

# Seeking a Safe Haven:

## Update on the Situation of the Chin in Malaysia

\*A report by Chin Human Rights Organization (CHRO)

Spring 2006

The Chin people of Burma<sup>1</sup> have nowhere to go. Facing torture, persecution, and even death in Burma, thousands have been forced from their homes, leaving behind their family, friends, and community. They take great risks, endure agonizing hardships, and confront dangerous challenges with the hope of finding refuge from fear. Many flee to Malaysia where there is less risk of deportation directly back to Burma. In Malaysia, however, the Chins lead a precarious existence. Without legal recognition by the Malaysian government, asylum seekers and refugees are unable to work, receive an education, access healthcare services, or find acceptable living accommodations. They are subject to harassment, detention, penalties, and potential deportation. In Malaysia, the Chin people have no hope for a future. Now, with resettlement to the United States becoming less certain, hope of ever finding an escape from fear is fading for the Chins.



### Recent Reports of Persecution in Chin State

- On 25 May 2006, a cattle trader was **detained and tortured** by police for two days. In detention, he was tied and hung upside down. The police then stuffed cloth into his mouth and lit it on fire.
- On 21 May 2006, a village headman was **shot to death** for failing to provide food and wine to a policeman.
- On 21 May 2006, a village headman and three villagers were **tortured** by SPDC soldiers. The soldiers tied their hands behind their back, hung them upside down, then hit, kicked and beat them with the butt of their guns for two hours.
- From 3 to 10 May 2006, 16 villagers worked as **forced laborers** cutting timber planks for the construction of a Buddhist monastery inside a military camp. The villagers had bring their own supplies and food.
- On 9 April, three SPDC soldiers **raped** a woman. When the woman reported the incident, she was threatened with arrest after she was unable to identify the perpetrators.

(Source: Rhododendron News, Vol. IX, No. III, May-June 2006)

### PERSECUTION OF THE CHIN PEOPLE IN BURMA

The remote, western hills of Burma are home to a population of some 500,000 Chin people. Like many of the ethnic groups that make up the composition of Burma, the Chin people are subject to a range of abuses at the hands of the military regime, the State Peace and Development Council (SPDC). The SPDC has controlled the country for decades through intimidation and unspeakable brutality. As a predominantly Christian community in a primarily Buddhist country, the Chin people are particularly targeted for persecution by the regime due to their minority status. The Chin are constantly **vulnerable to summary and extrajudicial killings, arbitrary arrest and imprisonment, torture, rape, forced relocation, forced labor and other violations** of basic human rights. Reports of persecution in Chin State are tragically widespread.

\* CHRO is non-governmental, not for profit organization legally registered in Canada with branch offices in New Delhi and Aizawl, India and in the United States. CHRO is working to protect and promote the rights of the Chin people inside and outside of Burma. Since February 2001, CHRO has paid regular visits to Malaysia to assist and coordinate advocacy activities with the Chin community and other local and international NGOs. This report is based on the findings of a CHRO trip to Malaysia in April 2006.

<sup>1</sup> In 1989, the military regime unilaterally changed the name of the country from Burma to Myanmar. The name change has been seen by many ethnic groups as an effort to "Burmanize" national culture. CHRO uses the name Burma.



## SEARCHING FOR SAFETY

Faced with increasing hostility and dangers in their homeland, thousands of Chins are forced to flee Burma every year. The journey out of Burma, however, is host to its own set of hardships and hazards. Many rely on the good-faith of brokers offering assurances of safe passage. Possessions are sold and debt incurred to pay the **sizable fees** demanded by brokers.

Even with the guidance of brokers, Chin asylum seekers must circumvent multiple military checkpoints by either bribery or stealth, endure strenuous and perilous travel conditions oftentimes without adequate sustenance or accommodation, and trust in strangers motivated more times by money than good-will. Many never reach their destination. Some are caught by members of the military and subjected to arrest, torture and even death. Others do not survive the journey, dying of **exhaustion, malnutrition, or crushed to death** as secreted cargo. Typically secured by only nominal resources, those who arrive safely are **vulnerable to traffickers** promising employment but providing only slavery in illicit or dangerous industries.

