

Title: *A Constant State of Fear: the situation facing Chin refugee women and children in New Delhi*

Authors: Rosalinn Zahau and Rachel Fleming, Chin Human Rights Organization

Session type: Paper Presentation

Keywords: Burma, Chin, discrimination, refugees, asylum-seekers, gender, sexual and gender-based violence, redress, coping mechanisms, UNHCR.

Conference: Presented at Oxford University's Refugee Studies Centre 2014 International Conference - Refugee Voices, March 24-25 2014

Theme: Panel on Burma – genuinely listening to refugees’ voices / refugees’ preferences for durable solutions

1. Introduction

Due to constant harassment from Burma Army soldiers, Mrs. O. fled Chin State for Mizoram in Northeast India in 2006, and made her way to New Delhi later that year. Mrs. O. told the Chin Human Rights Organization (CHRO) about an incident she faced in New Delhi in July 2011:

A local Indian electrician from my neighbourhood came to our room, pretending to check our appliances. When I asked him to leave he grabbed me and tried to kiss me. He tried to pull off my clothes and got his fingers in my underwear. When I resisted him he shoved me and tore off my clothes. Somehow I managed to escape. I reported the case to the police and they took me to hospital for a check-up, where they confirmed the attempted rape. Since the incident, I am in a constant state of fear and anxiety about living in New Delhi, and the prospect of facing this kind of assault again.¹

Mrs. O. is one of many Chin women and children who have fled Burma because of human rights violations, only to face pervasive sexual and gender-based harassment and violence in New Delhi from local Indian men.

This paper examines the root causes of flight which have forced an estimated 100,000 Chin refugees² to flee from Burma to Mizoram in Northeast India, and sets out the push factors

¹ Interview with Mrs.O., July 2011, on file with the Chin Human Rights Organization.

² See *Seeking Refuge - the Chin People in Mizoram State, India*, December 2011, Matthew Wilch, Jenny Yang and Zo Tum Hmung.

which have driven around 8,000 Chin refugees to make the long journey to New Delhi in an effort to seek UNHCR protection. It presents three in-depth emblematic case studies of sexual violence against Chin women and children in the hostile environment of New Delhi, and examines the responses by the United Nations High Commissioner for Refugees (UNHCR) and its implementing partners in New Delhi. It identifies barriers to effective forms of redress and discusses coping mechanisms of the victims and their families. Finally, this paper critically evaluates UNHCR's long-standing policy of pursuing local integration as the primary durable solution for Chin refugees in New Delhi.

2. Persecution as a root cause of flight

The Chin from Burma are 90 percent Christian, in a country that is predominantly Buddhist. The origins of deep-rooted, State-sanctioned discrimination against the ethnic Chin can be traced back to the unwritten policy of 'Burmanization' pursued by successive military regimes in Burma. This attempt to forcibly assimilate all ethnic minorities into mainstream Burman culture has underpinned years of oppression and violence against Burma's ethnic minorities by the State.³

For the Chin, this has resulted in pervasive human rights violations perpetrated by State actors over the past twenty-five years. Since its founding in 1995, human rights abuses documented by CHRO have included forced labour, land confiscation, violations of religious freedom, sexual violence, arbitrary arrest and detention, torture, and extra-judicial killings.⁴

A 2011 report by *Physicians for Human Rights* (PHR), based on a quantitative survey of human rights violations experienced by Chin households between 2009 – 2010, found that almost 92 percent of Chin households surveyed were victims of forced labour within that year. PHR concluded that this, and other grave human rights violations perpetrated against the Chin by State actors, amounted to crimes against humanity.⁵ Such pervasive human rights abuses amount to persecution, and have forced an estimated 100,000 Chin to flee across the border to Mizoram in Northeast India in search of refuge and protection.⁶

³ See *"Threats to Our Existence": Persecution of Ethnic Chin Christians in Burma*, September 2012, Chin Human Rights Organization, pp.6, available at www.chro.ca

⁴ See *"Threats to Our Existence": Persecution of Ethnic Chin Christians in Burma*, September 2012, CHRO, and CHRO's Submission to the UN Universal Periodic Review of Burma/Myanmar, July 2010, available at www.chro.ca

⁵ See *Life Under the Junta: Evidence of Crimes Against Humanity in Burma's Chin State*, January 2011, Physicians for Human Rights.

⁶ See *Seeking Refuge - the Chin People in Mizoram State, India*, December 2011, Matthew Wilch, Jenny Yang and Zo Tum Hmung. Another 50,000 are estimated to have fled to Malaysia. For further discussion of Chin migration to Malaysia, see *Efforts to transform the dialogue with refugees: the Chin experience*, Rachel Fleming, paper presented at the Refugee Studies Centre International Conference in Oxford from 24-25 March 2014.

Ethnic armed resistance group the Chin National Front signed a ceasefire agreement with the Union government in December 2012.⁷ However, the Chin public lacks confidence in the current peace process.⁸ Although the overall prevalence of human rights violations documented by CHRO has declined, the organization has continued to document very serious abuses since President Thein Sein's government took power in March 2011. These include extra-judicial killing, sexual violence, and threats to burn down a village for conversion to Christianity.⁹

3. The lack of protection in Mizoram: a push factor

Mizoram has been the primary destination for Chin seeking refuge for the past twenty-five years. The close kinship between the Chin and Mizo populations – the two communities share ethnic, linguistic, religious, cultural, and historical roots - allows for Chin refugees to assimilate with the local community to some extent. However, the Chin face discrimination, and Mizoram public cynicism and fear of foreigners coming into India has at times translated into renewed intolerance and “scape-goating” of Chin refugees as the source of societal ills in Mizoram.^{10 11}

The Chin in Mizoram lack any form of legal protection as they are not recognized as refugees by the Indian government, or UNHCR. India is not a party to the 1951 Convention on the Status of Refugees or the 1967 Optional Protocol, nor has it permitted UNHCR in New Delhi access to Mizoram. As a result, the undocumented status of Chin continues to expose them to constant protection threats, such as mass arrest and forced return,¹² at the hands of both the authorities and local communities.¹³

⁷ See [Unofficial Translation of CNF-Govt Agreements at Union-Level Peace Talks](#), 10 December 2012, Chinland Guardian, accessed 28 February 2014.

