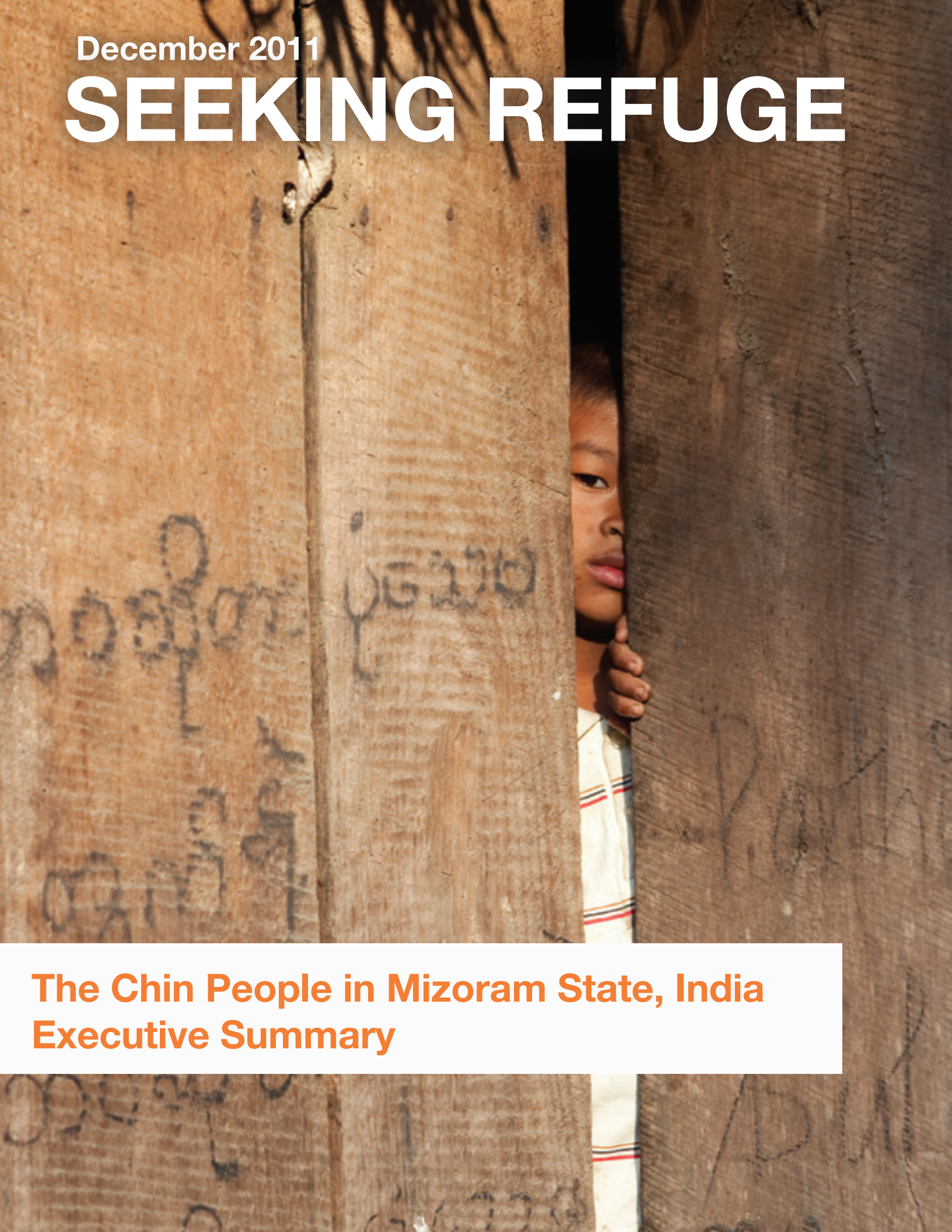


December 2011

SEEKING REFUGE



**The Chin People in Mizoram State, India
Executive Summary**

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Executive Summary

**Photographs by Steven Rubin
Cover and report design by Michael Palmer**

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at matt.wilch@gmail.com or zotumhmung@gmail.com.**

<http://www.chinseekingrefuge.com>

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Matthew Wilch served as the lead writer and editor; and Jenny Yang and Zo Tum Hmung were writers and editors. Other valuable contributions to the text came from Dr. Vijayakumar James; Steven Rubin; Mitzi Schroeder, Director of Policy, Jesuit Refugee Service; and Ralston Deffenbaugh, Assistant General Secretary for Human Rights and International Affairs, Lutheran World Federation. Steven Rubin took the photographs and Michael Palmer did the cover and report layout and design.

Upon arrival in India for the assessment, Rev. Dr. Lalchungnunga, former Principal of Serampore College, Serampore, West Bengal, India, located near Kolkata, oriented the delegation to Mizoram State, India, and helped facilitate important appointments. Rev. Dr. H. Vanlalauva, a Professor of Serampore College and former Moderator of the Mizoram Presbyterian Church Synod also oriented the group, answering the delegation's questions about the role of the church in Mizoram and the historical relationship between Chins and Mizos.

We are indebted to many Chin pastors, church and community leaders and members, and translators in the Mizoram districts of Aizawl, Saiha, Lawngtlai, Lunglei, and Champhai; and in New Delhi to the leaders of the Chin Refugee Committee. They all warmly welcomed us, shared about their challenging experiences in Burma and their new lives in India, and worked tirelessly to provide us full access to the Chin community. We thank the many Chins with whom we met and spoke, especially those whom we interviewed and profiled in this report. Their names and photographs and the dates and places of their interviews have not been included to protect their privacy and security. Report photos include both unidentified Chins from Burma and local people.

The leaders and people of Mizoram were also very warm and hospitable hosts to us during the trip. We are grateful to Pu Lal Thanhawla, Chief Minister of Mizoram and President of the Indian National Congress Party of Mizoram, for meeting with us to share his concern and commitment to addressing the plight of the Chins and to improving the well-being of all in Mizoram. We are grateful to him and his family for their hospitality. We thank Pu Zoramthanga, the President of the Mizo National Front and the former Chief Minister of Mizoram for two consecutive terms, who met with us and shared his long experience and assessment of the complex situation. We likewise thank Pu C.L. Ruala, Member of the Indian Parliament, Lok Sabha, for his concern and

many insights. We are grateful to Pu S. Khipo, Chief Executive Member, Mara Autonomous District, Saiha; and Pu C. Ngunlianchnunga, Chief Executive Member, Lai Autonomous District, Lawngtlai, for meeting with us, for helping Chin refugees in New Delhi, and for their desire to help address the Chins' plight in Mizoram and Mizoram's humanitarian burden.

We owe thanks to Rev. C. Lalsangliana, the Moderator of the Mizoram Presbyterian Church Synod and his staff for meeting with us and for the moral leadership and Christian service of his church in Mizoram State, and we thank him and his family for their hospitality. We appreciated other stakeholders who welcomed us in Mizoram, maintaining a problem-solving, solutions-oriented, good faith approach to the complex challenges in their state. These include many other church leaders and their staffs: Rev. H. Lianggaia, General Secretary, Baptist Church of Mizoram, Lunglei; Rev. Dr. M. Zakonia, Moderator, Evangelical Church of Maraland, Saiha; Rev. C. Hrangzuala, General Secretary, Lairam Jesus Christ Baptist Church, Lawngtlai; Major Lianzira, Social Secretary, Salvation Army, Aizawl; and Most Rev. Stephen Rotluanga, CSC, Roman Catholic Bishop, Aizawl. We appreciated meeting with Mr. C Dinthanga, *Lelte Weekly Magazine* publisher and editor, Aizawl, and with the Human Rights Legal Network, Aizawl.

We are grateful to the Young Mizo Association for meeting with us twice and for their continued dialogue about how to respond to the Chins who seek refuge in Mizoram.

We acknowledge the United Nations High Commissioner for Refugees in New Delhi and Washington, DC, for their tireless work on refugee protection and for meeting with us to provide critical insight about the refugees in India. We express our appreciation to the U.S. Department of State, Bureau of Population, Refugees and Migration, the U.S. Department of Homeland Security, the U.S. Consulate in Kolkata, the U.S. Embassy in New Delhi, and also the staff members of various U.S. Congressional offices for meeting with us, for their concern for the Chins in Mizoram, and for their overall commitment to and care for refugees.

We thank World Relief, Lutheran World Service India Trust, Lutheran World Federation, Jesuit Refugee Service, U.S. Conference of Catholic Bishops, Catholic Relief Service, Refugee Council USA, Church World Service, and Lutheran World Relief, for helping us to prepare for and debrief from the trip. Lutheran Immigration and Refugee Service and the Women's Refugee Commission of the International Rescue Committee also generously shared expertise before and after the trip regarding unaccompanied children and livelihood for urban refugees, respectively. We also thank Dr. L.E. van Waas, Senior Researcher and Manager of the Statelessness Programme, Tilburg Law School, Netherlands, for sharing her expertise about statelessness.

We acknowledge the following human rights groups and media for providing the delegation with important background and analysis on the Chins' plight: Chin Human Rights Organization, Human Rights Watch, Physicians for Human Rights, Refugees International, and *Khonumthung News*.

We did our best to listen and learn from everyone, and to understand, describe, and analyze the complex situation of Chins in Mizoram State, India. Any mistakes in this report are our own.