### Concerns of the Chin Community in Malaysia

- Inaccessible and delays for UNHCR registration
  - Only 4,800 out of the total Chin refugee population of 16,000 are registered
- Resettlement is limited and getting more difficult
- Security issues and abuses by authorities
- Immigration raids and crackdowns
- Exploitation by employers
- Difficulties of daily survival



Kuala Lumpur City Center

## CHINS IN MALAYSIA

Despite the difficulties, with limited alternatives available, Chin asylum seekers continue to take their chances in the hopes of finding safety in nearby nations. Despite the distance from Chin State, Malaysia has become an established destination for Chin asylum seekers and the exodus from Chin State has resulted in the formation and growth of a substantial Chin community in Malaysia. Currently, **over 16,000 Chin live in Malaysia.**

Unfortunately, life in Malaysia for the Chin community is harsh and daily survival is precarious. The Malaysian authorities refuse to recognize or provide any sort of protection to asylum seekers or refugees.<sup>2</sup> Rather, asylum seekers and refugees alike are treated as illegal immigrants. Without official recognition by the Malaysian authorities, asylum seekers and refugees in Malaysia are **unable to work, attend school, access health or social services, or obtain adequate living accommodations.** Moreover, refugees and asylum seekers in Malaysia are **vulnerable to extortion, theft, sexual abuse, arrest, deportation,** and many other difficulties.

<sup>2</sup>The terms "asylum seeker" and "refugee" are commonly misused as interchangeable. They are distinct terms. An asylum seeker is someone whose status as a refugee has not yet been determined. A refugee is someone who has been formally granted refugee status.



## UNDOCUMENTED, UNRECOGNIZED, AND UNWELCOME

### UNHCR-Recognized Chin Refugees

Malaysia is not a signatory to the 1951 Convention on the Status of Refugees. The UNHCR, however, does register and identify refugees. Registering with the UNHCR in Malaysia has never been an easy process. All refugee status determinations are handled by one UNHCR office located in Kuala Lumpur. When fully functional, at most only 18 Chin applicants are interviewed per week. Cases are also increasingly prioritized with particularly vulnerable cases, such as minors, single women and people over the age of 50 years, taking precedent over others. As a result, thousands of “non-vulnerable” Chins wait to have their case adjudicated by the UNHCR, many **waiting over two years**.

Chin asylum seekers living in remote areas of Malaysia have difficulty in participating in the process

### Chin Asylum Seekers

Chin asylum seekers without UNHCR documents are particularly vulnerable to immigration harassment, arrest, detention, penalties, and deportation. Without documents, asylum seekers are subject to **severe penalties for illegal entry** including a fine of up to 10,000 RM (US\$2,700), a jail term of up to 5 years, and up to 6 strokes of a cane.

As of April 2006, there are about **11,500** Chin asylum seekers living **in Malaysia** without documents. A majority, about 11,000, have registered with a community-based refugee group named the Chin Refugee Center (CRC). CRC issues laminated letters indicating that the person is an asylum seeker from Burma. The letter contains the contact information for the CRC, a picture and personal information of the asylum seeker, and a CRC stamp. Although the letter carries no authoritative weight, it provides an added layer of security against immigration harassment.

since it requires long and expensive journeys to Kuala Lumpur. In the past, the UNHCR deployed mobile registration task forces to areas with high concentrations of asylum seekers. These task forces, however, are no longer operational.

4,800 Chins are currently registered with the UNHCR. Holding UNHCR documents, however, provides **no guarantee of protection or access to benefits** in Malaysia. Despite assurances of security, UNHCR document holders are generally treated the same as illegal immigrants in Malaysia and are still subject to arrest, detention, and deportation. By having at least one form of documentation, refugees are able to fend off some Malaysian authorities who often seek out undocumented immigrants and threaten arrest in order to extort bribes.

### Chin Refugee Center Registration Process





## LIVING IN INSECURITY: MALAYSIA

### Abuses by the Authorities

Harassment and abuse by the Malaysian authorities is a constant part of daily existence for the Chin community in Malaysia. In addition to raids on neighborhoods and work places, immigration forces also approach individuals in public areas threatening arrests in order to requisition **bribes**. The bribes can be very costly, particularly for asylum seekers and refugees with little resources available. However, those who are unable or unwilling to pay bribes risk **arrest, detention, and deportation**.

