

**CHIN REFUGEE COMMITTEE**

*(New Delhi)*

**Lives of Chin Refugees in Delhi:**

# **CASE STUDIES**



**2011**

# **“Lives of Chin Refugees in Delhi: CASE STUDIES”**

**CHIN REFUGEE COMMITTEE, NEW DELHI  
October 2011**

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## Preface

The Chin people who have lived as a free society, free from outside interference and influence, governing themselves under a system of local chiefdoms were crushed with the invasion of the British in the Chin Territory and thereafter assuming control of the territory by dividing the area into separate administrative zones. Independence of British India and British Burma solidified the division of the Chin people through the demarcation of international boundaries. The eastern Chin Hills were incorporated into the federal union of Burma and thereafter recognized as Chin State.

The democratic government under the 1947 constitution was short-lived when in 1962, General Ne Win, the Commander-in-Chief of the Burma Army seized power and thus began the military rule in Burma. Since then, the people of Burma have lived under one of the worst repressive regime in the world. Violations of Human Rights are rampant and massive. It is both systemic and sanctified by the prevailing political system.

Under the military regime, the Burmanization policy led to widespread Ethnic discrimination. All the ethnic nationalities in Burma including the Chin are gravely and inhumanly mistreated. Militarization in Chin states leading to extrajudicial killings, arbitrary arrest and imprisonment, torture, rape, forced relocation, forced labor on infrastructure projects and for military camp construction, religious persecution, forced conscription and other violations of basic human rights have made it impossible for people to continue living in their own home. In addition, military policies and corruption have driven the Chin people into unsustainable poverty. The situation has worsened due to famine in Chin State in recent years. With the stringent limits on humanitarian aid placed by the military regime, the people started fleeing to India in Mizoram state because there is no food to eat in Chin State. Thus, the mass exodus from Chin State continues as systematic persecution and oppression is perpetuated by the military rulers.

Unavailability of the services of UNHCR in the northeast region of India but only in Delhi and the difficulties to survive in Mizoram has led many Chin people to come to Delhi. Daily life in Delhi is a struggle for survival for many Chin refugees. The conditions of the Chin refugees living in Delhi are deplorable and appalling. Due to the stark differences in physical appearances, language, culture, tradition etc the Chin refugees often face severe discrimination from local residents.

India not being a signatory to the 1951 Convention Relating to the Status of Refugees or the 1967 Protocol provides no protection or benefits to refugees or asylum seekers living in India. By allowing UNHCR to function in India to deal with few refugee population of which the Burmese Refugees are included, has made UNHCR responsible for the Burmese refugees. However, the UNHCR and its implementing Partners have failed to deliver their services adequately. This has pushed the Chin refugees to a more vulnerable situation. Many Chin refugees have been attacked by local people, many complaints have been lodged with the police, but there has been neither proper and timely action taken nor justice delivered.

This report attempts to highlight:

- The sufferings and struggle of the Chin people in Delhi
- The atrocities committed by the landlords and local people local people on the hapless Chin refugees
- Physical assaults at work place, home, schools, torture
- Gender based sexual violence, assaults, rape, sodomy
- health care and educational situation
- Lack of awareness of the Delhi Police and insensitivity in dealing with the Chin refugees
- Lack of protection for the Chin refugees by UNHCR and Indian government etc.

The report documents 35 cases studies. All accounts of the various problems face by the Chin refugees could not be fully presented in this report as there are too many; however this report gives an overview of the travails of the Chin refugees in Delhi.

Researchers conducted interviews between Aug 2011 – September 2011 in Delhi by using “Interview Schedule”. Interviews were conducted in the various Chin dialects and also written down in their own dialect. As many interviewees continue to lack protection and may be subject to reprisal, CRC has withheld the names and identifying information of the interviewees. Interviews were conducted on a one-on-one basis. All those interviewed were informed of the purpose of the interview, its voluntary nature, and the ways in which the data would be used and consented to be interviewed.

The primary aim of this report is to reduce the hardship faces by the Chin refugees living in Delhi and to receive protection and security from UNHCR and Indian Government.

## Acknowledgements

The report is aimed to highlight the plight of the Chin refugees living in Delhi with the hope that their conditions would improve.

We express our deep gratitude to our Chin friends for making this report a reality by sharing their stories and experiences. Their desire to make the people around be aware and concerned about their situation by sharing their painful experiences so that others do not go through what they went through has been a great sacrifice.

Our sincere gratitude to Burma Centre Prague for their financial support to make this report possible. Their constant encouragement and feedback are greatly appreciated.

We would like to thank E. Deenadayalan, General Secretary of The Other Media (TOM) for writing the forward.

A lot of individuals have been quite supportive and associated with the case-study at various stages. We thank Tluang Kip Thang, Sawm te, Cheery, Mery, Annie and Salai Han Thar San who assisted and supervised in interviewing, putting all the information together and making this report possible; Rinengi Varte Ingleby and Rosalin Zahau for translating the cases in English; Dr Achan Mungleng for re-structuring, editing and proof reading; and Nandini Goswami for her support.

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Lastly, but not the least, our deep appreciation to our Chin community for their continuous support and encouragement to Chin Refugee Committee (CRC), and towards the making of this report. Their contributions are deeply valued.

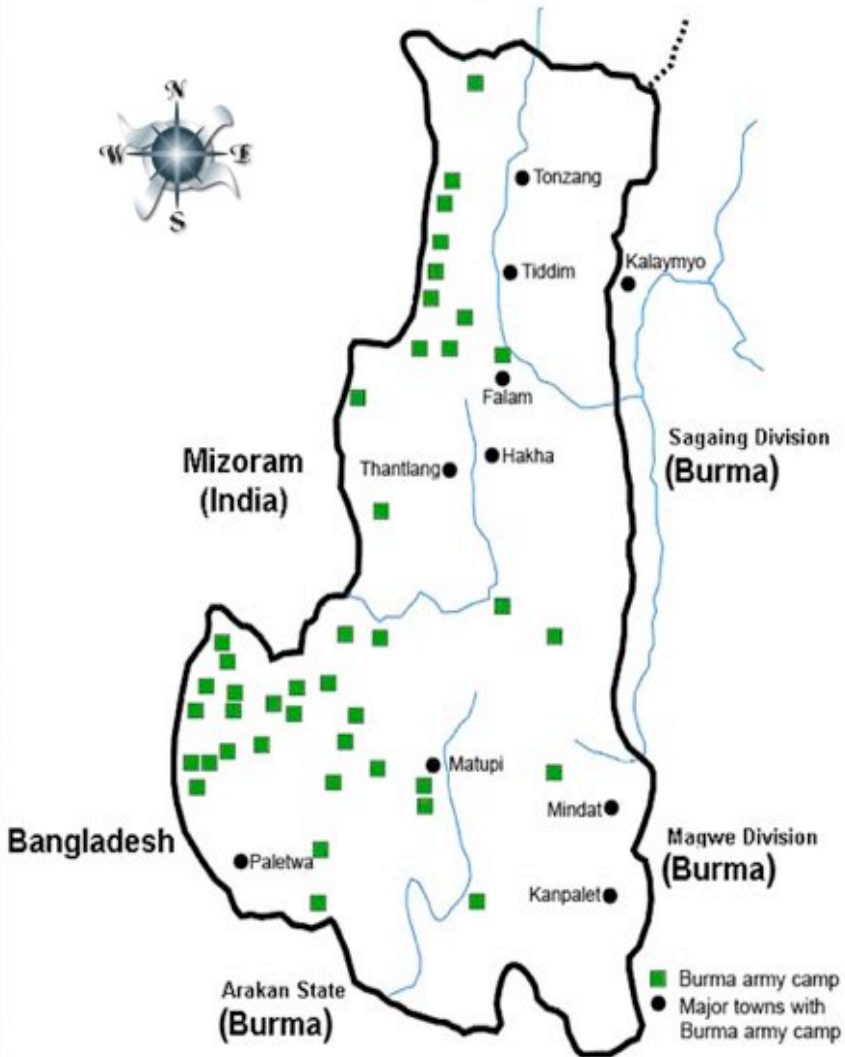
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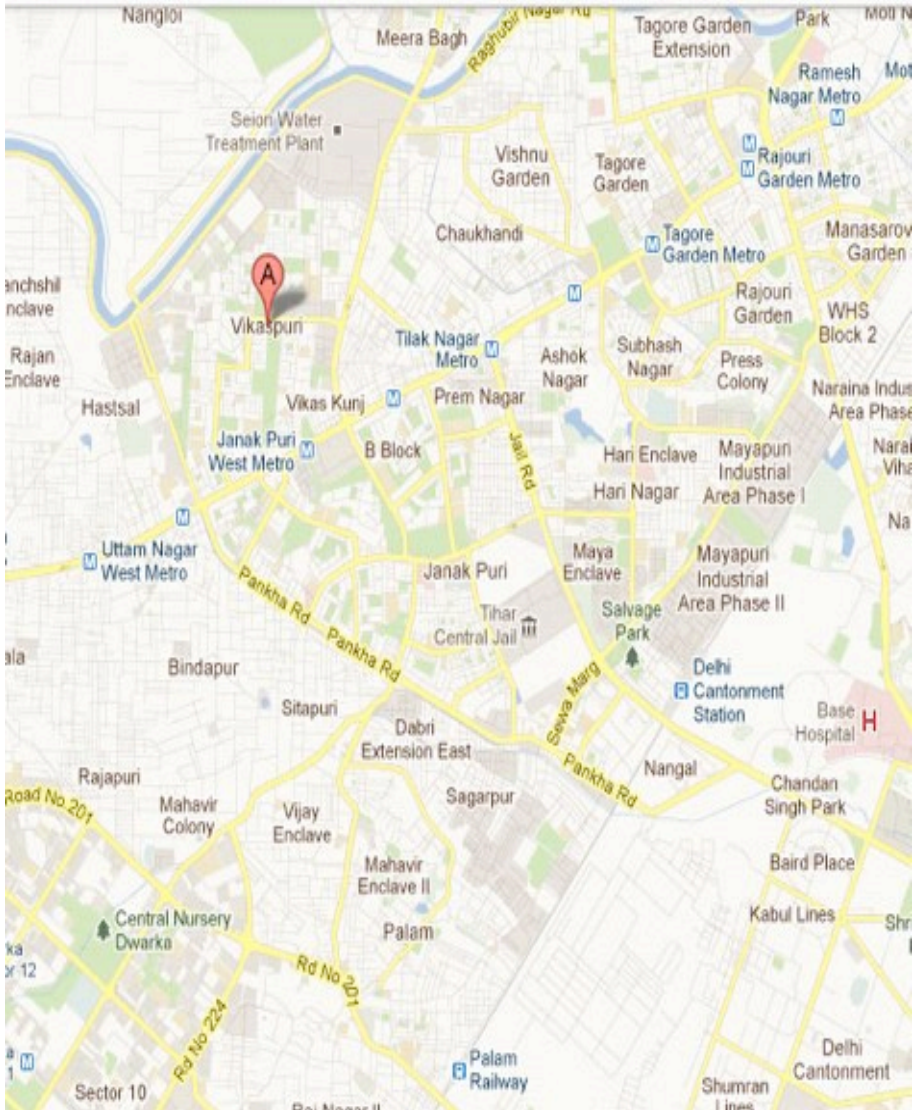
STATES AND DIVISIONS OF BURMA



# Chin State, Burma



# Map of Delhi where Chin Refugees are living



## Terms and Acronyms

<b>AIDS</b>	: Acquired Immune Deficiency Syndrome
<b>BCP</b>	: Burma Centre Prague
<b>CHRO</b>	: Chin Human Rights Organization
<b>CRC</b>	: Chin Refugee Committee
<b>CSP</b>	: Community Service Provider
<b>DDU</b>	: Deen Dayal Upadhyay Hospital
<b>DBA</b>	: Don Bosco Ashalayam
<b>EVI</b>	: Extremely Vulnerable Individual
<b>FRRO</b>	: Foreigners Regional Registration Office
<b>IPs</b>	: Implementing Partners of UNHCR
<b>LIB</b>	: Light Infantry Battalion.
<b>NGO/INGO</b>	: Non Governmental/International Non Governmental Organisation
<b>NLD</b>	: National League for Democracy
<b>PR</b>	: Residential Permit
<b>RSD</b>	: Refugee Status Determination
<b>SA</b>	: Subsistence Allowance
<b>SLORC</b>	: State Law and Order Restoration Council
<b>SPDC</b>	: State Peace and Development Council
<b>Tatmadaw</b>	: Burmese armed forces
<b>TB</b>	: Tuberculosis
<b>UAM</b>	: Unaccompanied Minor
<b>UN</b>	: United Nations
<b>UNHCR</b>	: United Nations High Commissioner for Refugees
<b>VPDC</b>	: Village Peace and Development Council
<b>WPC</b>	: Women Protection Clinic
<b>YMCA</b>	: Young Men Christian Association

# 1. India and Refugee

India witnessed one of the largest population movements in the world in 1947 and became home to persecuted people from across all its borders. Since its independence from British Rule India has witnessed migration of people, both from its neighbouring states of Pakistan, Bangladesh, Tibet, Burma and Sri Lanka as well as from outside the region. Refugee flows to India began with partition of British India in 1947, and then continued through the liberation war of East Pakistan in 1971, the Tibetan influx in the 1959, the Chakmas and Hajongs influx from the Chittagong Hill Tracts (CHT) in the 1960s as a result of displacement due to dam across the Karnaphuli river at Kaptai in CHT, Jummas in 1984 and the Bangladeshi Army repression in 1986; the Sri Lankan Tamil migration due to civil war in Sri Lanka in the 1980s; and Burmese influx as a result of the crackdown on pro-democracy activists by the military junta in the late 1980s. Similarly, Somalis, Ethiopians, Palestinians, Iraqi asylum seekers also arrived in India but in small numbers. Afghans are another major category of refugees, though primarily 'urban'.

On one hand, India host several thousands of refugees while on the other hand, India is not a signatory to 1951 Refugee Convention Relating to the Status of Refugees or its 1967 Protocol. India considers the Convention and the Protocol as “*a partial regime for refugee protection drafted in a Euro-centric context*”. As a backgrounder of the Ministry points out: “*They do not address adequately situations faced by developing countries, as it is designed primarily to deal with individual cases and not with situations of mass influx, they also do not deal adequately with situations of mixed flows, that is, they do not distinguish between political refugees and economic migrants... the Convention does not provide for a proper balance between the rights and obligations of receiving and source states. The concept of international burden-sharing has not been developed adequately in the Convention. The idea of minimum responsibility for states not to create refugee outflows and cooperating with other states in the resolution of refugee problems should be developed. The credibility of the institution of asylum, which has been steadily whittled down by the developed countries, must be restored*”<sup>1</sup>.

The ambivalence of India's refugee policy is sharply brought out in relation to its treatment of the UNHCR. While no formal arrangement exists between the Indian government and the UNHCR, India continues to sit on the UNHCR's Executive Committee in Geneva.

India deals the refugees and asylum seekers in an adhoc manner. The treatment of refugees falls under India's Registration of Foreigners Act of 1939, the Foreigners Act of 1946, the Foreigners Order of 1948 and the Citizenship Act 1955. These Acts do not distinguish refugees fleeing persecution from other foreigners; they apply to all non-citizens equally. Under the Acts it is a criminal offence to be without valid travel or residence documents. These provisions render refugees liable to deportation and detention.

In India officially, three categories of refugees are so far recognised viz.,

- i) Nepal and Bhutan nationals who benefit from the Friendship Treaty with their respective nations;
- ii) Tibetans and Sri Lankans who are provided relief and rehabilitation by the government and their basic rights safeguarded till their departure, and
- iii) Refugees recognised by the United Nations High Commissioner for Refugees (UNHCR) that include people from Afghanistan, Somalia, Burma and from few other countries.

### **Refugee Protection in India:**

#### Regional Level:

Justice J.S. Verma, the former Chief Justice of the Supreme Court had said, "*The 1951 Convention relating to the Status of Refugees and its 1967 Protocol ought to be given legal sanction in the SAARC region by enacting domestic laws which can be enforced by the national courts. The legal framework in the SAARC region must satisfy this need.*" An Eminent Persons Group (EPG), chaired by former Chief Justice P. N. Bhagwati, was created to suggest a model law for refugee protection in 1995. However this Model Law was criticised for being too sketchy and lacking in detail.