In closing, we have been moved by the courage, resourcefulness, and deep faith of the Chin people and encouraged by the compassion, hospitality, and deep faith of the people in Mizoram. Our hope is that this report might be a catalyst for concerned governments, churches, and organizations to join together with them in good faith to address the protection and humanitarian challenges of the Chins in Mizoram and to reduce the humanitarian burden on Mizoram State and India.

STATEMENTS OF SUPPORT

“The Chin community here in the United States feels thankful and blessed that we are free from danger and able to build new lives. But our hearts are always with our Chin people who continue to flee from persecution in Burma and seek refuge in countries around the world. We are called to respond to the needs of our people who have fled to India. This report will help us understand and support our Chin people and our Mizo brothers and sisters as they reach out to them.”

Rev. Dr. C Duh Kam, Executive Minister
Chin Baptist Churches USA

“The humanitarian challenges facing the 100,000 Chins who fled from Burma and the people of Mizoram State who are hosting them are a challenge for the wider community of Christian churches as well. How do we help our Chin brothers and sisters in need and how do we provide support to the front lines to the Mizoram people and churches who are providing them refuge? This report begins to answer those questions.”

Dr. Geoff Tunncliffe, Chief Executive Officer and Secretary General
World Evangelical Alliance

“For years, we have had a very strong relationship with many of the churches in northeast India and Burma, and they have been a beacon of light and hope for the Christian community around the world. We understand the struggles they go through as a community, and we stand in solidarity with them to shed light on this critical situation.”

Rev. Raimundo C. Barreto Jr., PhD, Director
Division for Freedom and Justice
Baptist World Alliance

“This report is timely and is urgently needed to bring attention and real solutions to a situation that has been ignored for far too long. With this well-documented report, it is now time for the international community to work together rapidly and effectively to improve the lives of the Chins in Mizoram. Our Office has advocated for this population in the past. We will continue that effort until real and meaningful solutions have been found for them. With that in mind, we believe that this report is a much-needed step in the right direction.”

Ambassador Johnny Young, Executive Director
Migration and Refugee Service
U.S. Conference of Catholic Bishops

“We have come to know the courage and perseverance of the Chin people who have fled from Burma and sought refuge around the world, including those resettled in the United States. This report details why they flee Burma, what protection and humanitarian challenges they face now in India, and how churches, governments, and NGOs can work together to help the host country India meet those challenges.”

Dan Kosten, Chair
Refugee Council USA

“The Chins in Mizoram face daunting protection problems that urgently need more attention from the international community. This report gives a comprehensive firsthand account of the serious humanitarian challenges the Chin and Mizoram people face and ways that the international community can actively engage in helping to meet these challenges.”

Sam Worthington, President and Chief Executive Officer
InterAction

“As the humanitarian arm of the National Association of Evangelicals, we are committed to empowering the local church to serve the most vulnerable. We have seen and heard about the suffering of the Chin refugees in various parts of the world for years, as well as the strength of the Christian community in Mizoram in hosting the Chins. We thank the Chin people and the Mizoram leaders who generously welcomed the delegation to India and hope that this report will spark a strong commitment from the church and broader international community to stand with the displaced Chin people and their Mizoram host communities.”

Stephan Bauman, President and Chief Executive Officer
World Relief

“This is the first comprehensive report on the needs of this large group of Chin people in Mizoram State, India. It makes a valuable contribution to our understanding of the serious protection challenges facing Chins seeking refuge in India, particularly women and girls and unaccompanied children. The report offers recommendations that can help improve their protection and identify durable solutions.”

Sarah Costa, Executive Director
Women’s Refugee Commission

“For more than twenty years, the international community has joined with the country of Thailand to help meet the humanitarian needs of refugees fleeing across Burma’s eastern border. This report shows why it is time to also focus on those who are fleeing across Burma’s western border to India. The generous and welcoming people of Mizoram State need to be supported, as well as the Chins seeking refuge. This report shows why and how the international community can help India to meet the protection and humanitarian needs of the Chins in India. The Lutheran World Federation, Lutheran World Service India Trust, and Lutheran Immigration and Refugee Service are committed to joining with others of good will to be part of the solution for the Chins and the people of Mizoram.”

Ralston Deffenbaugh, Assistant General Secretary
Human Rights and International Affairs
Lutheran World Federation

FOREWORD

Dear Reader,

We welcome this report as a thoughtful and thorough explanation of the daunting challenges facing a large group of Chin people, an ethnic and religious minority group that has fled over the years from the persecution of the Burmese military regime to Mizoram State, India. The report likewise sheds light on the challenges that Mizoram State and the central government of India face hosting such a large group of people and of the need for the international community, including the United States, to play an active role in supporting both the Chins and their Indian hosts.

We have come to know the Chins in the United States. For years, they have resettled to various parts of our country and formed a strong community of members who are contributing and strengthening our country. Their active voices and involvement in the lives of their own people in the United States, back in Burma, and in the various asylum countries throughout the world have made us aware and concerned about their plight in Burma and in the countries of refuge.

Burma has long been known for its human rights abuses. Its military regime has for years persecuted people based on ethnicity, religion, and political opinion. The outflow of Chin people is a result of those abuses. While we applaud the ongoing political efforts by Daw Aung San Suu Kyi and hope for reform of the Burmese regime, human rights violations continue to occur against the ethnic minorities in Burma. As long as the ethnic political issues are unresolved, the refugee crisis and migration will continue.

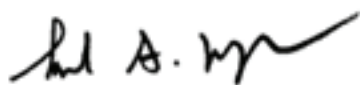
The Chins in Mizoram State, India, live in a protracted, urban refugee situation and face daunting problems related to protection, livelihood, health, and education. While many of them have been there for years, this report sheds light that new arrivals continue to flee into Mizoram, including many youth who are fleeing forced conscription by the Burmese military. For years, this region of India has been restricted from outside access. The Indian government lifted the restrictions in January 2011, however, with an abatement of civil strife in the region. This report is the first report since the lifting in which the delegation met with not just the Chins in Mizoram, but also with elected officials, church leaders, and the local community. They met in a problem-solving, solutions-oriented roundtable approach to address the humanitarian plight of the Chins and to explore ways to reduce the burden on the host community of Mizoram State.

We express strong support for this report which gives us first-hand information highlighting a critical area of the world toward which more attention should be focused. During 2011 which marks the 60th anniversary of the Refugee Convention and during the year ahead, we encourage our own government, and our valued colleagues and friends in the Indian government, to carefully consider the report's analysis and recommendations to work together with the international community to address the situation.

Sincerely,



Dan Kosten, Chair
Refugee Council USA



Sam Worthington, President and Chief Executive Officer
InterAction





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MAP OF CHIN STATE, BURMA, AND MIZORAM STATE, INDIA¹



[1] This map is derived with permission from a Human Rights Watch (HRW) map of Chin State, Burma, and Mizoram State, India. ©2008 John Emerson/HRW. This report uses the country name Burma in the text and in the maps, not the name Myanmar given to it by the military regime in 1989.

MAP OF INDIA FEATURING MIZORAM STATE, INDIA²



[2] This map is derived with permission from an Indian map of the Nations Online Project. ©Nations Online Project, at <http://www.nationsonline.org/one-world/> (accessed Dec. 5, 2011).



EXECUTIVE SUMMARY

I. The Opening and the Roundtable Approach

Since 1988, tens of thousands of Chin people have fled from Chin State, Burma, seeking refuge in neighboring Mizoram State, India. Fleeing the widespread and persistent ethnic, political, and religious persecution by the Burmese military regime, their numbers in Mizoram have grown to an estimated 100,000.³ Few have known firsthand about the persecution of this Christian ethnic minority because the Burmese military regime has long restricted most foreign travel to Chin State and Burma and most media coverage as well. Also, few have known about the protracted refugee situation for the Chins in Mizoram State, India. While Mizoram is known in India for its natural beauty and high literacy rate,⁴ the state is less well known to people outside of India. Mizoram is a landlocked, mountainous state among the remote seven northeastern states of India. The northeastern states are connected to the rest of India by a narrow strip of land between Nepal to the north and Bangladesh to the south. Besides the geographical distance, Mizoram and other northeastern states have long had restricted travel policies for both foreigners and for Indian citizens not from the region.⁵ Thus, Chins in Mizoram State have for the most part been out of sight and out of mind for the international community.

In December 2010 the central government of India lifted for at least one year the travel restriction for foreigners, otherwise known as the Restricted Area Permit (RAP), and it opened the door to Mizoram State, India, for international visits.⁶ With restrictions lifted, the individuals responsible for this report travelled in India from April 7 through May 2, 2011. During the trip, the delegation assessed the situation of the Chin people there, spending most of the time in Mizoram State and also visiting Kolkata and New Delhi. The delegation included Matthew Wilch, JD, U.S. lawyer; Zo Tum Hmung (Masters in Public Administration, Harvard Kennedy School) a Chin community activist from the United States; Jenny Yang, Director of Advocacy and Policy of the Refugee and Immigration Program, World Relief; Steven Rubin, Assistant Professor of Art, Pennsylvania State University; and Dr. Vijayakumar James, Executive Director, and Polly Mondal, Monitoring Officer of the Program Department, Lutheran World Service India Trust. Joining the delegation in New Delhi were Rabindran Shelley, India Country Director, World Relief, and Dr. Prakash Louis, SJ, Asia Regional Director, Jesuit Refugee Service.