### Detention Conditions

As of April 2006, **400 Chin** asylum seekers and refugees were being **held by immigration** for illegal entry or illegal stay. The conditions in immigration detention are deplorable. Detainees are packed **300 to 400 people per cell** with only five toilets. There are reports of insufficient space to sit, let alone sleep.

Ability to maintain proper personal hygiene is also difficult as detainees have **no access to basic amenities**, such as soap or toothpaste. Furthermore, each detainee is supplied with only a limited number of uniforms. Women detainees have reported experiencing their menstrual cycle without proper sanitary products. The authorities then denied them replacement garments for their soiled uniform.

In addition to improper sanitation and hygiene, detainees are provided with **inadequate and insufficient daily sustenance**. Detainees are typically given nothing more than a bowl of rice with a small fish per meal. Some former detainees reported that prisoners became so hungry that they began eating the grass within reach of the cell. The guards, however, quickly ordered all the grass within reach to be cut.

In light of poor sanitation and inadequate food provisions, illness and disease are a common threat to detainees. **Healthcare and medical services are not available** in the detention facility. Instead, detainees must rely on the services of a mobile medical clinic run by A Call To Serve (ACTS), a partner of Jesuit Refugee Services (JRS). Due to lack of resources and the abundance of need, the mobile medical clinic is only able to make monthly visits to the detention facilities.

Immigration detainees are also subject to **physical and verbal abuse** by the guards and facility officials. Many former detainees reported being beaten by guards. One former detainee bore a large scar across both buttocks from where he was severely whipped. Others reported being forced to do repeated squats and other exercises at the behest of the guards. Verbal abuse is also widely reported among detainees.

The UNHCR has been successful in gaining the release of some refugees. UNHCR intervention, however, depends on awareness by the UNHCR of the detention of a refugee or asylum seeker. This information is not easily transmitted because detainees are **not permitted to make phone calls**. Arrests of asylum seekers and refugees that go unreported often result in deportation. Thirty-one UNHCR-recognized Chin refugees were deported in April 2006 alone, including two pregnant women.

#### Immigration Detention Conditions:

- Overcrowding
- Unsanitary environment
- Inadequate and insufficient food
- No on-site medical services
- Abuse by guards



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## DEPORTATION: MALAYSIA TO THAILAND

Chin asylum seekers and refugees are not deported from Malaysia directly to Burma. Rather they are taken by crowded lorries through difficult terrain and deposited on the Thai border. Only a very small number remain in Thailand because they risk another period of confinement in **Thai detention centers** and potential **deportation to Burma**, where they may be persecuted for having left the country without authorization if not for other reasons.

With bribery, asylum seekers and refugees are handed over to smugglers or traffickers. Those who are lucky are able to make arrangements to be smuggled back into Malaysia. The cost, however, is expensive and the travel conditions are dangerous. Agents demand payment of

1400 to 1800 Ringgit (US\$380 to US\$490) for transportation in overcrowded cargo space. Asylum seekers and refugees who are not so lucky end up in the hands of traffickers and are **sold to Thai fishing boats or into the sex industry.**

### Deportation of Two Pregnant Chin Women

Two pregnant women were among the 31 Chin refugees deported by the Malaysian authorities in April 2006. The immigration authorities arrested the women during a workplace raid by on 9 December. They were initially brought to Alokacah detention center but were transferred to Kacang detention center after four women, including one of the pregnant women, were abused by the guards. In March, the women were transferred again to Malakah detention camp. On 26 April, the two women were deported to the Thai Malaysian border. At the time of deportation, both women were nearly nine months pregnant.

## EXPLOITATIVE EMPLOYMENT

Chin asylum seekers and refugees are not allowed to work in Malaysia. Without any other way to support themselves or their families, Chin asylum seekers and refugees are relegated to the **informal work sector**. Typically, Chin laborers occupy jobs in factory and industrial settings, construction sites, and agricultural activities. Jobs in the informal work sector are often **dangerous, low-paying, and impermanent**. Chin asylum seekers and refugees are also not afforded any labor protections. Therefore, they are subject to long work days in hazardous conditions without mechanisms to enforce promised payments. Furthermore, Chin asylum seekers and refugees are constantly at risk of **workplace raids** by immigration forces.