#### National Law:

The National Human Rights Commission (NHRC) of India has long urged the promulgation of a national law, or at least, making changes or amendments to

the outdated Foreigners Act (1946), as this law does not contain the term 'refugee'. Under Indian Law, the term 'foreigner' is used to cover aliens temporarily or permanently residing in the country. This places refugees, along with immigrants, and tourists in this broad category, depriving them of privileges available under the Geneva Convention.

The National Human Rights Commission (NHRC) appointed a working group of jurists who drafted the 2006 Refugee and Asylum Seekers Protection Bill. The Home Ministry in the winter session of the Parliament in 2009, presented the Refugees and Asylum Seekers (Protection) Bill to the Union Cabinet. This Bill seeks to define the criteria to grant refugee status to a person and outlines the procedure to seek asylum in the country. But this draft Bill is silent on the status of migrants like those coming from neighbouring Bangladesh. Coming down hard on 'illegal migrants' this Bill demands that asylum applications be entertained only from refugees who report at the border check posts. Thus those who try to sneak into Indian soil without valid travel documents shall not be entitled to seek asylum under the proposed law. The bill is due to come before the cabinet at the end of March 2011, but even if approved, there is no guarantee it will be tabled before parliament this year. There is a lack of political will as it is not seen a priority amidst issues such a security and there are so many other bills which are pending. It is certainly not seen as a vote winner for most politicians

### *Refugees protection in India:*

In india, for refugees protection, the constitution of India guarantees certain fundamental rights, which are applicable to non-citizen such as the rights to equality (Article 14), the rights to life and personnel liberty (article 21) and the freedom to practice and propagate their own religion (article 25). Any violation of these rights can be remedied through recourse to the judiciary as the Indian Supreme Court has held that refugees or asylum seeker cannot be discriminated against because of their non-citizen status.

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#### Footnotes

<sup>1</sup> Refugees in Delhi, Centre for Civil Society, Working paper 229 (2009).

## **2. Burma and the Political History of the Chin**

Located in the remote mountain ranges of northwestern Burma, Chin State is home to an estimated 500,000 ethnic Chin. While the term “Chin” generally refers to one of the many ethnic groups in Burma, the Chin themselves are ethnically and linguistically diverse. At least six primary Chin tribal groups can be identified and sub-categorized into 63 sub-tribes, speaking at least 20 mutually unintelligible dialects.

For centuries, Chin societies existed largely free from outside interference and influence, governing themselves under a system of local chiefdoms. Chin territory originally encompassed not only the Chin Hills of modern-day Burma, but also neighboring regions of Burma, Bangladesh, and India’s northeastern states of Mizoram and Manipur. Foreign occupation by the British in the 18th century, however, marked the end of a unified and free Chinland.

From 1872 to 1889, the British invaded the Chin territory from Bengal (present day Bangladesh) in the west, through India’s Assam State in the north, and from Burma in the east. Following these military incursions, the British assumed control over a large part of Chin territory and divided the area into separate administrative zones: a southwestern territory governed by the British Governor of Bengal; a northwestern territory controlled by the British Governor of Assam; and an eastern portion governed by British-controlled Burma. Effectively, these separate governance structures divided the Chin into three populations and set the Chin people of Burma, India, and Bangladesh on different courses.

The 1886 Chin Hills Regulation Act governed the administration of Chin territory allocated to British-occupied Burma. Under this Act, the British agreed to govern the Chin separately from Burma proper. In contrast to the administration of Burma proper controlled directly by the British crown, the Act provided that Chin traditional chiefs would maintain their positions of authority with only indirect governance by the British.



In 1939, as World War II broke out across Europe, prominent student leader Aung San and other Burman nationalists took the opportunity to challenge British rule. Allied with the Japanese, Aung San and the “30 comrades” formed the Burma Independence Army and took control of Burma proper by May 1942. As the British retreated to India, Chin State turned into a strategic battleground. Mistrustful of the Burmans and benefiting from British missionaries, the Chin aligned themselves with the British and fought against the advancing Burma Independence Army and Japanese forces, earning Burman resentment. In August 1943, the Japanese declared Burma an “independent” nation. When the Japanese refused to relinquish control of the government, the renamed Burma National Army turned to the British in order to expel the Japanese from Burma.

As the Burmans negotiated for independence from Britain, Aung San reached out to the Chin and other ethnic nationalities included under the administration of British-occupied Burma. The Chin, along with the Kachin and Shan ethnic groups, participated in the Panglong conference organized by Aung San and agreed to sign the “Panglong Agreement” of February 12, 1947, an essential document for Burma’s independence. In it, the signatories agreed to cooperate with the interim government of “Ministerial Burma” led by Aung San. The agreement guaranteed the establishment of a federal union and autonomy for the ethnic states. However, a federal system was never adopted. The ‘ethnic’ states became subordinate states to ‘British Burma’. The assassination of Aung San in 1947 led to an independence fraught with disappointment and instability in Burma.

The constitution failed to satisfy many of the demands of the ethnic groups and set the stage for lasting civil conflict. Independence further solidified the division of the Chin people through the demarcation of international boundaries. With Burma’s independence from Britain on January 4, 1948, the eastern Chin Hills were incorporated into the federal union of Burma. Since this time, Burma’s Chin State has encompassed nine townships, including Tonzang, Tiddim, Falam, Thantlang, Hakha, Paletwa, Matupi, Mindat, and Kanpalet. The borders of Chin State are demarcated by Bangladesh to the southwest, India to the west and northwest, Burma’s Arakan State to the south, and Magwe and Sagaing Divisions to the east.

In 1962, General Ne Win, the Commander-in-Chief of the Burma Army seized power claiming that legal attempts to amend the constitution would lead to a break-up of the country. He introduced the Burmese Way to Socialism and ruled for 26 years resorting to force to keep the country together. Thus, began the military rule in Burma.

### **Political Reform Since 1988**

Frustrated by more than two decades of military rule and economic decline, nationwide protests broke out on August 8, 1988, with hundreds of thousands calling for democratic change in Burma. The military responded to the demonstrations, commonly referred to as the 8-8-88 uprising, with unrestrained violence. The army killed an estimated 3,000 people during the weeks of the crackdown and imprisoned many more.

In the lead up to the August 8 protests, the authorities closed Burma's universities and high schools and sent ethnic students home. Chin students went back to Chin State and took the lead in organizing demonstrations. In Hakha town, the police arrested student leaders several days into the protests but released them soon after when villagers threatened to storm the police station. On September 18, the students took over the government offices.

The State Law and Order Restoration Council (SLORC), the military government in power in 1988, sent in Infantry Battalion number 89 (IB 89) from Kalaymyo at the end of September to suppress the student movement and place public offices under SLORC control.

After the crackdown, SLORC announced that elections would be held in May 1990. The National League for Democracy (NLD) led by Aung San Suu Kyi, Aung San's daughter, quickly emerged as the leading opposition party. Threatened by Suu Kyi's growing popularity, SLORC placed her under house arrest in July 1989. Despite such tactics, the NLD won a landslide victory in the 1990 elections, winning 392 out of 485 seats. Chin candidates took 13 seats representing five parties and two independents.

But SLORC nullified the results, claiming a constitution first had to be drafted. Following the elections, the authorities hunted down and imprisoned hundreds of political opponents. Since that time, military rule has continued in Burma, changing only in name (in 1997) to the State Peace and Development Council (SPDC).

The process of drafting the constitution took place sporadically between January 9, 1993 and March 31, 1996, resuming again from May 2004 until September 2007. But the military authorities fully controlled these sessions, handpicking a majority of the National Convention delegates.

In September 2007, as large-scale protests for democratic change gained momentum throughout the country, the SPDC announced the closing of the final session of the National Convention. In the weeks that followed, the military government engaged in a brutal crackdown against thousands of monks and peaceful protestors. Shortly after the crackdown, the SPDC formed a 54-member Commission for Drafting the State Constitution, which excluded political opposition leaders and non-Burman ethnic representatives. The military government held a referendum on its draft constitution in most parts of the country on May 10, 2008, despite the massive loss of life and devastation in the Irrawaddy delta region caused by Cyclone Nargis that struck only a week before. Following the May vote, the military government announced on May 27 a 92.8 percent popular approval of the constitution with a 98 percent voter turnout. With this new constitution, an election took place in November 2010. And a new government was thus formed on 31 January 2011.

### **Ethnic Discrimination**

Ethnic discrimination against non-Burman ethnic nationalities and religious discrimination against Christians hinder Chins from obtaining better-paying jobs with the government. Christian Chins who are fortunate enough to get government jobs state that they are commonly given less-desirable postings, lower salaries, and passed over for promotions.

While obstacles to daily survival, including earning a livelihood, are reasons for the continuing exodus from Chin State to India, the economic situation of the Chin people can only be understood within the context of multiple pervasive human rights violations being committed against the Chin, largely by the SPDC.

### **Militarization of Chin State**

Before 1988, the Tatmadaw had no battalions stationed in Chin State, and only two battalions operated there: light infantry battalion (LIB) number 89 stationed in Kalaymyo, Sagaing Division, and light infantry battalion number 50 stationed in Kankaw, Magwe Division.

In the present situation, Chin State hosts 14 battalions with an average of 400 to 500 soldiers each and 50 army camps. Many more battalions and camps are based in neighboring states and divisions. For example, in Kalaymyo, Sagaing Division, an area where the population is mostly Chin, there are more than nine battalions. These battalions also conduct regular patrols throughout the state.

The routined violations and arbitrary abuse of power by local Tatmadaw units in Chin State during this buildup of forces in the 1990, included extrajudicial killings, arbitrary arrest and imprisonment, torture, rape, forced relocation, forced labor on infrastructure projects and for military camp construction, and other violations of basic human rights. In addition, military policies and corruption have driven the Chin people into unsustainable poverty. The mass exodus from Chin State continues as systematic persecution and oppression is perpetuated by the military rulers.

### **Economic Conditions in Chin State**

Four decades of military rule, political instability, and economic mismanagement has resulted in widespread poverty across Burma.

In Chin State some 70 percent of the population lives below the poverty line and 40 percent are without adequate food sources. The lack of infrastructure, natural resources, and economic opportunities compounded by SPDC policies and pervasive human rights violations described in the following chapter, induce and exacerbate poverty in Chin State. The situation has worsened due to famine in Chin State in recent years.

Largely an agricultural-based society, for centuries the Chins have survived by cultivating the Chin Hills. About 85 percent of Chins today in Chin State rely on rotational, slash-and-burn farming for their livelihoods. This type of traditional farming is hindered by the prevalence of steep mountains and deep gorges in Chin State. Farms are established on sloping hillsides, which are prone to erosion. Due to the lack of viable farm land, soil exhaustion is also common.

These environmental factors limit crop production in Chin State. Unaided by the military government, Chin farmers are unable to produce enough for their subsistence and are dependent on their low-lying neighbors for food provisions.

The mountainous terrain in conjunction with a lack of government support has also inhibited construction of infrastructure in Chin State. The state has only four vehicle-accessible roads covering a total of 1,700 kilometers. Due to the lack of a proper road system, parts of southern Chin State remain inaccessible from the north. Most of Chin State does not have electricity or reliable communication systems. As a result, many Chin are largely isolated from each other and the outside world.

Besides farming, there are very few job opportunities available for Chin people in Chin State.

### **Health conditions in Chin state**

Access to healthcare and education is limited. In all of Chin State, there are only 12 hospitals, 56 doctors, and 128 nurses. The quality of healthcare in Chin State is poor and treatment is costly. Education is also lacking in Chin State, where there are 1,167 primary schools, 83 middle schools, 25 high schools, and no universities for a population of roughly 500,000. The fee ranges from 115,000 to 400,000 Kyat (US\$98 to \$340) per year making it difficult for people to study.

Chin students wishing to obtain a university education must travel outside of Chin State and pay costly boarding fees. Due to the lack of school facilities in many villages in Chin State, Chin children must walk long distances to neighboring towns and villages or pay expensive boarding fees to attend classes.

For Chin children who are able to attend school, the quality of education is perceived as extremely poor. Teachers demand extra fees from students to supplement their low salaries, and classes are taught in Burmese even when teachers are not fluent and students lack comprehension of the language.

### **Flowering Bamboo and Famine**

Problems of food shortages are increasingly acute in Chin State ever since the bamboo that fills the landscape, particularly in southern Chin State, began to flower starting in 2006. This naturally occurring phenomenon takes place every 50 years and has historically led to widespread famine.

When the bamboo flowers it produces a fruit, which attracts rats. When the fruit supply is exhausted, the rats turn on farmers' crops, destroying their harvest. Rats began decimating harvests in late 2007, and the effects of the bamboo flowering are expected to last for at least another two or three years.

Critical food shortages are reported in many parts of the state. According to the Chin Human Rights Organization, more than 100,000 people, which is 20% of the total Chin population, are affected by food shortages.

Exacerbating the situation, the SPDC has continued to demand forced labor, collect excessive taxes and fees, and enforce restrictions against traditional cultivation methods without providing training in alternative farming methods in the affected areas.

The people started fleeing to Mizoram and because there is no food to eat in Chin State. CHRO recorded that more than 700 people had fled to Mizoram, India, due to food shortages in Chin State.

The SPDC places stringent limits on humanitarian aid through its 1996 "Guidelines for UN Agencies, International Organizations, and INGOs/NGOs." These rules limit travel within the country, and impose complicated bureaucratic procedures on organizations implementing development projects. This also led to several humanitarian aid organizations pulling out of Burma, citing difficulties in effective aid delivery. Considering the severity of poverty in Chin State, the lack of government assistance, and the current food crisis in Chin State, large populations in need of relief in Chin State appear to be unreached and underserved.

Thus, Tens of thousands of Chin have been forced from their homes in Burma since the SPDC came to power.

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### 3. Chin Refugees in Delhi

#### **Background:**

Since India is not a signatory to the 1951 Convention Relating to the Status of Refugees or the 1967 Protocol, the Indian government provides no protection or benefits to refugees or asylum seekers living in India. The Indian Government however allowed UNHCR to deal with few refugee groups, to which the Burmese Refugees fall under this category. Therefore UNHCR is responsible for the Burmese refugees. UNHCR is only operational in New Delhi. As a result, the majority of the Chins living at the border areas in India do not have access to UNHCR.

There are over 10,000 Chin refugees in Delhi out of which only about 5600 are recognised as refugees by UNHCR. Most of Chin people enter into India from the northeast and very few asylum seekers travel to Delhi for UNHCR recognition as refugees by the UNHCR.

The refugees on arrival in Delhi must apply for refugee status at UNHCR. The most important role of UNHCR is to facilitate for Refugee status determination (RSD).

The process of RSD is long. An asylum seeker on arrival in Delhi must report to the UNHCR office for registration. UNHCR will provide an application form and the date to submit the form at the SLIC office (one of the implementing partners of UNHCR). The date is normally given within one month. On that appointed date, the asylum seekers must go to the SLIC office to submit the duly-filled application form. On this day, the SLIC officer informed the asylum seeker the date for RSD interview to be held at UNHCR office. Beginning 2011, the interview for RSD has taken place within 3 / 4 months and results of the RSD interviews are declared within 2 months. Thus, an asylum seeker spends 7 to 12 months to get recognition as refugee from UNHCR. But if rejected, the process takes longer.

As of now, there are many asylum seekers waiting RSD interview because those who applied in 2010 are still for the interview. Till 2010 the “interview waiting time” was 12 to 18 months. .

The shortening of the RSD process started only when UNHCR decided to stop giving Subsistence Allowance (SA) to newly recognised refugees.

Therefore beginning 2011 , except for Extremely Vulnerable Individuals (EVI) and Unaccompanied Minors (UAM), no other refugees whether old or new are getting any form of financial support from UNHCR.

Apart from the responsibilities for Refugee status determination (RSD), UNHCR through their implementing partners (IPs) provide basic support services to both asylum seekers and refugees in different areas including education, health, legal advice and counselling.

Globally, UNHCR seeks to find durable solutions for refugees. In India, specially for the Chin refugees, repatriation is not a possibility as Burma’s political situation has not improved and therefore it is not conducive for the Chin refugees to return home. The Chin refugees are hopeful that oneday they will return back home. Neutralization, therefore, has not been accepted as an option. Resettlement is one of the options available to the chin refugees. But again this is a very tricky option since UNHCR facilitate only few hundreds cases in a year for all the refugee communities under their mandate. In 2010, only about 600 resettlement cases were resettled<sup>1</sup>.

Daily life is a struggle for many Burmese refugees in New Delhi. Many live in the slums or share cramped accommodation with other refugees. Refugee families also host several asylum seekers, adding to their financial burden. Conditions of the Chin refugees living in Delhi are deplorable and appalling.