[3] The U.S. Dept. of State (DOS) estimates that there are up to 100,000 Chins in Mizoram State. Bureau of East Asian and Pacific Affairs, U.S. DOS, "Background Note: Burma," Bureau of East Asian and Pacific Affairs, U.S. DOS, Aug. 3, 2011, <http://www.state.gov/r/pa/ei/bgn/35910.htm> (accessed Oct. 10, 2011). A leader from the Young Mizo Association (YMA), a major Mizoram nongovernmental organization, estimated the number of Chins to be at least 80,000. From delegation meeting with Central YMA, Aizawl, Mizoram State, India.

[4] Mizoram's 92% literacy rate is second among India's 28 states and 7 union territories. Registrar General and Census Commissioner, "Prov. Population Totals Paper 1, Mizoram," *2011 Census of India*, p. 33, Registrar General and Census Commissioner, <http://www.censusindia.gov.in> (select "Prov. Population Totals Paper 1" then "Mizoram") (accessed Oct. 10, 2011).

[5] Restricted travel policies for foreigners and "non-indigenous" Indians go back to British rule of the northeast in the 1890s, and the rationale was to protect the lands and people from outside exploitation. L.H. Lalpekhlu, *Contextual Christology: A Tribal Perspective* (Delhi: Indian Society for Promoting Christian Knowledge, 2007), pp. 49-54. The more recent policies include the Foreigners (Protected Areas) Order, 1958, passed to contain ethnic and political upheaval in the area. Foreigners Division, Ministry of Home Affairs, Govt. of India (GOI), "Frequently Asked Questions on Protected Area Permit (PAP)/Restricted Area Permit (RAP) Regime," Foreigners Division, Ministry of Home Affairs, GOI, <http://mha.nic.in/foreignDiv/PAP.html> (describes Dec. 30, 2010 order that lifted RAP in Mizoram State) (accessed Nov. 15, 2011). The Inner Line Regulation for "non-indigenous" Indians is still in force. Ministry of Home Affairs, GOI, "Guidelines for the enforcement of the Inner Line Regulation," GOI, available at Mizoram State Govt., <http://mizoram.nic.in/more/ilp-regu.pdf> (accessed Dec. 15, 2011).

[6] Foreigners Division, Ministry of Home Affairs, GOI, "FAQs on PAP and RAP Regime," Foreigners Division, Ministry of Home Affairs, GOI, <http://mha.nic.in/foreignDiv/PAP.html> (describes Dec. 30, 2010 order that lifted RAP requirements in Mizoram State) (accessed Nov. 15, 2011).

The delegation met with a full range of local stakeholders including governmental, church, and community leaders, and also had town hall discussions, focus groups, and individual interviews with Chin leaders, churches, fellowships, and community members in the Mizoram districts of Aizawl, Saiha, Lawngtlai, Lunglei, and Champhai; in Zokhawthar, an Indo-Burma border village; and in New Delhi. There were meetings with other stakeholders beyond Mizoram, including the Member of the Parliament of India, who represents Mizoram State in Lok Sabha, the House of the People, in New Delhi; UNHCR in New Delhi; and U.S. government officials in New Delhi and Kolkata. Before and after the trip, members of the delegation met in the United States with the U.S. Department of State and the U.S. Department of Homeland Security, with staffers of various U.S. Congressional offices, with UNHCR officials, and with nongovernmental organizations (NGOs) that focus on refugee protection and humanitarian assistance.

The delegation encouraged a roundtable, problem-solving, solutions-oriented approach among stakeholders in every meeting, asking them to place two common challenges in the middle of the table: how to provide protection for the Chins and address their humanitarian needs, and how to reduce the humanitarian burden that the large Chin population creates for Mizoram. The purpose of the meetings was to focus on better understanding the two challenges and to explore how stakeholders working together might meet them.

Since the large migration of Chins to Mizoram State, India, is what triggers the two challenges facing the Chin and Mizoram stakeholders, the next section describes the cause of their migration and why the plight of the Chins should be an issue of concern for the international community and not just one for Mizoram State and India.

II. Chins in Mizoram State, India: People Seeking Refuge, Children At Risk, and Potentially Stateless People

In the wake of a 1988 pro-democratic uprising in Burma, large numbers of Chins began fleeing from Burma and seeking refuge in Mizoram State, India, which borders Chin State, Burma.⁷ For several years beginning in 1988, the central government of India provided refuge to the Chins, giving them shelter and food in Champhai and Saiha.⁸ This assistance stopped several years after the 1988 pro-democratic uprising in Burma. Nonetheless, the Chins have continued to flee ethnic, political, and religious persecution by the Burmese military regime, and they have continued seeking refuge in Mizoram State, India.

The Chins are not alone in their displacement. The Burmese military regime's systematic ethnic, political, and religious persecution has continued to displace other minority ethnic groups in Burma including the Karen, Karenni, Kachin, Shan, Mon, Rohyinga and others.⁹ Most of these groups have sought refuge in Thailand and Malaysia with a few in New Delhi, India. Rohyinga have also fled to Bangladesh, where they remain stateless. While there has likewise been a long history of persecution of pro-democracy activists from the majority

[7] The military regime has been in power since 1962, and the delegation did meet Chins who fled from Burma between 1962 and 1988. See the chart titled **Arrival Dates of Chin Leaders** in section II of the full report. Refugees International also noted that Chins have been coming to Mizoram since before 1988. Refugees International, "India: Close the Gap for Burmese Refugees," Dec. 8, 2009, <http://refugeesinternational.org/policy/field-report/india-close-gap-burmese-refugees> (accessed Nov. 5, 2011).

[8] Chins and Mizo stakeholders both described this assistance in Champhai and Saiha Districts. The Champhai facility for Chins was reportedly closed on June 1, 1995. South Asia Human Rights Documentation Centre (SAHRDC), "The Situation of Burmese Refugees in Asia: Special Focus on India," SAHRDC (select the title from list) [1995], <http://www.hrdc.net/sahrdc/resources.htm> (accessed Oct. 10, 2011).

[9] See, e.g., Bureau of Democracy, Human Rights, and Labor, U.S. DOS, "Human Rights Report: Burma," *Country Reports on Human Rights Practices 2010*, U.S. DOS, April 8, 2011, available at U.S. DOS, <http://www.state.gov/g/drl/rls/hrrpt/2010/eap/154380.htm> (accessed Oct. 19, 2011); Human Rights Watch (HRW), *World Report 2011* (NY, NY: HRW, 2011), pp. 288-294, available at HRW, <http://www.hrw.org> (select "Publications/World Report 2011") (accessed Oct. 19, 2011).

Burman ethnic group, most notably Daw Aung San Suu Kyi, the vast majority of those fleeing from persecution in Burma are members of the ethnic minority groups, such as the Chins.

The Physicians for Human Rights (PHR) released a report in January 2011, entitled *Life Under the Junta: Evidence of Crimes Against Humanity in Burma's Chin State* that reports about the systematic persecution of the Chins. PHR found that crimes against humanity occurred all across the nine townships in Chin State, Burma.¹⁰ The Chins in Mizoram described suffering human rights abuses in Burma consistent with the crimes against humanity documented in the PHR report. Chins reported suffering physical and gender-based violence and the forced taking of produce and livestock without compensation. In Chin State where the vast majority of the population lives an agrarian lifestyle, forced labor that kept Chins away from their animals, fields, and families was a major cause for their fear, poverty, community instability, and food insecurity. They were forced to be porters and carry military supplies, to be servants, and to build roads and buildings. For women, forced labor often also meant suffering gender-based violence. According to PHR, the Chins' forced labor also has included clearing land mines.¹¹ Besides forced labor, Chins reported having to flee from the military regime because of the real or perceived pro-democracy sympathies of themselves, their families, associates, or villages. Also, recently arrived Chin youth have fled to Mizoram to avoid conscription into the Burmese army, an army that has a long history of brutalizing Chins and other minority ethnic groups.

Some Chins also have continued fleeing religious persecution. The Burmese military regime's religious persecution against Christians has been persistent and widespread.^{11a} The Burmese military regime has reportedly been involved in destroying nine large crosses, prominently displayed on the hillsides across the 9 townships of Chin State, Burma, which is 90% Christian. These Christian landmarks have often been replaced by Buddhist pagodas, monasteries, and statues, which have sometimes been built by the forced labour of Chins. The military regime also stopped Christian church construction while funding construction of Buddhist landmarks and infrastructure. Burma is one of "the countries of particular concern" for its severe restrictions on religious freedom.

[10] Richard Sollom, Chris Beyrer, Adam Richards, Vit Suwanvanichkij, Parveen Parmar, Luke Mullany, and John Bradshaw, *Life Under the Junta: Evidence of Crimes Against Humanity in Burma's Chin State*, Physicians for Human Rights (PHR), (Cambridge, MA, 2011), pp. 26-35, available at PHR, <http://physiciansforhumanrights.org/library/reports/burma-chin-report-2011.html> (accessed Oct. 10, 2011).

[11] *Ibid.*, p. 34.

[11a] Nava Thakuria, "Destruction of Cross in Chin (Burma) Condemned," *Narinjara News*, Aug. 25, 2010, available at *Burma News International*, <http://www.bnionline.net/> (search "destruction cross") (accessed Dec. 15, 2011). Chins are 90% Christian. Anugraph Kumar, "Burma's Christian Refugees in India Demand Protection," *Christian Post*, June 20, 2011, available at *Christian Post*, <http://www.christianpost.com/news/burmas-christian-refugees-in-india-demand-protection-51345/> (accessed Nov. 3, 2011). U.S. Commission on Intl. Religious Freedom (USCIRF) designates Burma among "the countries of particular concern." USCIRF, *USCIRF Annual Report 2011*, May 2011, USCIRF, (Washington, DC, 2011), p. 34, available at USCIRF, <http://www.uscirf.gov/images/book%20with%20cover%20for%20web.pdf> (accessed Oct. 31, 2011).