Field Worker in the Cameron Highlands

Despite the volatility and danger involved in the informal work sector, the demand for jobs outweighs the availability. As a result, less than one-third of the Chin community in Malaysia is employed. Those who are employed are often subject to **exploitative employers**. The typical wage received by Chin laborers range from **19 to 35 ringgit per day** (about US\$5.15 to US\$9.50). However, many employers often pay less than initially promised for the work or simply refuse payment altogether. There are reports of employers promising payment at the completion of the project. When the project is completed, however, the workers are reported to and rounded up by immigration authorities.



## LIVING CONDITIONS

The Chin community in Malaysia is concentrated in mainly three regions of the country, Kuala Lumpur city center, Putra Jaya, and the Cameron Highlands. Regardless of the location, Chin asylum seekers and refugees often live a precarious existence with little access to aid and social support structures.

### Life for Chin Urban Tenants

The majority of Chin asylum seekers and refugees live in the capital city of Kuala Lumpur (KL). In stark contrast to the trendy, modern downtown, the Chin community of KL live in **devastating poverty**. Chin asylum seekers and refugees in KL typically **share small, urban flats with 35-40 others**. The flats are cramped, usually with only three or four bedrooms and one bathroom. Rents range from 900 to 1500 ringgit (US\$245 to US\$409) per month.

Chin Tenant in KL



Chin Urban Flat Tenants in KL

The cost of urban life is particularly burdensome for the Chins, who typically only earn 30 to 35 ringgit per day (US\$8.15 to US\$9.50) for **factory and industrial labor** if they earn anything at all. Finding jobs in KL is difficult and usually only one-third of a flat household is employed and only temporarily. Finding adequate food provisions is a daily struggle.

In addition, security is a major concern for urban asylum seekers and refugees. **Immigration raids** are frequently perpetrated on a house-to-house basis as well as in the workplace. Furthermore, urban asylum seekers and refugees are exposed to the constant danger of being approached in any public place by immigration forces.

The Chins living in Malaysia continue to practice their religion. In KL, however, Sunday group prayer services are difficult. While there are churches scattered throughout the city, many churches are afraid to allow the Chins to hold religious services due to potential penalties by the authorities. As a result, the **limited worship venues** often accommodate congregations of up to 700. Many arrive at the church two hours in advance to reserve a seat.

## Life for the Chins in Putra Jaya

Putra Jaya is the location of a new and extravagant government center of Malaysia. In contrast to the brick-laid streets, glass-fronted buildings, and majestically modern bridge of Putra Jaya, the laborers who built these marvels live in squalid **makeshift tent camps** near the expanding construction site.

Altogether there are about **500 Chin** asylum seekers and refugees living in the Putra Jaya area. They live under crowded, plastic-roofed tents. Only a portion of the occupants are employed in the nearby construction sites, although most of those who are employed

reported not receiving wages for months at a time or receiving less than promised. When they are paid, they receive only 25 to 30 ringgit per day (US\$6.80-US\$ 8.15). These wages are communally shared. These **wages are inadequate** to fulfill basic needs.



In addition, some Putra Jaya camps suffer from **unreliable water sources**. In one camp, water was purchased from a nearby village that promised to pump water to the camp residents. The camp made monthly payments of 1,000 ringgit (US\$270), however, the water is not pumped regularly. Without adequate water supplies from the village, the camp residents were forced to rely on a shallow, film-covered reservoir for their daily water requirements. As a result, many of the camp residents are afflicted by **illness and stomach pain**. Due to the relative remote location of the Putra Jaya camps, medical services are not readily available. Sick or injured residents must wait for monthly visits by the ACTS mobile clinic.



Inside a Putra Jaya Camp

The camp also suffers from constant **security threats**. One to two times a week, the immigration forces raid the camp. If forewarned, the residents flee to the nearby jungle. Otherwise, residents are subject to arrest, detention, and deportation unless an adequate bribe is supplied.