### **Security & Legal Assistance**

The Social Legal Information Center (SLIC) of UNHCR is responsible for providing legal services and general assistance to refugees living in Delhi. The works assigned to SLIC are:

1. Renewing refugee certificate
2. Assisting refugees in obtaining the residential permit from the Foreigners Regional Registration Office (FRRO).



3. Providing assistance When problems arise within the refugee community or between refugees and the local community in filing reports with the police and provides mediation services.

However, except for renewing refugee certificates, SLIC has failed in all the other services. SLIC is hesitant to get involved in many cases related to unwarranted evictions, exploitative work environments, harassment, severe discrimination etc. Interventions on legal issue are slow and follow-ups of cases hardly exist. In addition, SLIC has failed to developed strong connections within the refugee communities and does not coordinate its activities with community-based organizations. Such lack of communication and coordination with the refugee communities limits the effectiveness of SLIC's activities.

The Chin refugees are left by themselves to deal with legal and security cases. This has reduced them to the mercy of the local population. The stark differences in Physical appearances and Language Barriers in Caste Driven India, have exposed the Chin refugees to severe discriminations and assaults. In New Delhi, the discord among the Chin and local population is accentuated by communication problems due to language differences. Several young women are in great danger by working as maids and by working at several Night Shift Jobs for better wages. Workings in factories where Indian males usually dominate have also proven to be one of the threats faced by refugee women.

The general lack of resources in India further heightens tension between the Chin and the local communities that frequently must compete for scarce resources. In Delhi, the Chins live in constant fear of eviction, physical violence, and other abuses. Most abuse is perpetrated with impunity either because it is unreported or a lack of law enforcement.

### **Livelihood**

Most of the Chin refugees work in Informal Sectors where they are faced with severe exploitations, sexual exploitation, discrimination, harassment, assaults. Being denied of Work Permit by the Indian Government, Informal Sectors are their only available option. However, job opportunities even in these sectors are rare and many of Chin Refugees are unemployed. With the complete phased out of Subsistence Allowance from UNHCR, the situation of the refugees have become more vulnerable. Many of the Chin refugees have been forced into

picking up left over or half-rotten vegetables from Night Markets at mid night where they are exposed to sexual harassments and assaults. These half-rotten vegetables consumption results in malnutrition and several other health problems: Diarrhea, Dysentery etc. Now many school age refugee children are being forced at workforce instead of doing their studying and they are doing hard labor job with very less payment like office boy, tea supplier, sweeper, dishwashers and helpers in factories. Now there has come a situation where many children picked dumped food and eat even the rotis (Indian bread) kept on the roadside by the local Indians for Cows. The situation is really troubling beyond our imagination and the worse crisis is more threatening us as never before.

### **Employment:**

On recognition from UNHCR, the refugees apply for Residence Permit from the office of FRRO. The residence permit does not include work permits. Therefore, the refugees can work only in the informal sector where the job opportunities are limited, low paying, labour intensive, exploitative and abusive work environment. Inability to speak the local language and lack of particular skills has led to serious discrimination at work place such as working long hours (10 to 12 hours a day for less than Rs.70 per day), non-payment or lesser payment of salary, sacking as and when the employers feel like etc.

UNHCR though DBA facilitates the “Salary Top-Up” Program for only UNHCR-recognized refugees. This program was introduced on 2 May 2005 with an attempt to bring the salaries of refugee workers up to the official Delhi Minimum Wage Act. To be eligible for the top-up program, the Chin refugee must:

- Be recognized as a refugee by UNHCR;
- Be the only income-earning member of their household;
- Demonstrate that no one in their family is a recipient of UNHCR subsistence allowance; and
- Agree to work at least 26 days per month, ill health and other reasons not withstanding.

Under the program, DBA supplements the salaries of UNHCR-refugee workers to ensure they earn at least Rs. 3,166 (US\$61) per month, Delhi’s minimum wage. The plan was initiated with the idea that the subsidy would gradually be reduced as the worker received periodic raises by the employer. It was also

introduced as part of a “self-reliance” scheme to end refugee dependence on UNHCR’s subsistence allowance.

In reality, the salary top-up program has regularizes a practice among employers to pay less for refugee laborers making it even more difficult for refugees to find acceptable employment after the subsidies are cut-off. Presently, Chin workers receive INR 1,500 to 2,000 per month whereas local laborers earn about 25 to 50 percent more for performing the same task. This scheme has further marginalized the refugee community.

Thus, Limited enrolment, lack of proper jobs, and widespread exploitation in the informal sector as well as the high cost of living in Delhi has further limited the effectiveness of this program and left many Chin refugees without any means for their survival. Many of them have been in the process reduced to scouring the garbage left at night market after it closes, competing for leftover vegetables with local poor and street animals.

### **Educational Issues**

Education is one of the most important issues for the people of Burma This is the only investment that the community could benefit greatly in the future. The current support for education is proving to be inadequate for the increasing refugee population.

In accordance with its international legal obligations as well as domestic laws, India is required to ensure all Children living in India, regardless of their nationality, to have access to education. As a party to the Convention on the Rights of the Child as well as the International Covenant on Economic, Social and Cultural Rights, India is bound by provisions that guarantee the right to education for everyone. In 2005, the Parliament of India affirmed its obligations by adopting an amendment to the Constitution of India that provides “free and compulsory education to all children”. Yet, majority of the Chin children do not have access to education.

The New Delhi Young Men’s Christian Association (NDYMCA) and Don Bosco Ashlayam (DBA) provide educational support for Chin refugee children living in Delhi. To meet the needs of young refugee children, NDYMCA established five Crèches. The Crèches are located at Mahindra Park, Asalatpur, Sitapuri,

Hastsal and Buddela, in the neighbourhoods where many Chin live. The teachers teach English, Hindi, and music to the children. The NDYMCA crèche also hold adult classes in Hindi and English for UNHCR-recognized Chin refugee. DBA also support Basic English and Computer Classes. However, the services provided by NDMYCA and DBA are not enough for refugees to obtain new and necessary skills for the job market in Delhi. With the limited numbers of Chin refugees accessing to these facilities and increasing refugee population over the past few years, the services could no longer accommodate all.

YMCA helps few Chin refugee children in getting into Indian Government schools. The government schools are of poor infrastructures but affordable. However, many children faced lots of discrimination. In addition to the problems of using Hindi as the medium of instruction at government schools, there have been many cases of Chin Children bullied and beaten up by the local students and the teachers do not help either. They looked at the Chin students indifferently. This has led almost all the Children to stop going to government schools.

The private institutions on the other had are too expensive. When they are struggling on daily basis for food, it is unthinkable to send the children to private schools.

### **Health Facilities**

Due to difficult living conditions and daily hardships in Delhi, illnesses and medical problems are random among the Chin community. Common ailments include malnutrition, hepatitis, tuberculosis, typhoid, malaria, skin disorders, vitamin and calcium deficiencies, Diarrhoea, stomach problems etc.

UNHCR through New Delhi Young Men's Christian Association (NDYMCA) act as the referral point for more complicated treatments to the Government Dispensary and Hospitals. The Burmese working as the Community Service Provider (CSP) assist the refugee patient to the dispensary and Deen Dayal Upadhyay Hospital (DDU).

NDYMCA also provides medical reimbursements for UNHCR-recognized Chin refugees. Reimbursements are available for treatments received and medicines prescribed only by government hospitals with proper documentation and not by private hospitals. The reimbursement takes more than six to eight months.

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# 1. Case Type:

## **Sexual Assault, Harassment, Rape and Sodomy**

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### Case No: 1 (i)

**Name** : Ms. Niang (*Name withheld*)  
**Age** : 22  
**Marital Status** : Single  
**Type of Case** : Sexual Harassment  
**Date of incident** : 28/11/2010

On the 28<sup>th</sup> of November 2010, Ms. Niang and her father, the Pastor of one of a refugee churches, decided to go to the market after the church service. It was 10:30 at night, and their house was not located far from the church so Niang went on her own to collect some shopping bags from their house. On her way back to the church, 3 local men accosted her. One grabbed her bottom and another her breasts. Angered, she fought back and pushed the men away. They in turn proceeded to beat her up, hitting her until she was bruised and battered on her hands and feet. A witness to the incident, a local shopkeeper, pleaded with the assailants to stop and finally the men ran away. She phoned the police immediately, but they only came in the morning. When the police went to the scene of the attack, they struggled to find anyone who was willing to be a witness to the previous night's attack. In the end the same shopkeeper who had pleaded with the assailants told the police all she saw but she was not able to identify the men as she had not seen them before. The police gave the girl and her family advice to take care when going out at night and took no further action.

## Case No: 1 (ii)

**Name** : **Mrs. Ming (Name withheld)**  
**Age** : **37**  
**Marital Status** : **Married**  
**Type of Case** : **Attempt to Rape**  
**Date of incident** : **26/06/2011**



**M**y name is Mrs. Ming and I am 37 years old. There are a 5 of us in our family. I am still breast-feeding my youngest child. My husband is the only earning member of our family and it is extremely difficult to make both ends meet with his salary alone. Early this year, I got pregnant and things got worse in our family. We went to camp outside the UNHCR Office to let them know about our crisis and ask them for support. After a few days, some staff came out and requested us to leave. They promised us that they would look into our case and provide us appropriate help. We could no longer pay the rent and we had to move in with our friend's family. We all had to fit in a very congested room with them.

...( 30 )...

We picked half-rotten vegetables at night to save money. Since the shopkeepers did not allow us to pick the vegetables at night, we had to wait till midnight to get it. I was aware that it is not the best thing to go out at midnight to pick up vegetables but we were left with no other option. On 16<sup>th</sup> of May 2011, I went to pick up vegetables as usual with my eldest son. Having picked the vegetables, we were about to go home when we saw two local men approaching us. We looked around and realized that unlike other nights, there were no other Burmese refugees picking up vegetables.

My son got extremely worried and told me to run away. I got worried too as those two men started chasing us. We ran as fast as we could but soon they reached us and they grabbed me and started tearing my skirt. My son was trying to help me but they pushed him aside. After struggling for a while, we saw our fellow refugees coming in our direction. As soon our attackers saw the other refugees approaching us, they ran away.

My son and I reached home, crying, with bruised bodies. We both went straight to bed, but after some time, I started developing severe pain in my stomach and started bleeding. We had no money for transport so we decided to wait till the morning. In between I kept on bleeding and I had a miscarriage. Since that day, I have not been able to recover physically. I feel weak most of the time. I went to D.D.U Hospital; I was given some tablets which helped me feel better. I went there again after I finished my medicine but they told me to take rest at home without providing me more medicine.

Till date, I am not in a physical condition to wash my own clothes even. I am extremely worried about my family's future. Since we are sharing a room with another family, it is extremely uncomfortable for our family to not be able to contribute much to them. If we can be given some help, we would be extremely grateful to you.

.....



## Case No: 1 (iii)

**Name** : Mr. Khan (*Name withheld*)  
**Age** : 12  
**Marital Status** : Single  
**Type of Case** : Sodomy  
**Date of incident** : 25/02/2010

**O**n 25/02/2010 a 12 year-old Burmese boy from the Chin ethnic group was sexually assaulted by four Indian males in an urban village of **w e s t** Delhi. Three of the assailants are minors themselves (between the ages of 12 and 16 years) while the fourth is 19 years-old.

The assailants were neighbors of the victim and he had seen them around in the neighborhood for quite some time before the incident took place. On the day of the incident, the victim and his friend were playing when they were asked to clean a drain for an Indian male and that they would be paid for the labor. While waiting for the said man, one of the four assailants grabbed the child from behind and dragged him into an empty shop space nearby. The victim's friend managed to escape and fled the scene.

The child was sodomized by one of the assailants and another tried to force intercourse and oral sex but failed. The victim managed to escape from the scene and ran away.

Ashamed of what had happened to him, the child did not inform anyone of the incident. However, a few weeks later, the news of the incident had spread through the Burmese refugee community and the victim's family came to know of what had happened through other sources.

As the assailants were well-known locals in the area and lived nearby, the victim and his family feared retaliation and backlash from the assailants or their friends and were therefore reluctant to go to the police. Furthermore, as the family were anxious about their refugee status in India and were already facing great social embarrassment and scrutiny, they kept silent about the incident for months.

However, with the help of local NGOs and active members of the Burmese refugee community, the family agreed to go to the police and seek justice for their son. In May 2010, the family formally filed an FIR in the concerned police station. The child identified the assailants and the scene of the crime to the police and all four were arrested and presented before the court or Juvenile board.

Having been the victim of such a heinous crime and yet having to live in such close proximity to the criminals who had not been reprimanded for their heinous crime, the child and his family have undergone severe psychological trauma. However, since the filing of the case, the family was assisted in moving to alternative accommodation for their security and the punishment of the assailants has brought them relief and closure.

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## Case No: 1 (iv)

**Name** : Mr. Lal (*Name withheld*)  
**Age** : 11  
**Marital Status** : Single  
**Type of Case** : Sodomy  
**Date of incident** : 19/07/2010



**A**nother horrific incident has occurred, this time of the rape of an 11 year old Burmese refugee boy and his friend at around 6 pm on the 19<sup>th</sup> of July 2011. This has shocked and shaken the refugee community and we are struggling to come to terms with the news.

Mr. Lian, the boy's father has given us this account:

"On that evening my son Lal and his friend, a younger boy, had gone to play in the park. While they were playing and having fun, three Indian teenagers between the ages of 14 – 16 came and attacked them. Two of the teenagers raped my son, and the other one who looked like the youngest of the three assailants took my son's friend to the place we call the 'River Jordan' and raped him there.

After they had raped the boys, their attackers then attempted to throw them in the sludgy water but the eldest of the three then decided against it, so they left their victims and fled the scene. When their attackers had gone, Lal and his friend felt themselves and realised that they were bleeding profusely from the anus. Lal's friend said that his attacker had only made him fondle his penis, but Lal observed that his friend's anus was bleeding even more than his, which could only mean that the boy was too ashamed about the attack to speak openly about it. The two boys also said that their attackers had tried to get them to kiss their penises but that they had refused to do so.

After the attack the boys made their way back home. Angered by the attack, they told me that they were really angry and were going to take a machete and kill their attackers. I stopped them, and after finding out from the boys what had happened, persuaded them not to go out and retaliate”.

We can only imagine how these dreadful attacks on the boys have affected them and their families. After such attacks should the families keep silent? What would we do in a similar circumstance? For Lal and his family, his father has lamented thus, “We are only refugees. They treat us even lower than their dogs and chickens. Nobody cares about us or what happens to us. They have not shown any concern about what had happened to us in the past, despite our reports and complaints. We never receive any justice so I no longer see the point of appealing to the authorities. This is why I have not reported this incident to the Police”.

.....

## Case No: 1 (v)

**Name** : Mrs. Mang (*Name withheld*)  
**Age** : 36  
**Marital Status** : Widow  
**Type of Case** : Sexual Assault  
**Date of incident** : 11/ 09/ 2010



**M**rs. Mang a 36 years old widow who is the mother of a disable, was badly assaulted by three local Indians in New Delhi at local standard time of 8:00 pm on 11-09-2010. While she was returning back from her work at 8:00 P.M, 3 local people followed after her along the road.

One of them caught her from behind while two were attempting to rape her. She shouted aloud repeatedly. While making her best effort to escape, they all together gave their blows on her face. She was thrown on the ground. Then she was left as the other local people ran toward the incident place. She got severely injured on her face and some left parts of the body. She hardly reached her residence at 8:30 p.m.

"I think that I am the most unlucky and assaulted widow in the world; can anybody help me to release from this kind of life?" she said to CRC. Now she is in the bed for her injuries. She has neither helper nor sponsor inner and outside of India. Her disable and abnormal son, 17, is helplessly sitting besides the bed of her injured mother at home.

...( 36 )...

**Case No : 1(vi)**

**Name** : Ms. Ting (*Name withheld*)  
**Age** : 27  
**Marital Status** : Single  
**Type of Case** : Gang-Rape  
**Date of incident** : 26/03/2011



**A** tragic incident occurred in Hastals village on the 26<sup>th</sup> of March 2011 when a young mute woman aged 26 indicated that she was gang-raped by a group of 9 local Indian men.

The victim, Ting, bearer of R.C.No....., used to sit and do her knitting in a small park called Janta Flat Park in Hastals near her home. On that fateful day at around 2 in the afternoon, Ngin was sitting in the park as usual. Someone saw her being taken into the house of a local Indian, and he immediately reported this to the Pastor, Khan. The Pastor then checked with the girl's family to see if she was at home. When they realized she was not at home, they went to the park and found her there.