⁸ This was clearly expressed to Mr. Quintana, the outgoing UN Special Rapporteur on the human rights situation in Burma, during his August 2013 visit to Chin State. See para. 36 of his 23 September 2013 report to the UN General Assembly [Ref: A/68/397].

⁹ See *Advocacy Briefing: Human rights violations perpetrated against the Chin in Burma March 2011 – March 2013*, 8 April 2013, CHRO, and *Thematic Briefing: The state of freedom of religion or belief for Chin in Burma/Myanmar 2013*, 21 January 2014, CHRO, available at www.chro.ca.

¹⁰ See for example the remarks of Mizoram Chief Minister Lalthanhawla on 3 May 2010: Khonumthung News, “[Many Burmese involved in criminal activities: CM](#),” 5 May 2010, accessed 17 February 2014.

¹¹ Chin seeking refuge in Mizoram constitute an estimated 10 percent of the population there, and are perceived as an additional burden to a host community already faced with its own economic challenges. For more information about Mizoram State, see *Seeking Refuge - the Chin People in Mizoram State, India*, December 2011, Matthew Wilch, Jenny Yang and Zo Tum Hmung.

¹² In 2003, the Mizoram authorities forcibly returned some 10,000 Chin back to Burma. Victor Biak Lian, Achan Mungleng, and K. Sutthiphong, “Assessment Report on Burmese Refugees in Mizoram and New New Delhi,” June 2004.

¹³ In one such incident in April 2013, a predominantly Chin village in Champhai District close to the border with Chin State was attacked by Mizo locals and 40 Chin houses were burnt down. For more detailed information about

In the absence of legal protection and access to humanitarian assistance in Mizoram, some 8,000 Chin have made the difficult and expensive 2,400 kilometer trip to New Delhi to seek protection from UNHCR.

4. New Delhi: no safe haven for the Chin

A. The context in New Delhi

i. India's legal framework

India currently lacks a domestic legal framework for the protection of refugees and asylum-seekers, and has developed ad hoc policies towards different groups of refugees. It registers and provides protection for some 200,000 Tibetan and Sri Lankan refugees from neighbouring countries, and permits UNHCR to register other refugee populations.¹⁴ As there is no specific recognition of refugees or asylum-seekers within the domestic legal framework, they fall under the scope of the 1946 Foreigners Act.

Policy developments have taken place in recent years, which in theory have the potential to benefit the Chin refugee population. These include the 2012 Right to Education Act, which guarantees all children aged 6-14 in India the right to free and compulsory primary education, and the recent decision by the Indian government to allow UNHCR-registered refugees to apply for long-term visas and work permits.¹⁵ However, as discussed below, in light of the pervasive discrimination experienced by the Chin from the local Indian population – including service providers - it remains to be seen if such developments will have a meaningful positive impact on the lives of Chin refugees.

ii. Role of UNHCR

UNHCR India is based in New Delhi. The agency does not press the Government of India for access to Mizoram to assess the Chin refugee situation there, preferring instead to advocate for a domestic legal framework for the protection of refugees.¹⁶ UNHCR registers new arrivals, conducts refugee status determination, and issues UNHCR

this case, see *Efforts to transform the dialogue with refugees: the Chin experience*, Rachel Fleming, paper presented at the Refugee Studies Centre International Conference in Oxford from 24-25 March 2014.

¹⁴ *Urban Profiling of Refugee Situations in New Delhi – Refugees from Myanmar, Afghanistan and Somalia and their Indian neighbours: a comparative study*, September 2013, Joint IDP Profiling Service, Pp.11.

¹⁵ *Urban Profiling in New Delhi*, op cit, pp. 12.

¹⁶ CHRO meeting with UNHCR New Delhi staff member, May 2010.

documentation to refugees from Burma (and non-neighbouring countries such as Afghanistan and Somalia), as well as providing some assistance through implementing partners. According to the most up-to-date publicly available figures from UNHCR, there are 9,507 recognised refugees from Burma and a further 2,627 asylum-seekers, constituting the largest refugee population under the care of UNHCR in India.¹⁷ While these figures are not disaggregated by ethnicity, CHRO estimates that around 8,000 of the Persons of Concern from Burma are Chin.¹⁸

UNHCR provides subsistence allowance to unaccompanied minors, senior citizens, disabled, and some extremely vulnerable individuals; those who are unable to work due to illness, physical and mental disabilities or protection problems. The monthly amount is 3,800 rupees (37 GBP) per month for the principal applicant and 2,000 rupees (19 GBP) for dependents.¹⁹

In 2006 UNHCR opened a Women Protection Clinic to provide counseling for problems faced by refugee women from Burma (later extended to men as well). At present, 15-minute appointments are given on a first-come, first-served basis. Clients are limited to one appointment every four months. The centre is open four days a week.

iii. **Services provided by UNHCR implementing partners**

Don Bosco Ashalayam (Don Bosco) – Don Bosco provides a range of services to the refugee population under the care of UNHCR, intended to provide psycho-social support, increase self-reliance, and improve access to government-provided education and health services.

Deen Dayal Upadhyay Government Hospital (DDU) – UNHCR has an arrangement with the DDU for providing health services to refugees. Don Bosco arranges transportation and interpreters to assist with translation. Complex cases are sometimes referred to other government hospitals.

¹⁷ UNHCR India Fact Sheet, September 2013.

¹⁸ At the end of 2012, UNHCR New Delhi reported that there were 6,680 ethnic Chin refugees from Burma in New Delhi. See *Destination New Delhi: a review of the implementation of UNHCR's urban refugee policy in India's capital city*, UNHCR Policy Development and Evaluation Service (PDES), July 2013, pp.5. The ongoing arrivals of Rohingya due to anti-Muslim violence in Rakhine State over the past two years likely account for a significant proportion of the increase in Persons of Concern from Burma reported in the UNHCR September 2013 fact-sheet. The Chin Refugee Committee – New Delhi also puts the number of Chin refugees in New Delhi at 8,000. See <http://www.crcdelhi.com/>

¹⁹ This was raised in 2014, from 3,100 rupees (30 GBP) per month for the principal applicant and 950 rupees (9.20 GBP) for dependents in 2013.

