correspondence with APRRN, (4 September 2018)

laws, lack of equal access to citizenship rights, land ownership issues, lack of equal access to adequate assistance, healthcare, livelihoods, and education services.

- Although some form of individual counselling and monetary assistance is provided to returnees, the continued lack of meaningful engagement with refugees about the plans for their repatriation has resulted in widespread rumours, fear and anxiety.



Source of image:
https://www.unhcr.org/th/sites/default/files/u11/Thailand_Myanmar%20Border_Refugee%20Population%20Overview%20Jul%202018_0.pdf

Stateless Rohingya Refugees

- Following the widespread violence and human rights abuses in Rakhine state in 2017, Rohingya refugees facing systematic and unrelenting persecution and discrimination in Myanmar have fled in large numbers across the region, largely to Bangladesh. Although 2017 saw a large movement of Rohingya refugees in the region, there was no increase Rohingyas arriving in Thailand in that year¹⁰.
- Human Rights groups have reported that at least two boats carrying Rohingya refugee men, women and children have arrived in Thailand in 2018. Thai Authorities reportedly intercepted a boat carrying 56 people in Krabi province early April 2018¹¹.
- For a number of years, desperate Rohingya have often relied on smugglers who are often part of well-established human trafficking networks. Reports speak of Rohingya refugees (and migrants from Bangladesh) being held for indeterminate periods of time in human trafficking camps along the Thailand-

¹⁰ UNHCR Global Focus: UNHCR Operations Worldwide, 'Thailand' (4 September 2018) accessed from <http://reporting.unhcr.org/node/2552?y=2017#year>

¹¹ Fortify rights, 'Thailand/Malaysia: Protect Rohingya Refugees, Urge ASEAN to Take Action' *Thai authorities push Rohingya refugees back out to sea, putting lives at risk*, (2018) Press release

Malaysia border, while demands for steep ransoms in exchange for their release are negotiated.¹² Rohingya who have been rescued from human traffickers by Thai authorities are often subject to indefinite detention in immigration detention centres (IDCs) or government-run shelters.

Detention

- According to Thailand's Immigration Act, anyone who enters the country without proper documentation is regarded as an 'illegal alien'. In the absence of legal protection, refugees and asylum seekers have no legal status and remain at risk of arbitrary arrest, indefinite detention, and deportation. As such, safety and security are the primary concerns amongst the urban refugee population in Thailand, especially in Bangkok.
- Asylum seekers whose refugee claim has been rejected, and stateless refugees, may face indefinite periods in detention with little hope of release or repatriation.
- There are currently no effective alternatives to immigration detention, and all sectors of the population are subjected to detention, including women, children who are unaccompanied and separated from family, the sick and elderly.
- Despite having committed to ending child detention, over 50 children were recently arrested, some of whom were forcibly separated from their mothers.¹³
- In January 2016, the provision for men recognised as refugees to be released on bail from immigration detention centres under a surety of THB 50,000 (US\$1470) was suspended until further notice. It is still possible for women and children to be released on bail under certain conditions, however this is only an option for a very small number of refugees and the bail fee must be guaranteed by a Thai citizen.¹⁴ This still has yet to be verified by the Thai government for 2018.

RECENT ARRESTS

- On 28 August 2018, **181** asylum seekers and refugees were arrested¹⁵, **63** of whom were children from the age of three months old to 17 years old along with **2** pregnant women¹⁶. The raid at the residential complex located in Bang Yai district was conducted by the Ministry of Interior security officers (*Or Sor*), police, immigration police, and army soldiers.

¹² Fortify Rights and Burmese Rohingya Organization UK, *Everywhere is Trouble: An Update on the Situation of Rohingya Refugees in Thailand, Malaysia and Indonesia*, (2016)

¹³ Human Rights Watch, 'Thailand: Release Ethnic Minority Refugees, Asylum Seekers' (4 September 2018), accessed from <https://www.hrw.org/news/2018/08/29/thailand-release-ethnic-minority-refugees-asylum-seekers>

¹⁴ Amnesty International, 'Between a Rock and a Hard Place – Thailand's Refugee Policies and Violations of the Principle of Non-Refoulement' (2017)

¹⁵ Human Rights Watch, 'Thailand: Release Ethnic Minority Refugees, Asylum Seekers', (2018) Press release

¹⁶ Amnesty International, 'Open Letter: Thailand Must Release Montagnard Asylum Seekers and Refugees Immediately', (2018) Press Release

- The arrest included mostly people from the Montagnard ethnic minority population from Cambodia and Viet Nam, who have fled from political and religious persecution.

DEPLORABLE LIVING CONDITIONS WITH INADEQUATE BASIC NEEDS PROVIDED

- It has been widely reported and documented that conditions in IDCs are gravely substandard. Detainees have described severe overcrowding with up to **150** people being held in cells at any one time and leading to incidences of violence and degrading treatment by guards.
- Sanitation conditions are described as appalling including limitations on fresh water for washing and drinking, tainted food, and an insufficient number of toilets for the number of detainees. Children are often detained with adults to whom they are not related to, rendering them at a great risk of abuse, including sexual abuse.¹⁷
- Children who are detained even for short periods do not receive the basic services necessary for their mental and physical development and suffer from serious and negative impacts of incarceration.
- In addition to the IDC in Bangkok, urban refugees and asylum seekers are detained in other facilities outside of Bangkok, where access for NGOs is limited and health services are not available.

Access to Human Rights

ACCESS TO EDUCATION

- Although under Thailand's domestic legislation all children, regardless of legal status, have a right to primary education, the reality of the system is far from practical for refugees. Tuition in Thai government schools is only in the Thai language and most refugee children are not conversant enough in Thai to be able to participate actively in classes.
- Additional obstacles faced by refugees and asylum seekers include a lack of financial resources for their children to attend school and the necessary materials, uniforms and transportation. Further, refugees and asylum seekers experience discrimination and exclusion from school administrators who are often reluctant to accept refugee children.
- Classes offered by NGOs and community-based organisations often fall short of children's needs and are not formally recognised by the Thai Ministry of Education. In refugee camps, funding cuts and a departure of teachers to resettlement countries has left significant gaps.
- Tertiary education and skills development is a significant gap for youth and adolescents.

¹⁷ Human Rights Watch, 'Two Years With No Moon' in *Human Rights Watch*, viewed on 28 June 2015, <http://bit.ly/1K6qcNo>

ACCESS TO HEALTH

- Urban refugees have described access to health care as one of their most critical concerns.
- Many refugees and asylum seekers experience significant linguistic barriers when seeking medical treatment at Thai government hospitals and may also be unable to cover the cost of their treatment and medical expenses. Although private hospitals offer better services, the fees for treatment and medicines are prohibitively high for refugees and asylum seekers who are unable to legally work in Thailand.
- Currently, health services (including provision for treating mental health conditions) provided by UNHCR and NGOs have been severely curtailed due to lack of available funds. Mental health has been identified as a major concern amongst refugee and asylum-seeking populations, although there are few opportunities for referral for treatment.

ACCESS TO EMPLOYMENT

- Thailand's labour law prohibits refugees and asylum seekers from working legally in the country. As a result, many are forced to work in the informal sector where they have no rights and are more vulnerable to exploitation and abuse.
- In the face of this, some refugees and asylum seekers receive money from remittances from friends and family in other places and may also receive some basic financial assistance from NGOs. However, amidst serious funding cuts, this limited assistance is insufficient to cover basic necessities needed for survival and a dignified existence.