Her family brought her home and asked her what had happened. Ting told them that 9 Indian men had raped her. Her mother checked her vagina - it was red, sore and painful for the victim. There were also blood stains on her underwear.

The family immediately reported the matter to the police. The police came and brought two men who were still at the house where the girl had been taken to. The victim, who was with her parents and some community leaders, indicated through sign language that the men had raped her. The police then arrested the two men and took them to Uttam Nagar Police Station. The police called the victim's family to the Police Station and asked the victim to confirm again if those two had raped her. She looked very fearful and said "no".

The police then brought her and her mother to the DDU Hospital for a medical check. Surprisingly, the medical result showed no evidence of rape. Taken aback by the result of the medical checks, Ting's mother showed the blood stain on her underwear. The Police Inspector took the underwear, deposited it in an enveloped and kept it. Ting had to return home without any underwear on her.

Ting's family was again called to the Police Station at 8 o'clock the next morning and when her mother requested Ting's underpants to be returned the police officer didn't return it to her saying it was already packed. Then at 11:00 am the police took the victim again to the Hospital but for some reason they returned without having done any further tests.

The victim's family have been left shaken by this incident and are not yet able to come to a closure as the matter has been left unsatisfactorily unresolved. They are perplexed as to why the medical test showed a negative result and feel helpless as the police have not taken any further action.

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## Case No: 1 (vii)

**Name** : Ms. Thang (*Name withheld*)  
**Age** : 4  
**Marital Status** : Single  
**Type of Case** : Sexual Assault  
**Date of incident** : 04/ 08/ 2011



The girl's mother told us that it was oppressively hot inside their room that night so they went up to sleep on the roof terrace of the building where they lived. The landlord's grandson was there as well. What they believe happened is that the grandson had gone out in the middle of the night and opened the gate which allowed some criminals to enter the house. The landlady heard the noises but she was too afraid to come out and check. She

said that she heard the cries of a child and then an hour and a half later they seemed to have come back with the child.

The child was crying and crying in the night and woke her mother up with her cries. When the girl stopped crying they saw a man running up to the top of the building from the 1<sup>st</sup> floor where they were. They chased the man but he escaped. The route that he had escaped through was where he had taken the child. The little girls' mother asked her what had happened, and the girl told her that the man had put his hand on her mouth so she couldn't call for help, and he also covered her eyes and kissed her mouth several times. He also roughly touched her private parts.

They went to the WPC the next morning. They said they did not call the Police because they didn't know who the attacker was. For 2 or 3 days after the attack the little girl had a lot of pain even in passing urine. She is now too terrified to go by herself to the toilet in the evenings. She becomes fearful every evening as it starts getting dark. To have faced something so horrific at such an early age makes us very worried about her future.

...( 39 )...



## Case No: 1 (viii)

**Name** : Mrs. Par (*Name withheld*)  
**Age** : 19  
**Marital Status** : Married  
**Type of Case** : Sexual Assault at work place  
**Date of incident** : 26.02.2011

**M**y name is Mrs. Par, and I started work at ‘.....Marketing Company’ from the 4<sup>th</sup> of February 2011. On the 26<sup>th</sup> of the same month, I was sent to clean and dust the Manager’s office. I was four month’s pregnant at the time. While I was cleaning, the Manager came and kissed me on my lips twice. He then tried to make me watch a pornographic video he was watching on his computer. I refused and left his office. I reported the incident to the manager below the one who had just harassed me, but he did not do anything about it.

My friend told me to forget about it and go in again and resume my duties, so I did. When I went back into the room, he ripped off my ‘puan’. I ran outside and went up to the roof and cried. I told my friend, R...., what had happened. Then the Manager came up and lied to R.... and told her that he had not done anything to me. The whole incident took place around 4:30 in the afternoon.

After he has harassed me, he then also harassed 2 of my other friends, kissing their hands. So we all declared that we were no longer going to work there and he also told us all to leave. When the Manager had tried to rip off my puan, I had resisted and tugged back too to keep the cloth on me. This resulted in the puan being torn by about 1 feet. We went to SLIC who reported the matter for us to the Police. We were told however that our harasser would not be put into jail as that would cause more trouble for us as it would mean a court case which would be expensive and drag on for a long time.

...( 40 )...

My money ran out as I had to go to their office several times. Since I had no money for me rent I was evicted from my room and I had to go and stay with some friends for a couple of days before I found the place where I am in now.

While I was facing these troubles I received no help from any office. CRC helped me find a good place to rent and I went to the YMCA Sitapuri to ask for a loan to cover the rent. They were unable to help me so I had to borrow money from some other people.

My baby has now been born and I am in debt as I have not been able to pay back the money that I had borrowed.

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## Case No: 1(ix)

**Name** : **Mrs. Nuam (*Name withheld*)**  
**Age** : **.....**  
**Marital Status** : **Married**  
**Type of Case** : **Sexual Harassment**  
**Date of incident** : **06/ 06/ 2010**

**O**n the 6<sup>th</sup> of June 2010 at Sitapuri Part II, Uttam Nagar, Mrs. Nuam, her husband and their minor son were walking home when they realized 3 men were following them on a bike. They were on the main road of 'Sunday Market' (Chanakya Place), and the 3 men were staring at Mrs. Nuam. Mr.... thought that they were just mocking them, which is a common racist act that refugees face in their neighborhoods. However the bikers had secretly followed them from behind. When they were about to arrive at their home, Mrs. Nuam went to buy drinking water from the nearby shop. One of the bikers then approached her and made a quick grab at her buttocks. Mrs. Nuam shouted for help and slapped the man at the same time.

When the husband heard his wife's call for help he ran to her, caught the culprit and showed him to the shop keeper and the nearby PCO shop keeper so that they could identify him when required.

The next day, when the worker of SLIC (Socio and Legal Information Center) investigated the case, the two shop keepers denied having seen the man before. The CRC reported the incident to the higher authority of SLIC and requested them to take necessary legal assistance.

## Case No: 1 (x)

**Name** : Mrs. Lem (*Name withheld*)  
**Age** : 32  
**Marital Status** : widow  
**Type of Case** : Rape and Assaults  
**Date of incident** : 29/ 03/ 2010



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**A** Burmese woman namely Mrs. Lem (32 yrs), a mother of two small children, identified as HCR/PL/ ....., by the UNCHR, was badly assaulted by four local Indian men in New Delhi, the capital of India, at the local standard time of 7:00 pm, on March 29, 2010.

Mrs. Lem was coming back from her work place in Citapuri block, West Delhi, along with her two Chin co- workers. On the way, after separating with her companions to make her way to her home, four local Indian youths came upon her and started teasing at her.

When she tried to get away from them, two persons grabbed her tightly from behind and assaulted her sexually. She made more efforts to escape and was then beaten with a rod on her brow. Soon she was covered in a pool of her own blood and had received injuries to her brow and cheek. Her chin was broken.”

I cried out for help from the local people around. But no one came to my help although some local people saw me and even witnessed the attack on me. After sometime I managed to run away towards my home, but I fell down on the street as I lost consciousness due to bleeding”.

Two local Indian police luckily came to find me lying on the street. However, I could not explain to them about the incident as I was so weak and became unconscious again. “They left me on the street” she said.

Only the next morning around at 4:00 am, she was found on the street nearly dying by a morning walker from the Chin community. She was immediately rushed the Government hospital-called Deen Dayal Apadhyay hospital.

However, claiming the hour for medical record was already late, the doctors in the hospital refused to admit her at the hospital. So she had to be taken back home and was given treatment with the help of New Delhi Young Men Christian Association (ND-YMCA). Due to her serious injuries she remains in a critical condition.

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## 2. CASE TYPE :

# PHYSICAL ASSAULT

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### Case No: 2 (i)

**Name** : Bawi (*Name withheld*)  
**Age** : .....

**Marital Status** : Single  
**Date of incident** : 27/ 09./ 2010  
**Type of Case** : Assaults at School



**A** Chin refugee boy called Mr. Bawi, son of Mr. .... (UNHCR No...) was attacked by his classmates inside the school compound of the MCD (Government School) Janakpuri, West Delhi on 27th September, 2010. Due to differences in appearance, language problems, culture and tradition, Chin refugees often face severe discrimination from local residents. Many men, women and even minor children get attacked as a result of racial discrimination.

On 27th September 2010, a refugee student attending Class 2 in a MCD School was badly attacked by his Indian classmates and sustained severe injuries to his head. The attack happened at around 4:00 o'clock in the evening when he was coming out of the toilet. He was attacked from behind with stones which struck him on his head. He collapsed unconscious onto the ground. Then he was taken to the staff room and went for medical treatment in the nearby clinic.

The child said that his Indian classmates frequently treated him inhumanely. They sometimes poured dirty water on his head. Although the child reported the bullying to his teacher, no proper attention was given.

In this MCD School there are about 10 Burmese (Chin) children, and they also face abuse and bullying by their local classmates. The father of Bawi, is a widower and he and his three young children arrived in New Delhi in 2007. He is a recognized refugee under the mandate of UNHCR. He has suffered from asthma for many years and continues to strive for a secure life for his family.

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## Case No : 2 (ii)

**Name** : **Mr. Ling (Name withheld)**  
**Age** : **37**  
**Marital Status** : **Married**  
**Type of Case** : **Physical Assault**  
**Date of incident** : **23/ 04/ 2010**



**A**ssault cases had happened repeatedly in the past few weeks. On 23rd April, 2010 at about 6:00 pm I and my two friends too became another victim facing the assault at Chanakya Place, Uttam Nagar

My name is named Mr. Ling, 37 years old holding UNHCR No..... The incident took place when I visited a sick relative. On my way back home at about 6:30 pm two men on a motorbike came from behind and spoke to me. I replied that I did not understand Hindi. While we were talking a fellow Burmese (Chin) refugee called Mr. Sang came and asked the two bikers what they needed as he knew that I do not speak Hindi. The biker on the passenger seat then slapped my friend, Mr. Sang on his face and got down from the bike and started to attack us. The bikers were above six feet tall and we did not fight them back. we were severely beaten up and much blood was shed. I was hit by a brick at the lower part of my skull and I collapsed unconscious for a while. More people

...( 47 )...



gathered and some refugees also saw the incident. One refugee by the name of Mr. Van asked them to stop but they rather attacked him also and he fled from there and called the CRC president by phone. When the culprits saw that Mr. Van was calling someone they approached him and took away his mobile phone and beat him.

When we knew that the two men were not going to stop fighting us, we fled to the nearby refugee house and locked the door from behind. But the attackers still came to the house and shouted at us. At last when they were unable to open the door they went away from the place. I clearly remembered that their vehicle number as HR99DZTP ..... After one hour, accompanied by the CRC president we went to DDU hospital and got treatment. The incident took place at a very crowded area and there were many spectators but no helpers. Not knowing Hindi was enough to cause this sad incident that left 3 victims badly hurt and the culprits free and unharmed.



**Case No:2 (iii)**

**Name** : **Mr. Gin (Name withheld)**  
**Age** : .....  
**Marital Status** : **Single**  
**Type of Case** : **Physical Assault**  
**Date of incident** : **20/01/2011**



**M**y name is Mr.Gin bearer of R.C.No.....I was brutally beaten by two local men on the 20<sup>th</sup> of January 2011 at about 7 pm in the evening when I was walking back home after buying some vegetables from the local market. Two Indian men followed me for a while, and when I reached a dark area in the locality known as ‘Sunday market’ in Uttam Nagar, they caught up with me and brutally beat me with a wooden stick. I recognized my

...( 49 )...

attackers as the same duo whom we had witnessed stealing our neighbors' bicycle a couple of month's back (15/11/2010). I, my father and brother had tried to help get back the bicycle from the robbers.

Nine days after the bicycle robbery occurred (24/11/2010) I was walking back from Church at around 11:00PM when the same two men ambushed me on my way home. I was beaten and they threatened me that I would be in big trouble if they ever saw me again or causing any trouble for them. This made me fearful and afraid of going out alone.

When I was attacked on the evening of the 20<sup>th</sup> of January 2011, I managed to struggle and escape from my assailants and ran home. My family took me to the Emergency Department of DDU Hospital and informed the police. My left shoulder bone was seriously injured and I could not move my left arm for a week.

On meeting the community leaders, I cried and told them that although my life was seriously threatened God had saved me. I am still shaken by the experience and very scared and fearful. I had made a complaint to SLIC when I was first threatened in November but no action was taken. After this attack I informed SLIC again, and the staff told me that they would take care of the matter and that there was no need for me to file a case.

I now continue to live my daily life in constant worry of my safety and hopes that his case will be taken into consideration by the UNHCR.

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**Case No: 2 (iv)**

**Name** : Mr. John (*Name withheld*)  
**Age** : 8  
**Marital Status** : Single  
**Date of incident**: 12/6/2011  
**Type of Case** : Physical Assault



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**M**y name is John. I am eight years old. My father has passed away and I am living with my mother, brother and sister. My mother goes out to work in the day. My brother and I attend classes at the YMCA while my sister stays with our neighbour. After our class, I go and collect my sister from the neighbour. I cook food and take care of my brother and sister. My mother used to cry at night and when I asked her why is she crying, she tells me that she is not well. I want to go to school but my mother says that in India children do not learn much from schools and so she has not sent me to school. Whenever I ask her about school, she cries and I have stopped asking her about it.

On 12/6/2011 day, we were waiting eagerly for my mother to come back from work because we had run out of rice to cook. We were playing in the verandah of our building and by mistake I dropped my slipper. I went down the stairs to pick it up, but once I reached there, a boy who is much elder to me threw dirt at my face. They got in my eyes and it was painful. I got angry and I called him "Pagal" (a fool). He got angry and tried to harm me. I ran towards our room but he picked up a stone and hurled it at me. It hit me on my eyes and my eyes started bleeding. It was very painful and I started crying. My brother and sister saw me crying and they started crying too. Our neighbors came out of their rooms and they called my mother home. My mother immediately took me to the CRC office and CRC people took us to the hospital.

The next day, the CRC also advised us to report this incident to the SLIC office. We went there and shared our problems but they did not show any signs of willingness to help us. Later they came to our house as if they did not believe what I was telling them. They also talked to the boy who hit me. And then they said that they will help us in dealing with the police and provide other help. But they did not keep their promises and we did not receive any further help nor any visits from them. They did not even help us in lodging a police FIR.

Slowly my wounds got better and I started visiting my friends in our area. One day on my way back home from my friend's place, two local boys threw a big stone at my head. Since I do not see clearly, I am not sure whether it was the same boy who hit me earlier and his friend. I bled a lot this time too. We again approached CRC and they helped me in getting medical aid. This time, my mother said that we should not go and report this incident to SLIC because they would not believe me and they would not help us in any way. She said that it does not make any difference whether we go to them or not.

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On 12/6/2011 day, we were waiting eagerly for my mother to come back from work because we had run out of rice to cook. We were playing in the verandah of our building and by mistake I dropped my slipper. I went down the stairs to pick it up, but once I reached there, a boy who is much elder to me threw dirt at my face. They got in my eyes and it was painful. I got angry and I called him "Pagal" (a fool). He got angry and tried to harm me. I ran towards our room but he picked up a stone and hurled it at me. It hit me on my eyes and my eyes started bleeding. It was very painful and I started crying. My brother and sister saw me crying and they started crying too. Our neighbors came out of their rooms and they called my mother home. My mother immediately took me to the CRC office and CRC people took us to the hospital.

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Despite facing all these problems, we did not receive any legal help or were given any concern by any of the institutions that we approached.

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To

Date 20/05/2010

S.H.O  
Police Station,  
Bindarpur,  
New Delhi-59

**Subject: Complaint against snatching purse**

Sir/Madam,

Respectfully I would like to submit a complaint letter regarding above mentioned subject.

I am a Burmese refugee holder of HCR/05IND520 residing at A1A/27, Chanakya place. On 16/05/10 after church service at around 11:00pm along with my husband I went to Sunday Baazar to buy vegetable. I was attending a call in my Mobile while my husband was collecting wasted vegetable. Suddenly Unknown men punched me at my left eye, kicked me from back side. I was screaming for help as I felt on the ground, when my husband heard me and going to help me the men snatched my Mobile and my bag which contained Rs-3000/-. My Mobile number is 9958801813.

I, therefore kindly request you to help me to trace the culprit and take any equivalent action against them. I will be grateful to you.