Socio-Legal Information Centre (SLIC) – SLIC provides legal aid, mediation and counseling services. The organisation’s responsibilities include renewing UNHCR certified refugee cards, assisting refugees in obtaining the residential permit from the Foreigners Regional Registration Office in accordance with the 1946 Foreigners Act, and providing assistance with lodging complaints with the police (including official First Information Reports).

iv. Sexual and gender-based violence (SGBV) in India

A 2011 Thomson Reuters poll ranked India as the fourth most dangerous country in the world for women.²⁰ According to India’s National Crime Records Bureau, registered rape cases in India have increased by almost 900 percent over the past 40 years.²¹ The issues involved are complex and deeply rooted. The challenges women in India face include a patriarchal, misogynistic society, weak rule of law and an inefficient legal system resulting in long delays in the administration of justice²², and social and political structures dominated by men.²³ According to Le Quesne,

Most victims of violent crimes are brutalized not just by their attacker but thereafter by the system they appeal to or live with. Women in India tend not to appeal to the legal and criminal system because, far from being a source of protection and empowerment, they find that this system makes them even more vulnerable to abuse... The deep chauvinism that runs through India’s public institutions is apparent from the level of local councils to the highest levels of the judiciary.^{24 25}

The gang-rape and subsequent death of a female student “Nirbhaya” in New Delhi in December 2012 sparked widespread protests and galvanized legal reforms. In 2013,

²⁰ [Factsheet – the world’s most dangerous countries for women](#), 15 June 2011, Thomson Reuters Foundation, accessed 19 February 2014.

²¹ [Violence against women in India: culture, institutions and inequality](#), 29 September 2013, Felicity Le Quesne writing for The International, accessed 19 February 2014.

²² According to the National Human Rights Commission submission to the Universal Periodic Review of India under the UN Human Rights Council in 2012, at the end of 2010 there were 4.2 million cases pending in High Courts and almost 28 million in subordinate courts. See the *UPR Stakeholders’ Report on India* prepared by OHCHR, 12 March 2012, Para.15.

²³ For further discussion, see [India: Violence Against Women. Current Challenges and Future Trends](#), 2013, by Dona John, Omair Ahmad & Maria Schneider published by Freiheit, accessed 19 February 2014.

²⁴ [Violence against women in India: culture, institutions and inequality](#), op cit.

²⁵ Only 5 percent of the police force in India are women. According to John, Ahmad, and Schneider, police in India function within the framework of the Police Act of 1861 which emphasizes enforcing order rather than upholding rights. If a police station registers many crimes within its jurisdiction, it is considered to be incapable of enforcing law and order. This becomes a disincentive for a police officer to record a crime in his jurisdiction, especially if the crime is seen as “less important”. *India: Violence Against Women. Current Challenges and Future Trends*, op cit.

India's parliament adopted legislative amendments introducing broader definitions of rape and sexual assault and also enacted the Sexual Harassment of Women at Workplace (Prohibition, Prevention and Redressal) Act 2013, which outlines the obligations of employers and sets out complaint mechanisms.

Commentators note that public outrage is largely reserved for rapes which take place against middle-class or aspiring middle-class women in urban areas, as typified by the “Nirbhaya” case.²⁶ Rape cases against members of the *Dalit* community, rural poor, or Northeastern Indian women usually pass by unnoticed by Indian media. The same is true of sexual and gender-based violence perpetrated against the Chin refugee community by local Indian men. Chin women and children face even greater barriers to effective forms of redress than Indian women. Moreover, Chin refugee women and children are highly vulnerable from the moment they arrive in New Delhi. A number of factors increase their vulnerability, namely: their past experiences of human rights violations which forced them to flee Burma; their precarious legal status as refugees in India; the pervasive discrimination they face both from the local population and from service providers, resulting in harmful impacts and lack of redress; and their limited positive coping mechanisms.

5. The cycle of poverty and discrimination for Chin refugees in New Delhi

Unfortunately, the vicious cycle of discrimination, abuses, and poverty that Chin experienced in their country of origin²⁷ is simply recurring in their protracted urban refugee situation in New Delhi. A spate of recent violent assaults against people from the Northeast living in New Delhi, including the rape of 14 year-old Manipuri girl and the fatal beating of a student from Arunachal Pradesh, have sparked a debate about racism in India.²⁸ The physical characteristics that Chin share with indigenous peoples from Northeast India and Nepal - and their additional vulnerability as refugees - make them easily identifiable targets

²⁶ See for example, [Violence Against Women and Gang Rape: India's Continuing Shame](#), 14 February 2014, Luigi Spinola and Preethi Nallu, writing for Newsweek, accessed 19 February 2014.

²⁷ According to official UN statistics, people in Chin State are the poorest in Burma by a wide margin, with 73 percent living below the poverty line. The next poorest State is Rakhine State at 44 percent living in poverty. For further discussion, see [Poverty: a pressing human rights issue for the Chin](#) by Rachel Fleming, published in Chinland Guardian, 9 February 2014, accessed 21 February 2014.

²⁸ The student who was beaten to death was the son of a Congress Member of the Legislative Assembly in Arunachal Pradesh, which in part accounts for the media attention the cases have garnered. See [Student's death and India's racism debate](#), by Sanjib Baruah, writing for Al Jazeera, 19 February 2014. Sanjib Baruah is a professor of Political Studies at Bard College, New York, born in Shillong, Meghalaya. Accessed 21 February 2014. See also [Manipuri girl raped in Delhi](#), The Hindu, 9 February 2014, accessed 28 February 2014.

for discrimination in New Delhi. Like in Burma, Chin face multiple and intersecting forms of discrimination in India.²⁹

While all refugee populations in New Delhi face discrimination to some extent, the manifestation of discrimination against the Chin in particular results in numerous harmful impacts. These include exploitation at the workplace, frequent house evictions, physical assaults, and abject poverty. Of particular concern is sexual and gender-based violence (SGBV) against Chin women and children, ranging from unwanted touching to gang-rape.