Many of the people in Mizoram mistakenly conclude that Chins are economic migrants. The delegation did see Chin economic migrants, for example, Chin merchants in the Indo-Burma border area, who were involved in economic migration, apparently coming and going between the two countries to buy, sell, and trade goods. Much more often, the delegation witnessed the stark poverty of many of the Chins in Mizoram. Indeed, one Mizoram church leader who knows the Chins' situation even described them as "the poorest of the poor" in Mizoram. Many of the Chins are indeed poor, but a close examination of the cause of their poverty in Burma underscores that Chins who fled from the Burmese military regime are seeking refuge from persecution. In fact, the vast majority of Chins the delegation met who were residing permanently in Mizoram had fled from human rights abuses in Burma or feared suffering from such abuses if they returned there. Their poverty in Burma was not due to mere poor economic conditions in Burma. Rather, it was integrally tied to the persecution that they suffered such as forced labor and forced taking of produce and livestock without compensation. When Chins flee the military regime in Burma, the poverty that they suffered there does not diminish their right to international refugee protection when they flee. Rather, it is one more sign of the persecution that they suffered there.

The central government of India has obligations towards the Chins residing in Mizoram based on international and Indian law concerning refugees, children, and stateless people. As a member of the international community, India is obliged by international customary law to not deport Chins back to Burma, given the danger of persecution there. As a contracting-state to the Convention on the Rights of the Child (CRC), India has committed itself to providing certain protections and care for children within its borders, including the many Chin children residing in Mizoram State.¹² The Chin children include both those born in Burma who came to Mizoram with their parents seeking refuge and those born in Mizoram State. Under the CRC, among other rights, any of the Chin children who are refugees must be treated with "appropriate protection and humanitarian assistance" whether they are accompanied or unaccompanied by parents and family; moreover, India must protect Chin children's rights to survival and development; registration, name, and nationality; family unity; and protection from all forms of violence.¹³ Also, the delegation has asked the United Nations High Commissioner for Refugees (UNHCR) to research whether a large number of Chins in Mizoram, particularly Chin children born in the state, might also be stateless, that is, people without recognized citizenship, people without a country. This would signal additional vulnerabilities for the Chins but might also open up international sources of assistance and support for them which could help reduce the burden on India and Mizoram State as they host them.

Concerned countries within the international community, while not obligated, have compelling humanitarian and strategic reasons to help Chins in Mizoram State, India. Refugee resettlement countries such as the United States, Australia, Canada, Sweden, Norway, Denmark, New Zealand, and the Czech Republic have resettled Chins through Thailand, Malaysia, and New Delhi, India. They are well aware of the persecution which has forced Chins to flee. These concerned countries also have compelling strategic reasons to support the host country India, their ally, and its state of Mizoram, which is in a geopolitically strategic location in northeastern India, close to China and bordering Burma and Bangladesh.

What might be a durable solution for the Chins seeking refuge in Mizoram State, India? When people seek refugee protection, they seek solutions to their situation both in the short and long term. Long term solutions are known as "durable solutions."

[12] Convention on the Rights of the Child (CRC), adopted New York, Nov. 20, 1989 (entered into force Sept. 2, 1990, acceded to by India Dec. 11, 1992), available at Office of the High Commissioner for Human Rights (OHCHR), <http://www2.ohchr.org/english/law/crc.htm> (accessed Oct. 10, 2011). For a more complete explanation of India's human rights commitments and obligations relevant to the Chins in Mizoram State see section II of the full report.

[13] CRC, arts. 22(1), 6, 7, 22(2), 19, respectively; available at OHCHR, <http://www2.ohchr.org/english/law/crc.htm> (accessed Oct. 27, 2011). See UNICEF's fact sheet. UNICEF, "Fact Sheet: A Summary of the rights under the Convention on the Rights of the Child," UNICEF, http://www.unicef.org/crc/files/Rights_overview.pdf (accessed Oct. 27, 2011).

Chin Profiles...

Why They Fled Burma

ZA, a recent arrival, is an 18-year-old single, male fleeing Burmese army conscription.¹⁴

Even at his young age, the Burmese military has subjected ZA many times to forced labor as a porter carrying the army's supplies. He has witnessed army brutality against fellow porters, especially those who are older or sick and unable to keep up with the group. He knew of the military's brutality against nearby village leaders after the Chin pro-democracy group members passed through the village. He fled, not wanting to be part of an army known for its brutality against his people.

YB, a 35-year-old teacher who recently fled from Chin State, Burma, fled after the army tortured and killed her brother and threatened her for reporting the rape of her student.¹⁵

Her 17-year-old brother was arrested, imprisoned, tortured and killed by the Burmese military, who wrongly believed that he was involved with Chin pro-democracy opposition activities. She was forced to flee when the military targeted her after she reported two soldiers who had raped her student. She lives with her parents, who suffer from mental health problems due to their persecution in Burma, and with another brother, whose work options are limited after his hand was cut off by the Burmese military.

Given the five decades of human rights abuses by the Burmese military regime, the recent scientific study of crimes against humanity in Chin State by the Physicians for Human Rights, and the continued reports during the trip of human rights abuses in Burma, it does not appear that voluntary repatriation, that is, the durable solution of returning Chins to Burma, is the appropriate one at this time. Most Chins seeking refuge in Mizoram State, India, seem to have strong refugee claims based on past persecution, based on the ongoing danger of being persecuted if returned to Burma, or both.

The next section, section III, turns to background information relevant to a second durable solution sometimes available for people seeking refuge, namely, integration into the host community. This section provides details about the Chins, their relationship with the people of Mizoram, their state in Burma, the state of Mizoram, and some economic, social, religious, and political factors that impact their lives in Mizoram.

[14] From a delegation interview with ZA.

[15] From a delegation interview with YB.

III. Background Information

In Chin State, the population is 500,000;¹⁶ 90% are Christian;¹⁷ 87% are literate;¹⁸ 27% of the children have no access to primary schools; 32% of the population have no access to health care;¹⁹ and 73% live below the poverty line, giving Chin State the highest poverty rate of Burma's 14 states and divisions.²⁰ Burma's healthcare system was ranked 190th of 191 countries.²¹ Some 40% of children under age 5 in Burma have stunted growth, the mortality rate for children under age 5 is 71 per 1000 live births, and life expectancy is 64 years.²² Chin State lacks basic public infrastructure, education, and health systems. Moreover, a recent Physicians for Human Rights study revealed that 92% of Chin households from across Chin State had been subjected to a crime against humanity in the previous year, including forced labour; religious or ethnic persecution; arbitrary arrest, detention, or imprisonment; abduction or disappearance; torture; rape or sexual violence; murder; or some other inhumane act.²³ Also, in May 2011, Burma was designated as a "country of particular concern" for its severe restrictions on religious freedom.²⁴

In Mizoram State, the population is 1,091,014;²⁵ 95% are Christian;²⁶ 92% are literate;²⁷ 22% live below the poverty line;²⁸ 28% of the children under age 3 are underweight;²⁹ the maternal mortality rate is 60 per 1000 live births;³⁰ 50% of individuals are fully immunized;³¹ and the state has 54% of the doctors needed for its primary health facilities.³² Life expectancy in India is 67 years.³³ The central and state governments are continuing to build up the state's capital and infrastructure related to jobs, roads, power, clean water, housing, sanitation, food security, healthcare, and education. People in Mizoram are not subject to the strains to their health that PHR found in their study of crimes against humanity in Chin State, Burma. There has been general peace in Mizoram State since 1987. People in Mizoram State also do not suffer from the interference with religion that the Chins experience in Burma.

[16] Unrepresented Nations and Peoples Organization (UNPO), "Chin Statistics," UNPO, March 25, 2008, <http://www.unpo.org/members/7866> (accessed Oct. 10, 2011).

[17] Anugrah Kumar, "Burma's Christian Refugees in India Demand Protection," *Christian Post*, June 20, 2011, available at *Christian Post*, <http://www.christianpost.com/news/burmas-christian-refugees-in-india-demand-protection-51345/> (accessed Nov. 3, 2011).

[18] IHLCA Project Technical Unit, Myanmar Govt., with support from Myanmar Ministry of National Planning, United Nations Development Programme (UNDP), United Nations Children's Fund (UNICEF), and Swedish International Development Cooperation Agency (Sida), *Poverty Profile: Integrated Household Living Condition Survey in Myanmar, 2009-2010*, sec. 8 "Education," p. 90, available at UNDP, http://www.mm.undp.org/ihlca/01_Poverty_Profile/index.html (accessed Oct. 10, 2011).

[19] *Ibid.*, sec. 8, "Education," p. 100, and sec. 7, "Health and Nutrition," p. 81.

[20] *Ibid.*, sec. 2, "Poverty and Inequality," p. 12.

[21] World Health Organization (WHO), *World Health Report 2000--Health systems: improving performance*, available at WHO, <http://www.who.int/whr/2000/en/> (accessed Oct. 10, 2011).

[22] WHO, "Data for Global Health Observatory 2009: Myanmar Health Profile," WHO, <http://www.who.int/countries/mmr/en/> (select "Country health profile") (accessed Oct. 10, 2011).