Thanking you

Yours truly,

MANG MANG  
A1A/27/Chanakya Place,  
Uttam Nagar,  
New Delhi-110059  
9818980015



**Case No: 2 (vi)**

**Name** : **Mr. Kim (*Name withheld*)**  
**Age** : **26**  
**Marital Status** : **Married**  
**Type of Case** : **Physical Assault/ Eye Damaged**  
**Date of incident:** **21/ 02/ 2010**

I used to work in as a night security guard at the ..... Embassy in Chanakya puri, New Delhi. On 21st of February 2011, I was on my way to work as usual on my bicycle. Just before reaching my work place, I was hit with a hard object on my face by an unknown person. I felt a sharp pain in my eyes and I lost consciousness right after that. When I regained consciousness, I found myself at the ..... Embassy where apparently some passers-by had kindly taken me to.

My colleagues rushed me to the nearest hospital and after the medical staff had cleaned the blood and attended to my wounds, my colleagues dropped me back to my locality in their car. Our community elders and staff members from YMCA and SLIC were waiting for me at the local traffic point of in our area, as they had heard about what had happened to me. By that time, I could no longer see anything. I had not received a thorough check-up in the hospital and I was now in severe pain. I feared that I might lose my sight and also feared for my family, especially as my wife was pregnant. Without my salary, my family would not be able to survive.

I was taken to D.D.U Hospital and the doctors said that I needed to undergo surgery and told me to come back to the hospital the next day for the surgery. I reached home only by 2am in the morning. The next day, I was told that D.D.U doctors would not be able to operate my eyes and hence they referred me to AIIMS. However the doctors at AIIMS (All India Institute of Medical Sciences)



did not want to perform surgery on my eyes either as the medical report showed that my eye balls had cracked. I went home dejected.

I then approached the YMCA again but they too gave me only some tablets which did not help much. I could not afford to get any other medical care. The Chin Refugee Committee was aware of my condition and they were looking for solutions. I was very lucky to get financial assistance from a foreigner working with the Chin Refugee Committee (Delhi). With CRC staff and her help, I was taken to several private hospitals and clinics. Many months passed in between and there wasn't anything the doctors could do to help me regain my eyesight. But with the good medical attention that I received, I felt much healthier and the pain in my eyes subsided slowly and steadily. My total medical expenses cost that foreigner about (.....) Indian Rupee. Even when I was losing my eye sight the YMCA did not give us our subsistence allowance regularly.

My wife was unwell most of the time during that time since she was pregnant. My children fell ill one after another since we, the parents could not take care of them. Those were the darkest days of my life. I do not even want to recall that period of time. I have completely lost my eye sight now.

.....

## Case No: 2 (vii)

**Name** : Mr. Lian (*Name withheld*)  
**Age** : 17  
**Marital Status** : Single  
**Date of incident**: 19/09/2010, 16/01/2011, 28/02/2011  
**Type of Case** : Assaults

### First Incident

I was working in one factory as a laborer since July 2010 to 19<sup>th</sup> September, 2010. I was promised Rs 3500 per month for my labour, and although I worked hard every day my employer withheld my wages for three months. I felt that my employer was exploiting me because of my refugee status and my lack of rights here in Delhi. He and the other people workers would make me perform heavy tasks and forced me to work extra time. They would often shout at me if I showed any sign of hesitance. On 19<sup>th</sup> September, I was shouted at by them as usual, and when I showed my displeasure of being shouted at they tried to beat me up. I ran out of the building immediately and went home straight as I was very scared that they might look around in search of me.

(Before this incident took place I was exploited and mistreated already by my former employers at the ..... Hotel in Karol Bagh where I worked along with two other Burmese Refugees).

I never went back to the same workplace due to fear of being mistreated. I approached SLIC (Social and Legal Information Center) and requested them to help me in getting my rightly earned three months wages. SLIC Staff accompanied me to my employer's office, when I asked for my wages; he screamed at me and ordered me to leave his office right away. I felt humiliated and I was deeply hurt by his behavior. SLIC staff persistently tried to argue for me and after ten days of negotiating and arguing, we somehow convinced the employer to pay at least 20% of my wages.

## **Second Incident**

In 2011, I started working as a helper for wedding caterers. Weddings that we cater usually take place at night. On 16<sup>th</sup> of January 2011, I was in a wedding party serving the guests. During the party, I needed to go to the washroom. Hence I left my work for a while but since there was no water there, I collected water from drinking water bottles that the guests had used which were kept at the corner and I grabbed some tissue papers as well. Our supervisor got extremely angry with me for collecting water that way and for taking away tissue papers for my own use. He started slapping me and dragged me by my hair to a distance in front of many people including the guests. He poured water on me and hit me on my forehead several times. January in Delhi is cold and the water he poured on me was very cold. He kept on hitting me and he was later joined by his two friends in beating me. Sensing the supervisor's anger, my Indian colleagues requested him to stop beating me. They spoke to each other in Hindi and I could not understand much of the conversation. I was paid Rs 100 which was only half of the amount that I was promised by them and I was fired at the spot. I never expected our supervisor to be enraged with me for collecting left-over drinking water to use it in the washroom. I was deeply shaken by the incident. I approached SLIC again to seek legal help regarding my wage and the beatings that I suffered but they did not offer me any help.

## **3<sup>rd</sup> Incident**

The third incident that I faced took place in February 2011. On that particular night, I came back late from my friend's place around 11pm. As I got closer to my house, I heard people arguing and shouting furiously at the corner of the street. I realized that some Chin refugees were being shouted at by several locals. From the shouting, I could somehow understand that three Chin Refugees were beaten with bricks by local men while they were in a local park and Chin Refugees were trying to reason out with the culprits. I could see that my fellow Chin refugees were being shouted at furiously by the locals. Since it is not new for us to see refugees being beaten by the locals for sitting in parks, I went on my way quietly.

After half an hour or so, a group of local men broke down our building's main gate and went to my neighbor's room. They were also Chin refugees. Two of the men were dragged outside and they were beaten. I was surprised to see that these attackers were not the men that I had seen earlier on the street. They saw me and dragged me out too and started beating me. I pleaded with them to spare me and protested that I had no involvement in the incident. I managed to dial the emergency police control room no. during the pleading. Our children started crying seeing their fathers being beaten.

Out of the three of us refugees that had been rounded up and were being beaten, one managed to escape but my neighbour and myself were not so fortunate. Our landlord and his son seemed to be the main instigators of the attack and they were joined by more men who came armed with bricks and sticks. My friend and I were worried sick for our lives. But miraculously the police took my call seriously and came to our building and we were saved by them.

The next day, early in the morning, we went to the Women Protection Center to share our problems (men are also allowed to meet them) but we were told that they meet only very few refugees per day, we did not get a chance to share our problems. We then approached SLIC but they only advised us to shift our place and did not provide any other assistance. We had to hide for a month before we could finally move out from that room.

.....

## Case No: 2 (viii)

**Name** : **Mr. Zel Sian Tuang**  
**Age** : **14**  
**Marital Status** : **Single**  
**Date of incident** : **15/ 05/ 2011**  
**Type of Case** : **Physical Assault**

**Z**el Sian Tuang, a refugee teenage boy of 14 years, was on his way to dispose of some rubbish by the local school, KVS School, which is not far from his home. It was about 8 in the evening, and 2 young local men in their twenties staring taunting and mocking him, calling him, “Nepali, Nepali”, which in the local context is a common form of racial abuse. The boy, able to speak in Hindi, answered back, “I’m not Nepali, I’m Burmese”. An argument then followed and the men proceeded to beat him up. Having got Zel on the ground, they stamped on his back and his ribs. Since the area where the attack happened was a deserted area, there were no bystanders who might have intervened to stop the attack. The men left him bleeding on the ground, his arms and legs badly beaten. Zel then managed with much struggle to get back home.

The next morning he was taken to the Uttam Nagar Police Station where he reported the incident. The Police took him to Deen Dayal Upadhyay Hospital (Govt.) to get treatment for his wounds.

Zel was bedridden for a long time because of his wounds and bruises, and now stays at home as the attack has left him so shaken that he no longer dares to go to school. His attackers were not found and it seems like the case has been put to rest without any further action.

GOVT. OF NCT OF DELHI  
DEEN DAYAL UPADHYAY HOSPITAL  
NEW DELHI-110064  
**EMERGENCY DEPARTMENT**  
Ph: 011-25494402-09 Ext: 232, 25494336

Name: ZELSIAN Tiang Age: 14 Y Sex: M  
Address: 104 HASTAL Contact No. \_\_\_\_\_

Provisional Diagnosis: \_\_\_\_\_  
MLC No: 0167 E.No: 96976 Date & Time: 16/05/2011  
12:33:12PM

History: A/H to Assault  
Gen Cond: No H/o Coc/vomiting/ear bleed/ur  
Pulse: \_\_\_\_\_  
BP: \_\_\_\_\_  
Chest: \_\_\_\_\_  
CVS: O/E - Conscious/oriented P/R 80  
P/A: He - Endurm @ 100 bpm/100 bpm - 110/80  
CNS: of R/L leg Remo - neg  
UE: \_\_\_\_\_  
ADV: As Adv xray (R) leg/cont. <sup>BP</sup> <sub>act</sub>  
with vascular lines  
Ref to Ortho Emerg (8)

Ph: 01125377425  
Name: \_\_\_\_\_  
Name & Signature

ASI surat singh  
PS - uttam nagar

To

The SHO  
Police station, uttam nagar,  
New Delhi.


Sub - Bitten by unknown person.

Sir,

it is reported that on date 15-05-11  
at about 08:00 AM I went to drop my dustbin  
in dustbin garbage nearby KVS School. There were  
two person already standing. when I drop my  
dustbin one person of them kick me by Right  
leg. I don't know the name and address of the  
person who was about twenty years old. I went  
to hospital and take treatment. This is for your  
kind information. It is also stated that the  
treatment was taken on 16-05-11 and Reported  
in Police station on same date.

Search made no due

Zelsian  
Applicant



(FATHER) VUNG HAU THANG

Zelsian Tiang  
S/O Vung Hau Thang  
R/o - 164 Hastal  
Uttam Nagar.  
6527946711

**Case No: 2 (ix)**

**Name** : **Mr. Ram (*Name withheld*)**  
**Age** : **.....**  
**Marital Status** : **Married**  
**Type of Case** : **Physical Assault**  
**Date of incident** : **21/ 04/ 2010**

**A**nother assault case happened last night, 21st April around 8:00 pm at Sitapuri (Wednesday Bazaar) on a Burmese (Chin) refugee, Mr. Ram (BU-...), a family man with wife and three young children of below 6 years old.

At about 8 pm he and his two young daughters went to fetch water from the public water point. The public water point was very crowded and after getting water they set off to return home. However an unknown person/ persons attacked him from behind with a brick or a stone and hit at his skull so hard that he collapsed onto the ground. He was unconscious for about 10 minutes and his two young children accompanying him at the time stayed by him and cried in fear and worry. Although there were many people in the area, no one attempted to help them. Finally three Chin refugees walking around that street found them and took them home.

Around midnight some fellow refugees took him to the DDU hospital and also filed a police case there. After receiving the necessary medication, dressing, X-ray and CT scan etc they went back home at around 4:30 in the morning. Although the FIR is filed, no investigation was conducted by the police until 6:00 pm the next day. From our experience so far we do not expect a proper enquiry or investigation to be taken.

.....

**Case No: 2 (x)**

**Name** : **Mrs. Niang (*Name withheld*)**  
**Age** : **24**  
**Marital Status** : **Married**  
**Date of incident** : **28/02/2011**  
**Type of Case** : **Physical Assault**

**M**y name is Mrs. Niang. On 28<sup>th</sup> of February, 2011 our family friend, a young man visited us. He was in our place for some time and then left for home. But after about an hour after he left, he was beaten up and a crowd of about 50 local men, gathered in front of our house and broke open our door. We were asleep by that time. They dragged me out of my bed and woke up my younger sister who was sleeping on the floor. They started hitting me hard on my back and they tore my skirt. I struggled with all my might but they beat us mercilessly until we were both bleeding. Since this incident I have not dared to stay in our own room and I was in hiding at my friend's place in another area for a long time.

I could have been saved had there been someone who could have spoken to the attackers and find out why they had been so angry. But I can neither speak in Hindi or English. I informed the Chin Refugee Committee and SLIC (Social and legal Information Center) who they visited us at home and encouraged me to go on and forget the past.

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## Case No: 2 (xi)

**Name** : Mr. San (*Name withheld*)  
**Age** : 37  
**Marital Status** : Married  
**Type of Case** : Physical Assault  
**Date of incident** : 04/ 05/ 2010



I am a Chin refugee named Mr. San, 37 years old holding UNHCR No..... I was beaten up by three local young men, all around the age of 25, at Chanakya Place on 4th May 2010, at around 9:00 pm.

I was working at a local company in Asalatpur, and was walking on the street on my way back home when three local men walking from the front wordlessly hit me at my shoulder and subsequently started to beat me. I was punched and kicked and received serious injuries on my face and skull. After a few minutes of those wordless assault I fortunately managed to escape from their hands. I did not fight them back and had no intention of fighting. It was already 10 o'clock at night and there was no one to help me to a hospital or clinic. I managed to reach my home where my family bought medicine from the nearby pharmacy and attended to my wounds.

## Case No: 2 (xii)

**Name** : **Mr. Sang (Name withheld)**  
**Age** : .....  
**Marital Status** : **Widow**  
**Type of Case** : **Physical Assault**  
**Date of incident** : **08/ 06/ 2010**

I am a Burmese (Chin) refugee named Mr. Sang, the holder of UNHCR No.....,I was brutally beaten up by the three local people at the road side in Sitapuri, West Delhi on the 8<sup>th</sup> of June, 2010 around 1:30 pm. This attack was totally unprovoked.

I was working for a small local company as a sweeper. At 1:00 pm I left work to go for lunch at Mahindra Park. At 1:30, after I had finished my lunch, I was riding my bicycle on my way back to work when three local men standing on the road side unexpectedly attacked me, without cause or provocation. I fell off my bicycle and the three men continued to attack me without asking any questions. There were a few people around, but no one intervened to stop the fighting. After 5 minutes I managed to escape from the attackers but my bicycle had been stolen.

Accompanied by one of my friends, I approached the CRC office. The CRC helped me to report the case to the SLIC and the YMCA. Because of my injuries I then proceeded to the Deen Dayal Upadhyay (DDU) hospital for treatment. A complaint was lodged with the police at the hospital. So many refugees have been attacked by local people that many complaints have been lodged with the police. But due to the weakness of Indian legal system, no proper action has been taken and justice has not been served. The security in Delhi is getting worse and worse and more refugees like me are becoming targets for local people intent on crime and violence.

## Case No: 2 (xiii)

**Name** : **Mr. Lian (*Name withheld*)**  
**Age** : **14**  
**Marital Status** : **Single**  
**Type of Case** : **Physical Assault**  
**Date of incident** : **05/05/2010**

**M**y name is Lian and I am 14 years old. My whole family fled Burma and arrived in Delhi on 1<sup>st</sup> January 2009. I am a bearer of UNHCR card No..... After arriving in Delhi, we lost our father. Life is really difficult without a father to depend on emotionally and financially. As a widow, my mother too is facing many problems. My mother takes care of us, three children, by selling home-made sweets in the community. My brother helps her by working in a factory. We can never earn enough for our daily food and it is extremely difficult to survive in Delhi. Currently, I am not working anywhere. I have worked in more than four factories but, maybe because of my age, my employers would often tell me to rest after some months of working and promised to employ me again when they had more work. But I have never been recalled by any of my employers.

I want to study in good schools but it is difficult for us to get admission and even if I get admission, my mother and brother will not be able to pay my school fees. Don Bosco is giving free English and Basic Computer classes but we still have to pay 50 rupees per day for our travel expenses. My younger sibling and I attend evening class in Lai Christian Church where we learn English and the Chin language for two hours. One day my sister was not keeping well so I attended the class by myself. On my way back home, I saw four local men following me from behind. They were talking in loud voices to me, I turned back to look at them, but since I could not understand their language, I kept on walking. Once they reached me, one of them started slapping me hard in the face. I was very shocked and kept questioning them in the best Hindi that I could manage. But they did not listen; instead, they started kicking me and

continued hitting me. I cried for help. Though many other local people were around, they did not help me. By then I had lost hope that someone would help me out of this situation. I could not shout any more and I could not see things clearly since they keep on beating me. But after a few minutes, they stopped beating me and fled. Right after that, someone spoke to me kindly in our Chin language. That person took me home. My mum was very sad to see me beaten that way. The next day my mother took me to SLIC and the Women's Protection Center (WPC) so that we could share our problems. But we have not received any help regarding our problem. No one came to see me at home even though I was bedridden for quite sometime. We could only afford some anti-biotics which did not help me much. I could not eat or sleep well due to the wounds and the pain. It took me many days to recover.

