

Case Report No. 1200/2558 on the Civil Rights - case on seeking assistance to the Burmese migration and fled to Thailand caused by war and conflicts

Complaint issues:

The Complainant filed the complaint No. 653/2553 dated 12th November 2010 that there were the fighting between the Burmese government and the minority arms groups in Burma. Since it is nearby the Thai border, hundreds of Burmese, therefore, fled to Thailand boundary. But the Thai army had forced them back by saying that the war was over without any investigation. The complainant, therefore, appealed to NHRC for the protection and to ensure that the Burmese who fled from the war and conflicts to temporary shelter in Thailand will be taken good care of.

Complainant filed the case No. 262/2556 claiming that there was a fire in Mae Surin Refugee Camp of Khun Huam district of Mae Hong Sorn province in the North Western region of Thailand on 22nd March 2013. There was a rumour that the fire was caused by the cooking of the refugees. Therefore, the complainant requested the NHRC for further investigation.

View of the National Human Rights Commission

The National Human Rights Commission had considered the request and the views of the Sub Commission on Civil and Political Rights. Then NHRC viewed that the humanitarian assistance, as the current policy, be provided prior to the repatriation back to the country of origin. This is not really suit with the reality in Burma while the fighting was still going on and there is no sign to be ended. These refugees need to be presided in Thailand and be restricted in the limited area/ temporary shelters for sometimes. Therefore, NHRC would submit policy recommendation to concerned agencies for further action.

Policy Recommendation:

1. The Cabinet should review and adjust the attitude on the refugees or those who escaped from the war or conflicts from Humanitarian Assistance toward a Participatory Approach while they are waiting for repatriation back to their country of origin. These people who escaped from the war and conflicts had high potentiality and were able to participate in development rather than merely awaiting for assistance. Besides, the non-governmental organizations had lessen some support of these groups of people which might affect the livelihood and quality of life. Then the government should consider a proper approach in open up opportunity for them to access the right to work temporarily during they stay in Thailand.
2. The Ministry of Education should support the basic education and standard vocational trainings in the temporary camps. Provide opportunity for the students to take exam for educational certificate to enhance the potentiality young people to further their study in higher level. That's also a preparation for repatriation and ready for a better life when they go home.
3. To send these who escaped from war and conflicts back to their homeland, the Ministry of Interior should support and provide opportunity for them to participate in decision making and prepare for the repatriation to access sufficient information. One should bear in mind the safety for them to go home and be aware of the principle of non-refoulement.
4. The Ministry of Foreign Affairs should consider cooperating with International Organizations such as the Office of the UN High Commission for Refugees (UNHCR), ASEAN Intergovernmental Commission on Human Rights (AICHR) as well as other concerned agencies in resolving the problems along Thai-Burma border with the collaboration of both countries.

The National Human Rights Commission's resolution

According to the reasons mentioned above, the NHRC at the 39th Human Rights Protection and Human Rights Protection Standard Meeting of 2015 on 9th November 2015 resolved to submit policy recommendation to the Cabinet, Ministry of Education, Ministry of Interior, and

the Ministry of Foreign Affairs. NHRC also delegate the Office of the National Human Rights Commission to facilitate the follow up on this matter.