## Conditions in the Jungle Camps

To escape the frequent immigration raids, a portion of the Chin population has retreated into the jungle. In the Putra Jaya area, some **1,000 Chins** live hidden in hilly jungle camps. Although they are relatively sheltered from immigration raids, they are not immune. Typically, **raids** occur two times every month. To avoid arrests, jungle residents reported paying bribes that amounted to about 20 to 100 ringgit (US\$5.40-27).

While the Chins living in the jungles may evade some security concerns, they suffer from other hardships. The camp residents who are employed frequently work on construction sites

that are located some distance from the camp. Without any alternatives available, they must walk long distances to get to their job site. Their **water supply** is also **unreliable** and a contributor to **sickness and disease**.



Camp in the Putra Jaya Jungles

## Conditions in the Cameron Highlands

The lush and dramatic landscape of the Cameron Highlands is home to **several hundred Chin** asylum seekers and refugees. Many traveled to this remote location in search of work on farms. Despite the vast agricultural industry that exists in the Highlands, unemployment remains high. Those who are able to find employment are **paid very little**, about 19 ringgit (US\$5.15) per day. As in other

locations, the Chin community in the Highlands is similarly vulnerable to exploitative work environments.

In addition, farm work hosts its own set of hardships and health concerns. Typically, the workers live far from the farms they work on and must **walk long distances** carrying all their daily supplies. Many workers are provided **inadequate protective gear** causing exposure to noxious insecticides and other harmful chemicals. Complaints of stomach problems are common. However, **health services are not accessible**. The ACTS mobile clinic does not service this area of Malaysia. While there is a clinic in town that is willing to treat the Chin workers, the doctor charges 50-70 ringgit (US\$13.60-US\$19.00) per visit, which is largely unaffordable on the wages earned.

Security is not as big an issue as in other Chin communities in Malaysia. Due to the remote location and rugged terrain of the Highlands, there are less immigration raids. However, the authorities do demand **monthly bribes** of about 50 ringgit (US\$13.60).



Tea Fams in the Cameron Highlands





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## OBSTACLES TO RESETTLEMENT: THE USA PATRIOT ACT

Those who are fortunate enough to have registered and received recognition by the UNHCR as a refugee have one common hope- resettlement. Resettlement means a new existence in a third country and a possible escape from a life of fear, brutality, and insecurity. Since 2003, over 1,000 Chins have been resettled from Malaysia to various countries around the world. In the past, the United States has been one of the largest recipients of Chin refugees from Malaysia, accepting more than 250 in the past 4 years.



Chin Refugee Living in the Cameron Highlands

The Chin people, however, are now at risk of being rendered inadmissible and **denied resettlement to the United States**. Under the USA PATRIOT Act of 2001, the definition of terrorist was broadened to exclude from the United States anyone who had participated in or supported an armed group. This overly expansive definition includes pro-democracy groups organized to protect and preserve their people from the repressive tactics of an authoritarian government, as exists in Burma. Anyone who at anytime provides any form of support to such an organization, regardless of the magnitude or context, is subject to the inadmissibility bar. In effect, the bar excludes genuine refugees who are *victims* of terror from receiving protection in the United States. Many Chin refugees face such consequences due to their connections with the Chin National Front (CNF).

During the 1988 uprising against the regime, the CNF formed to promote democracy in Burma and protect the people of Chin State from annihilation by the military regime. They are an armed group. However, they pose no threat to the U.S. government or the American people nor are they officially designated as a terrorist organization by any democratic nation. Under the current reading the USA PATRIOT Act, those who have participated as a member of CNF, provided clothing, food, water, temporary accommodations or other forms of support to a CNF member, even if the CNF member is a relative, will inevitably have their applications for resettlement to the United States put on hold. In support of the pro-democracy goals of the CNF, a majority of the Chin people have provided at least some form of support at some point in their lives to the CNF.

With resettlement becoming less likely and the exodus from Chin State continuing, the situation for the Chin people in Malaysia is becoming increasingly difficult. There are fewer jobs available, less resources to ration, and greater hostility from the Malaysian government. Worst of all, hope among the Chin people is fading. They have suffered for too long. **It is time for the U.S. to correct these unintended consequences of the USA PATRIOT Act.**

Chin Children Living in KL



CHRO and the Chin people need your support. To support CHRO in this important work, please contact one of our offices:

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