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**Case No: 2 (xiv)**

**Name** : Mr. Eng (*Name withheld*)  
**Age** : 15  
**Marital Status** : Single  
**Type of Case** : Torture  
**Date of incident** : 17/ 03/ 2011



**M**y name is Mr. Eng, I am 15 years old. I reached New Delhi on 23.01.2011. I left my widowed mother and fled the country as the army tried to forcibly recruit me. I was fortunate as one businessman helped me reached New Delhi after hearing my story. When I reached New Delhi, I stayed with a widow and her family as I have no relatives here.

As my host family is poor and struggle to survive financially, I have to work to earn for my survival and my host family as well. I started working on 10.03.2011 at '....' Computer Training Centre, Janak Puri District Centre as house-keeping. On 17.03.2011, after a week into the job I faced a most shocking event that I feel I will never forget for the rest of my life.

I used to start working at 10:00 am. At round about 11:30 am, the owner called me to his office and asked me whether I had smiled at a young woman trainee. I said yes. While he asked me whether I was teasing them, one of the teachers came to me and slapped me and accused me of misbehaving with some local Indian girls. I was slapped until I fell on the floor then they kicked me on my stomach. They closed the door and slapped me, kicked me, dragged my hair, gave a punch, stepped on me and asked me several inhumane questions. One of them once kicked me so hard on my chest that I couldn't breathe for a while.

They asked me whether I was a Mizo. I said no. But they insisted that I was. They told me to bend down and dragged my ears for several minutes. My sweat was pouring down from my head and face. They tortured me so much that I couldn't bear any longer, and fearing for my life I told them I was a Mizo.

Everytime a visitor knocked on the door, they would shut me in a different smaller room, and whenever the visitor left they would drag me out and begin the torture again. They even dragged me by the hair so that my face could scrub the floor.

At round about 8:00 pm, they forced me sign a paper which I couldn't understand. I signed it out of fear of death. Then they threatened me with dire consequences if they ever discovered me again in that area. Then they gave my mobile back which they confiscated at the beginning of the torture. One of them said "Get lost!" and slapped me. I then rushed to the door and fled as fast as I could.

When I reached a safe area, I contacted my host family and together we came back home.

The next day, our community leader filed a case with the police but nothing has been done until today.

Since that nightmare incident, I am constantly suffering from fear and pain in my chest. I also have recurring nightmares about the incident. I don't know what the future will bring to me as a hopeless refugee.

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### 3. CASE TYPE :

## HARRASSMENT BY HOUSEOWNER/ LANDLORD

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### Case No: 3(i)

**Name** : Mrs. Mawi (*Name withheld*)  
**Type of Case** : Eviction due to TB  
**Age** : 48  
**Marital Status** : Married



**M**rs. Mawi and family have been living at WZ-....., Budella, Vikaspuri since 24.10.2009, paying rent of Rs. 1800 per month. Electric Bill is one unit per Rs. 5 it is charged according to consumption. Like most other refugees, their rent and tenancy agreement is oral without any formal documentation.

In 2011 February, the landlord raised the rent from Rs. 1800 to Rs. 2000. They continued renting the room as it is not easy to find another room for refugees. Without much bargaining power we usually just have to give whatever rent is demanded us as we don't have much of a choice.

On 17.07.2011 morning the landlord told her that they had to move out as he could no longer allow them to stay. Not able to speak much Hindi, Mrs. Mawi asked one of the other refugees to interpret and enquire why they had been so suddenly evicted. The landlord answered "Mawi is suffering from infectious



diseases and so it is dangerous for her neighbours. Besides, we cannot allow her to die here. That's why we've told her to move out." Despite Mrs. Mawi's pleas he insisted that they move out on 25<sup>th</sup> July, the due date for their rent. Mrs. Mawi searched for another room but she was unsuccessful as the rooms available had rental rates of Rs 3500 which she could not afford. She pleaded with the landlord to given them an extra day and he gave them another 2 days chance to find shelter.

On 26<sup>th</sup> July while Mrs. Mawi was out searching for another room to rent, the landlord went to their room where her 3 children were alone and told them to pack their belongings and move out. The children did so out of fear.

When Mrs. Mawi returned back home, the children narrated the incident and so she went again to the landlord with one refugee friend as her interpreter. The landlord listened to their pleas and agreed to let them stay awhile until they found a new room, on the condition that they paid for electricity and rent on a daily basis. Meanwhile, he kept up the pressure for Mrs. Mawi to vacate the room as soon as possible.

On 3<sup>rd</sup> August, while Mrs. Mawi came back home, she found out that their door was locked by the landlord with a big lock after a small one of theirs. The landlord opened the lock only after they promised him that they would leave immediately. They then vacated the room and moved to a friend's room.

Mrs. Mawi has been diagnosed with TB. As she couldn't secure the TB medicines from the DDU Hospital, she has to buy from local chemists with her own expenses of Rs.735 per week. As she regards her TB as personal matter, she didn't tell the landlord about that. But unfortunately in July, the landlord came to know about her TB ailment and so she and her family was forcibly evicted.

"Now, we have moved in to another family's room, sharing the small space with them. I have stopped taking TB medicines for the last 5 days as we cannot afford to buy them anymore. I feel bad that we have to impose on another family by sharing their room. So, what I want most for the moment is a free 6 months course medication for my TB. Besides, I am also dreaming of renting a small room of our own. We have no money, I am suffering from TB and it is quite difficult for our family to survive," said Mawi.

I want to cure my TB by taking medicines for 6 months especially before it is too late. I am also concerned that my children may get infected" said Mrs. Mawi.

### Case No: 3 (ii)

**Name** : **Mrs. Hlawn (*Name withheld*)**  
**Type of Case** : **Landlord Problems**  
**Age** : **42**  
**Marital Status** : **Widow**  
**Date of incident** : **29/05/2011**

**M**y name is Hlawn and I am 43 years old. I fled my country along with my two daughters to save our lives and arrived in Delhi on 1<sup>st</sup> February, 2011. I am a widow and it is really difficult to survive without a husband to depend on. Since we arrived in Delhi, I have faced several problems regarding renting rooms. UNHCR has employed one Chin refugee who can speak in Hindi to help us solve landlord and refugee tenant problems but so far that person has not been able to help family.

I started working from the first week of arriving in Delhi but since I cannot converse in Hindi, many employers have fired me after a few months of working for them. Jobs are hard to find and since the employers keep on firing me, we are barely surviving. My two young daughters, in my absence, have often been disturbed by our local neighbors. I am never at peace about their safety whenever I am away from them. There is no single day that I am not worried about our safety and survival.

My latest problem in our daily struggle has been was with our landlord. There are many tenants in our building but we are the only Chin family and we have been the target of prejudice and discrimination. They would blame us for keeping the common toilet dirty and they would make me wash it almost on a regular basis. They also shout and hurl abuse at us anytime they want. Since I do not know how to reply back and am scared of being evicted, I would do as they say.

The saddest thing for me is that my two daughters are beaten almost every day by our neighbours without proper reasons. I try my best to keep them safe but I cannot prevent the neighbours from beating them while I am away at work. My landlord would visit me when I am alone at home, trying to show his nice side. My landlady, who is aware of her husband's activities would suspect me of trying to lure her husband for money and would target us whenever there is

anything that she can blame us on. On the times when I wasn't able to pay the rent on time, they would fine us with Rs 200 or 300 or more, which for us is a significant amount of money. At last, I decided to move away from this room since we were not safe in so many ways.

I finally managed to get room in a different building, and since it was a new month we decided to move right away. In the evening, I went to pay the rent for the last month that we stayed. That was precisely on the eve of 29<sup>th</sup> May 2011.

The next morning, our landlord stormed into our room and told us that we could not leave his building without clearing the rent and immediately locked our room. We had not moved out our things yet. I reminded him that I had gone to their room the previous evening and had already paid them the rent and that I have nothing else to pay aside from that. After arguing for a minute, he slapped me hard. I started crying with pain and desperation.

Hearing our sounds, people started coming to find out what was going on. Some of our leaders from the community came and helped me in phoning the police station. The police promised us that they would come soon but they did not turn up even after many hours. At last, we went to spend the night in my friend's place. Except for the clothes that we were wearing, we could not take out any of our belongings from the room.

The next day we approached the YMCA for help; their staff came and talked to the landlord. After talking to him, they believed his side of the story and told me to clear the rent and that it was my duty to do this if I wanted to move. They also advised me that as a refugee, I should not think of filing a police complaint as that will not help me in any case. Without even lending me any emotional support, they had immediately sided with the landlord and rejected my side of the story. They told me to pay the rent and get my things from the landlord. I have no choice but to do as the YMCA staff said so I paid my greedy landlord with borrowed money. I had no more money left and I was unemployed at that time so I had no option but to sleep on the pavement. Realising our problems, our church members gave us a place to sleep in the church for some time. Without a job in hand, we have been depending on our church members' mercy till date. I see that life is unfair and cruel.

**Case No: 3 (iii)**

**Name** : Mrs. Cin (*Name withheld*)  
**Age** : 48  
**Marital Status** : Married  
**Type of Case** : Eviction for coming late  
**Date of incident** : 24/ 07/ 2011

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**M**y name is Mrs. Cin's. My husband is a Pastor here in Delhi in one of the Churches. We have rented an accommodation on the 3<sup>rd</sup> floor of a building. Due to the nature of my Husband's vocation, we often have visitors coming to our room. Our landlord had not informed us in the beginning of any restrictions regarding having visitors in our rented room.

Once we shifted in this house, we found out that the landlord controlled the gate to the house. Even if we had gone out of the house for a few minutes, the landlord would have already locked the gate and would only open when we rang the bell for more than 30 minutes. Our children often find the gate locked when they come home from work and always end up standing in front of the gate for 30 minutes atleast.

One late afternoon our eldest daughter came home from work to find the gate locked again as usual. She rang the bell several times but the gate was only opened for her 30 minutes later. The landlord's wife came out of the house and started shouting at her and spat on her face. Angered by the treatment, she spat back. When the landlord heard the incident when he came home, he was very angry and ordered my family to get out of the house.

However we refused to vacate their room as we have already paid the rent and the landlord was not willing to refund our money.

The following Sunday (24/07/2011), one of our daughters came home in the morning after she had gone to the church to arrange some flowers for the service. She rang the bell several times but the gate was only opened for her a long while later.

We finally decided to phone the police hoping that maybe they could help them with the situation. But we were for more shock when we found out that the landlord is a policeman. He laughed and mocked at us. That evening, a policeman came to the house and spoke to us and to the landlord, telling them that instead of locking the gate every time they should simply close it. However, due to my poor health, we decided to move to a new place where we would not have to struggle with the same problem again.

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### Case No: 3 (iv)

**Name** : **Mrs. Thang (*Name withheld*)**  
**Age** : **40**  
**Marital Status** : **Widow**  
**Type of Case** : **Landlord Problems**  
**Date of incident** : **10/ 05/ 2010**

A Burmese Refugee family was Evicted Aberrantly by the Landowner in Delhi on May 10, 2010. A Burmese refugee widow, Mrs. Thang age 40, and her three children, were evicted from their rented room in West Delhi this morning following an assault on the family by their landlord, an Indian man.

Mrs. Thang and her children had been renting the aforementioned room in Sitapuri block of West Delhi for Rs. 1500/- per month. They had been staying there for the past ten months. The problem started with the loss of Mrs. Thang's mobile phone on May 9, the previous day. Mrs. Thang approached her landlord for his help and requested him to inquire about the lost phone among the neighboring houses.

The landlord, angered for some reason unknown to them, stormed into their room at 7:00 am this morning. He commanded her to give the electric bill or vacate the room right away. When Mrs. Thang pleaded him to grant them a few days for finding another room to move to, he had already thrown their belongings out of the building. The landlord and his wife then started beating Mrs. Thang and her daughter Ms. ... (17 yrs old) for no reason. The landlord's other family members then joined in attacking and beating up Mrs. Thang and her three children inside the room. They even stripped the clothes off Mrs. Thang and left her naked.

On hearing the dispute, three fellow Burmese refugees who stayed nearby came out to help the family and plead for their case. They were also badly beaten up. Mr. Sai had scratches on his hand and Mr. Aung was hit in the face and his lips were bleeding. The evicted family were then in temporary accommodation at the Delhi Matu Christian Fellowship (DMCF), for they have no other place to reside. The matter has been brought to the notice of the Social and Legal Information Centre (SLIC), the UNHCR's implementing partner, followed by a complaint letter lodged at the local police station in Citapuri by the evening.

## 4. Case type:

### Threat to Life

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#### Case No: 4 (i)

**Name** : Ms. Tha (*Name withheld*)  
**Age** : 19  
**Marital Status** : Single  
**Date of incident** : .....  
**Type of Case** : Life Threatening

**M**s. Tha, a 19 year old<sup>1</sup>Burmese girl, bearing UN Rc no....., was working in the home of a Korean family. The family used to buy their groceries from a local shop run by a man named Vishal, so when Tha started working for the family they showed her the shop and introduced her to Vishal.

After a few days Vishal was very friendly to the girl and offered her some eatables from the shop. Ms. Tha accepted these little gifts, not understanding what he expected from her. One day he came into her room while she was lying on her bed and tried to talk to her. She told this to her employers who became worried enough to even stop using the shop for their grocery needs. They even found out that this Vishal was a father of two children and they reproached him for going to the girl's room. However Vishal continued his offensive and repeatedly called Tha on her phone, trying to convince her to go out with him, and even promising that he would offer money to her parents to make them happy. But when Tha rejected his advances, Vishal then accused her of stealing her employer's money and told her parents about it. When her parents called Tha, she was at her workplace, so her parents also reproached and warned Vishal him. But after a few days, Vishal then accused Tha's father of stealing from him again and the police came to their house. The family later found out that Vishal had paid the police to go and arrest her father.

The family then lodged the problems to SLIC and asked them for help and protection, and a SLIC worker accompanied them to the police station. At the police station Vishal changed his story, saying that it was Tha's mother who had taken his money, so the police did not believe him anymore. Then after some days Vishal again called up Tha and tried to convince her to go with him to a secret place where no one would find them, but again the girl refused him. So he reported the family to the police yet again and the police came to their place again to arrest her father, but finally the police did not arrest her father because they didn't believe Vishal's charges against the girl's family anymore.

Ms. Tha and her family have been put through so much trouble by Vishal that the girl even left her job for more than two months and even changed her Sim card to avoid him. She feels insecure and embarrassed, but nevertheless she has had to persevere to get a job and continue earning even though her life has been endangered. Vishal had even threatened her saying that he would get a gang of men to go to her house to beat and kill her father. He had also threatened to kill her if she did not submit to him. Such kind of abuse and harassment is hard for such a young girl, desperate and helpless. Her only hope is that the UNHCR will protect her so that she wouldn't have to live in such a state of fear and insecurity.

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## 5. Case Type:

### Medical Negligence

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#### Case No: 5 (i)

**Name** : Mrs. Sui (*Name withheld*)  
**Age** : 20  
**Marital Status** : Married  
**Type of Case** : Medical Negligence  
**Date of incident** : 23/ 04/ 2011

**M**y name is Mrs. Sui. On the 23<sup>rd</sup> of April 2011 I gave birth to my son at Dada Dev Hospital at 5 in the morning. On the same day at about 7 in the evening, he started crying. After he had cried for about half an hour, I asked the nurse to call the doctor. The nurse told me that was not necessary, I just needed to breastfeed my baby. My son however refused to stop crying and in desperation I asked the nurses for help about three times. They still refused to call the doctor and left me alone.

My mother was with me, and she does not speak any Hindi so there wasn't much she could do or say either. At 8 o'clock (pm) my baby passed some urine. He continued to cry unceasingly, and by 10 o'clock even the nurses got worried so they called the doctor. The doctor came, examined the baby and asked if he had passed any stool. I said no, so he prodded the baby's bottom a bit and in a while he passed some stool.

My son was then taken downstairs to a different ward. Soon afterwards I was summoned by the doctor and told that my son was not very well and that he needed to be referred to the DDU Hospital immediately. My family took my

baby to the DDU Hospital at 12 midnight and at the hospital they said that my son needed to have an X-Ray, Ultrasound and CT Scan immediately. However the doctor then said that if he had been brought there an hour earlier there would have been hope for him but by that stage there was nothing they could do to save him. Soon after that at about 3 in the morning my baby died.