[23] Sollom, and others, *Life Under the Junta*, PHR, pp. 27-29, PHR, <http://physiciansforhumanrights.org/library/reports/burma-chin-report-2011.html> (accessed Oct. 10, 2011).

[24] U.S. Commission on International Religious Freedom (USCIRF), *USCIRF Annual Report 2011*, May 2011, USCIRF, (Washington, DC, 2011), p. 34, available at USCIRF, <http://www.uscifr.gov/images/book%20with%20cover%20for%20web.pdf> (accessed Oct. 31, 2011).

[25] Registrar General and Census Commissioner, Ministry of Home Affairs, GOI, "Provisional Population Totals Paper 1 Mizoram," *2011 Census of India*, Registrar General and Census Commissioner, Ministry of Home Affairs, GOI, p. 9, Registrar General and Census Commissioner, <http://www.censusindia.gov.in> (select "Prov. Population Totals Paper 1" then "Mizoram") (accessed Oct. 10, 2011).

[26] Mizoram State Govt., "People: The People," Mizoram State Govt., <http://mizoram.nic.in/> (select "People" in upper left corner of website) (Mizoram State bases this estimate on a National Sample Survey, 1997-1998) (accessed Oct. 20, 2011).

[27] Registrar General and Census Commissioner, "Prov. Population, Mizoram," *2011 Census of India*, p. 33, Registrar General and Census Commissioner, <http://www.censusindia.gov.in> (select "Prov. Population Totals Paper 1" then "Mizoram") (accessed Oct. 10, 2011). The rate is second highest among the 28 states and 7 union territories of India. *Ibid.*

[28] Health and Family Welfare Dept. (HFWD), Mizoram State Govt., "State Profile," HFWD, Mizoram State Govt., <http://healthmizoram.nic.in/> (select "State Profile" under "NHRM") (accessed Oct. 10, 2011). Since this is the state government's website, it is assumed that "below the poverty line" refers to the Indian definition.

[29] World Bank, "Countries/South Asia/India/Mizoram," World Bank, <http://go.worldbank.org/SS2NJDLG20> (accessed Oct. 10, 2011).

[30] HFWD, Mizoram State Govt., "National Rural Health Mission (NRHM) Action Plan, 2011-2012," HFWD, Mizoram State Govt., p. 5, available at Ministry of Health and Family Welfare, GOI, http://pipnrhm-mohfw.nic.in/index_files/high_focus_ne/mizoram/0.pdf (accessed Oct. 10, 2011).

[31] *Ibid.*, p. 7.

[32] *Ibid.*, p. 6.

[33] U.S. Census Bureau, U.S. Government (USG), "International Statistics/Vital Statistic, Health, Education/Births, Deaths, and Life Expectancy by Country or Area 2010 and 2020," *2012 Statistical Abstract*, U.S. Census Bureau, USG, http://www.census.gov/compendia/statab/cats/international_statistics.html (select "Vital Statistic, Health, Education" then Excel "Births, Deaths, and Life Expectancy") (accessed Oct. 10, 2011).

With up to 100,000 Chins seeking refuge in Mizoram State, they constitute almost a 10% increase in the state's population. While these Chins are among the "poorest of the poor" in Mizoram, some local people struggle economically as well. Oftentimes a host community with this many people seeking refuge would be receiving international humanitarian assistance to reduce its own burden as host. In the absence of assistance, the large Chin migration burdens the resources and infrastructure of Mizoram State. But as noted earlier, the central government of India has now lifted travel restrictions for foreigners, the RAP requirement, and this could perhaps facilitate collaboration of India and Mizoram State with UNHCR, concerned governments, and humanitarian groups concerned about the challenges facing the Chins and their Mizoram hosts.

The Mizoram community's reaction to the Chins is complex. Mizoram church, government, and community leaders speak warmly of the Chin people as "our brothers and sisters" because they are fellow Christians, come from the same racial, ethnic, and linguistic roots, and have a history that is intertwined with Mizoram's history. The people of Mizoram State and Chin State are often described as a single people separated by an international border. Indeed, one sign of this kinship is that since 1988 the people of Mizoram have for the most part been tolerant of a large number of Chins seeking refuge in Mizoram State. But the laws and some of the actions of the police and local community do not always reflect that sense of kinship. This is particularly true when Chins are arrested and deported as undocumented foreigners, when there have been anti-foreigner campaigns in the past, or when the Chins are confined to the informal sector of the economy because of their undocumented status. Many locals note that Chins provide manual and low-skilled work in necessary jobs that locals do not want to do and thus do not usually compete for the same scarce jobs. Nonetheless, other locals focus more on the burden that Chins create and look down on Chins as impoverished, economic migrants--perhaps sometimes not realizing the widespread ethnic, religious, and political persecution that Chins fled from in Burma. Others, such as the Young Mizo Association (YMA), an influential, state and regional nongovernmental organization with membership throughout Mizoram and northeast India, suggest that the involvement of some Chins in crime interferes with their integration into the community. YMA also expresses disappointment that some Chins are slow to join local church and community activities.

In the long run, the future for the Chins in Mizoram State depends on receiving ongoing welcome and support from the Mizoram State community, especially from the Christian churches, of which 95% of the state's population are members. It is vital that the welcome be officially recognized under the law and by enforcers of the law. The Chins' future depends on earning adequate livelihood in Mizoram's economy, which would better enable them to support themselves and their families and contribute to the broader community. Their prospects depend on building positive working relations for the good of all with the nongovernmental groups in Mizoram, including, for example, a major women's group Mizo Hmeichhe Insuihkhawm Pawl (Mizo Women's Association) (MHIP); a major student group, Mizo Zirlai Pawl (Mizo Students' Association) (MZP); and the large state and regional voluntary service organization already mentioned, the Young Mizo Association (YMA). Also, the Chins' future in Mizoram depends on India and Mizoram State finding a creative way of addressing the Chins' humanitarian concerns as they did for the Chins seeking refuge in 1988 and as they continue to do for Chins seeking refuge today in New Delhi.

The next section focuses on the protection, livelihood, health, and education challenges currently facing Chins in Mizoram and explores some solutions to those challenges.

IV. Protracted, Urban Refugee Situation: Protection, Livelihood, Health, and Education

Overview. Forced by the successive military regimes to flee Burma, the Chins remain in Mizoram State in what is known as “a protracted, urban refugee situation.” UNHCR defines a protracted situation as one “in which refugees find themselves in a long-standing and intractable state of limbo. Their lives may not be at risk, but their basic rights and essential economic, social and psychological needs remain unfulfilled after years of exile.”³⁴ Further, UNHCR notes the particular challenges of creating a “protection space” for “urban” refugees, that is, people who are fleeing to cities, towns, and villages, like many of the Chins in Mizoram State, instead of being protected, processed, and provided for in traditional refugee camps.³⁵ Urban refugees live much more amidst the local population and the approach for refugee assistance and protection of urban refugees must flow from collaboration not just with the national authorities of the host country but with the local community and state and community leaders.

A. Protection. Despite the genuine sense of kinship expressed by many local people in Mizoram, Chins are nonetheless fearful because they lack legal status and legal standing to protect themselves. They consequently are vulnerable to arrest, detention, and deportation as foreigners. They fear seeking police or court protection when they are victims of crime, sexual harassment, and labor exploitation. Though many Chins are poor, most of them do not qualify under Indian law to receive government subsidized food and basic commodities available to low-income people. Moreover, they are not recognized or responded to as refugees who have additional vulnerabilities beyond poverty. As victims of persecution in Burma, many Chins in Mizoram State share the common vulnerabilities of post-traumatic stress and other physical and psychological injuries. Others may be even more at risk, including single women, widows, unaccompanied children, torture survivors, and the seriously ill.

Chins in Mizoram State are fearful for other reasons. Whether in Mizoram for decades or recent arrivals, they live in fear of being targeted as Chins and deported back to Burma. This occurred on a large scale in 1994 and 2003. At least 1,000 Chins were reportedly deported in September and October of 1994, and a reported 10,000 were arrested and trucked to the border; a reported 8,245 Chins were deported between July and October of 2003.³⁶ Chins fear that if one Chin or a small group of Chins makes a mistake the whole Chin community will be negatively characterized, deemed responsible, and severely punished as occurred on a large scale most recently in 2003,³⁷ and on a smaller scale since then. Smaller scale examples include the recently reported evictions from their homes of 45 Chin families, at least 200 individuals, after being accused of crimes but never arrested or convicted.³⁸

[34] UNHCR, “Protracted Refugee Situations,” UNHCR, Executive Committee of the High Commissioner’s Programme, Standing Committee, 30th Meeting, UN Doc. EC/54/SC/CRP.14, June 10, 2004, p. 2, available at <http://www.unhcr.org/40c982172.html> (accessed Nov. 14, 2011). See also UNHCR, <http://www.unhcr.org/4a1d43986.html> (accessed Nov. 14, 2011).

[35] UNHCR, *Policy on Refugee Protection and Solutions in Urban Areas* (Geneva: UNHCR, September 2009), available at UNHCR, <http://www.unhcr.org/> (search “2009 urban refugees”) (accessed Oct. 31, 2011).