Two recent studies, by the Jesuit Refugee Service (South Asia) (JRS) and the Joint IDP Profiling Service (JIIPS), have highlighted the particular vulnerabilities of the Chin refugee population, and the scale of the problems they face. The September 2013 study by JIIPS, *Urban Profiling of Refugee Situations in New Delhi: Refugees from Myanmar, Afghanistan and Somalia and their Indian Neighbours: A Comparative Study*³⁰ examined the key components of refugee livelihoods, namely employment, housing, financial security, and physical safety. In every category, the Chin appear to be the most vulnerable population. The JIIPS study notes:

*High degrees of discrimination and harassment affected their [Chin and Somali] access to work and housing as well as their general physical safety. Only certain types of employment (e.g. badly paid jobs in factories) were accessible to Myanmarese [Chin]; they experienced the highest degrees of evictions and were often harassed in the workplace, in the neighbourhood or at school.*³¹

With regard to housing, 90 percent of Chin households live in one room.³² Most rooms shared by Chin families are 10 ft by 13 ft with no windows or proper ventilation, and toilets are usually shared with many other households and are extremely unhygienic.³³ According

²⁹ Chin are discriminated against on the basis of ethnicity, language (while many Chin speak some words of Hindi, very few are proficient in the language), religion (Christian), culture (hosting visitors and prayer gatherings at their homes, and preparing meat and other traditional foods), socio-economic and legal status.

³⁰ The study refers to Myanmarese refugees. However, 99 percent of the households from Myanmar/Burma were of Chin ethnicity. In accordance with the preferences of the Chin refugee population, we identify them as Chin in this paper in reference to the JIIPS study.

³¹ *Urban Profile of Refugee Situations in New Delhi: Refugees from Myanmar, Afghanistan and Somalia and their Indian neighbours: a comparative study*, September 2013, Joint IDP Profiling Service, pp. 59.

³² 81 percent of the Somali population live in one room. See *Urban Profiling of Refugee Situations in New Delhi*, op cit., pp.31.

³³ See *Chin Refugees in New Delhi: Realities and Challenges*, November 2013, Jesuit Refugee Service (South Asia), pp.49-50 & 53.

to the JIIPS study, 80 percent of Chin households had experienced evictions.³⁴ Half of all Chin surveyed felt unsafe going to or returning from work, and 92 percent of Chin felt that their neighbourhoods are unsafe.^{35 36}

41 percent of Chin children were not attending school, due to the need to work to supplement their families' income, and experiences of discrimination and bullying at government schools.³⁷ The November 2013 report by JRS *Chin Refugees in New Delhi: Realities and Challenges* highlights the consequences for Chin children. 29 percent of Chin children surveyed were illiterate, compared with 22 percent of their parents, a trend at odds with literacy rates in most societies around the world.³⁸

According to the JIIPS study, an overwhelming 80 percent of Chin had experienced physical assault.³⁹ Although this statistic is not disaggregated by gender or type of assault, the following emblematic case studies highlight the particular problems facing Chin refugee women and children.

6. Emblematic sexual and gender-based violence case studies

The JRS report on the realities and challenges facing the Chin refugee community in New Delhi notes:

*As refugees they are deprived of their basic rights in New Delhi and hence the local people take advantage of it. Some also complained that they could not retaliate, and in many instances only keep quiet. If the harassment is unbearable, they feel that they have no option but to relocate to another neighbouring locality. Women interviewees stated that because of verbal, physical and sexual harassment they are under constant stress, worry, anxiety, and depression.*⁴⁰

³⁴ *Urban Profile of Refugee Situations in New Delhi*, op cit, pp.32. This compares with 62 percent of Somali households.

³⁵ This compares with 46 percent of Somali refugees regarding safety to and from work, *Urban Profile of Refugee Situations in New Delhi*, op cit, pp.29.

³⁶ This compares with 76 percent of Somali refugees who thought their neighbourhood was unsafe. *Urban Profile of Refugee Situations in New Delhi*, op cit, pp.39.

³⁷ This compares with 13 percent of Somali children. *Urban Profile of Refugee Situations in New Delhi*, op cit, pp.61.

³⁸ *Chin Refugees in New Delhi*, op cit, pp.31.

³⁹ This compares with 37 percent of Somali refugees. *Urban Profile of Refugee Situations in New Delhi*, op cit, pp.38.

⁴⁰ *Chin Refugees in New Delhi*, op cit, pp.61.

It is important to emphasize that the case studies below are not isolated incidents; similar incidents have been documented by community-based organizations (CBOs) in 2011 and 2013.⁴¹ Rather, these in-depth case studies are emblematic of the pattern of SGBV experienced by Chin refugee women and children. They also highlight the shortcomings in the responses by the police, UNHCR, and UNHCR implementing partners.

The first case study highlights the brutality of SGBV that Chin refugee women in New Delhi face. It also underscores why for many Chin refugees, third-country resettlement is their only hope to escape the fear and violence they have experienced in their lives.

CASE STUDY A: Kidnap and gang-rape of a woman on her way home

Ms. G.⁴² has some learning disabilities and her community had already tried to bring her vulnerability to the attention of the Women Protection Centre before this incident took place.

She gave a very detailed account of what happened to her after she was kidnapped on 23 December 2013. The following is an extract of her testimony.⁴³

I went to the hospital for a dental check-up, with the help of an interpreter from Don Bosco. The interpreter was assisting two of us that day. For me the process did not take long. So, the interpreter told me to wait for them, as she still had to go with the other patient for check-ups in other departments. I waited for them for a long time but when they did not come out, I thought maybe they had left the hospital without me as it was very crowded and it was possible that they hadn't seen me.

The interpreter helped us board a metro when we came to the hospital, and I thought I would be able to manage on my own to do the same to go home. But once I got there, I realized I couldn't do it. I went out of the station to get an auto-rickshaw. I got on the auto of a heavy man with a moustache, who would be about 30 plus in age. It was around 3 PM in the afternoon. I told him my address and he started driving. The driver kept making phone calls in between and after driving for a long time, I started wondering where we were. I asked him [in broken Hindi] about our location but he did not reply. Soon after that we reached a quite deserted place on the outskirts of New Delhi. By then, it was getting dark.

⁴¹ See *Lives of Chin Refugees in New Delhi: Case Studies*, October 2011, Chin Refugee Committee (New Delhi); and *Doke Kha Bo: Unheard Plight of Chin Refugee Women in New Delhi*, October 2013, Pann Nu Foundation.

⁴² Ms. G.'s father was forced to accompany Burma Army soldiers to buy them liquor and disappeared. His family later found his body, and presume he was killed by the soldiers; they fled Burma shortly afterwards. Ms. G. had already faced two incidents of physical and sexual harassment at her workplace and home prior to this very serious incident.