About a week after I was released from the hospital I started bleeding profusely. My blood was very smelly and it did not cease bleeding for 2 whole weeks. At the end of the two weeks, I had gone to the toilet when I felt something stuck inside my vagina. I was very scared and started crying. My husband examined me and he managed to get the object out. It was a long bandage.

After we had taken the bandage out I started regaining my strength and a day later I was even able to sit up properly. Because of our financial difficulties I had to go back to work less than a month after giving birth. I have not recovered fully yet and still get pains. Life is hard as a refugee in Delhi. Even in the hospitals we are not treated like the other patients, we are treated contemptuously.

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## Case No : 5 (ii)

**Name** : Mrs. Mawi (*Name withheld*)  
**Age** : 20  
**Marital Status** : Married  
**Type of Case** : Medical Negligence  
**Date of incident:** February 2010

She has been unwell since February 2011 but the staff at the Government hospital (Deen Daya Upadhyay hospital) has not been able to identify the cause of her illness. Because they were not sure what her medical problem was, they could not do much to treat her. She then went to the YMCA (implementing partner of UNHCR) and pleaded with them to refer her to a different hospital. The YMCA doctor however did not pay much attention to her so in desperation she went to other hospitals at her own expense. In the end she visited four other hospitals but was unfortunately still not cured of her illness. Although these hospitals were all relatively inexpensive, the total cost was a lot for someone as poor as herself.

In desperation she went back to the YMCA, but despite five visits she was not able to get an appointment to meet the YMCA doctor. She then went to another UNHCR implementing partner, and she was finally able to see the YMCA doctor after an intervening phone call from the Don Bosco asylum officer. The YMCA doctor gave her a few medicines and let her go, which was very unsatisfactory for Mrs. Mawi.

The illness continued, and she again had to go to the DDU, this time to the Emergency Department but yet again they could not find out what was wrong with her. They requested the YMCA to send them to a different hospital along with an interpreter, but the YMCA refused. There had been a similar occasion when they needed an interpreter with them when Mrs Mawi's husband was due

to undergo throat surgery at a local hospital. The YMCA had refused to provide them with an interpreter and as a result the operation had to be cancelled.

In utter desperation they borrowed money and went to a different hospital, this time to the Mata Chanan Devi Hospital. After rigorous checking at the hospital, they discovered that she was suffering from Bone TB and Typhoid. After some treatment at the hospital they could no longer afford to stay there so she had to be taken out to be treated at home. They have rented a room close to the hospital from where she is receiving treatment, but so far she has not really recovered from her illness.

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## **Case No: 6 (i)**

**Name** : **Mrs. Hrang Tin Sung**  
**Age** : **53**  
**Marital Status** : **Widow**  
**Type of Case** : **2003 Demonstration Court Case**  
**Date of incident** : **21/ 11/ 2003**

**O**n the 21<sup>st</sup> of October 2003, Chin refugees held a demonstration in front of 14 Jor bagh Road, New Delhi, to appeal to the UNHCR regarding 3 issues. The issues were:

- 1) To process pending cases and to review formerly unsuccessful cases.
- 2) To bring forward the interview dates for people who had been allocated UN interviews.
- 3) It had been understood that the Subsistence Allowance given by the UNHCR was about to end, so it was requested that if the allowances did cease, for the UNHCR to repatriate the refugees to a third country as soon as possible.

Mrs. Sung was involved in the organisation and running of this demonstration. The demonstration lasted for 23 days (from the 21<sup>st</sup> of October 2003 to 12<sup>th</sup> of November 2003). About 500 people participated in the demonstrations. Pi Sung was involved in catering food for the demonstrators.

On the 12<sup>th</sup> of November 2003, about a 100 policemen and firemen surrounded them suddenly. The firemen used water cannons on the demonstrators and those that were not in the centre of the crowd were beaten at by the police with their sticks. The alarmed refugees tried to escape from the water cannons and the lathi charge but the police had them surrounded so they were unable to escape. The police continuously rained lathi blows on them.

Mrs. Sung was among the refugees being beaten up. She suffered injuries from the many blows and there were bruise marks on her right eyebrow, right arms

and right thigh. The police had used their lathis on the refugees for the duration of 30 minutes, and when they were too tired to hit any more the refugees were able to escape.

Mrs. Sung was taken among with other refugees to the police station, from where she was taken along with the other injured to Apollo Hospital, where they were kept in a room and a hospital staff member took their reports. They answered all the questions and gave as much information as they could, thinking that this was for the purpose of their medical treatment.

About 40 minutes later they were then called to another room where there was a police officer and a doctor present. From the refugee group of twelve, they called out the names of four people, including Mrs. Sung. The remaining eight refugees were told they could leave the hospital as they did not need any further medical attention, but that the other four had to be kept back.

However Mrs. Sung and the other three who had been retained were not kept at the hospital for further medical attention, but instead they were taken to Lodhi Police Station and were put there in the lock-up. They were taken to a different hospital in the middle of the night, and when they returned to the police station they were again put back in the lock-up. Two days later, they were put in Tihar Jail. Their case was only taken up by Patiala Court on the 18<sup>th</sup> of November 2003. They appeared in front of the court on the 18<sup>th</sup> of November, 2<sup>nd</sup> of December, and on the 16<sup>th</sup> of December 2003.

On the 24<sup>th</sup> of December 2003, the required bail was offered by the wife of an Indian Pastor. Mrs. Sung was already in her late 50s nearing 60 when she had to face these troubles. Since the beatings from the police and the subsequent prison and court trials, she continues to have a difficult life with failing strength, health and in poverty. She has not received any attention from the UNHCR and wonders if she has been ignored by the organisation because of her role in the demonstration. She continues to wonder why the others who were in jail with her have all been repatriated to different countries while she continues to struggle to survive here. She does not have the answer to this.

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264/03

Lodhi Colony

रसीद सं०

Receipt No C 0892152

मुस्तक सं०

Book No

Sh. GAURAV RAO

Metropolitan Magistrate / SO

No. 4 Ground Floor,

न्यायालय में / Court of .....

सरकार अभियोजक के माध्यम से बनाम अभियुक्त अधिनियम धारा

Case State Vs. Haringtin sung U/s. 147/48/149/186/332

दंड के आदेश की तारीख

353 IPC

Date of Order of Punishment 3/7/11, Fine

जुर्माने की रकम/Fine imposed 1000/-

प्राप्त रकम/Fine recovered 1000/-

जुर्माना जिससे प्राप्त हुआ

Name of Depositor Ms. Haringtin sung O/o Handum

प्राप्ति की तारीख/Date of Deposit 13/7/11

खजाने में जुर्माना जमा करने की तारीख

Date of Deposit in Treasury .....

खजाने की रसीद संख्या/Treasury Challan No. ....

मजिस्ट्रेट के हस्ताक्षर

Signature of Magistrate

संबंधित अहलकार के हस्ताक्षर

Signature of the Official concerned

CHD.



मोहर Seal

## Case No: 6 (ii)

**Name** : **Mr. Thang Mang**  
**Age** : **27**  
**Marital Status** : **Single**  
**Type of Case** : **8days protest at UNHCR office Court Case**  
**Date of incident** : **4/12/2006 to 8/3/2011**

**M**y name is Thang Mang and I am 27 years old. My life was not safe in Burma so I came to Delhi but the UNHCR rejected my application for Refugee status. I was desperate and really needed them to reconsider my application so I stayed outside the UNHCR Office for 8 days in protest and as an appeal to them. The UNHCR instead reported me to the Police Station at Lodhi Colony who came and arrested me. They phoned the Embassy of Burma who told them to treat me under the laws of the country so the police kept me in jail for one night. They beat me up like they would have beaten an animal; hurled verbal abuse at me, and the next morning transferred me to Central Jail where I was imprisoned for 2 months and 23 days. During that time in prison I suffered a lot of torment and difficulties.

The UNHCR then wrote me a letter saying that they would review my case. Mr. Ravi from The Other Media came and bailed me out and I was kept under house arrest. Even then life was difficult for me and I was very wary everytime I went out. I was aware that I could be put back into prison anytime.

I have now been in Delhi for 8 years. I have no education and no real skills and I cannot go back to my home county. My friends have resettled quite well and seem to lead normal lives while I have no one to turn to.

I have been living with friends and have been suffering from an illness for the past 6 years. I have no money to provide for medical treatment and I have not received any proper treatment or medication from the DDU Hospital. I just



have to endure my hardships and suffering. During the times when my illness is particularly bad or when I am unable to go to work, the church community helps me out, but of course they cannot help me for a long period.

Because of my chronic illness I have not been able to stay in any employment for a sustained period. When I look at my situation and my future prospects I often get very depressed and sometimes I feel that I would be better off dead.

My case has been postponed continuously and I feel that I won't be able to survive long if I continue to stay in Delhi. When I go to the UNHCR to ask for some help or ask about any possibilities of resettlement they scold me and tell me that my case has not yet been approved so how dare I ask for such things. I used to feel that the UNHCR were like my parents but in reality they were the ones who reported me to the police who sent me to jail. They have not helped me during all my troubles.

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## 7. Case Type:

### Police Laxity

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#### Case No: 7 (i)

<b>Name</b>	:	<b>Mr. Myint Swe</b>
<b>Age</b>	:	<b>46</b>
<b>Marital Status</b>	:	<b>Married</b>
<b>Type of Case</b>	:	<b>Police Laxity</b>
<b>Date of incident</b>	:	<b>10/ 03/ 2010</b>

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**M**r. Myint works as a night watchman at one school. On 10<sup>th</sup> of March 2011 he set off for work on his bicycle. After he had passed Vikaspuri playground, a vehicle driven by an Indian man in his early 30s hit the bicycle from the back. Mr. Myint was thrown from his cycle and fell forward about 5 feet. He sustained injuries to his legs, waist and neck. The driver stepped out of the vehicle but instead of helping or apologising he shouted aggressively at Mr. Myint and then left him lying on the road. Mr. Myint was too hurt to get up but he managed to note down the registration number of the vehicle, which was DL-76-B-.....

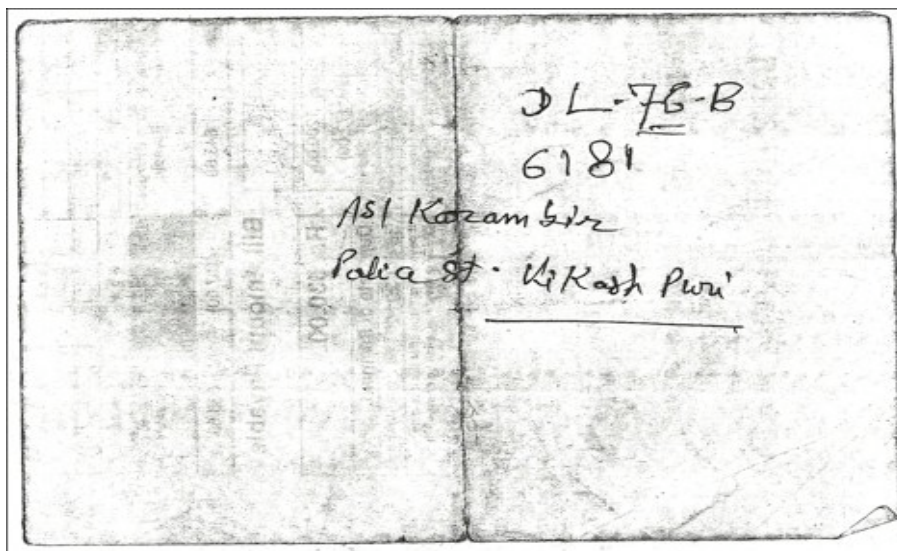
A witness to the accident, a local Indian man asked Myint whether he wished to call the Police, to which Myint said yes. When the policeman came, Myint asked him to take him to the DDU Hospital, but the policeman told him to go home. The policeman wrote down his name on a small piece of paper and asked him to report the accident to the Police Station. The name of the policeman was AS/ Karam.

The next morning (11/03/2011), Myint went to the SLIC who advised him to go to DDU Hospital. At the hospital Myint told the doctor what had occurred the

night before, but despite that the doctor wrote on the records “Fall on road – last night”. Myint informed SLIC of what the doctor wrote, and they advised him to go to the Police Station at Vikaspuri.

Accompanied by a SLIC staff member, Myint went to the Police Station. When they arrived there, they were told that they had a signed report saying that the driver and the accident victim from the previous night have confirmed that they have resolved the issue. Myint informed them that he was the victim and he was not aware of any such document, and that he had come to the station for the specific purpose of filing a report. He then gave the policeman the piece of paper on which the policeman from the night before had written his name. The policeman then gave Myint a number to contact him on. The SLIC staff who had accompanied Myint tried to ring the policeman, but after the phone rang through twice, it was switched off. Unable to achieve anything there, they left the station and reported the matter to the SLIC who told Myint that they would pursue the matter and inform him of their progress.

Myint has not heard anything back about the matter and to this day suffers from a bad back as a result of the accident and the pain often prevents him from sleeping at night.





GOVT. OF N.C.T. OF DELHI  
DEEN DAYAL UPADHYAY HOSPITAL  
NEW DELHI-110064

**EMERGENCY DEPARTMENT**

Ph:011-25494402-09 Ext : 232, 25494336

Name: M/INT SWE

Age: 46 Y

Sex: M

Address: Vikash Puri

Contact No.

Provisional Diagnosis : .....

45250

11/03/2011

MLC No: .....

E. No.

Date & Time

12:08:04PM

History

H/O fall on Road - last night

Gen Cond

Pulse 72/min

BP

Chest

CVS

P/A

CNS

LE

ADV

O/E:- Smelling & Difficulty  
in movement

α layer (R) Plegia AP  
α layer (R) Ankle & foot AP

Adm  
Imp. Wound mark  
Winged

Imp. joint dorsalis  
Emm

15918

- ① Tel. Home SR 100
- ② Tel. Clinic 100
- ③ Tel. Patient 100

Name & Signature

H2A  
Dt. 10/3/11  
9:5 pm

ASI Karan Bir  
Ph 9213135878

To  
The SHO  
Vikaspuri Police Station  
New Delhi

11.03.2011

Sub: Complaint against hit and run case

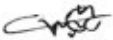
Sir,

I am a Burmese refugee registered under United Nation High Commissioner for Refugees (UNHCR- Certificate no. 08C01087). I would like to inform you that on 10.03.2011 at around 8.00 pm when I was going to work in a night party, on the way (between district park to Dhoulipio) a moter car hit me from back side and I fell down. I sustained injuries on right leg. Some local person noted the vehicle number (DL76 B 6181) . In the mean time, some body called to police and ASI: Karambir Singh reached to the incident place but car driver managed to fled with car.

Therefore, I request you to kindly look in to the matter and take appropriate legal action.

Thanks,

Your's sincerely,

  
(Myint Swe)

WZ-71, Bodella, New Delhi

Mobile no. 8527948708

## 8. Case type:

### Life Long UN Pending Case

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#### Case No: 8 (i)

**Name** : Lt. Mrs. Phiar Vang  
**Age** : 54  
**Marital Status** : Married  
**Type of Case** : Life Long UN Pending Case



**M**y name is Phiar Vang, and there 5 of us in our family. I was involved in politics in Burma and in 1989 I had to flee the country fearing for my life. I went to Mizoram in India and soon afterwards met and married Sai Naw Ling. Our eldest son was born in 1990. We lived in Mizoram for several years, unable to return to Burma. It was a daily struggle but we managed to bring up our family there.

However in 2003 the Mizoram government tried to evict all the Burmese people from the state, so fearing persecution and trouble we fled from

Aizawl and went towards Vumbuk Khua in Chhimtuipui District. We lived in a camp in the jungle. About a year later, we heard that in Delhi there was protection for refugees so on the 3<sup>rd</sup> of March 2004, we arrived in Delhi under the guidance of the SLIC.

Along with other refugees we applied to the UNHCR for refugee status. While some others received the refugee status acknowledgement soon afterwards, we were not one of the fortunate ones. After a long and anxious wait, my husband and I were given the 'Final Reject'.

...( 93 )...

During the many years while we waited for our application for refugee status to be approved by the UNHCR, I came down with a severe strain of TB. I was vomiting blood and we struggled to look after my health by borrowing money. However my health did not improve, and since we could not just continue to borrow money to survive we went back to the UNHCR and telling them of our desperation asked for some help from them. They however told us that they were unable to help us as we did not have refugee status.

So after our case had been pending for 4 whole years, we appealed again to them to reopen our case having informed them of our difficulties. In 2010 I finally received my refugee card. Having been bedridden and vomiting blood for so long I was barely able to make the trip to go and collect my card. Upon receiving the card, we requested for it to be a joint card with my husband. They informed us that they were not able to do this as his was a separate case with a separate number and therefore he would need a separate interview.