[36] 1000 Chins reportedly were deported in Sept. and Oct. 1994 and 8245 from July to Oct. 2003. Victor Biak Lian, Achan Mungleng, and K. Sutthiphong, *Assessment Report on Burmese Refugees in Mizoram and New Delhi*, secs. V and III, June 2004, Chin Human Rights Organization (CHRO), <http://www.chro.ca/resources/refugee-issues/> (accessed Oct. 10, 2011). In 1994, 10,000 were reportedly taken to the Indo-Burma border where many escaped. SAHRDC, “Survival, Dignity, and Democracy: Burmese Refugees in India, 1997,” SAHRDC, [http://www.hrdc.net/sahrdc/\(online resources\)](http://www.hrdc.net/sahrdc/(online%20resources)) (see the “Mizoram Crackdowns” section) (accessed Oct. 10, 2011).

[37] The 2003 deportations began after a Chin was accused of raping a 9-year-old girl July 17, 2003. Lian and Sutthiphong, *Assessment Report on Burmese Refugees*, sec. II, available at CHRO, <http://www.chro.ca/resources/refugee-issues/> (accessed Oct. 10, 2011).

[38] Reportedly 23 families, 143 people, were evicted after criminal accusations but no arrests or trial. Zo Indigenous Forum, “Mizoram: Complaint To Stop Forcible Eviction Of The Myanmar Origin From Phaihawk Of Vaphai Tract Group In Champhai District Of Mizoram,” to Indian National Human Rights Commission,” April 5, 2011, available at Indigenous Peoples Issues and Resources, <http://www.indigenousepeoplesissues.com/> (select “Central Asia” search “Mizoram”) (accessed Oct. 10, 2011). Reportedly 22 more families were evicted in the same location. *Chinland Guardian*, “Chin Eviction Case Reaches India’s National Human Rights Commission,” May 27, 2011, and “Continued Crisis Facing Ethnic Peoples in Burma,” May 14, 2011, *Chinland Guardian*, <http://www.chinlandguardian.com/> (search “Chin eviction” and “Ethnic Peoples”) (accessed Oct. 10, 2011). “[A]t least 200” is conservatively based on the last 22 families having half the individuals as the first 23 families.

Some of these actions in 2003 and since then have reportedly involved NGOs. Some human rights organizations have raised important questions about NGO involvement in arrests and evictions. Even if these enforcement activities are done with the best of intentions and with the good of the community in mind, they put the NGO in the position of carrying out activities that would usually be carried out by the government. But since an NGO is not the government, its actions are not subject to the important checks and balances and oversight that government enforcement power is subjected to under the democratic rule of law. Also, there are not the built-in protections for the individuals subject to the enforcement.

A practice of enforcement outside the full rule of law could be even more problematic if an incendiary event were to occur such as happened in 2003, when a Chin man was accused of a horrendous crime and some in the local community, in their anger and outrage, turned against Chins as a group.³⁹ The dynamic resulted in widespread evictions, arrests, and deportations of Chins not based on each Chin person's bad actions but based on attributing the bad actions of one Chin or a small group of Chins to all Chins and punishing Chins as a group.

The delegation considers it very positive for all concerned that no large-scale, anti-Chin activities have occurred in Mizoram State, India, since 2003. Nonetheless, the recently reported smaller scale actions raise serious concerns for the individuals who have been subject to the enforcement, and they also remind Chin people of the large scale enforcements of 1994 and 2003. This contributes to the sense of fear that is present in Chin communities across the state. The delegation received reports of similar small-scale arrests and deportations of Chins during and after the trip.

B. Livelihood. Besides lacking legal protections, Chins also lack livelihood. With their undocumented status, most Chins work in the informal sector. Men do manual labor, working on farms, in quarries, in construction, in the jungle, and in markets; women work on farms, in quarries, in markets, in hotels and restaurants, and as housemaids and weavers. Many Chins earn meager wages and some are not paid on time or at all. They do not go to the police or courts for help because they are undocumented and fear arrest and deportation as undocumented foreigners. Chin women are least likely to go to the authorities for help since they report being harassed, arrested, and detained by police for selling goods without permits.

The Chins lack of livelihood has led to chronic economic insecurity that impacts every part of their lives. They often live in overcrowded, inadequate housing from which they are frequently evicted. They are vulnerable to many serious health conditions caused by contaminated water, food insecurity, and a lack of access to healthcare prevention and treatment. Many Chin children do not attend school because their families lack financial resources. Some children must work to help support their families; while other families cannot afford to send their children to school.

[39] Small scale NGO enforcement actions preceded an incendiary event and widespread deportations in 2003. See Suhas Chakma, "Complaint Regarding Forcible eviction of the Myanmar Chin refugees from Lunglei areas, 9 June 2003, Asian Centre for Human Rights (ACHR)," available at ACHR, <http://www.achrweb.org/> (select "Info By Country/India/Mizoram") (accessed Oct. 26, 2011). The incendiary event in 2003 is described in footnote 37 above.

Chin Profiles...

Protection and Livelihood

XC, a 52-year-old Chin church leader expressed his people's deep, abiding fear of widespread, anti-Chin activities.⁴⁰

At a town hall community meeting with the delegation, he said, "We live like the Japanese; at any moment, another tsunami can strike us." The tsunami Chins fear is a wave of anti-Chin activities leading to widespread arrests and deportation, such as occurred in 1994 and 2003.

WH, a 55-year-old father of 6 girls and 1 boy, a village leader who fled Burma in 1992, suffers chronic economic insecurity after 19 years in Mizoram.⁴¹

In 1992 WH was a prosperous farmer by Chin State standards, yet he and his family fled for their lives to India leaving all their possessions behind. Even for a hard working person like WH, after all these years, his experience in Mizoram continues to be one of chronic economic insecurity. He continues to be a hard working farmer, but has no access to land and finds manual work increasingly difficult as his arthritis worsens. The Monday after the delegation met with him, he and his family were evicted from their rented house.

C. Health. There is sometimes not enough potable water in Mizoram, especially during the dry season. The water from the shallow communal wells goes down and low-income youth and women spend hours each day securing water for their families. The government is making ongoing efforts to assure safe water by testing the wells regularly. Unfortunately, clinics that serve Chins and low-income local people continue to report water-borne health problems. Food insecurity is also common. Since most of the estimated 100,000 Chins are reportedly not counted for official government purposes, the central government of India does not send Mizoram subsidized food to cover the increased population. Facing this shortage, in some places, the local officials reportedly give no food to the Chins; in other places, they reportedly reduce the portions and hand it out to everyone based on need. Either way, there appears to be an unfair burden on Mizoram, and many families fall short of food. Also, mosquito born diseases are prevalent. All these factors make Chins vulnerable to many serious health conditions. These include malaria, typhoid, pneumonia, multivitamin deficiency, malnutrition, HIV/AIDS, and chronic kidney problems. When Chins develop these health problems, they often also lack access to healthcare.

[40] From a delegation town hall meeting with XC.

[41] From a delegation interview with WH.

The Mizoram State government and central government of India continue to take important steps to improve the state's healthcare system. There are continued challenges. There are 54% of the needed doctors on staff at Primary Health Centres and a serious shortage of surgeons and medical specialists.⁴² The public also sometimes lacks transportation to get to healthcare. Roads to rural health facilities wash out in the rainy season, and transportation to the referral hospitals in Aizawl, the only place in the state where many treatments are conducted, is prohibitively expensive for the poor.

Church and community groups that run hospitals and clinics to complement the state facilities face many challenges as well. They lack updated facilities and medical personnel. Also, if they care for the indigent sick, including the Chins, the government reimbursement, where available, does not always cover the cost of treatment, and the churches are burdened with the deficits. If they turn away the sick, they are burdened for not fulfilling what they understand to be their Christian obligation to care for the sick.

D. Education. All in Mizoram were rightfully proud of their state's 92% literacy rate, second highest among the 35 states and union territories in India.⁴³ Yet, many also said that the educational system needs improvement. Pu Lalthanhawla, the Chief Minister of Mizoram State, appointed the Mizoram Education Reforms Commission to recommend educational reforms. The desire for local reform coincides with the passage of national reform legislation, "The Right of Children to Free and Compulsory Education Act, 2009," (RTE) that requires the central government of India and the states of India to provide free, primary education (grades I-VIII) to all children.⁴⁴ The Education Reforms Commission recommends that Mizoram State establish an "inclusive" school system with public and private schools that comply with the RTE.⁴⁵ The RTE forbids discrimination based on race, class, or ethnicity. When they enroll, parents are asked to show a birth certificate or some other proof of age so that their child will be properly placed. Sometimes there has reportedly been discrimination at the time of enrollment. Some Chin parents were told that without a birth certificate their children could not enroll in school, yet the RTE makes clear that school officials must not keep a student from enrolling for lack of proof of the date of birth.⁴⁶

More often, the reason that Chin children do not attend school is economic. Over 50% of schools in Mizoram are private.⁴⁷ Some in Mizoram prefer the private schools explaining that they more often teach English and go beyond grade X. Chin families often cannot afford the private school fees and costs. Even when Chins are considering public schools that are free of charge, there are uniform and book fees as well as the cost of providing meals for the children.

[42] Health and Family Welfare Department, Mizoram State Govt., "NRHM Action Plan, 2011-2012," Health and Family Welfare Dept., Mizoram State Govt., p. 6, available at Ministry of Health and Family Welfare, GOI, http://pipnrhm-mohfw.nic.in/index_files/high_focus_ne/mizoram/0.pdf (accessed Oct. 10, 2011).

[43] Registrar General and Census Commissioner, "Provisional Population, Mizoram," *2011 Census of India*, Registrar General and Census Commissioner, p. 33, <http://www.censusindia.gov.in> (select "Prov. Population Totals Paper 1" then "Mizoram") (accessed Oct. 10, 2011).