⁴³ In-depth interviews conducted by CHRO on 11 and 25 February 2014.

The driver suddenly stopped the auto and took away all my documents and mobile phone. Another man came over to us and got on the auto. They took me to a warehouse. There was a very big man there and he opened one room inside the warehouse and left us there. The two auto drivers took me into the room. I was very scared. They took turns in raping me. I could not say anything to them in Hindi but when I tried to resist, they slapped me hard around the head many times and covered my mouth with their hands to stop me from making a noise. I was crying in fear and pain but that did not stop them from raping me or slapping me. I do not know exactly how long I was in that warehouse. The big man came back and asked the two auto drivers to leave the warehouse, I think. The auto driver then took me out of the warehouse and we got back on the auto. I thought, now they will take me home, but instead they took me to a different place. I do not know the location or the name of the place. By this time, the night was quite dark...

...I already had some problems with my hearing before these incidents. But after being slapped hard by the men while they raped and molested me, I realize that my hearing has deteriorated. I am very scared of being raped again. I will never in my whole life be able to forget the pain that I endured. If our family can be resettled, I will be able to get away from these experiences and forget about them.

Ms. G. was held against her will for two nights. She was taken to different locations and assaulted by a third man, also arranged by the auto driver. On the third morning she was finally released by the auto driver at a metro station. A policeman and some passers-by helped her to make contact with members of her community, and they came and took her home. In the meantime, the interpreter from Don Bosco who had accompanied Ms. G. to the hospital reported her missing to the police. After her return, staff from SLIC and Don Bosco informed the police, and on hearing Ms. G's detailed account of her ordeal, including the routes she had been taken and a detailed description of the perpetrators, the police lodged a case. Legal proceedings are currently underway.⁴⁴

The second case highlights the failings in service provision by UNHCR and its implementing partners, as well as an apparent culture of denial and victim-blaming within those organizations. Left without an option of moving to a safer location due to financial hardship, the risk of being assaulted multiple times is high.

⁴⁴ As the victim cannot speak in any language that the police can understand and suffers from learning disabilities, the Don Bosco interpreter lodged a complaint on her behalf. The victim has been to court three times. At present, proceedings appear to have stalled as the court refuses to accept an interpreter provided by SLIC. The victim is waiting further summons from the court.

CASE STUDY B: Sexual assault of a 2 year-old girl by a local youth outside her home

Mrs. C.⁴⁵ is married and has two young daughters.⁴⁶ ⁴⁷ Mrs. C. explained what happened to her 2 year-old daughter T. on 13 and 19 August 2013.⁴⁸

My daughter was playing just outside the door of our room, on the small landing in the stairwell. All of a sudden, I heard her screaming and crying. I rushed out to check on her. I found her injured and in serious pain. She was still wearing her clothes, but she was bleeding. I saw two other local children playing nearby. I asked them what had happened to my daughter, and they told me they had just seen a teenage boy about 16 years-old run away from the scene.

I rushed to the Women Protection Clinic (WPC) to seek urgent help. But the security guards at the gate told me I wouldn't be able to see anyone and refused to let me inside.⁴⁹ I was desperate, so I rushed to the emergency department of the DDU hospital⁵⁰ to get some help for my daughter. A female friend came with me to help with interpreting. But to my shock, the doctor just scolded me. He accused me of lying and said no-one would do such things to a small child. The doctor just ordered us to leave the room without conducting a proper examination.

The next day I went to SLIC to report the case. The staff from SLIC did not believe me at first. I was crying in their office while they made me wait for the doctor to examine my daughter. But after the medical examination, the doctor confirmed that my daughter had been sexually assaulted. After that the staff at SLIC just told me I should be taking better care of my daughter and didn't offer me any proper advice. SLIC asked me if I wanted to make an official report about the incident to the police, but I said no because I cannot speak any other language, I cannot travel to their office many times for this purpose, and also I don't have enough money to pay the travel fares either.

⁴⁵ Mrs. C. fled her native village in Chin State in November 2009 after Burmese soldiers raped her.

⁴⁶ The whole family suffers from health problems and the family faces ongoing financial difficulties. Mrs. C. has tuberculosis; her husband had an accident at work, which damaged his eyesight; her youngest daughter suffers from seizures; and her older daughter still suffers health problems as a result of being sexually assaulted.

⁴⁷ Mrs. C. has received subsistence allowance from Don Bosco since the birth of her second child. Since her husband's accident at work at the end of 2013, his eyesight has been affected. The community has provided support by employing her husband as a watchman at their local church, and by providing rice and cash from time to time. But, with all their medical problems they do not have enough money to make ends meet.

⁴⁸ This testimony was provided to CHRO in three separate interviews in September 2013, and January and February 2014.

⁴⁹ Usually, clients have to get an appointment in advance, but urgent cases are supposed to be admitted to the WPC without an appointment.

⁵⁰ A government hospital tied with UNHCR.

The whole incident has left me deeply affected and mentally exhausted. I expected the UNHCR implementing partners to understand our problem and provide us appropriate assistance and guide us on what we can do for my daughter's suffering. But all of them, including the doctor, were just blaming me for what had happened instead of helping us as much as they can to ease our pains. No mother in this world will neglect her child. I take good care of my two daughters but I cannot keep my daughter trapped inside our room all day.

A few days after the first incident, my daughter was attacked again. A local boy dragged her along the stairwell. I think he must be the same boy who attacked her the first time. As soon as he saw me, he ran away as fast as he could. I picked up my daughter, whose arms were bruised and bleeding from being dragged along the wall in the stairwell. This time, I decided not to approach any organization or the police, as I was scared of being blamed for the incident.

I hope that our lives will have some meaning if we can be resettled to a third country. I see the culprit sometimes in the neighborhood and I am very concerned about my daughter's safety. He might attempt to do the same thing again. I cannot imagine living here for many more years with all these problems.

In February 2014, the family experienced further harassment from local Indian youths. The teenagers threw stones at their room, and locked their door from the outside. The family was able to escape with the help of Chin community members. They have been forced to seek temporary shelter with another Chin refugee family, and face an uncertain future.⁵¹

The third case highlights the hostile environment for Chin refugees in New Delhi, and the dilemmas Chin face over whether or not to lodge an official complaint with the police. Efforts to report the incident resulted in serious retaliations for the Chin community. Although SLIC tried to support the family, this case also highlights the weaknesses in SLIC's relationship with the Chin community, and the mutual lack of trust.