My TB was worsening in the meantime and we had to put together all the money we had which was our SA so that I could receive treatment in the hospital. However after 5 months I had still not recovered and our money had run out so I went home from the hospital.



*Note:*

*Unable to afford quality medical care for her TB, Phiar Vang passed away on the 20<sup>th</sup> of April 2010. A few months after her death her husband, Sai Nawl Ling, was granted a UN card. Mr Sai Nawl Ling is now 58 years old and is without a job and does not receive help from the UN. He and his 3 children are struggling to survive.*

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## 9. Case Type:

### Mugging

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#### Case No: 9 (i)

**Name** : Mr. Van (*Name withheld*)  
**Age** : 26  
**Marital Status** : Single  
**Type of Case** : Robbery  
**Date of incident:** 16/ 04/ 2011, 23/ 04/ 2011

I am 26 years old and my name is Mr. Van. I arrived in Delhi in August 2008 and have been living alone since then. I fled my country to avoid persecution, but I find that I have to undergo uncountable problems here in India.

I work very hard in factories and yet face many instances of discrimination. When the time comes to receive my pay, most of my employers cheat me by paying me less than I was promised. These are my regular or daily problems. But this is an account of a particular incident that took place on the 16<sup>th</sup> of April 2011. My room was robbed and all my valuables and the money that I kept aside for my rent were taken. I was very tired after a hard day's work when I made the awful discovery. I was so shocked and saddened. I immediately informed my community leaders about the incident. But they could not help me much and advised me to approach SLIC.

I took leave from my work and went to SLIC to talk about what had happened. They said that they would take care of the whole thing and they also promised that they would visit my house too in order to properly assess how best help could be offered. I waited for them for two days without going to work but they did not come. They did not call me at all. Since I did not go to work for three consecutive days, I got fired. I lost my rent and my valuables to the robbers, and

...( 95 )...



I lost my job because I believed in those who said they could help me. Life is terrible without any money and work.

I desperately looked for a new job and I got one in another factory on the 26<sup>th</sup> of April, 2011. I had to work long hours in the new factory. The old job was certainly better in this respect. One day, on my way back home, three local men on a motorbike stopped near me. They dismounted, approached me and pushed me to the ground. Two of them grabbed my arms and the other one took my mobile phone and a few rupees that I had on me. I struggled hard but I could not fight all three of them. They were very quick and departed the scene rapidly after taking my things. A few local people started chasing them but none of us managed to catch them. This time I decided not to approach SLIC. I shared my problems with the elderly folk of our community and CRC and they all contributed some amount of money to help me.

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# **RECOMMENDATIONS**

## **A. To the Government of India:**

1. Accede to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol.
2. Prevent unwarranted evictions and deportations of Chin communities and promote operations of the UNHCR.
3. *Residence Permit*: Minimize the number of documents necessary to demonstrate residency in Delhi and increase the validity of residence permit.
4. *Work Permit*: Establishment of a process providing work permits and ensuring labour protection.
5. *Protection*:
  - i. Increase awareness about refugees in local communities. Promote sensitivity trainings for local community leaders and organizations to understand the situation and concerns of refugees living in India.
  - ii. Promote sensitivity trainings to the Delhi Police to understand the situation of the refugees and to provide protection to the refugees.
6. *Education*:
  - i. To practice “free and compulsory education to all children”, amended to the Constitution of India in 2005 to Children living in India, regardless of their nationality.
  - ii. Establish financial assistance or fee waiver programs to ensure education is affordable for refugee children, or;
  - iii. To establish a formal school for Burmese refugee children, or;
  - iv. Revise the admission requirements for Government Schools to increase access for refugee children and to implement programs to increase understanding among the Govt. School teachers with the aim of decreasing discrimination and exploitation.
7. *Health Care*: Expand affordable health care and increase quality health coverage for asylum seekers and refugees in India.

## **B. To the UNHCR:**

1. *Refugee Law:* Urge the government to follow the 1951 convention and encourage the development of a domestic law.
2. *Refugee Status Determination (RSD):* Reduce prolonged delays in the registration and recognition process by increasing staff and resources.
3. *Protection:*
  - i. While cases are pending with UNHCR, mechanisms to be developed ensuring protection. To implement programs to increase understanding among locals and Delhi Police with the aim of decreasing discrimination and exploitation.
  - ii. Offer training and guidance to government officials on respecting the rights of asylum seekers and refugees.
4. *Better access to facilities:*
  - i. Ensure all refugees including those unrecognized by UNHCR have access to basic amenities.
  - ii. UNHCR and implementing partners should appropriately train refugees for the job market and work towards finding employment for them.
  - iii. Expand and promote the resettlement process along with increase in number of referrals.
5. *Training of UNHCR Staff:* Training of UNHCR Staff and their implementing partners should address as a matter of urgency their lack of understanding of different ethnic groups within the refugee communities. More training of UNHCR staff is required in order for them to better understand and appreciate the issues that different refugee groups face.
6. *Building relations with refugee community:*
  - i. Develop closer working relations and coordination with community based refugee committees ensuring protection, information sharing & opportunities for work by increasing its presence in West Delhi, allotting more public hours and advance notices.
  - ii. Review and reform programs to ensure objectives are met and gaps in services are filled. Consult with beneficiaries and community representatives to critique current activities and develop feasible solutions.

## **C. To the Government of Burma**

1. Stop human rights violations, forced labour, killings, beatings, sexual assault and arbitrary detention against individuals and communities in Chin State and persecution of ethnic groups and religious minorities throughout Burma.
2. Remove provisions of the 2008 Constitution that provide immunity for human rights violations and allow international organizations to conduct and monitor investigations into alleged human rights violations throughout the country, especially in remote areas such as Chin State.
3. To restore national reconciliation and genuine peace in Burma, the military government should immediately begin political dialogue with representatives of the pro-democracy forces and ethnic minorities and immediately implement a nationwide ceasefire and stop military offences in the ethnic areas.
4. Develop a legitimate and transparent legal framework to investigate, prosecute, and address allegations of human rights abuses. Ensure those responsible and complicit in such abuses, including Tatmadaw officials, are held accountable and are appropriately prosecuted or disciplined.
5. Allow civilians in Chin State to communicate, associate, assemble, and move freely without undue or illegitimate restriction, particularly with regard to political and religious expression and association.
6. Immediately end all recruitment of children under the age of 18, and demobilize children under the age of 18 from the armed forces. Develop and impose effective and appropriate sanctions against individuals found to be recruiting children under 18 into the armed forces.
7. Ensure the effective delivery of food aid and humanitarian assistance to respond to food shortages in Chin State. Prevent obstruction of food aid delivery to famine-affected areas.



## CONCLUSION

There are many refugees who have fled from the Chin State and have come to India. But, only a few have found some form of protection here. Life as a refugee is very hard in Delhi. The official recognition by the UNHCR of Chin refugees from Burma is greatly appreciated, but there are delays and obstacles that hinder the timely management of recognition and registration. Refugees wait for a long time to receive recognition from UNHCR including other benefits without any certainty of the future. Some form of recognition and acknowledgement is highly expected from the Indian government in terms of residential permits and exit permits without unnecessary cost or delay or corruption.

Considering the prolonged waiting periods that Chin refugees and asylum-seekers experience before receiving protection from UNHCR and an opportunity to resettle to a third-country, it is necessary to develop and improve on current support structures to ensure a basic standard of living for all refugees in Delhi. This includes:

1. Employment opportunities – arrangements should be made with the employer regarding equal wages, safe working environment. Those without or unable to secure an adequate source of income should be allowed to benefit from the subsistence support for as long as necessary.
2. All refugees and asylum seekers should have access to affordable and quality medical facilities and educational institutions in Delhi.
3. While UNHCR and its implementing partners have a large degree of responsibility to assist and provide for the basic needs of the Chin community, these programs must be reviewed to reduce the gap between the reality and theory.
4. To undertake community based projects by the implementing partners in terms of providing protection in terms of vulnerable cases.
5. To organize regular training program for the police by making them aware of refugee issues so that the refugees can feel safe and know that the authorities support the victims.

*The Times of India Sunday TOI*

# 'We don't have the Dalai Lama'

*Pooja Kashyap, TNN Aug 14, 2011, 07.20am IST*

*Tag : United nations*



take him for one. They also call him 'Nepali' or 'Manipuri', though he's neither. Peter is Burmese – among the 10,000 Christian refugees who fled persecution and poverty in their own country and found refuge in Delhi. Most are from Chin, a Christian-majority state of Myanmar near Mizoram.

It's a refuge like no other. Dirty, slushy bylanes in Delhi's western sprawl – Vikaspuri, Asalatpur, Janakpuri and Uttam Nagar.... Each dingy building is a maze of boxes – eight by 12 feet – masquerading as rooms. The paint is peeling off the walls; wires hang from the roofs. Outside the hovels, the children – scrawny and malnourished – wait while their mothers cook inside. "The rooms are too small for families to be inside while the cooking is on," says Steven Ral Kap Tluang, president of the Chin Refugee Committee. He says most rooms are shared by six to eight people. Fifteen rooms share a common loo. "We left our homes, hoping to make a fresh start here. But life has become a nightmare," says Steven.

It is estimated that around 86,000 Chin Christians have come to India since 1988. Most of them crossed over the porous border into Mizoram, travelling to Shillong and Delhi.

Runbik, a journalist who fled Buddhist dominated Mynamar over three decades ago, says it has become increasingly difficult for the country's Christian minority to preserve its identity. Plato, a human rights activist, says that Christians "were forcibly asked to build pagodas, while our churches were destroyed" . He fled Myanmar a decade ago after a run-in with the military. "Our women were assaulted and our men were forced to serve as porters for soldiers. With 50 military camps across Chin state, ration and money was forcibly extracted from the locals. In the last two decades, Chin has seen no development and is the poorest region in the country," he says. A UNDP survey found that almost three-fourth of the state's population is below the poverty line.

But is life as a refugee any better? Miserably poor and condemned to a ghetto-like existence , the Burmese have little access to good education or decent jobs. "Our children face discrimination in government schools because of their physical appearance, language and culture. So we have stopped sending them there," says Runbik. Many work in restaurants and factories, as security guards and house maids. "Sometimes, employers do not even pay us fully," says Tshery, another refugee . The women have a rougher time, she says.

"They are teased and manhandled when they go out at night to collect leftover vegetables from the shifting bazaars." She remembers her own experience when she arrived in Delhi . "My landlord came to my room asking for rent. All of a sudden, this 45-something man started groping me. When I raised an alarm, he went away but later doubled the room rent." Police apathy makes matters worse. The gangrape of a 20-year-old deaf and dumb Burmese girl by nine locals in Uttam Nagar less than a year ago still haunts the refugees. "Why has no action been taken in her case?" asks Steven.

Although most of them have United Nations High Commission for Refugees (UNHCR) certificates, they do not enjoy any legal rights as India is not a signatory to the UN convention on refugees. The subsistence allowance they used to receive from UNHCR was discontinued from this year. To make matters worse, "the Foreigners' Regional Registration Office, which grants residence permits, extracts anything between Rs 3,000 to 15,000 from us," alleges Plato.



Despite all this, their numbers seem to have swelled in the past three years. Around 60% of the Chin Burmese diaspora is under 35 years; many are going to the US, Canada, Australia and Europe. Is going back an option? For oldtimers such as Runbik, Myanmar is still Burma – the home they hope to return to some day. But they know reality is different. "The so-called democratically elected government of Burma is a sham. Even now, it's the generals who control the reins," says Runbik.

### **'Their cornered life is appalling'**

IIT-Delhi student Abhishek Jain is part of a team that runs a project to help Burmese refugees in Delhi. He tells Sunday Times how every little help counts

How are these refugees as a community?

They are close knit – rich in culture and tradition. It's astounding they have existed here in large numbers for decades. Yet, their presence has largely gone unnoticed. They are very sceptical about trusting Indians; this stems from fear and exploitation .

### **What are the core issues that trouble them?**

Their isolation and pathos just strikes you. They live in inhospitable conditions, with no support base, no work permit, no legal rights....Their cornered existence is appalling. Even a little support can make a difference like it did the Tibetans. We need to stop discriminating the Burmese. Give them a means of livelihood.

### **Any improvement after your intervention?**

Under the banner of 'Project Aarambh', that began last November, Students in Free Enterprise (SIFE-IIT Delhi) is working with institutions such as UNHCR to set up placement cells to address unemployment . In the last four months, 15 people have got permanent employment.

## **Burma's Christian Refugees in India Demand Protection**

By:Anugrah Kumar | **Christian Post Contributor**



NEW DELHI, India – Thousands of refugees who fled Christian persecution in Burma’s Chin state held a procession in New Delhi to mark the 60th World Refugee Day Monday, demanding legal protection in India and religious freedom back home.

“Our supreme aspiration” is to “live in our own native place of Chin State with dignity and free practice of our Christian faith, culture and language,” President of Chin Refugee Committee Steven Ral Kap Tluang told *The Christian Post*, as he walked underneath a white banner imprinted with a red colored cross leading over 3,000 Christian refugees.

“Due to the systematic, gross violations of human rights and suppression of our people by the Burmese military regime, which has a chauvinistic policy of ‘One Race, One People,’ thousands of Chins have fled to India and other parts of the world over the last six decades,” Tluang said even as the refugees shouted slogans, saying, “We want human rights; we want justice.”

Even when they find asylum in India, a free country, the refugees find little relief. “While many of the over 11,500 Chin refugees in Delhi have identity cards issued by the United Nations High Commissioner for Refugees, they have no travel documents or legal identity,” a Chin woman, Tialte, from the Euro-Burma Office in Delhi, told CP.

Additionally, there are over 70,000 Chin refugees in India’s north-eastern state of Mizoram, which borders the Chin State. None of them have any identity cards by the UNHCR, she added.

A May 2011 survey by the CRC showed that over 25 percent of the Christian refugees in Delhi were victims of assault, rape, sexual harassment, forcible eviction and other crimes. Police did little to take action against the accused as the refugees have no legal identity, the CRC said in a statement.

Although New Delhi has allowed the UNHRC to establish office in India, it has not signed the 1951 refugee convention which makes a country accountable for the protection of refugees.

The survey also showed that less than 20 percent of the refugees had jobs. “Many among the refugees who have gathered today have had no food in the morning as they have no means to earn their living,” the Chin woman said.

The refugees are also worried about the safety of their families in Chin State, she added. Some of the dozens of placards held by Chin men, women and children at the rally read, “Stop Religious Persecution in Chin Land (as the state is known by the Chin people),” and “I Miss My Motherland.”

The military regime of Burma, officially called Myanmar, has destroyed hundreds of churches in the Chin State. A report entitled, “Life under the Junta: Evidence of Crimes against Humanity in Burma’s Chin State,” by Physicians for Human Rights documented “extraordinary levels of state violence” against the Chin Christians. Of the 71 households from 13 of 90 villages and towns surveyed said government authorities had destroyed their local church buildings.

The Burmese military sees practice of any religion other than majority Buddhism as a key reason behind the demand for more autonomy. Therefore Christians, unless they willingly give the control of their religious activities to the federal government, are seen as enemies of the government.

Over 90 percent of the 500,000 people in Chin State are Christian. Along with the Chin Christians, Christians from other ethnic minority states, such as the Karen, Karenni and Kachin, also face religious persecution. Burma's ethnic minorities, as opposed to the majority Burman people who are mostly Buddhist, have been demanding the freedom to express and practice their own traditions for decades.

However, the Burmese government has “ignored the call for national reconciliation” and has legitimized the domination of the military-controlled federal government by having elections in 2010 which were a sham, the CRC statement said.

The Burmese junta held the first “democratic” election in two decades last year but ensured that a party ruled by military generals got the majority in the parliament. The new constitution adopted before the election through an allegedly rigged referendum established Burma as a Union, leaving little hope of autonomy for the non-Burman minorities.

## Endnotes

1. “We Are Like Forgotten People”. Human Rights Watch
2. Without refuge: Chin refugees in India and Malaysia, Amy Alexander
3. REFUGEES IN DELHI - Centre for Civil Society (CCS)
4. Report of Refugee Populations in India, HRLN
5. Life Under the Junta: Evidence of Crimes Against Humanity in Burma’s Chin State, Physicians for Human Rights
6. LOOKING FORWARD, THE WOMEN’S LEAGUE OF BURMA
7. The Chin People of Burma:A Struggle for Survival, CHRO
8. ASSESSMENT REPORT ON BURMESE REFUGEES IN MIZORAM AND DELHI, CHRO

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