[44] The Right of Children to Free and Compulsory Education Act (RTE), no. 35, chap. 2, sec. 3, Parliament of India (Aug. 26, 2009), available at the India Development Gateway, GOI, <http://www.indg.in/primary-education/> (accessed Oct. 10, 2011).

[45] Mizoram Education Reforms Commission, *Report of the Education Reforms Commission, 2010*, chap. 5, pp. 38-39, available at Darawpui School of Technology, <http://www.dsst.in/?p=116> (accessed Oct. 10, 2011).

[46] RTE, sec. 14(2), Parliament of India, available at India Development Gateway, GOI, <http://www.indg.in/primary-education/> (accessed Oct. 10, 2011).

[47] 48% of lower primary schools, 43% of upper primaries, 40% of lower secondaries, 27% of upper secondaries are public. Education Reforms Commission, *Report of Education Reforms Commission, 2010*, chap. 5, pp. 46, 52, 55, available at Darawpui School of Technology, <http://www.dsst.in/?p=116> (accessed Oct. 10, 2011). The state's upper secondary schools enroll 49% of upper secondary students. *Ibid.* p. 55 (accessed Oct. 10, 2011).

Chin Profiles...

Health and Education ⁴⁸

VE, a 26-year-old mother, has kidney problems likely due to drinking contaminated water for an extended period of time and sometimes faints from the pain.

While her husband does manual work in Saiha, she cannot work to support their family because of her pain. The local hospital referred her to Aizawl in order to get treated for her kidney problems, but she has no money to pay for the transportation there. When asked what she will do, she says she will continue to live with the pain because she cannot afford to get proper care. Her 7-month-old baby recently became very sick because she could not afford to buy proper medicine for him.

UF, a student who attends school in Mizoram State, has been discriminated against and harassed by classmates.

The father of UF reported that students harassed his son in school, ostracizing him for his language and accent and for being Chin. To avoid further harassment, UF's parents changed their child's name to a Mizo name.

Because of these costs, although small, some cannot afford to send their children to public school. Still other Chin families need the children to work to help support the families. Local community leaders noted that the lack of education of Chin children may have contributed to the relatively low literacy rate of 66% in Lawngtlai District, where large numbers of Chins reside.⁴⁹

The next section describes the situation of Chins who are seeking refuge in New Delhi, India. It briefly reviews why they fled Burma, what their prospects are for durable solutions to their protection and humanitarian needs, what their current challenges are in New Delhi, and suggestions for ways to address some of those challenges.

[48] From a delegation interview with VE and a delegation focus group with UF's father. Mizos make up 72% of Mizoram's population. Pachuau, *Mizoram: A Study in Comprehensive Geography*, p. 61. Mizo is the state language.

[49] Registrar General and Census Commissioner, "Provisional Population Mizoram," *2011 Census of India*, Registrar General and Census Commissioner, p. 33, <http://www.censusindia.gov.in/> (select "Prov. Population Totals Paper 1" then "Mizoram") (accessed Oct. 10, 2011).

V. Chins in New Delhi, India

India allows UNHCR to provide refugee protection and humanitarian assistance in New Delhi. UNHCR estimates that there are some 21,000 “persons of concern” to them in New Delhi; and the Chin Refugee Committee (CRC) estimates that there are 10,000 Chins seeking refuge in India’s capital city.⁵⁰ These include women at risk and growing numbers of unaccompanied youth fleeing Burma’s new military conscription system, which was established in November 2010.⁵¹ There are approximately 700 unaccompanied refugee minors (URMs) in New Delhi from Chin State, with 25 to 30 more arriving every month.⁵² UNHCR has an initial screening process for these children and UNHCR has done “best interest determinations” (BIDs) in 70 cases over the last couple of years, including for all resettlement referrals, which are usually done through the embassies of concerned countries.⁵³ BIDs help to determine what long-term protection solution is best for each refugee child. For all of the Chin refugees who come to New Delhi, the central government of India enables UNHCR to register them and to conduct refugee status determinations. When UNHCR recognizes Chins as refugees, they are allowed by the central government of India to register at the Foreigners Regional Registration Office (FRRO) in New Delhi.⁵⁴ UNHCR registration, processing and outreach, and FRRO registration provide Chins some welcome protection from arrest and removal as foreigners.

UNHCR facilitates Chins’ access to Indian education and healthcare and provides protection outreach, cash assistance, vocational education, job support, and educational opportunities through implementing partners. About 12% of the refugee parents in New Delhi send their children to government schools.⁵⁵ With an increased emphasis on building self-reliance of the refugee population, UNHCR is focusing its assistance resources on language training and livelihood training that will make refugees more employable. They stopped the across-the-board Subsistence Allowance, once granted to all refugees, but do still provide some cash assistance to the most vulnerable refugees determined on a case-by-case basis, including, for example, widows and unaccompanied children. Cash assistance is not provided to asylum seekers, that is, Chins who are registered for processing by UNHCR but not yet recognized as refugees.

The access to Indian public education and healthcare and to UNHCR livelihood related services are welcome efforts to help Chins with the difficult integration challenges. But unfortunately, women at risk and unaccompanied children have serious ongoing protection concerns and most Chins in New Delhi have ongoing integration challenges. Chin women too often suffer gender-based harassment and violence, and unaccompanied children often live and work in environments that lack the basic protections that children need, putting them at risk of exploitation. Some of these children work instead of attending school. Overall, most Chins have trouble integrating in New Delhi. Their ethnicity, language, culture, religion, agricultural skills, and rural ways are very different from those of the local, urban, Hindu majority.

[50] UNHCR provided this figure in a meeting with the delegation on April 27, 2011. Steven Ral Kap Tluang provided the estimate of the Chin population on April 28, 2011. He was then president of the Chin Refugee Committee (CRC), a Chin refugee umbrella group in New Delhi.

[51] People Military Service Law of SPDC, Myanmar State Peace and Development Council Law No. 27/2010, Myanmar Govt., Nov. 4, 2010, unofficial translation provided by *Mizzima News*, January 12, 2011, available at Scribd, <http://www.scribd.com/doc/46731374/SPDC-s-Military-Conscription-Law-english> (accessed Oct. 25, 2011).

[52] Dale Buscher, *Bright Lights Big City: Urban Refugees Struggle to Make a Living in New Delhi*, Women’s Refugee Commission (WRC), July 2011, p. 12 (UNHCR figure from Feb. 2011), available at WRC, <http://www.womenscommission.org> (search “bright lights”) (accessed Nov. 15, 2011).

[53] Connie Daniels, Lutheran Immigration and Refugee Service (LIRS), email from UNHCR, New Delhi, Oct. 24, 2011.

[54] Bureau of Immigration, Ministry of Home Affairs, GOI, “Foreigners Regional Registration Office, New Delhi,” Bureau of Immigration, Ministry of Home Affairs, GOI, http://www.immigrationindia.nic.in/frro_DelhiAdd2.htm (accessed Nov. 2, 2011).

[55] Buscher, *Bright Lights Big City*, WRC, p. 7, WRC, <http://www.womenscommission.org> (search “bright lights”) (accessed Nov. 15, 2011).

Chin Profiles...

Livelihood in New Delhi

WW, a widow, and CC, an unaccompanied minor, lack livelihood in New Delhi.⁵⁶

A painful sign of this can be seen at the night market, where they and other Chin refugees, can be seen foraging for food in the discarded piles of vegetables and fruit.

Those who drop out of school, sometimes do so because of harassment.⁵⁷ They are often separated from the economic and social support of family members who have resettled elsewhere in the world. They also often lack sufficient livelihood in New Delhi. Like other refugees in India, the Chins are not granted work permits and thus can often only work in the informal sector of the economy. The jobs available to them usually involve unskilled labor and often come with low pay, long hours, poor working conditions, and exploitative labor practices. Chins often do knitting and weaving, and work in small cutting factories, restaurants, and homes.

With the many protection and integration challenges, Chins have an extremely difficult time successfully integrating in New Delhi. UNHCR refers a small number of Chins from New Delhi for resettlement. The United States has resettled a small number of Chin refugees from New Delhi in the last ten years.

[56] From delegation interviews with WW and CC.

[57] Buscher, *Bright Lights Big City*, WRC, p. 7, WRC, <http://www.womenscommission.org> (search "bright lights") (accessed Nov. 15, 2011).

VI. Recommendations

Based on the full report findings, these are recommendations for how to address the Chins' protracted, urban refugee situation and how to reduce the humanitarian burden on Mizoram State and India. These include suggestions by stakeholders before, throughout, and after the assessment trip and might serve as a stimulus for discussion and for continued dialogue with the Mizoram and Chin communities on how they, with the governments of India and Mizoram State and other stakeholders, can address these two challenges together.

We encourage the central government of India to

- accede to the 1951 Convention Related to the Status of Refugees; the 1967 Protocol Related to the Status of Refugees; the 1954 Convention Related to the Status of Stateless People; and the 1961 Convention on the Reduction of Statelessness.
- maintain the lifting of the Restricted Area Permit (RAP) so that concerned individuals of good will, humanitarian organizations, and governments can continue their international travel to Mizoram State to meet with the stakeholders in a roundtable, problem-solving, solutions-oriented approach to the protracted, urban refugee situation of the Chins in Mizoram State, India.
- continue to support and expand the good work of UNHCR, headquartered in New Delhi, as it protects and assists refugees, asylum-seekers, and populations of concern throughout India.
- help the Chins seeking refuge in Mizoram by providing humanitarian and development assistance enabling them to have access to India's food distribution system and to healthcare and educational opportunities available to local people in Mizoram.

