

Report briefer

June 2009

Abuse, Poverty and Migration

Expanding protection to migrants from Burma

Large numbers of people continue to regularly leave Burma seeking employment abroad. Yet, lack of access to officially-recognised rights and protection assistance has left most vulnerable to abuse. As the international economic crisis continues, migrants from Burma face increasingly restrictive environments within host countries and increasingly vulnerable positions.

The scale of the exodus has been massive, with an estimated population of up to 3.5 million individuals from Burma (up to about 7% of the country's population) now residing in neighbouring countries including Thailand, Malaysia, Singapore, Bangladesh, India and China. The majority of these individuals have been dismissed as illegal economic migrants with apparently no legitimate claim to rights in host countries. Their status differs from the much smaller number of about 160,000 people from Burma residing in neighbouring countries (primarily Thailand) who have been able to access refugee camps and/or acquire UNHCR-recognised refugee status and receive officially-sanctioned protection assistance. This discrepancy in rights and access to protection assistance is based on the claim that 'economic migrants' are leaving poverty in search of employment opportunities whereas refugees are fleeing persecution (and in some cases armed conflict) in search of asylum and protection.

The Karen Human Rights Group (KHRG), in its report *Abuse, Poverty and Migration* has sought to investigate the root causes of migration and assess whether international frameworks accurately reflect the

motivations and address the protection needs of those from Burma who have sought employment abroad. Drawing on over 150 interviews with current residents of Karen State and individuals from Burma who have sought employment abroad, the report finds that a clear division between refugees and so-called 'economic migrants' is *not* applicable in most cases.

It is not the case that most people who have left Burma did so to flee persecution, as in the conventional definition of a refugee. Nor have they left apolitical poverty and sought financial opportunities abroad for the sake of personal convenience, as implied by the term 'economic migrant'. Rather, KHRG's interview findings indicate that most people have fled life-threatening poverty largely resulting from persistent exploitative abuse. These individuals have sought employment abroad as a self-initiated protection strategy through which to evade abuse and its effects at home in Burma and to reduce the harmful impact of abuse on those family members who have remained behind (by sending remittances home).

Roughly 78% of migrant workers whom KHRG interviewed cited exploitative abuses (most commonly committed by Burma Army soldiers and other State authorities) as factors that negatively affected their, and their communities', economic situations in Burma. The exploitative abuses cited by this group of interviewees included: forced labour, arbitrary taxation, extortion and land confiscation, as well as movement restrictions used to facilitate demands. Out of these, forced labour was

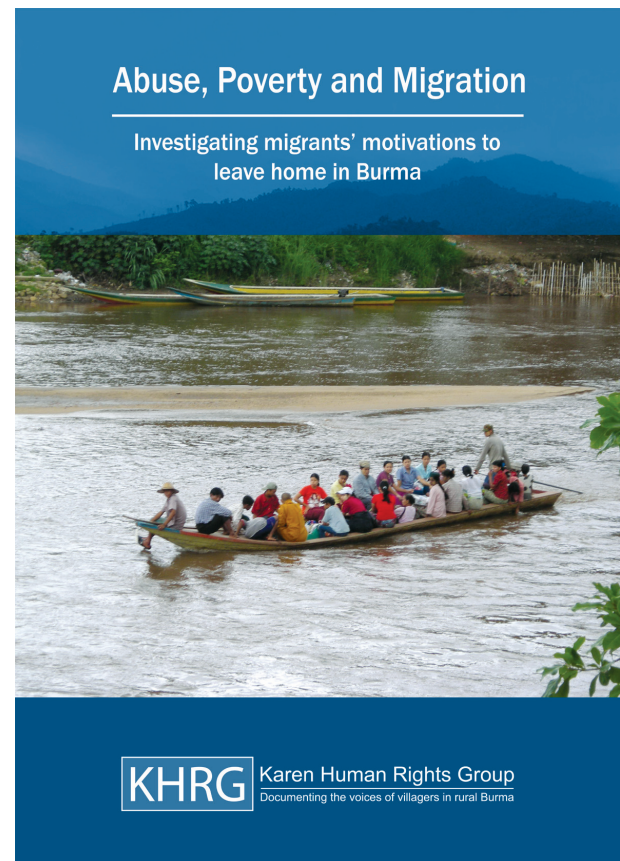
This document is a summary of KHRG's full report *Abuse, Poverty and Migration: Investigating migrant's motivations to leave home in Burma*. The report comprises information and direct testimonies collected from over 150 interviews conducted with villagers in rural Burma and migrant workers from Burma now living abroad. The report highlights the abusive underpinnings to the poverty and livelihoods vulnerability which have motivated so many to leave home and seek employment abroad. The full report in digital format is available online at www.khrg.org. Printed copies may be obtained by sending a request to khrg@khrg.org.

the single most common form of abuse, with about 70% citing it as a regular occurrence in their home communities.

Amongst those individuals interviewed within Burma, the most prevalently cited abuses were forced labour (47% of interviewees), extortion (29%), looting by Burma Army and Democratic Karen Buddhist Army (DKBA) forces (14%) and movement restrictions (12%).

Existing international frameworks do not adequately reflect the causes motivating individuals to migrate abroad as a means to evade such abuse and its harmful consequences, leading to a gap in protection assistance available to vulnerable migrants.

Migrant workers from Burma have a legitimate claim to rights, like all people, on the grounds of their innate humanity. They also have a bolstered claim to protection assistance on the grounds that they have largely fled life-threatening poverty in Burma resulting from exploitative abuse and sought employment abroad as a self-initiated protection strategy. In light of the interview findings, KHRG provides the following recommendations:



Key Recommendations

Expand protection

- International agencies, national governments and humanitarian organisations currently (or potentially) operating on Burma's borders should acknowledge the legitimate protection concerns of migrants living outside of officially-recognised refugee camps and lacking legal refugee status. These bodies should then expand protection assistance to include vulnerable migrants within their mandates.
- The international community and host governments should increase financial, logistical and political support to local and international NGOs engaged in protection work with migrant communities from Burma.
- Those engaged in protection assistance should strive to understand the particular human rights challenges as defined by migrant workers themselves and support the self-initiated protection strategies which these individuals are already employing.
- Where host-government restrictions are the primary barriers to expanding protection to migrant workers, advocacy with domestic authorities may be necessary to amend restrictive policies.

Establish an international framework

- The international community should work to create a separate, strong international framework that can better protect migrants from Burma and similar situations elsewhere who have fled life-threatening poverty largely resulting from exploitative abuses and restrictions and who have sought employment opportunities abroad as a self-initiated protection strategy. In establishing this framework, it may be most feasible at the present time to make use of relevant existing international human rights laws to create a *Guiding Principles on the Protection of Vulnerable Irregular Migrants* rather than trying to create a whole new international legal convention.