⁵¹ See [Chin refugee family move out in fear after attacks in Delhi](#), 17 February 2014, Chinland Guardian, accessed 22 February 2014.

CASE STUDY C: Sexual assault of an 8 year-old girl by a local man in her neighbourhood

Mr. N.⁵² recounted what happened to his daughter Z. on 21 October 2013.⁵³

At around 5:30 pm in the evening my eight year-old daughter was playing with two of her friends in our neighborhood, in front of a local electrician's shop.⁵⁴ The electrician came out of his shop and chased them away. But he caught hold of my daughter and picked her by the waist and took her inside his shop. Her friends ran and told another older friend, a ten year-old Chin boy who was playing nearby. The boy rushed over and saw the man put my daughter down on the table and unzip his pants. My daughter was crying and the man was trying to take off her trousers. My daughter's friend called out and when the man realized he was being watched, he let go of my daughter and shouted at them to get out of there.

We informed the Chin community leaders and reported the incident to one of the Social and Legal information Centre (SLIC) interpreters as soon as we learned about the incident. With their help, the police were subsequently called. However, when the police tried to arrest the culprit and take him to the police station, the local elders from the neighborhood came out in a big group and verbally threatened the Chin community leaders, saying that if a case is filed against the culprit, all the Burmese refugees from the neighborhood would be thrown out.

In spite of the threats, my daughter's 10 year-old friend who witnessed the incident bravely recounted it to the police. We all had to go to a police station in West New Delhi. About 15 Indian local elders accompanied the culprit as well. All the while, they were threatening the Chin community leaders, telling them not to file a case. They kept arguing that my daughter was not actually raped. When we got there, a female police officer was called there from the headquarters. She informed us that if a case was not filed, my daughter would be taken away from us by the Children's Welfare Department of the Indian Government to keep in their care. An investigation and medical test was conducted the same evening. The female police officer then filed the case. We went to court the next day.

Actually, I did not want to file any case against the culprit as I only wanted the police to talk to him and warn him that he will be punished if he ever tries to commit the same act again. I also

⁵² The father, Mr. N., fled Burma in 2009 after being accused of providing support to members of the ethnic armed resistance group the Chin National Front. After he fled Burma, his family were constantly harassed by the authorities who were looking for him, until they were forced to flee as well. They were reunited in New Delhi in March 2010. Before the incident took place, Mr. N. and his family were already facing financial hardship and medical problems.

⁵³ This testimony was provided to CHRO during an in-depth interview on 19 January 2014.

⁵⁴ The man is well known to the family, as they had previously rented a room from him for more than two years.

wanted the police to know about the incident so that they would pay more attention to our community. I told SLIC staff at the court that although a case has been filed because of the police, I still want to drop the case as our family does not have the money or the time to go through lengthy legal proceedings.⁵⁵

We expected some form of retaliation from the locals on our community members. My younger brother, who is 20 years old, was attacked by a group of local men a few days after the incident on his way back home from church one night. I went to SLIC with my brother to inform them about the case as they were also aware of the threats previously made by the local elders. After about a week, two more incidents took place in the community; a woman was dragged away by two local men⁵⁶ and a young man was stabbed on the street.⁵⁷ I went again to SLIC to inform them that our family is in fear of being harmed by the culprits, as more people in the community have been harmed. But the head of SLIC kept on telling me that they have talked to the local elders and that no one will do any harm to any Burmese. She did not believe us when we told her all these incidents are related and that my family and I are in constant fear of being harmed again in some way. I just left the office. I think they are very biased when we talk about local people being bad.

My daughter has been having a lot of problems since the incident took place. She often wakes up at night with nightmares. We are very worried that the man might attack us in some way. The only hope I have is if we can be resettled, all our security problems will be solved. I do not think we have real democracy in Burma yet, and I do not think we should go back now.

As a result of cases like these, the Chin refugee community has very little faith in the systems and organizations which are supposed to offer them support and protection. In another case documented by CHRO, in July 2013 Mrs. P. was breast-feeding her baby in the doorway of her room. A local shopkeeper from the same building harassed her and then sexually assaulted her. Her testimony reflects the concerns of the wider Chin refugee community:

We reported it to SLIC. SLIC asked if we wanted to report the incident to police but we decided not to do so. I have often heard people complain that SLIC or UNHCR will not help people till the end of the process. I was afraid that if we file a case, we would be the ones suffering along the process; going to police station

⁵⁵ As the family did not want the man to be charged, the court decided to release the culprit on bail and he was released with a bail bond of 10,000 Rs (97GBP) after a week of being locked up in the police station. However, Mr. N. still needs to sign some documents when the court summons him, in order to be able to close the case. At the time of writing, the Court has not summoned Mr. N.

⁵⁶ The woman was rescued by a fellow Chin refugee. Although she escaped uninjured, her rescuer was badly beaten. The woman reported the case to SLIC on 9 November 2013.

⁵⁷ See *Chin refugee stabbed by Indians in New Delhi*, 10 November 2013, Chinland Guardian, accessed 19 February 2014.

*all the time and being busy with legal proceedings which we do not understand at all. People say it takes at least three years for any case to be settled with.*⁵⁸

To date, only one rape case of a Chin refugee woman has resulted in a successful conviction, with the perpetrator sentenced to 10 years in prison and fined 60,000 Rs (580 GBP). The court also directed the New Delhi government to pay reparations to the woman under the New Delhi Victims Compensation Scheme, which entitles a rape survivor to a minimum compensation of 300,000 Rs (2,900 GBP).⁵⁹

The judge presiding over the case was a woman, which in part explains the successful conviction. On the one hand, this case has set an important precedent for justice for refugee rape victims. On the other hand, the victim and her family endured a prolonged ordeal and still face the same struggle for survival in New Delhi. In her own words:

*In total, we had to go to the court about 40 times. Whenever we went there, I had to face the culprit. We went through a very difficult time both mentally and financially⁶⁰..... But I do not regret my decision about reporting the incident to the police. If I see any other woman going through the same problem, I would advise her to report the matter to the police too.... I heard in December 2013 from SLIC that the man had been sentenced. SLIC also informed me that I will receive some money from the Government as compensation for the man's actions.... Now that I have succeeded in proving that I have been wronged, I hope we get the money soon. There is respite for me that he is in prison now. But apart from that, I do not see any difference in my life by reporting about the incident. I hope that our family will be resettled to the third country, as I will feel safe being away from New Delhi. There is no meaning in our lives here in New Delhi. We cannot go back to Burma.*⁶¹

7. Coping mechanisms of SGBV survivors and their families

In the short term, Chin refugee SGBV survivors often urgently need financial help. SGBV frequently results in physical and mental health problems, impacting on a family's ability to earn a living and therefore pay the rent and put food on the table. Practical considerations take

⁵⁸ CHRO interview with Mrs. P., 8 February 2014.