We encourage the central government of India and the government of Mizoram State to

- establish and maintain refugee protection and assistance for Chins in Mizoram State, in collaboration with UNHCR and the international community.
- provide Chins legal status and access to legal and court protections that would give them freedom from arrest, detention, and deportation as foreigners, and that would give them protection of the law, as necessary, when they are victims of crime and labor exploitation.
- be open to partnership with UNHCR, the U.S. government, other concerned governments, the European Union, and local and international NGOs and donors to address the Chin's humanitarian plight and Mizoram State's burden as host community.
- empower and support Chin community capacity building to facilitate the self reliance of its members and to maximize their contributions to the local community.

We encourage the Christian Churches in Mizoram State to

- use their strong, positive influence with the government of Mizoram State and with the local community to help create a climate of compassion and welcome for Chins in Mizoram and to speak out and stand up against discrimination and anti-Chin activities such as occurred in 1994 and 2003.

We encourage the Christian Churches in Mizoram State to

- continue to play a critical role in providing community assistance to Chins and to local people in Mizoram through their hospitals, clinics, schools, and other community service outreach.
- continue to play an active, partnership role with the government of Mizoram State, the central government of India, and others of good will involved in helping to identify and meet the Chins' humanitarian needs and evaluate and reduce Mizoram's burden.

We encourage the nongovernmental organization in Mizoram State to

- continue playing their indispensable roles in the daily life of Mizoram.
- build a strong, mutually beneficial, working relationship with the Chin leaders and community.
- continue being engaged in the good faith, roundtable, solutions-oriented approach to address the humanitarian plight of the Chin people in Mizoram and to reduce Mizoram's humanitarian burden.
- play an active, partnership role with the government of Mizoram State, the central government of India, and others of good will to help identify and meet the Chins' humanitarian needs and evaluate and improve Mizoram's resources and infrastructure.
- not be involved in enforcement activities that are ordinarily reserved for the government if these actions are not authorized by the government and not subject to full legal checks and balances and governmental executive or judicial oversight, as appropriate.

We encourage the Chin people seeking refuge in Mizoram State, India, to

- continue working hard and providing mutual support to one another through the Chin community's churches, fellowships, community organizations, and service groups, and to involve themselves in activities, service, and law-abiding, community-building efforts that contribute to the wider community.

We encourage the United States, United Kingdom, Japan, Australia, Canada, Sweden, Norway, Denmark, New Zealand, the Czech Republic, other concerned governments, and the European Union to

- partner with the central government of India and the government of Mizoram State to establish and maintain refugee protection and assistance for Chins through direct support, through support of UNHCR, and through collaborative efforts within the international community.
- share India's burden as host to Chin refugees in New Delhi by increasing the strategic use of refugee resettlement for Chins in New Delhi.
- partner with the central government of India, the government of Mizoram State, and others of good will to help identify and meet the Chins' protection and humanitarian needs and reduce Mizoram's burden.

We encourage UNHCR to

- continue to dialogue with the central government of India to ensure the protection of Chins seeking refuge in India; and continue to explore the establishment of UNHCR protection and humanitarian assistance in Mizoram State.
- increase the strategic use of resettlement through individual and group referrals of Chin refugees from New Delhi to resettlement countries, and thereby help vulnerable refugees, promote family unity, and share India's humanitarian burden.
- facilitate or conduct thorough legal and field research regarding the potential statelessness and remedies to statelessness for Chins in India, and if needed, fulfill your mandate to work with governments to reduce and end statelessness among the Chins.
- facilitate or conduct a comprehensive study of unaccompanied Chin minors in Mizoram and New Delhi and of available child welfare services; and implement an effective, comprehensive approach to identify and meet the children's ongoing protection and humanitarian needs, integrating into the approach the determination and pursuit of the long-term durable solution that is in the "best interest" of each child.
- audit UNHCR decisions in New Delhi regarding Chin refugees who arrived in New Delhi before 2007 who remain in New Delhi unable to return to Burma or locally integrate to determine whether the passage of time and circumstances may require a new decision about the most suitable durable solution for UNHCR to pursue.
- support the central government of India and the government of Mizoram State as they explore partnering with concerned governments and international NGOs and funders to address the plight of the Chins and reduce Mizoram's humanitarian burden.

We encourage Christian churches all around the world and others of good will to

- help address the Chins' plight and reduce Mizoram State's humanitarian burden by joining with the church leaders and communities in Mizoram to be an instrument for peace, reconciliation, community development, and service to those in need in Mizoram.

We encourage international humanitarian assistance organizations and donors to

- provide assistance and funding to improve livelihoods, health, and education for Chins in Mizoram State and for those most impacted by the influx of Chins.



Conclusion

The Chins in Mizoram State, India, are in a protracted, urban refugee situation. They fled the Burmese military regime's ethnic, political, and religious persecution, and they fear suffering such persecution if they are returned to Burma. Yet they have no access to refugee protection or legal status in Mizoram. They remain legally unprotected. They also lack livelihood, food security, sufficient clean water, healthcare, and education that would enable them to better provide for themselves and their children and better contribute to the common good of Mizoram State and India. Most of the Chins lack access to food through the Indian central government's public distribution program which addresses food insecurity. Meanwhile, even without 100,000 Chins, the central government of India and Mizoram State have existing economic and humanitarian commitments and challenges in the state.

While maintaining the status quo would cause ongoing hardship for the Chins, it would also be unrealistic and unfair for Mizoram State and India to bear the burden alone of providing refugee protection and humanitarian assistance for the Chins. A more humane and realistic approach would be to establish a partnership between India, UNHCR, the international community, and other concerned stakeholders to address the Chins' protection needs and humanitarian plight. Mizoram State might first get support for the Chins from the central government of India, especially to help assure food security. UNHCR could assist with ongoing protection and humanitarian assistance. This could begin with an enhanced registration of the Chins, determining not only basic biographical information but also special needs within the communities, such as the identification of women at risk, unaccompanied children, torture survivors, and the seriously physically ill or disabled. The partnership could also include international aid and support that would address the humanitarian needs of the Chins thereby reducing the humanitarian burden on the Mizoram host community. For greatest efficacy, such aid could be aimed at increasing the infrastructure capacity of Mizoram to host the Chins, thereby reducing the burden in a way that might also have a positive, long-term benefit.

In New Delhi, the central government of India has provided welcomed protection for Chins, giving them access to UNHCR and to registration with the Foreigners Regional Registration Office (FRRO). There remain serious protection concerns, especially for vulnerable groups such as women at risk and unaccompanied children. Also, there are very significant ethnic, religious, cultural, and linguistic differences between the Chins and the local population in New Delhi, and there are substantial obstacles to earning sufficient livelihood. These persistent challenges continue to make local integration problematic as a long-term solution for Chins. Increasing the strategic use of resettlement would help protect vulnerable refugees in New Delhi, facilitate family unity, and also enable concerned countries to share India's burden in New Delhi. Implementation of a comprehensive protection approach for the recent influx to India of unaccompanied Chin refugee minors is also needed.

In conclusion, the delegation encourages the continuation of the good faith, problem-solving, solutions-oriented, roundtable approach among those concerned about the Chin people and people of Mizoram State, India. The hope is that the approach will lead to deep understanding, thoughtful deliberation, and collaborative action by the central government of India, and the state and local governments, churches, NGOs, and local and Chin communities in Mizoram State. The further hope is that their efforts will be aided by a partnership with UNHCR, NGOs, faith-based groups, the international community, and governments of concerned countries such as the United States. In the end, the hope is that this collaborative effort will effectively address the Chins' protection and humanitarian challenges while also reducing the humanitarian burden on Mizoram State, India.

AFTERWORD

A roundtable approach is solutions oriented. The people involved talk and listen to one another with openness and respect, come to know one another, build working relationships and trust, place challenges of mutual concern in the center of the table, and work toward a common understanding of those challenges, and of how to meet them together.

Stakeholders concerned about the Chins in Mizoram and the Mizoram people, including Mizoram government and community leaders and Chin leaders, began a roundtable approach this spring by sitting with the delegation who wrote this report. The stakeholders shared their understanding of the protection and humanitarian needs of the Chins in Mizoram State and the humanitarian burden that Mizoram State and India bear as they host the large Chin population. *Seeking Refuge: The Chin People in Mizoram State, India*, provides a further step in the roundtable process--an effort by the delegation to synthesize and present the stakeholders' understanding and proposed solutions to the two challenges. The next step will be to use this report as a tool to further discuss the common challenges and possible solutions to them.

Matthew Wilch and Zo Tum Hmung have established a website to link individuals and groups to the ongoing roundtable effort, including all those directly involved in or supportive of the assessment trip and the report and those who later join the effort. The full report and the stand-alone executive summary of *Seeking Refuge: The Chin People in Mizoram State, India*, will be available online at <http://www.chinseekingrefuge.com> upon release of the printed reports.

The delegation encourages readers of this report, especially the Chin, Mizoram, and Indian leaders and communities to think of the report as a good faith step on a long journey together to understand and seek solutions. This report is by no means offered as a final word but as an opening effort to try to understand and analyze a complex humanitarian challenge. Our hope is that it fosters further conversation and dialogue that provides us all with a deeper understanding of the challenges, a deeper commitment to meet them together, and future collaborative actions that help to address them.