⁵⁹ The court said, "In the present case, the act of the convict is most deplorable, both legally and morally. The woman sought support from our country, a refugee-receiving state. Being the host country, it was the duty of all Indians including the convict to ensure that no harm comes to her." See *People morally bound to protect refugees: New Delhi court*, Sana Shakil, The Times of India, 20 November 2013, accessed 21 February 2014.

⁶⁰ Whenever the victim had to appear in court, her husband accompanied her and lost his earnings each time.

⁶¹ Interview with Mrs. Z. conducted by CHRO on 20 January 2014.

precedence, and as a consequence the longer-term psychological impacts are largely left untreated. Counseling sessions offered by Don Bosco are under-utilized, due to other overriding concerns. Mrs. P.'s experience highlights the challenges:

After I faced that incident we decided that only one of us will work, and my husband should be the one who stays at home to take care of our 20 month-old daughter. SLIC advised us to move to another place, but we have not done so due to our financial difficulties. We requested Don Bosco to provide us with subsistence allowance to help solve our problem, but we have not had a positive result. Don Bosco called me for counseling sessions, but I don't see any purpose in it. They are not helping with our main problem of moving to a new place, where I might feel better.⁶²

On the one hand, Chin refugee survivors of SGBV often turn to their community and church for practical, financial help.⁶³ This is their main positive coping mechanism, but it is very limited as the other refugee families in the community also face financial hardships. On the other hand, news circulating within the community about SGBV cases can cause friction within a family, and contribute to marital problems. Unfortunately, some survivors of SGBV or their family members also turn to negative coping mechanisms, such as alcohol or drug abuse.⁶⁴

8. Barriers to effective forms of redress for Chin refugees

For Chin refugee survivors of SGBV, their immediate primary concern is their own safety and security. As the case studies highlight, Chin refugee survivors of SGBV live in constant fear of being assaulted again, but suffer additional financial problems due to the attack and lack the financial means to move to a somewhat safer location away from the perpetrator(s) - although even then, the risk of SGBV remains.

UNHCR and its implementing partners undoubtedly face limitations with regards to available funding to support survivors of SGBV, and also in their capacity to conduct outreach with the most vulnerable families. The onus is therefore on survivors of SGBV to visit the offices of WPC, Don Bosco, and SLIC for help. Financial hardship is a significant barrier to pursuing a formal police complaint and legal case, which requires financial resources (at a minimum, for frequent visits to the SLIC office and court) beyond the limited means of the poorest families. In

⁶² CHRO interview with Mrs. P., 8 February 2014.

⁶³ The JIIPS study notes the strong bonding social capital of the Chin community in New Delhi, with 56 percent of Chin respondents saying they would turn to their church or community association for assistance. *Urban Profile of Refugee Situations in New Delhi*, op cit, pp.52.

⁶⁴ Substance abuse and addiction are taboo within the Chin community, and the problem remains largely hidden.

addition, families worry that a lengthy court case will only extend the time they have to endure in New Delhi, and will have a negative impact on their chances of being resettled to a third country.

However, that does not mean that Chin refugee survivors of SGBV and their families only seek practical support or resettlement as forms of redress. Like many survivors of SGBV, they want justice. The lack of mutual trust between the Chin community and UNHCR and its implementing partners is compounded by a culture of denial and victim-blaming when it comes to reporting cases of SGBV. In many ways these issues are simply representative of prevailing attitudes within Indian society, underpinned by discrimination. Mr. X's⁶⁵ 17 year-old daughter faced attempted rape by her employer near her workplace in September 2013. Mr. X. told CHRO what happened when they approached SLIC for help:

*A male staff member from SLIC told us that since my daughter is under-age, if we report it to the police she may be taken into care, and we may not be called for resettlement because we will have this legal case to deal with. My daughter was asked a lot of the same questions in their office by different people, even before going to the police station. It is important to us that SLIC assist us in going to the police to lodge a complaint instead of doubting us, repeatedly asking if we really want to file a case, and scaring us by raising the resettlement issue. They finally helped us and the man has been arrested, but their initial reaction was distressing.*⁶⁶

The JIIPS study also highlights the extent to which the Chin refugee community in New Delhi is disenfranchised:

*A general perception was... that there was little that could be done in order to improve the situation. Many felt that that it was futile to report harassment and discrimination to UNHCR, SLIC, or the police. The Myanmar [Chin] community networks were not capable of addressing the issue either, as they themselves had no voice in the local community.*⁶⁷

Other problems also contribute to underreporting of SGBV cases, namely the fear of retaliation from the local Indian community, and societal stigma within the Chin community itself.⁶⁸ The above factors, combined with the well-documented system failings of the police and Indian

⁶⁵ Mr. X left Burma in 2007 after the Burmese military tried to arrest him by falsely accusing him of providing support to Chin armed resistance members.

⁶⁶ CHRO interview with Mr. X. and his daughter S., 18 February 2014.

⁶⁷ *Urban Profile of Refugee Situations in New Delhi*, op cit, pp.56.

⁶⁸ Mrs. P. highlighted this as an issue her family has faced in her interview with CHRO, 8 February 2014. The November 2013 JRS study also notes this issue. See *Chin Refugees in New Delhi*, op cit., pp.61.

legal system, are all barriers to effective forms of redress and justice in SGBV cases for Chin refugees.

9. A critique of UNHCR policy: the Chin refugee perspective

Given the high prevalence of violent assaults against the Chin refugee population, the prospect of local integration as a durable solution is both bleak and terrifying for survivors of SGBV and for the Chin refugee population in New Delhi as a whole. The Chin refugee community in New Delhi views third country resettlement as the only viable solution for them. This is due to the ongoing harassment and violence they face as refugees in New Delhi, and their fears of renewed persecution at the hands of the Burmese military if they were to return home.⁶⁹

UNHCR has pursued local integration as the primary durable solution for Chin refugees since the early 1990s, despite persistent protection issues.⁷⁰ This continues today, alongside what appears to be a 'wait-and-see' approach in the hope that voluntary repatriation will soon become the primary solution.⁷¹ Third country resettlement opportunities out of New Delhi are limited, in part due to UNHCR's pursuit of other durable solutions. In theory, resettlement opportunities are reserved for the most vulnerable cases. And yet, to date the Chin refugee woman whose case resulted in a successful conviction has been given no indication that she will be called for resettlement; neither have any of those featured in the emblematic case studies presented here.

There is a significant gap between UNHCR's pursuit of local integration as the primary durable solution for Chin refugees and the protection realities on the ground, especially for Chin refugee women and children, who are particularly vulnerable to SGBV. A July 2013 review of the implementation of UNHCR's urban refugee policy in New Delhi by UNHCR's Policy Development and Evaluation Service (PDES) recognises the prevalence of SGBV, and refers to it as an "ongoing area of concern".⁷² However, it also appears to condone victim-blaming and lacks a rights-based analysis:

⁶⁹ As noted earlier, the Chin Human Rights Organization continues to document human rights violations at the hands of the Burma Army and other State actors. See recent editions of CHRO's bi-monthly documentation publication *Rhododendron News*, available at www.chro.ca

⁷⁰ The primary reason for this seems to be that threats to protection don't come from State policy or State actors (as they do in Malaysia, where local integration is not viewed as a primary solution due to arrest and detention of Chin refugees and asylum seekers by State officials), but rather from the local Indian population.

⁷¹ In 2013 UNHCR opened an office in Hakha, the capital of Chin State, believed to be for the purpose of facilitating voluntary return.

⁷² See *Destination New Delhi: A review of the implementation of UNHCR's urban refugee policy in India's capital city*, July 2013, Mary Beth Morand and Jeff Crisp, UNHCR Policy Development and Evaluation Service (PDES), pp. 2 & 6.

*Sexual gender based violence is a significant threat for all women in New Delhi, and refugee women in particular. Because Myanmar women look delicate and dress in modern clothes, they are often targeted, especially when they are coming home from work at night.*⁷³

The review acknowledges the concerns of refugees to some extent:

*[D]uring the home visits, the refugee women complained that the sexual harassment they endured was so severe that they wondered if it could be used as grounds for resettlement.*⁷⁴

However, the review offers little in the way of long-term solutions, other than self-defence training for refugee women, increased sensitization activities with the local authorities, and exploring available services amongst Indian mental health providers. It fails to recognize that single-minded pursuit of local integration as the primary solution for all refugee groups under the care of UNHCR does not take the serious protection issues for Chin refugee women and children under proper consideration. In concentrating efforts and resources on local integration and “shifting the mindset of refugees from leaving India to staying and exploiting the opportunities offered”⁷⁵, UNHCR and implementing partners are arguably failing to protect Chin refugees in New Delhi, especially women and children.

10. Conclusion

Chin refugee women and children in particular are not safe anywhere as they go about their daily lives in New Delhi. As the November 2013 JRS study notes:

*The stress and trauma caused by escaping from their country, leaving everything behind, is only exacerbated living in New Delhi. The Chin community faces a constant struggle in accessing basic amenities such as food, housing and clean drinking water. Being beaten up, molested and raped is a constant fear they face whether at the workplace, on the street, or even within the confines of their houses. Due to this, many of them suffer severe psychological problems.*⁷⁶

The Chin refugee community does not want to return home yet, or in the near future. The problems facing the Chin refugee population in New Delhi are undoubtedly complex, and

⁷³ *Destination New Delhi*, op cit, pp.12.

⁷⁴ *Destination New Delhi*, op cit, pp.16.

⁷⁵ *Destination New Delhi*, op cit, pp.2. The opportunities referred to include the recent legal changes explained under section 2.i. India’s legal framework, but fail to take into account the underlying issue of pervasive discrimination faced by the Chin refugee population.

⁷⁶ *Chin Refugees in New Delhi*, op cit, pp.67.

require far greater resources for UNHCR and its implementing partners. However, they also require a shift in practice – notably away from an organizational culture of denial and victim-blaming - towards a more rights-based approach and increased practical support, such as helping survivors of SGBV move to a safer location.

A shift in policy is also required. Voluntary repatriation is still a distant solution for most Chin refugees. Even after the 2015 elections, which according to the dominant narrative are widely expected to usher in a democratically-elected government for the first time since 1990, the question of heavy militarization remains. To date, the peace process has not included any discussion of withdrawal of Burma Army troops from ethnic areas. Chin refugees will not want to return home until they know that there has been a permanent, publicly announced, verifiable withdrawal of Burma Army troops from their towns and villages as part of the peace process. Given the stark protection issues, in the short to medium term there should be greater focus on third country resettlement as a key durable solution, with urgent priority given to documented SGBV survivors. However, in the volatile context of New Delhi, all Chin refugee women and children should be considered highly vulnerable to sexual and gender-based violence.

About the authors

Rosalinn Zahau is a researcher and advocate for the Chin Human Rights Organization (CHRO), currently based in New Delhi. In 2013, she participated in a European Parliament hearing in Brussels in June about the human rights situation facing the Chin, and was also a participant at the UN Forum on Minorities in Geneva in November. As a representative of CHRO, she is also active in the Asia Pacific Refugee Rights Network (APRRN), of which CHRO is a founding member.

Rachel Fleming has worked as Advocacy Director at CHRO since March 2010, and is responsible for devising research and advocacy strategy for the organization. She is the author of “*Threats to Our Existence’: Persecution of Ethnic Chin Christians in Burma*”, an in-depth 160-page report on religious freedom published by CHRO in September 2012. Before taking up her position at CHRO, she worked for the Assistance Association for Political Prisoners – Burma, and Amnesty International UK.